

By: Eckhardt

S.B. No. 632

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consequences arising from a failure by appointed
3 counsel in a criminal case to timely meet and confer with the
4 defendant after the defendant is found competent to stand trial.

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

9 SECTION 4. This Act takes effect September 1, 2025.