

By: Moody

H.B. No. 205

A BILL TO BE ENTITLED

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

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

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

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

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

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

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

21 (2) the court makes the findings described by
22 Subdivisions (1)(A) and (B) and also finds that, had the scientific
23 evidence been presented at trial, on the preponderance of the
24 evidence the person would not have been convicted or would have

1 received a different punishment.

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

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