

By: Thompson of Harris

H.B. No. 3425

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of a subsequent writ of habeas corpus
in certain felony cases.

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

SECTION 1. Section 4(a), Article 11.07, Code of Criminal
Procedure, is amended to read as follows:

(a) If a subsequent application for writ of habeas corpus is
filed after final disposition of an initial application challenging
the same conviction, a court may not consider the merits of or grant
relief based on the subsequent application unless the attorney
representing the state consents in writing to that consideration or
unless the application contains sufficient specific facts
establishing that:

(1) the current claims and issues have not been and
could not have been presented previously in an original application
or in a previously considered application filed under this article
because the factual or legal basis for the claim was unavailable on
the date the applicant filed the previous application; or

(2) by a preponderance of the evidence, but for a
violation of the United States Constitution no rational juror could
have found the applicant guilty beyond a reasonable doubt.

SECTION 2. Section 4(a), Article 11.07, Code of Criminal
Procedure, as amended by this Act, applies only to an application
for a writ of habeas corpus filed on or after the effective date of

1 this Act. An application filed before the effective date of this
2 Act is governed by the law in effect on the date the application was
3 filed, and the former law is continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2019.