

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. Article 46B.084, Code of Criminal Procedure, is
6 amended by adding Subsection (d-2) to read as follows:

7 (d-2) Notwithstanding Subsection (d), if the defendant is
8 found competent to stand trial, the court not later than the 30th
9 day after the date of that finding shall set a trial date for the
10 case.

11 SECTION 4. Section 33.032(a), Government Code, is amended
12 to read as follows:

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

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

19 Sec. 33.0325. PUBLIC PAPERS AND PROCEEDINGS RELATED TO
20 CERTAIN COMPLAINTS INVOLVING INCOMPETENCY PROCEEDINGS. The papers
21 filed with and proceedings held before the commission in connection
22 with the investigation and resolution of the following complaints
23 filed with the commission shall be public information:

24 (1) a complaint alleging a judge failed to timely
25 notify the attorney representing the state or the attorney for the
26 defendant of a defendant's return, as required by Article
27 46B.084(a)(1), Code of Criminal Procedure; and

1 (2) a complaint alleging a judge failed to timely set a
2 trial date for a case as required by Article 46B.084(d-2), Code of
3 Criminal Procedure.

4 SECTION 6. Articles 26.04, 26.05, and 46B.084, Code of
5 Criminal Procedure, as amended by this Act, apply to a criminal case
6 in which the indictment or information is filed before, on, or after
7 the effective date of this Act.

8 SECTION 7. Section 33.0325, Government Code, as added by
9 this Act, applies only to a complaint filed on or after the
10 effective date of this Act. A complaint filed before the effective
11 date of this Act is governed by the law in effect on the date the
12 complaint was filed, and the former law is continued in effect for
13 that purpose.

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