

BILL ANALYSIS

Senate Research Center
82R4502 AJZ-D

H.B. 2096
By: Thompson (Ellis)
Criminal Justice
5/19/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Health and Safety Code does not name a court of competent jurisdiction to receive and rule upon a writ of habeas corpus in mental health cases. H.B. 2096 exclusively grants the Court of Appeals, in the county in which the order is entered, jurisdiction to receive and rule upon such cases. This bill does not limit the rights of any party to appeal from a ruling of the Court of Appeals to a higher court.

H.B. 2096 amends current law relating to the filing of writs of habeas corpus in mental health cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 576.003, Health and Safety Code, as follows:

Sec. 576.003. WRIT OF HABEAS CORPUS. Requires that a petition for a writ of habeas corpus be filed in the court of appeals for the county in which the order is entered. Deletes existing text providing that this subtitle does not limit a person's right to obtain a writ of habeas corpus.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2011.