

## **BILL ANALYSIS**

Senate Research Center

H.B. 681  
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Criminal Justice  
5/16/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

H.B. 681 makes it clear that the legislature intends to include writs of habeas corpus in the definition of frivolous "lawsuits" that can result in the forfeiture of an inmate's good conduct credit. As with other forfeitures, a judge must first dismiss the writ with an express finding that the application was frivolous or malicious. The intention of this amendment to the Government Code is to limit the number of frivolous lawsuits filed with the Court of Criminal Appeals. H.B. 681 contains compromise language to specify that, for the purposes of this forfeiture statute, a writ is frivolous if brought for the purpose of abusing judicial resources.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 498.0045, Government Code, by amending Subsection (a) and adding Subsection (a-1), to redefine "final order" and to define "frivolous."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.