

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4387

To require that an application for a writ of habeas corpus be submitted with the consent of the person for whose relief it is intended.

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IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1994

Mrs. BENTLEY introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require that an application for a writ of habeas corpus be submitted with the consent of the person for whose relief it is intended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CONSENT FOR APPLICATION FOR A WRIT OF**  
4       **HABEAS CORPUS.**

5       Section 2248 of title 28, United States Code, is  
6       amended by inserting the following new section:

7       “(b) In any appeal of a person convicted of a felony  
8       for which that person previously has been determined to  
9       be capable of aiding in his or her own defense, no other  
10      person may present an application for a writ of habeas

- 1 corpus without the convicted person's consent or without
- 2 providing clean and convincing evidence of the convicted
- 3 person's mental incompetence.''.

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