

By: Alonzo

H.B. No. 3617

A BILL TO BE ENTITLED

AN ACT

relating to the deadline for filing an application for a writ of habeas corpus in a death penalty case.

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

SECTION 1. Sections 4(a) and (b), Article 11.071, Code of Criminal Procedure, are amended to read as follows:

(a) An application for a writ of habeas corpus, returnable to the court of criminal appeals, must be filed in the convicting court not later than the ~~[180th day after the date the convicting court appoints counsel under Section 2 or not later than the]~~ 45th day after the date the court of criminal appeals issues its decision ~~[state's original brief is filed]~~ on direct appeal ~~[with the court of criminal appeals, whichever date is later]~~.

(b) The convicting court, before the filing date described by ~~[that is applicable to the applicant under]~~ Subsection (a), may for good cause shown and after notice and an opportunity to be heard by the attorney representing the state grant one 90-day extension that begins on the filing date ~~[applicable to the defendant]~~ under Subsection (a). Either party may request that the court hold a hearing on the request. If the convicting court finds that the applicant cannot establish good cause justifying the requested extension, the court shall make a finding stating that fact and deny the request for the extension.

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

1 to an application for a writ of habeas corpus that is:

2 (1) pending on the effective date of this Act,
3 regardless of when the application was filed; or

4 (2) filed on or after the effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2017.