

Amend **HB 268** (2nd Reading Engrossment) on third reading as follows:

(1) On page 1, line 5, strike "Sections 2(c) and (d)" and substitute "Section 2".

(2) On page 1, line 6, strike "are amended" and substitute "is amended by amending Subsections (c) and (d) and adding Subsection (d-1)".

(3) Strike the language on page 1, line 21, through page 2, line 18, and substitute the following:

(d) (1) The Task Force on Indigent Defense ~~[court of criminal appeals]~~ shall adopt standards ~~[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]~~.

(2) The standards must require that an attorney appointed as lead counsel under this section:

(A) be a member of the State Bar of Texas;

(B) exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;

(C) have participated in continuing legal education courses or other training relating to criminal defense in death penalty cases;

(D) not have been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any criminal case;

(E) have at least five years of experience in criminal trial or appellate litigation or habeas corpus practice;
and

(F) have participated in the preparation of appellate briefs for the prosecution or defense, or in the drafting of appellate opinions as a staff attorney for an appellate court, in felony cases, including homicide cases and other cases involving an offense punishable as a capital felony or a felony of the first or second degree.

(3) The Task Force on Indigent Defense shall maintain a

list of attorneys qualified for appointment under this section and make that list available to a convicting court for the purpose of assisting that court with the appointment of qualified counsel under this section.

(4) On page 2, between lines 25 and 26, insert the following:

(d-1) The court of criminal appeals may annually review the 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 may determine whether an attorney is eligible for appointment on a case-by-case basis. The court may remove an attorney from the list if the attorney is determined to be ineligible for appointment.