

By: Gattis

H.B. No. 681

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the forfeiture of good conduct time from inmates who
3 file frivolous applications for writ of habeas corpus.

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

5 SECTION 1. Section 498.0045, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) In this section, "final order" means a certified copy of
9 a final order of a state or federal court that dismisses as
10 frivolous or malicious a lawsuit, including a proceeding arising
11 from an application for writ of habeas corpus, brought by an inmate
12 while the inmate was in the custody of the department or confined in
13 county jail awaiting transfer to the department following
14 conviction of a felony or revocation of community supervision,
15 parole, or mandatory supervision.

16 (a-1) For purposes of this chapter, an application for writ
17 of habeas corpus is considered "frivolous" if brought for the
18 purpose of abusing judicial resources.

19 SECTION 2. This Act applies only to a forfeiture of good
20 conduct time based on the filing in court of an application for writ
21 of habeas corpus on or after the effective date of this Act.

22 SECTION 3. This Act takes effect September 1, 2005.