

BILL ANALYSIS

H.B. 3500
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that potentially meritorious claims of unlawful detention by indigent defendants are not being thoroughly addressed and that these defendants are not given legal representation with regard to such claims. H.B. 3500 seeks to ensure that indigent defendants are not being unlawfully detained by expanding the types of claims that necessitate the appointment of an attorney to investigate claims for habeas corpus relief and the representation of an indigent defendant.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 3500 amends the Code of Criminal Procedure to change the definition of a potentially meritorious claim in statutory provisions that require a court to appoint an attorney to represent an eligible indigent defendant for purposes of filing an application for a writ of habeas corpus to mean any claim the court determines is likely to provide relief, including a claim that the defendant:

- is or may be actually innocent of the offense;
- is or may be guilty of only a lesser offense;
- was or may have been convicted or sentenced under a law that has been found unconstitutional by the court of criminal appeals or the United States Supreme Court; or
- was or may have been convicted or sentenced in violation of the U.S. or Texas Constitutions.

The bill includes among such an attorney's duties the duty to investigate the claim for relief.

EFFECTIVE DATE

September 1, 2019.