

By: Pena

H.B. No. 1265

A BILL TO BE ENTITLED

AN ACT

relating to the operations of the Task Force on Indigent Defense.

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

SECTION 1. Section 71.001(1), Government Code, is amended to read as follows:

(1) "Assigned [~~Ad hoc assigned~~] counsel program" means 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.

SECTION 2. Section 71.055(a), Government Code, is amended to read as follows:

(a) The Task Force on Indigent Defense shall meet at least four times each year [~~quarterly~~] and at such other times as it deems necessary or convenient to perform its duties.

SECTION 3. Section 71.060(a), Government Code, is amended to read as follows:

(a) The Task Force on Indigent Defense shall develop policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in postconviction proceedings. The policies and standards may include:

(1) performance standards for counsel appointed to

1 represent indigent defendants;

2 (2) qualification standards under which attorneys may
3 qualify for appointment to represent indigent defendants,
4 including:

5 (A) qualifications commensurate with the
6 seriousness of the nature of the proceeding;

7 (B) qualifications appropriate for
8 representation of mentally ill defendants and noncitizen
9 defendants;

10 (C) successful completion of relevant continuing
11 legal education programs approved by the council; and

12 (D) testing and certification standards;

13 (3) standards for ensuring appropriate appointed
14 caseloads for counsel appointed to represent indigent defendants;

15 (4) standards for determining whether a person accused
16 of a crime or juvenile offense is indigent;

17 (5) policies and standards governing the organization
18 and operation of an [~~ad hoc~~] assigned counsel program;

19 (6) policies and standards governing the organization
20 and operation of a public defender consistent with recognized
21 national policies and standards;

22 (7) standards for providing indigent defense services
23 under a contract defender program consistent with recognized
24 national policies and standards;

25 (8) standards governing the reasonable compensation
26 of counsel appointed to represent indigent defendants;

27 (9) standards governing the availability and

1 reasonable compensation of providers of indigent defense support
2 services for counsel appointed to represent indigent defendants;

3 (10) standards governing the operation of a legal
4 clinic or program that provides legal services to indigent
5 defendants and is sponsored by a law school approved by the supreme
6 court;

7 (11) policies and standards governing the appointment
8 of attorneys to represent children in proceedings under Title 3,
9 Family Code; and

10 (12) other policies and standards for providing
11 indigent defense services as determined by the task force to be
12 appropriate.

13 SECTION 4. This Act takes effect September 1, 2007.