

## **BILL ANALYSIS**

C.S.H.B. 205  
By: Moody  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas, a person may petition for a writ of habeas corpus based on new, admissible scientific evidence that was unavailable at the time of trial. The person may obtain relief if a court finds by a preponderance of the evidence that, had the new scientific evidence been presented at trial, the person would not have been convicted. This leaves a gap in cases in which the new scientific evidence would not have changed the conviction but would have resulted in a different punishment. C.S.H.B. 205 seeks to remedy this situation by providing the same relief when a petitioner shows that new, admissible scientific evidence unavailable at trial would have resulted in the petitioner receiving a different punishment.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 205 amends the Code of Criminal Procedure to extend a court's authority to grant a convicted person relief on an application for a writ of habeas corpus based on certain relevant scientific evidence that was not available at the person's trial to cases in which the court finds that, had that evidence been presented at trial, on the preponderance of the evidence the person would have received a different punishment. The bill applies only to an application for a writ of habeas corpus filed on or after the bill's effective date.

### **EFFECTIVE DATE**

December 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

C.S.H.B. 205 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.