

BILL ANALYSIS

H.B. 1126
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the deadline by which the state's attorney in a felony case imposing a penalty other than death is required to answer an application for a writ of habeas corpus filed after final conviction in the case. It has been suggested that the current time frame within which the attorney is required to respond is insufficient. In order to ensure a fair criminal justice system, public servants must have all the resources, including time, to make thoughtful decisions. There have been calls to allow enough time for the careful examination of these applications without the pressure of a tightly constrained deadline. H.B. 1126 seeks to address this issue by extending the deadline for answering such an application.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1126 amends the Code of Criminal Procedure to extend the deadline by which an attorney representing the state in a felony case imposing a penalty other than death is required to answer an application for a writ of habeas corpus filed after final conviction in the case from not later than the 15th day after the date of the copy of the application is received to not later than the 30th day after that date.

EFFECTIVE DATE

September 1, 2021.