

1-1 By: Rodríguez S.B. No. 662  
 1-2 (In the Senate - Filed February 20, 2015; February 24, 2015,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 April 20, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 20, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8  |     |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 | X   |     |        |     |
| 1-15 |     |     | X      |     |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 662 By: Hinojosa

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the representation of certain indigent applicants for a  
 1-20 writ of habeas corpus.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 11, Code of Criminal Procedure, is  
 1-23 amended by adding Article 11.074 to read as follows:

1-24 Art. 11.074. COURT-APPOINTED REPRESENTATION REQUIRED IN  
 1-25 CERTAIN CASES. (a) This article applies only to a felony or  
 1-26 misdemeanor case in which the applicant seeks relief on a writ of  
 1-27 habeas corpus from a judgment of conviction that:

1-28 (1) imposes a penalty other than death; or

1-29 (2) orders community supervision.

1-30 (b) If at any time the state represents to the convicting  
 1-31 court that an eligible indigent defendant under Article 1.051 who  
 1-32 was sentenced or had a sentence suspended is not guilty, is guilty  
 1-33 of only a lesser offense, or was convicted or sentenced under a law  
 1-34 that has been found unconstitutional by the court of criminal  
 1-35 appeals or the United States Supreme Court, the court shall appoint  
 1-36 an attorney to represent the indigent defendant for purposes of  
 1-37 filing an application for a writ of habeas corpus, if an application  
 1-38 has not been filed, or to otherwise represent the indigent  
 1-39 defendant in a proceeding based on the application for the writ.

1-40 (c) An attorney appointed under this article shall be  
 1-41 compensated as provided by Article 26.05.

1-42 SECTION 2. The changes in law made by this Act relating to  
 1-43 the application of writ of habeas corpus apply regardless of  
 1-44 whether the offense for which the applicant is in custody was  
 1-45 committed before, on, or after the effective date of this Act.

1-46 SECTION 3. This Act takes effect immediately if it receives  
 1-47 a vote of two-thirds of all the members elected to each house, as  
 1-48 provided by Section 39, Article III, Texas Constitution. If this  
 1-49 Act does not receive the vote necessary for immediate effect, this  
 1-50 Act takes effect September 1, 2015.

1-51 \* \* \* \* \*