

By: Hughes

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the time in which counsel must be appointed for indigent  
3 misdemeanants in certain counties.

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

5 SECTION 1. Article 1.051(c), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (c) An indigent defendant is entitled to have an attorney  
8 appointed to represent him in any adversary judicial proceeding  
9 that may result in punishment by confinement and in any other  
10 criminal proceeding if the court concludes that the interests of  
11 justice require representation. Except as otherwise provided by  
12 this subsection, if an indigent defendant is entitled to and  
13 requests appointed counsel and if adversarial judicial proceedings  
14 have been initiated against the defendant, a court or the courts'  
15 designee authorized under Article 26.04 to appoint counsel for  
16 indigent defendants in the county shall appoint counsel as soon as  
17 possible, but not later than the end of the third working day after  
18 the date on which the court or the courts' designee receives the  
19 defendant's request for appointment of counsel. In a county with a  
20 population of 250,000 or more, the court or the courts' designee  
21 shall appoint counsel as required by this subsection as soon as  
22 possible, but not later than the end of the first working day after  
23 the date on which the court or the courts' designee receives the  
24 defendant's request for appointment of counsel. In a county with a

1 population of less than 100,000, the court or the courts' designee  
2 shall appoint counsel as required by this subsection not later than  
3 the end of the seventh working day after the date on which the court  
4 or the courts' designee receives the defendant's request for  
5 appointment of counsel if the defendant is charged with:

6 (1) a Class B misdemeanor; or

7 (2) a Class C misdemeanor with respect to which the  
8 court concluded that the interests of justice required  
9 representation.

10 SECTION 2. (a) The change in law made by this Act applies  
11 only to a defendant's request for appointment of counsel made on or  
12 after the effective date of this Act.

13 (b) This Act takes effect immediately if it receives a vote  
14 of two-thirds of all the members elected to each house, as provided  
15 by Section 39, Article III, Texas Constitution. If this Act does  
16 not receive the vote necessary for immediate effect, this Act takes  
17 effect November 1, 2003.