

By: Smith of Tarrant

H.B. No. 393

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of counsel for an indigent defendant
3 after adversarial judicial proceedings are initiated in certain
4 counties.

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

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

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

24 (1) 72 hours after the defendant's arrest; or

1 (2) the end of the first working day after the date on
2 which the court or the courts' designee receives the defendant's
3 request for appointment of counsel.

4 SECTION 2. The change in law made by this Act applies only
5 to a defendant's request for appointment of counsel made on or after
6 the effective date of this Act.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.