

By: Gallego

H.B. No. 1646

Substitute the following for H.B. No. 1646:

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C.S.H.B. No. 1646

A BILL TO BE ENTITLED

AN ACT

relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

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

SECTION 1. Section 6, Article 11.071, Code of Criminal Procedure, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) If the convicting court receives notice that the requirements of Section 5(a) for consideration of a subsequent application have been met and if the applicant has not elected to proceed pro se and is not represented by retained counsel, the convicting court shall appoint:

(1) the office of capital writs; or

(2) if the office of capital writs does not accept or is prohibited from accepting the appointment under Section 78.054, Government Code, other competent counsel as described by Section 2(f).

(b-2) Regardless of whether the subsequent application is ultimately dismissed, compensation and reimbursement of expenses for counsel appointed under Subsection (b-1) shall be provided as described by Section 2, 2A, or 3, including compensation for time previously spent and reimbursement of expenses previously incurred with respect to the subsequent application.

SECTION 2. The change in law made by this Act applies to a

1 subsequent application for a writ of habeas corpus filed on or after
2 January 1, 2012. A subsequent application filed before January 1,
3 2012, is covered by the law in effect when the application was
4 filed, and the former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2011.