

BILL ANALYSIS

H.B. 247
By: Thompson, Senfronia
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Most applications for writs of habeas corpus are filed without the assistance of a lawyer. These applications frequently fail to raise or develop all the pertinent issues and are consequently denied by courts. Once a writ application has been denied, a second or subsequent application cannot be considered except in limited circumstances. While county and district attorney offices have established conviction integrity units to review wrongful conviction claims, many legitimate claims that are identified cannot be rectified because the person had previously filed an application. H.B. 247 seeks to address this issue by authorizing county and district attorneys to waive the bar on subsequent applications for a writ of habeas corpus when they believe it would serve the interest of justice in a specific case.

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. 247 amends the Code of Criminal Procedure to authorize a court to consider the merits of, or grant relief based on, a subsequent application for a writ of habeas corpus filed in a felony case, other than a case in which the death penalty is imposed, after final disposition of an initial application challenging the same conviction if the attorney representing the state having primary responsibility for the prosecution of similar cases in the jurisdiction consents in writing to the court's consideration of and ruling on the merits of the application. The bill defines "attorney representing the state" as a district attorney, a criminal district attorney, or a county attorney with criminal jurisdiction. The term does not include an assistant prosecuting attorney. The bill's provisions apply only to an application for a writ of habeas corpus filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.