

1-1 By: Anchia (Senate Sponsor - Johnson) H.B. No. 1126  
 1-2 (In the Senate - Received from the House May 12, 2021;  
 1-3 May 14, 2021, read first time and referred to Committee on Criminal  
 1-4 Justice; May 20, 2021, reported favorably by the following vote:  
 1-5 Yeas 5, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to an application for a writ of habeas corpus in certain  
 1-18 felony cases.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 3(b), Article 11.07, Code of Criminal  
 1-21 Procedure, is amended to read as follows:

1-22 (b) An application for writ of habeas corpus filed after  
 1-23 final conviction in a felony case, other than a case in which the  
 1-24 death penalty is imposed, must be filed with the clerk of the court  
 1-25 in which the conviction being challenged was obtained, and the  
 1-26 clerk shall assign the application to that court. When the  
 1-27 application is received by that court, a writ of habeas corpus,  
 1-28 returnable to the Court of Criminal Appeals, shall issue by  
 1-29 operation of law. The clerk of that court shall make appropriate  
 1-30 notation thereof, assign to the case a file number (ancillary to  
 1-31 that of the conviction being challenged), and forward a copy of the  
 1-32 application by certified mail, return receipt requested, by secure  
 1-33 electronic mail, or by personal service to the attorney  
 1-34 representing the state in that court, who shall answer the  
 1-35 application not later than the 30th [~~15th~~] day after the date the  
 1-36 copy of the application is received. Matters alleged in the  
 1-37 application not admitted by the state are deemed denied.

1-38 SECTION 2. Section 3(b), Article 11.07, Code of Criminal  
 1-39 Procedure, as amended by this Act, applies only to an application  
 1-40 for a writ of habeas corpus filed on or after the effective date of  
 1-41 this Act. An application filed before the effective date of this  
 1-42 Act is governed by the law in effect on the date the application was  
 1-43 filed, and the former law is continued in effect for that purpose.

1-44 SECTION 3. This Act takes effect September 1, 2021.

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