

By: Keel

H.B. No. 615

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of counsel for an indigent applicant
3 for a writ of habeas corpus in a capital case.

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

5 SECTION 1. Section 2(d), Article 11.071, Code of Criminal
6 Procedure, is amended to read as follows:

7 (d) Each local selection committee created under Article
8 26.052(c) shall adopt standards [~~The court of criminal appeals~~
9 ~~shall adopt rules~~] for the appointment of attorneys as counsel
10 under this section and the convicting court may appoint an attorney
11 as counsel under this section only if the attorney meets the
12 standards adopted by the committee [~~appointment is approved by the~~
13 ~~court of criminal appeals in any manner provided by those rules~~].

14 SECTION 2. (a) The local selection committee created in
15 each administrative judicial region shall adopt standards for the
16 appointment of counsel under Section 2, Article 11.071, Code of
17 Criminal Procedure, as amended by this Act, not later than the 60th
18 day after the effective date of this Act.

19 (b) A convicting court that appoints counsel under Section
20 2, Article 11.071, Code of Criminal Procedure, on or after the 75th
21 day after the effective date of this Act shall appoint the counsel
22 in conformity with standards adopted by the local selection
23 committee serving the convicting court. Counsel appointed under
24 Section 2, Article 11.071, before the 75th day after the effective

1 date of this Act must be appointed in conformity with Section 2,
2 Article 11.071, as that section existed immediately before the
3 effective date of this Act, and the former law is continued in
4 effect for this purpose.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2003.