

## **BILL ANALYSIS**

H.B. 833  
By: Giddings  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law requires the clerk of a convicting court, after the convicting court makes findings of fact regarding an application for a writ of habeas corpus filed in a noncapital felony case or approves the findings of the person designated to make them, to immediately transmit to the Court of Criminal Appeals the application and various other important documents relating to the case, including the transcript of all depositions and hearings. The law additionally requires the court reporter designated to transcribe a hearing on such a writ of habeas corpus to prepare a transcript of the hearing within 15 days of the hearing's conclusion. However, there is currently no statutory requirement regarding the delivery of that hearing transcript to the clerk of the convicting court.

Interested parties note that this oversight in the law can cause problems as the clerk of a convicting court may not possess the hearing transcript and thus cannot transmit this important document as required to the Court of Criminal Appeals; thus, the clerk could potentially face consequences such as being held in contempt. H.B. 833 seeks to resolve this issue by requiring the court reporter to immediately transmit the transcript of a habeas corpus hearing to the clerk of the convicting court on its completion.

### **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**

H.B. 833 amends the Code of Criminal Procedure to require a reporter designated to transcribe a hearing regarding an application for a writ of habeas corpus in a noncapital felony case to immediately transmit the transcript to the clerk of the convicting court on completion of the transcript.

### **EFFECTIVE DATE**

September 1, 2013.