

By: Alonzo

H.B. No. 3580

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for an application for a writ of habeas corpus after a plea of guilty or nolo contendere.

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

SECTION 1. Chapter 11, Code of Criminal Procedure, is amended by adding Article 11.074 to read as follows:

Art. 11.074. APPLICATION AFTER PLEA OF GUILTY OR NOLO CONTENDERE. (a) A person may file an application for a writ of habeas corpus seeking relief from a conviction or confinement following a plea of guilty or nolo contendere if:

(1) the person was not properly advised as to a material direct or indirect consequence of the plea; or

(2) subsequent to the plea, there has been a change in a law applicable to the person's case and the change applies retroactively.

(b) With the consent of the attorney representing the state, the court shall set aside the plea of guilty or nolo contendere if the court finds that the application meets the requirements of Subsection (a).

SECTION 2. The change in law made by this Act applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application for a writ of habeas corpus filed before the effective date of this Act is governed by the law in effect at the time the application was filed, and the

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1 former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2015.