

BILL ANALYSIS

C.S.H.B. 115
By: Cook
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that writs of habeas corpus are generally considered the appeal of last resort and that habeas proceedings address structural problems with the entire conviction, such as violations of constitutional rights or claims of actual innocence. In 2013, the Texas Legislature enacted S.B. 344, allowing a court to grant relief to a convicted person on an application for a writ of habeas corpus in cases in which relevant scientific evidence that was not available at trial or at the time of an initial application for a writ of habeas corpus is discovered, is admissible, and the court finds that had the scientific evidence been presented at trial, upon a preponderance of the evidence the person would not have been convicted. In 2015, the Texas Legislature enacted H.B. 3724, which codified a Texas Court of Criminal Appeals decision that held that a change in the scientific knowledge of a testifying expert is a basis for habeas relief. The bill author has also informed the committee that the House Committee on Criminal Jurisprudence's 2024 Interim Report recommended changing the evidentiary standard for these writs, applying the writs to punishment issues, and altering relevant writ procedures. C.S.H.B. 115 seeks to address these recommendations by, among other things, revising the applicability of scientific evidence in habeas proceedings, the parameters under which a court may grant relief under subsequent writs, and related procedures.

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. 115 amends the Code of Criminal Procedure to entitle an eligible indigent defendant who raises a claim relating to relevant scientific evidence to have the trial court appoint an attorney to represent the defendant in a habeas corpus proceeding. The bill prohibits the Texas Court of Criminal Appeals from denying relief on an application for a writ of habeas corpus related to relevant scientific evidence except by a written decision addressing the merits of the claim.

C.S.H.B. 115 authorizes the court of criminal appeals to consider a subsequent application for a writ of habeas corpus that fails to satisfy the applicable requirements for such an application if the court finds that justice requires the court to consider the application. If the court of criminal appeals makes such a finding, the convicting court may take further action on the application; however, if the court of criminal appeals does not make such a finding, the court must issue an order dismissing the application as an abuse of the writ.

C.S.H.B. 115 expands the conditions under which a court may grant relief on an application for a writ of habeas corpus based on relevant scientific evidence by doing the following:

- changing the evidentiary standard by which the court must make the requisite findings relating to the evidence from a preponderance of the evidence to a reasonable likelihood; and
- replacing the requisite finding that the person would not have been convicted with a finding that the scientific evidence could have affected the person's conviction or the sentence imposed.

The bill extends the applicability of provisions governing writs of habeas corpus based on scientific evidence to relevant scientific evidence that:

- was not reasonably available to be offered by a convicted person at the convicted person's trial; or
- tends to negate scientific evidence relied on by the state at trial.

With respect to the limitation of a court's consideration of a subsequent application for writ of habeas corpus in a non-death penalty case, death penalty case, or in a community supervision case to an application that contains specific facts establishing that the claims and issues have not and could not have been previously presented in an application because the factual or legal basis for the claim was unavailable, C.S.H.B. 115 does the following:

- removes the provision establishing that, for purposes of a subsequent application for writ of habeas corpus based on a claim or issue of relevant scientific evidence, the claim or issue could not have been presented previously if the relevant scientific evidence was not ascertainable through the exercise of reasonable diligence by the convicted person on or before the date on which the previous application was filed; and
- establishes that the limitation instead applies only to a claim that has been previously presented in an application filed by an attorney.

C.S.H.B. 115 revises the requirement for a court, in making a finding as to whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence on or before a specific date, to consider whether the field of scientific knowledge, a testifying expert's scientific knowledge, or a scientific method on which the relevant scientific evidence is based has changed since the applicable trial date or dates, for a determination made with respect to an original application, or the date on which the original application or a previously considered application, as applicable, was filed, for a determination made with respect to a subsequent application, as follows:

- changes the applicable finding to whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence before the date of or during the convicted person's trial; and
- changes the date from which the court must consider whether the applicable scientific knowledge or scientific method on which the relevant scientific evidence is based has changed to the applicable trial date or dates.

C.S.H.B. 115 authorizes a person to file a writ of habeas corpus in a district court for the purpose of invoking the court's jurisdiction to obtain documents relevant to a ground for relief related to filing an application for a writ of habeas corpus under state law. The bill restricts the authority for a person to file a petition for a writ for that purpose to a person who is an attorney licensed in Texas and who does the following:

- affirms in the petition that the person is seeking to file an application for a writ of habeas corpus on behalf of an applicant after a final conviction and cannot in good faith file the application until the person obtains documents relevant to a ground for relief in the application; and
- provides the office of the attorney representing the state in the applicant's case with reasonable notice of the person's intention to file a petition for the writ.

The bill limits a district court's jurisdiction under these provisions to matters relating to a petition for the writ and the issuance of documents requested by the petition for the writ.

C.S.H.B. 115 amends the Government Code to authorize a judge of a district court to grant, either in termtime or vacation, a writ to issue documents relevant to a ground for relief related to filing an application for a writ of habeas corpus as provided under the bill's provisions.

C.S.H.B. 115 applies only to an application for a writ of habeas corpus filed on or after the bill's effective date. An application filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

December 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 115 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced that revises the requirement for a court, in making a finding as to whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence on or before a specific date, to consider whether the field of scientific knowledge, a testifying expert's scientific knowledge, or a scientific method on which the relevant scientific evidence is based has changed since the applicable trial date or dates, for a determination made with respect to an original application, or the date on which the original application or a previously considered application, as applicable, was filed, for a determination made with respect to a subsequent application, as follows:

- changes the applicable finding to whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence before the date of or during the convicted person's trial; and
- changes the date from which the court must consider whether the applicable scientific knowledge or scientific method on which the relevant scientific evidence is based has changed to the applicable trial date or dates.

Both the introduced and the substitute prohibit the court of criminal appeals from denying relief on an application for a writ of habeas corpus related to relevant scientific evidence, however the substitute provides an exception for this provision through a written decision addressing the merits of the claim, while the introduced did such for addressing the substance of the claim.