

Amend **HB 268** in SECTION 1 of the bill by striking line 21, page 1 through line 1, page 3, and substituting the following:

(d) The court of criminal appeals shall maintain and annually review a list of attorneys qualified for appointment under this section to ensure that the attorneys included on the list are suitably qualified and proficient to be eligible for appointment. The court shall determine whether an attorney is eligible for appointment on a case-by-case basis. The court shall consider the attorney's experience, past performance in capital and other cases, past disciplinary history with the State Bar of Texas, if any, and existing workload. The court shall remove an attorney from the list if the attorney is determined to be not eligible for appointment. An attorney is presumed to be ineligible for appointment if the attorney:

(1) has been previously found by a court to have rendered ineffective assistance of counsel;

(2) raises only claims that may not be heard in post-conviction proceedings; or

(3) fails to timely file a state or federal post-conviction application for writ of habeas corpus [adopt rules for the appointment of attorneys as counsel under this section and the convicting court may appoint an attorney as counsel under this section only if the appointment is approved by the court of criminal appeals in any manner provided by those rules].