

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 681
1-2 (In the Senate - Received from the House May 6, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the forfeiture of good conduct time from inmates who
1-9 file frivolous applications for writ of habeas corpus.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 498.0045, Government Code, is amended by
1-12 amending Subsection (a) and adding Subsection (a-1) to read as
1-13 follows:

1-14 (a) In this section, "final order" means a certified copy of
1-15 a final order of a state or federal court that dismisses as
1-16 frivolous or malicious a lawsuit, including a proceeding arising
1-17 from an application for writ of habeas corpus, brought by an inmate
1-18 while the inmate was in the custody of the department or confined in
1-19 county jail awaiting transfer to the department following
1-20 conviction of a felony or revocation of community supervision,
1-21 parole, or mandatory supervision.

1-22 (a-1) For purposes of this chapter, an application for writ
1-23 of habeas corpus is considered "frivolous" if brought for the
1-24 purpose of abusing judicial resources.

1-25 SECTION 2. This Act applies only to a forfeiture of good
1-26 conduct time based on the filing in court of an application for writ
1-27 of habeas corpus on or after the effective date of this Act.

1-28 SECTION 3. This Act takes effect September 1, 2005.

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