

BILL ANALYSIS

H.B. 225
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law provides for the reexamination of certain cases based on new scientific evidence and authorizes a court to provide a convicted person relief on an application for a writ of habeas corpus if the court finds that the person would not have been convicted had the new evidence been presented at trial. However, there is no similar law providing for a reexamination of cases based on new nonscientific evidence that was not available to be offered during trial. H.B. 225 seeks to address this issue by authorizing a court to grant a convicted person relief on an application for a writ of habeas corpus based on new nonscientific evidence under certain conditions.

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

H.B. 225 amends the Code of Criminal Procedure to authorize a court to grant a convicted person relief on an application for a writ of habeas corpus under the following circumstances:

- the convicted person files an application containing specific facts indicating that:
 - currently available evidence, other than certain relevant scientific evidence, that is material to the person's conviction was not available at the time of the person's trial because the evidence was not ascertainable through the person's exercise of reasonable diligence before or during the person's trial; and
 - the evidence would be admissible under the Texas Rules of Evidence at a trial held on the date of the application; and
- the court finds that the evidence meets those criteria and that, had the evidence been presented at trial, on the preponderance of the evidence the person would not have been convicted.

H.B. 225 establishes that, for purposes of determining whether a court may consider the merits of or grant relief based on subsequent applications for a writ of habeas corpus in certain cases, a claim or issue could not have been presented in a previously considered application, original or otherwise, if the claim or issue is based on evidence that meets the bill's criteria and that was not ascertainable through the convicted person's exercise of reasonable diligence on or before the filing date of the previous application.

EFFECTIVE DATE

September 1, 2021.