

SUBJECT: Allowing the consideration of a subsequent writ of habeas corpus

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

WITNESSES: For — Mike Ware, Innocence Project of Texas (*Registered, but did not testify*: M. Paige Williams, Dallas County Criminal District Attorney John Creuzot; Kevin Hale, Libertarian Party of Texas; Jennifer Allmon, Texas Catholic Conference of Bishops; Allen Place, Texas Criminal Defense Lawyers Association; and 8 individuals)

Against — None

On — Benjamin Wolff, Office of Capital and Forensic Writs

BACKGROUND: Concerns have been raised that when an initial application for a writ of habeas corpus is denied, a second or subsequent application cannot be considered except in limited circumstances, which could leave legitimate applications unrectified.

DIGEST: HB 247 would allow a court to consider, in felony cases where the death penalty could not be imposed, a subsequent application for writ of habeas corpus after final disposition if the attorney representing the state consented in writing to the court's consideration of and ruling on the merits of the application.

The bill would take effect September 1, 2023 and would apply only to applications for a writ of habeas corpus filed on or after that date.