

By: Anchía

H.B. No. 1908

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for an application for a writ of habeas corpus filed in certain felony cases.

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

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

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

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

H.B. No. 1908

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, 2023.