

1-1 By: Thompson (Senate Sponsor - Ellis) H.B. No. 2096  
1-2 (In the Senate - Received from the House May 12, 2011;  
1-3 May 12, 2011, read first time and referred to Committee on Criminal  
1-4 Justice; May 21, 2011, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 21, 2011, sent to printer.)

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

1-8 relating to the filing of writs of habeas corpus in mental health  
1-9 cases.

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

1-11 SECTION 1. Section 576.003, Health and Safety Code, is  
1-12 amended to read as follows:

1-13 Sec. 576.003. WRIT OF HABEAS CORPUS. A petition for a writ  
1-14 of habeas corpus must be filed in the court of appeals for the  
1-15 county in which the order is entered. [~~This subtitle does not limit~~  
1-16 ~~a person's right to obtain a writ of habeas corpus.~~]

1-17 SECTION 2. The change in law made by this Act to Section  
1-18 576.003, Health and Safety Code, applies only to an application for  
1-19 a writ of habeas corpus filed on or after the effective date of this  
1-20 Act. An application for a writ of habeas corpus filed before the  
1-21 effective date of this Act is governed by the law in effect before  
1-22 the effective date of this Act, and the former law is continued in  
1-23 effect for that purpose.

1-24 SECTION 3. This Act takes effect immediately if it receives  
1-25 a vote of two-thirds of all the members elected to each house, as  
1-26 provided by Section 39, Article III, Texas Constitution. If this  
1-27 Act does not receive the vote necessary for immediate effect, this  
1-28 Act takes effect September 1, 2011.

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