87R7083 JRR-D

By:  A. Johnson of Harris H.B. No. 4338

A BILL TO BE ENTITLED

AN ACT

relating to the duty of the attorney general to represent community supervision and corrections departments in certain habeas corpus proceedings.

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

SECTION 1.  Section 76.006(d), Government Code, is amended to read as follows:

(d)  The attorney general has the duty to defend a department for suits for injunctive, declaratory, or monetary relief brought against it for any action not covered by an indemnification policy, except any action brought by the state or another political subdivision. The attorney general shall [~~not~~] defend a department or its employees in a habeas corpus proceeding under Chapter 11, Code of Criminal Procedure, [~~cases~~] in which a person under supervision challenges the fact or duration of the supervision if the attorney representing the state in the prosecution of the offense for which the person was placed on community supervision does not agree to represent the department or its employees, as applicable, in the habeas corpus proceeding.

SECTION 2.  The change in law made by this Act applies only to a habeas corpus proceeding for which an application for a writ of habeas corpus is filed on or after the effective date of this Act. A habeas corpus proceeding for which an application is filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.