

By: Alonzo

H.B. No. 1346

A BILL TO BE ENTITLED

AN ACT

relating to the representation of certain indigent applicants for a writ of habeas corpus.

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

SECTION 1. Article 11.07, Code of Criminal Procedure, is amended by adding Section 3-a to read as follows:

Sec. 3-a. If at any time the state represents to the convicting court that an eligible indigent defendant under Article 1.051 who was sentenced or had a sentence suspended is not guilty, is guilty of only a lesser offense, or was convicted or sentenced under a law that has been found unconstitutional by the court of criminal appeals or the United States Supreme Court, the court shall appoint an attorney to represent the indigent defendant for purposes of filing an application for a writ of habeas corpus, if an application has not been filed, or to otherwise represent the indigent defendant in a proceeding under this article. An attorney appointed under this section shall be compensated as provided by Article 26.05.

SECTION 2. Article 11.072, Code of Criminal Procedure, is amended by adding Section 3-a to read as follows:

Sec. 3-a. If at any time the state represents to the convicting court that an eligible indigent defendant under Article 1.051 who was sentenced or had a sentence suspended is not guilty, is guilty of only a lesser offense, or was convicted or sentenced

1 under a law that has been found unconstitutional by the court of
2 criminal appeals or the United States Supreme Court, the court
3 shall appoint an attorney to represent the indigent defendant for
4 purposes of filing an application for a writ of habeas corpus, if an
5 application has not been filed, or to otherwise represent the
6 indigent defendant in a proceeding under this article. An attorney
7 appointed under this section shall be compensated as provided by
8 Article [26.05](#).

9 SECTION 3. The changes in law made by this Act relating to
10 the application of writ of habeas corpus apply regardless of
11 whether the offense for which the applicant is in custody was
12 committed before, on, or after the effective date of this Act.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section [39](#), Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.