By: Rodríguez   S.B. No. 662
(Alonzo)

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the representation of certain indigent applicants for a

3 writ of habeas corpus.

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

5   SECTION 1. Chapter 11, Code of Criminal Procedure, is

6 amended by adding Article 11.074 to read as follows:

7   Art. 11.074. COURT-APPOINTED REPRESENTATION REQUIRED IN

8 CERTAIN CASES. (a) This article applies only to a felony or

9 misdemeanor case in which the applicant seeks relief on a writ of

10 habeas corpus from a judgment of conviction that:

11   (1) imposes a penalty other than death; or

12   (2) orders community supervision.

13   (b) If at any time the state represents to the convicting

14 court that an eligible indigent defendant under Article 1.051 who

15 was sentenced or had a sentence suspended is not guilty, is guilty

16 of only a lesser offense, or was convicted or sentenced under a law

17 that has been found unconstitutional by the court of criminal

18 appeals or the United States Supreme Court, the court shall appoint

19 an attorney to represent the indigent defendant for purposes of

20 filing an application for a writ of habeas corpus, if an application

21 has not been filed, or to otherwise represent the indigent

22 defendant in a proceeding based on the application for the writ.

23   (c) An attorney appointed under this article shall be

24 compensated as provided by Article 26.05.

1   SECTION 2. The changes in law made by this Act relating to
2 the application of writ of habeas corpus apply regardless of
3 whether the offense for which the applicant is in custody was
4 committed before, on, or after the effective date of this Act.
5   SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.