

AN ACT

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

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

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

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

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

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 681 was passed by the House on May 5, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 681 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor