

By: Moody

H.B. No. 3757

A BILL TO BE ENTITLED

AN ACT

relating to a writ to invoke the jurisdiction of a district court for the purpose of obtaining relevant documents for a postconviction application for a writ of habeas corpus.

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

SECTION 1. Chapter 11, Code of Criminal Procedure, is amended by adding Article 11.66 to read as follows:

Art. 11.66. WRIT TO INVOKE DISTRICT COURT JURISDICTION FOR PURPOSE OF OBTAINING RELEVANT DOCUMENTS FOR POSTCONVICTION WRIT OF HABEAS CORPUS APPLICATION. (a) A person may file a writ under this article in a district court for the purpose of invoking the court's jurisdiction to obtain documents described by Subsection (b)(2)(B) related to filing an application for a writ of habeas corpus under this chapter.

(b) A person may file a petition for a writ under this article only if:

(1) the person is an attorney licensed in this state;

(2) the person affirms in the petition that:

(A) the person is seeking to file an application for a writ of habeas corpus on behalf of an applicant after a final conviction; and

(B) the person cannot in good faith file the application until the person obtains documents relevant to a ground for relief in the application; and

1           (3) the person provides the office of the attorney  
2 representing the state in the applicant's case with reasonable  
3 notice of the person's intention to file a petition for a writ under  
4 this article.

5           (c) A district court's jurisdiction under this article is  
6 limited only to matters relating to:

7                 (1) a petition for a writ under this article; and

8                 (2) the issuance of documents requested by the  
9 petition for a writ under this article.

10           SECTION 2. Section 24.011, Government Code, is amended to  
11 read as follows:

12           Sec. 24.011. WRIT POWER. A judge of a district court may,  
13 either in termtime or vacation, grant a writ [~~writs~~] of mandamus,  
14 injunction, sequestration, attachment, garnishment, certiorari,  
15 and supersedeas, a writ to issue documents under Article 11.66,  
16 Code of Criminal Procedure, and any [~~all~~] other writ [~~writs~~]  
17 necessary to the enforcement of the court's jurisdiction.

18           SECTION 3. This Act takes effect September 1, 2025.