

## **BILL ANALYSIS**

H.B. 1713  
By: Hodge  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, applications for writs of habeas corpus by persons placed on community supervision can only be processed if the applicant is confined.

House Bill 1713 establishes procedures for an application for a writ of habeas corpus in a felony or misdemeanor case if the applicant is not currently confined but was given conditions of community 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**

House Bill 1713 amends Chapter 11, Code of Criminal Procedure, by adding Article 11.072 to establish a statutory framework for the disposition of applications for writs of habeas corpus by persons who have been placed on community supervision. The bill requires an application to be filed in the court that imposed community supervision, and would allow a writ to be filed regarding either the original judgement or the conditions of supervision. Persons who could appeal under Article 44.02, Code of Criminal Procedure are prevented from filing a writ under this section. In addition, an applicant challenging the conditions of supervision would be required to first seek relief by filing a motion to amend the conditions.

Furthermore, the bill sets out the procedures for conducting a hearing and making findings of fact and conclusions of law. It also allows courts to deny applications deemed as frivolous, and prohibits subsequent writ applications to be filed except under certain circumstances, such as the discovery of new evidence.

### **EFFECTIVE DATE**

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.