

1-1 By: Pena (Senate Sponsor - Seliger) H.B. No. 1265
1-2 (In the Senate - Received from the House April 18, 2007;
1-3 April 19, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 11, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 11, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1265 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the operations of the Task Force on Indigent Defense and
1-11 a legal services fee for indigent persons paid by members of the
1-12 state bar.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 71.001(1), Government Code, is amended
1-15 to read as follows:

1-16 (1) "~~Assigned~~ [~~Ad hoc assigned~~] counsel program" means
1-17 a system under which private attorneys, acting as independent
1-18 contractors and compensated with public funds, are individually
1-19 appointed to provide legal representation and services to a
1-20 particular indigent defendant accused of a crime or juvenile
1-21 offense.

1-22 SECTION 2. Section 71.055(a), Government Code, is amended
1-23 to read as follows:

1-24 (a) The Task Force on Indigent Defense shall meet at least
1-25 four times each year [~~quarterly~~] and at such other times as it deems
1-26 necessary or convenient to perform its duties.

1-27 SECTION 3. Section 71.060(a), Government Code, is amended
1-28 to read as follows:

1-29 (a) The Task Force on Indigent Defense shall develop
1-30 policies and standards for providing legal representation and other
1-31 defense services to indigent defendants at trial, on appeal, and in
1-32 postconviction proceedings. The policies and standards may
1-33 include:

1-34 (1) performance standards for counsel appointed to
1-35 represent indigent defendants;

1-36 (2) qualification standards under which attorneys may
1-37 qualify for appointment to represent indigent defendants,
1-38 including:

1-39 (A) qualifications commensurate with the
1-40 seriousness of the nature of the proceeding;

1-41 (B) qualifications appropriate for
1-42 representation of mentally ill defendants and noncitizen
1-43 defendants;

1-44 (C) successful completion of relevant continuing
1-45 legal education programs approved by the council; and

1-46 (D) testing and certification standards;

1-47 (3) standards for ensuring appropriate appointed
1-48 caseloads for counsel appointed to represent indigent defendants;

1-49 (4) standards for determining whether a person accused
1-50 of a crime or juvenile offense is indigent;

1-51 (5) policies and standards governing the organization
1-52 and operation of an [~~ad hoc~~] assigned counsel program;

1-53 (6) policies and standards governing the organization
1-54 and operation of a public defender consistent with recognized
1-55 national policies and standards;

1-56 (7) standards for providing indigent defense services
1-57 under a contract defender program consistent with recognized
1-58 national policies and standards;

1-59 (8) standards governing the reasonable compensation
1-60 of counsel appointed to represent indigent defendants;

1-61 (9) standards governing the availability and
1-62 reasonable compensation of providers of indigent defense support
1-63 services for counsel appointed to represent indigent defendants;

2-1 (10) standards governing the operation of a legal
2-2 clinic or program that provides legal services to indigent
2-3 defendants and is sponsored by a law school approved by the supreme
2-4 court;

2-5 (11) policies and standards governing the appointment
2-6 of attorneys to represent children in proceedings under Title 3,
2-7 Family Code; and

2-8 (12) other policies and standards for providing
2-9 indigent defense services as determined by the task force to be
2-10 appropriate.

2-11 SECTION 4. Section 81.054(j), Government Code, is amended
2-12 to read as follows:

2-13 (j) The supreme court shall set an additional legal services
2-14 fee in an amount of \$65 to be paid annually by each active member of
2-15 the state bar except as provided by Subsection (k). Section 81.024
2-16 does not apply to a fee set under this subsection. [~~This subsection
2-17 expires on September 1, 2007.~~]

2-18 SECTION 5. This Act takes effect September 1, 2007.

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