88R11979 AJZ-D

By:  Moody H.B. No. 205

Substitute the following for H.B. No. 205:

By:  Moody C.S.H.B. No. 205

A BILL TO BE ENTITLED

AN ACT

relating to an application for a writ of habeas corpus based on certain relevant scientific evidence that was not available at the applicant's trial.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Article 11.073(b), Code of Criminal Procedure, is amended to read as follows:

(b)  A court may grant a convicted person relief on an application for a writ of habeas corpus if:

(1)  the convicted person files an application, in the manner provided by Article 11.07, 11.071, or 11.072, containing specific facts indicating that:

(A)  relevant scientific evidence is currently available and was not available at the time of the convicted person's trial because the evidence was not ascertainable through the exercise of reasonable diligence by the convicted person before the date of or during the convicted person's trial; and

(B)  the scientific evidence would be admissible under the Texas Rules of Evidence at a trial held on the date of the application; and

(2)  the court makes the findings described by Subdivisions (1)(A) and (B) and also finds that, had the scientific evidence been presented at trial, on the preponderance of the evidence the person would not have been convicted or would have received a different punishment.

SECTION 2.  Article 11.073, Code of Criminal Procedure, as amended by this Act, applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect December 1, 2023.