

BILL ANALYSIS

H.B. 372
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to revise the conditions under which a court is required to appoint an attorney in certain post-conviction applications for writs of habeas corpus in order to ensure that indigent defendants are not being unlawfully confined. H.B. 372 seeks to address this issue by providing for the investigation of an indigent defendant's claims for relief under circumstances in which the defendant may have a meritorious habeas corpus claim.

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. 372 amends the Code of Criminal Procedure to revise the conditions under which a court is required to appoint an attorney to represent an eligible indigent defendant for purposes of filing an application for a writ of habeas corpus. The bill requires the court to appoint an attorney for that purpose if the state represents to the court that the defendant has 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 Texas or U.S. Constitution.

The bill requires the appointed attorney to investigate any applicable claim.

EFFECTIVE DATE

September 1, 2021.