

BILL ANALYSIS

H.B. 464
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that courts are permitted to grant a convicted person relief on an application for a writ of habeas corpus if the court finds that relevant scientific evidence is currently available and was not available at the time of the convicted person's trial and that the person would not have been convicted because of the admission of that evidence. Concerns have been raised regarding the inability for such a person to seek similar relief when the submitted evidence would not have affected the conviction but would have affected the punishment. H.B. 464 seeks to address this gap by allowing a court to grant relief in such a situation.

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. 464 amends the Code of Criminal Procedure to include as a condition under which a court may grant relief to a convicted person on an application for a writ of habeas corpus the finding that, had certain scientific evidence been presented at trial after the filing of the requisite application containing specific facts regarding that evidence, on the preponderance of the evidence the person would have received a different punishment.

EFFECTIVE DATE

December 1, 2019.