

By: Harris

S.B. No. 306

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of counsel to represent an indigent
3 defendant in a capital case.

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

5 SECTION 1. Article 26.052(e), Code of Criminal Procedure,
6 is amended to read as follows:

7 (e) The presiding judge of the district court in which a
8 capital felony case is filed shall appoint a qualified attorney
9 ~~[two attorneys, at least one of whom must be qualified under this~~
10 ~~chapter,~~] to represent an indigent defendant as soon as practicable
11 after charges are filed. To be qualified, the attorney must meet
12 the standards adopted under this article for a trial attorney
13 appointed as lead counsel to a capital case in which the death
14 penalty is sought. The judge shall appoint a second attorney to the
15 case on receipt of written notice ~~[, unless the state gives notice~~
16 ~~in writing]~~ that the state will ~~[not]~~ seek the death penalty. A
17 case in which the state seeks the death penalty may not proceed to
18 trial on the merits before the 120th day after the date the second
19 attorney is appointed to the case.

20 SECTION 2. The change in law made by this Act applies only
21 to a capital felony case that is filed on or after the effective
22 date of this Act. A capital felony case that is filed before the
23 effective date of this Act is governed by the law in effect on the
24 date the case was filed, and the former law is continued in effect

1 for that purpose.

2 SECTION 3. This Act takes effect September 1, 2007.