

## **BILL ANALYSIS**

Senate Research Center  
87R1461 MAW-F

H.B. 187  
By: Thompson, Senfronia (West)  
Criminal Justice  
5/10/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 187 seeks to provide more opportunities for post-conviction relief and for justice to be obtained regarding the possibility of a wrongful conviction. Most post-conviction applications for a writ of habeas corpus are unsuccessful because they are filed by offenders and without the assistance of an attorney. They fail because most times, the offender cannot properly raise or fully develop all of the pertinent and critical issues related to their cases.

Under Article 11.07, Code of Criminal Procedure, once an initial writ application has been denied, there are limited circumstances for which a subsequent writ will be considered, such as when new facts have become available that were not available when the first writ application was filed.

Over the last decade, some Texas district and county attorney's offices have formed conviction integrity units and in their review and investigation of cases, have been able to raise legitimate questions about cases that resulted in convictions. However, the fact that an offender has previously submitted a writ application prohibits a subsequent writ from being filed on their behalf.

H.B. 187 would amend current Texas law to allow a court to consider the merits of, or grant relief based on, a subsequent application for a writ of habeas corpus filed in a felony case after final disposition of an initial application challenging the same conviction, if the attorney representing the state having primary responsibility for the prosecution of similar cases in the jurisdiction consents in writing to the court's consideration of and ruling on the merits of the application. The provisions of H.B. 187 would not apply to death penalty cases.

H.B. 187 amends current law relating to the consideration of a subsequent writ of habeas corpus in certain felony 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 4, Article 11.07, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Prohibits a court, if a subsequent application for writ of habeas corpus is filed after final disposition of an initial application challenging the same conviction, from considering the merits of or grant relief based on the subsequent application unless:

(1) and (2) makes nonsubstantive changes to these subdivisions; or

(3) the attorney representing the state having primary responsibility for the prosecution of similar cases in the jurisdiction consents in writing to the court's consideration of and ruling on the merits of the application.

(d) Defines "attorney representing the state" for purposes of this section.

SECTION 2. Makes application of Section 4(a), Article 11.07, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.