

By: Ellis

S.B. No. 1078

A BILL TO BE ENTITLED

AN ACT

1
2 relating to representation of certain applicants for writs of
3 habeas corpus in cases involving the death penalty.

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

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

8 (b-1) If the convicting court receives notice that the
9 requirements of Section 5(a) for consideration of a subsequent
10 application have been met and if the applicant has not elected to
11 proceed pro se and is not represented by retained counsel, the
12 convicting court shall appoint competent counsel and provide for
13 the compensation and reimbursement of expenses of that counsel as
14 is provided by Sections 2A and 3, including compensation for time
15 previously spent and reimbursement of expenses previously incurred
16 and regardless of whether the subsequent application is ultimately
17 dismissed.

18 SECTION 2. The change in law made by this Act applies to a
19 subsequent application for a writ of habeas corpus filed on or after
20 January 1, 2012. A subsequent application filed before January 1,
21 2012, is covered by the law in effect when the application was
22 filed, and the former law is continued in effect for that purpose.

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