1   AN ACT

2   relating to the release on bond of certain applicants for a writ of

3   habeas corpus.

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

5   SECTION 1.   Chapter 11, Code of Criminal Procedure, is

6   amended by adding Article 11.65 to read as follows:

7   Art. 11.65.   BOND FOR CERTAIN APPLICANTS. (a)   This article

8   applies to an applicant for a writ of habeas corpus seeking relief

9   from the judgment in a criminal case, other than an applicant

10 seeking relief from a judgment imposing a penalty of death.

11   (b)   On making proposed findings of fact and conclusions of

12 law jointly stipulated to by the applicant and the state, or on

13 approving proposed findings of fact and conclusions of law made by

14 an attorney or magistrate appointed by the court to perform that

15 duty and jointly stipulated to by the applicant and the state, the

16 convicting court may order the release of the applicant on bond,

17 subject to conditions imposed by the convicting court, until the

18 applicant is denied relief, remanded to custody, or ordered

19 released.

20   (c)   For the purposes of this chapter, an applicant released

21 on bond under this article remains restrained in his liberty.

22   (d)   Article 44.04(b) does not apply to the release of an

23 applicant on bond under this article.

24   SECTION 2.   Article 11.65, Code of Criminal Procedure, as

1 added by this Act, applies to:

2   (1) any applicant who on or after the effective date of

3 this Act applies for a writ of habeas corpus; and

4   (2) any applicant whose application for a writ of

5 habeas corpus is pending on the effective date of this Act,

6 regardless of when the application was filed.

7   SECTION 3. This Act takes effect immediately if it receives

8 a vote of two-thirds of all the members elected to each house, as

9 provided by Section 39, Article III, Texas Constitution. If this

10 Act does not receive the vote necessary for immediate effect, this

11 Act takes effect September 1, 2003.

_____   _____
President of the Senate   Speaker of the House

I hereby certify that S.B. No. 1948 passed the Senate on May 14, 2003, by the following vote: Yeas 31, Nays 0.

_____
Secretary of the Senate

I hereby certify that S.B. No. 1948 passed the House on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

_____
Chief Clerk of the House

Approved:

_____
Date

_____
Governor