

AN ACT

relating to the operations of the Task Force on Indigent Defense and a legal services fee for indigent persons paid by members of the state bar.

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

1 include:

2 (1) performance standards for counsel appointed to
3 represent indigent defendants;

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

7 (A) qualifications commensurate with the
8 seriousness of the nature of the proceeding;

9 (B) qualifications appropriate for
10 representation of mentally ill defendants and noncitizen
11 defendants;

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

14 (D) testing and certification standards;

15 (3) standards for ensuring appropriate appointed
16 caseloads for counsel appointed to represent indigent defendants;

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

19 (5) policies and standards governing the organization
20 and operation of an ~~ad-hoc~~ assigned counsel program;

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

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

27 (8) standards governing the reasonable compensation

1 of counsel appointed to represent indigent defendants;

2 (9) standards governing the availability and
3 reasonable compensation of providers of indigent defense support
4 services for counsel appointed to represent indigent defendants;

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

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

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

15 SECTION 4. Section 81.054(j), Government Code, is amended
16 to read as follows:

17 (j) The supreme court shall set an additional legal services
18 fee in an amount of \$65 to be paid annually by each active member of
19 the state bar except as provided by Subsection (k). Section 81.024
20 does not apply to a fee set under this subsection. [~~This subsection
21 expires on September 1, 2007.~~]

22 SECTION 5. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1265 was passed by the House on April 17, 2007, by the following vote: Yeas 137, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1265 on May 24, 2007, by the following vote: Yeas 138, Nays 6, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1265 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor