

By: Whitmire, et al.

S.B. No. 1948

A BILL TO BE ENTITLED

AN ACT

1
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.