

Amend HB 268 (engrossed version) as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (c), Section 2, Article 11.071, Code of Criminal Procedure, on page 1, lines 11-12, strike "that meets the requirements of Subsection (d)(2)" and substitute "from the list of qualified attorneys maintained by the Task Force on Indigent Defense under Subsection (d)(3)".

(2) In SECTION 1 of the bill, in proposed Subsection (c), Section 2, Article 11.071, Code of Criminal Procedure, strike the language between "The assisting attorney" on page 1, line 15, and "Subsection (d)(2)(E) or (F)" on page 1, line 17, and substitute "is not subject to the guidelines applicable to an attorney appointed as lead counsel under".

(3) In SECTION 1 of the bill, strike proposed Subsection (d)(1), Section 2, Article 11.071, Code of Criminal Procedure, on page 1, line 22, to page 2, line 3, and substitute the following:

(d)(1) The Task Force on Indigent Defense may [~~court of criminal appeals shall~~] adopt discretionary guidelines [~~rules~~] for the appointment of attorneys as counsel under this section and may consider the guidelines in determining whether an attorney is qualified for an appointment [~~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 these rules~~]. The Task Force on Indigent Defense:

(A) may not adopt mandatory standards for the appointment of attorneys under this section; and

(B) shall determine whether an attorney is qualified for an appointment on a case-by-case basis.

(4) In SECTION 1 of the bill, in proposed Subdivision (2), Subsection (d), Section 2, Article 11.071, Code of Criminal Procedure, on page 2, line 4, strike "standards must require" and substitute "discretionary guidelines may include".

(5) In SECTION 1 of the bill, in proposed Paragraph (D), Subdivision (2), Subsection (d), Section 2, Article 11.071, Code of Criminal Procedure, on page 2, line 15, strike "criminal" and substitute "capital".

(6) In SECTION 2 of the bill, in proposed Paragraph (D),

Subdivision (2), Subsection (d), Article 26.052, Code of Criminal Procedure, on page 4, line 6, strike "criminal" and substitute "capital".

(7) In SECTION 2 of the bill, in proposed Paragraph (D), Subdivision (3), Subsection (d), Article 26.052, Code of Criminal Procedure, on page 5, line 13, strike "criminal" and substitute "capital".

(8) Strike SECTIONS 3 and 4 of the bill on page 6, lines 9-25, and substitute the following:

SECTION 3. The Task Force on Indigent Defense shall prepare the list of qualified attorneys required by Section 2(d), Article 11.071, Code of Criminal Procedure, as amended by this Act, not later than March 1, 2006.

(9) Renumber subsequent SECTIONS of the bill accordingly.