

BILL ANALYSIS

Senate Research Center
84R18756 ADM-D

H.B. 3724
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Criminal Justice
5/15/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3724 codifies a recent Court of Criminal Appeals decision within the discredited Forensic Science Law that I authored and we passed last session. The decision held that a defendant may have their convictions reexamined if an expert who testified at the defendant's trial later rejects the testimony, casting doubt on the integrity of the conviction.

- This addition is to the current law allowing an individual to challenge their convictions if they are based on debunked or otherwise discredited scientific evidence that was used in their trial. It was passed after an alarming number of wrongful convictions that resulted from "junk science" and "junk scientists."
- A recent case in the Court of Criminal Appeals tested whether the law applies in cases where a scientific expert sincerely thought something was true at the time the expert testified, but the expert's understanding and opinions changed after trial based on new knowledge and improvements to the science that had supported the expert's former opinion.

H.B. 3724 simply codifies the recent court decisions and clarifies that the legislative intent in enacting Article 11.073 included not only discredited science but also the testimony that was based on discredited science.

H.B. 3724 amends current law relating to the consideration of certain scientific evidence constituting the basis for an application for a writ of habeas corpus.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 11.073(d), Code of Criminal Procedure, to require the 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 certain enumerated dates.

SECTION 2. Effective date: September 1, 2015.