

BILL ANALYSIS

H.B. 1265
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, "ad hoc assigned counsel program" is defined as a system under which private attorneys, acting as independent contractors and compensated with public funds, are individually appointed to provide legal representation and services to a particular indigent defendant accused of a crime or juvenile offense. However, this definition pertains to an "assigned counsel program" rather than an "ad hoc assigned counsel program." An "ad hoc" appointment system allows for a judge to appoint attorneys randomly instead of from a rotational list of attorneys, which is required by the Fair Defense Act. Therefore, this bill will remove the improper use of the term "ad hoc".

Currently, the Task Force on Indigent Defense (Task Force) is required to meet quarterly. H.B. 1265 would allow the Task Force to meet four times per year at its own discretion. The schedule of issuing grants and adopting policies and standards sometimes require the Task Force to compress meeting dates where two fall in one quarter. This change will allow the Task Force to set meetings at appropriate times for the greatest efficiency.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1265 amends Section 71.001(1), Government Code, by changing the defined term from "ad hoc assigned counsel program" to simply "assigned counsel program." The bill amends Section 71.055(a), Government Code, to require the Task Force on Indigent Defense to meet four times per year, rather than quarterly. Section 71.060(a), Government Code, is amended to make a conforming change consistent with Section 1 of the bill.

EFFECTIVE DATE

September 1, 2007.