

By: Anchia

H.B. No. 1126

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an application for a writ of habeas corpus in certain  
3 felony cases.

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

5 SECTION 1. Section 3(b), Article 11.07, Code of Criminal  
6 Procedure, is amended to read as follows:

7 (b) An application for writ of habeas corpus filed after  
8 final conviction in a felony case, other than a case in which the  
9 death penalty is imposed, must be filed with the clerk of the court  
10 in which the conviction being challenged was obtained, and the  
11 clerk shall assign the application to that court. When the  
12 application is received by that court, a writ of habeas corpus,  
13 returnable to the Court of Criminal Appeals, shall issue by  
14 operation of law. The clerk of that court shall make appropriate  
15 notation thereof, assign to the case a file number (ancillary to  
16 that of the conviction being challenged), and forward a copy of the  
17 application by certified mail, return receipt requested, by secure  
18 electronic mail, or by personal service to the attorney  
19 representing the state in that court, who shall answer the  
20 application not later than the 30th [~~15th~~] day after the date the  
21 copy of the application is received. Matters alleged in the  
22 application not admitted by the state are deemed denied.

23 SECTION 2. Section 3(b), Article 11.07, Code of Criminal  
24 Procedure, as amended by this Act, applies only to an application

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

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