

By: Rose

H.B. No. 1383

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures in a criminal case after a defendant is found
3 competent to stand trial and to consequences arising from certain
4 violations of those procedures.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 26.04(k), Code of Criminal Procedure, is
7 amended to read as follows:

8 (k) A court may replace with other counsel an attorney who
9 violates Subsection (j)(1) or fails to timely meet and confer with a
10 defendant as required by Article 46B.084(a)(1) [~~with other~~
11 ~~counsel]~~. A majority of the judges of the county courts and
12 statutory county courts or the district courts, as appropriate,
13 trying criminal cases in the county may remove from consideration
14 for appointment an attorney who intentionally or repeatedly
15 violates Subsection (j)(1) or Article 46B.084(a)(1).

16 SECTION 2. Article 26.05, Code of Criminal Procedure, is
17 amended by adding Subsection (i) to read as follows:

18 (i) The judge presiding over the proceedings or the director
19 of a managed assigned counsel program under Article 26.047, as
20 applicable, may disapprove a payment requested under this article
21 for services performed for a case in which the appointed counsel
22 fails to timely meet and confer with the defendant as required by
23 Article 46B.084(a)(1). On the appointed counsel's compliance with
24 the meet and confer requirement, the presiding judge or director,

1 as applicable, shall pay to the counsel the amount otherwise
2 approved under this article and may not continue to disapprove the
3 requested payment based solely on the disapproval permitted by this
4 subsection.

5 SECTION 3. Section 23.101(a), Government Code, is amended
6 to read as follows:

7 (a) Except as provided by Subsection (b-1), the trial courts
8 of this state shall regularly and frequently set hearings and
9 trials of pending matters, giving preference to hearings and trials
10 of the following:

11 (1) temporary injunctions;

12 (2) criminal actions, with the following actions given
13 preference over other criminal actions:

14 (A) criminal actions against defendants who are
15 detained in jail pending trial;

16 (B) criminal actions involving a charge that a
17 person committed an act of family violence, as defined by Section
18 71.004, Family Code;

19 (C) an offense under:

20 (i) Section 21.02 or 21.11, Penal Code;

21 (ii) Chapter 22, Penal Code, if the victim
22 of the alleged offense is younger than 17 years of age;

23 (iii) Section 25.02, Penal Code, if the
24 victim of the alleged offense is younger than 17 years of age;

25 (iv) Section 25.06, Penal Code;

26 (v) Section 43.25, Penal Code; or

27 (vi) Section 20A.02(a)(7), 20A.02(a)(8),

1 or 20A.03, Penal Code;

2 (D) an offense described by Article 62.001(6)(C)
3 or (D), Code of Criminal Procedure; ~~and~~

4 (E) criminal actions against persons who are
5 detained as provided by Section 51.12, Family Code, after transfer
6 for prosecution in criminal court under Section 54.02, Family Code;
7 and

8 (F) criminal actions in which a defendant is
9 found competent to stand trial under Article 46B.084, Code of
10 Criminal Procedure;

11 (3) election contests and suits under the Election
12 Code;

13 (4) orders for the protection of the family under
14 Subtitle B, Title 4, Family Code;

15 (5) appeals of final rulings and decisions of the
16 division of workers' compensation of the Texas Department of
17 Insurance regarding workers' compensation claims and claims under
18 the Federal Employers' Liability Act and the Jones Act;

19 (6) appeals of final orders of the commissioner of the
20 General Land Office under Section 51.3021, Natural Resources Code;

21 (7) actions in which the claimant has been diagnosed
22 with malignant mesothelioma, other malignant asbestos-related
23 cancer, malignant silica-related cancer, or acute silicosis; and

24 (8) appeals brought under Section 42.01 or 42.015, Tax
25 Code, of orders of appraisal review boards of appraisal districts
26 established for counties with a population of less than 175,000.

27 SECTION 4. Section 33.032(a), Government Code, is amended

1 to read as follows:

2 (a) Except as otherwise provided by this section and
3 Sections 33.022(j), 33.0322, 33.0325, and [Section] 33.034, the
4 papers filed with and proceedings before the commission are
5 confidential prior to the filing of formal charges.

6 SECTION 5. Subchapter B, Chapter 33, Government Code, is
7 amended by adding Section 33.0325 to read as follows:

8 Sec. 33.0325. PUBLIC PAPERS AND PROCEEDINGS RELATED TO
9 CERTAIN COMPLAINTS INVOLVING INCOMPETENCY PROCEEDINGS. The papers
10 filed with and proceedings held before the commission in connection
11 with the investigation and resolution of the following complaints
12 filed with the commission shall be public information:

13 (1) a complaint alleging a judge failed to timely
14 notify the attorney representing the state or the attorney for the
15 defendant of a defendant's return, as required by Article
16 46B.084(a)(1), Code of Criminal Procedure; and

17 (2) a complaint alleging a judge failed to give
18 preference to a criminal action described by Section
19 23.101(a)(2)(F) as required by that section.

20 SECTION 6. Articles 26.04 and 26.05, Code of Criminal
21 Procedure, as amended by this Act, apply to a criminal case in which
22 the indictment or information is filed before, on, or after the
23 effective date of this Act.

24 SECTION 7. Section 33.0325, Government Code, as added by
25 this Act, applies only to a complaint filed on or after the
26 effective date of this Act. A complaint filed before the effective
27 date of this Act is governed by the law in effect on the date the

1 complaint was filed, and the former law is continued in effect for
2 that purpose.

3 SECTION 8. This Act takes effect September 1, 2023.