

By: Alonzo

H.B. No. 2964

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain remedies involving habeas corpus proceedings
3 for persons improperly advised about the consequences of a plea of
4 guilty or nolo contendere and for persons affected by a change in law
5 after entering such a plea.

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

7 SECTION 1. Chapter 26, Code of Criminal Procedure, is
8 amended by adding Article 26.131 to read as follows:

9 Art. 26.131. HABEAS CORPUS AFTER PLEA OR AFTER CONVICTION
10 OR SENTENCE ON PLEA OF GUILTY OR NOLO CONTENDERE.

11 (a) If a person was convicted of or sentenced for an offense
12 based on entering a plea of guilty or nolo contendere when the
13 person was not properly advised as to a material direct or indirect
14 consequence of the plea, the person is entitled to file an
15 application for a writ of habeas corpus under Chapter 11.

16 (b) If a person enters a plea of guilty or nolo contendere in
17 reliance on a law that is subsequently changed and applied
18 retroactively, the person is entitled to file an application for a
19 writ of habeas corpus under Chapter 11 to request the court to set
20 aside the plea.

21 (c) If counsel for the applicant and the attorney
22 representing the state agree on the merits of the claim, the court
23 shall set aside the plea at the hearing conducted under Chapter 11.

24 SECTION 2. This Act takes effect September 1, 2013.