

House Bill 1265
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

Same as House version.

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.

Same as House version.

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

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- (A) qualifications commensurate with the seriousness of the nature of the proceeding;
- (B) qualifications appropriate for representation of mentally ill defendants and noncitizen defendants;
- (C) successful completion of relevant continuing legal education programs approved by the council; and
- (D) testing and certification standards;
- (3) standards for ensuring appropriate appointed caseloads for counsel appointed to represent indigent defendants;
- (4) standards for determining whether a person accused of a crime or juvenile offense is indigent;
- (5) policies and standards governing the organization and operation of an ~~ad hoc~~ assigned counsel program;
- (6) policies and standards governing the organization and operation of a public defender consistent with recognized national policies and standards;
- (7) standards for providing indigent defense services under a contract defender program consistent with recognized national policies and standards;
- (8) standards governing the reasonable compensation of counsel appointed to represent indigent defendants;
- (9) standards governing the availability and reasonable compensation of providers of indigent defense support services for counsel appointed to represent indigent defendants;
- (10) standards governing the operation of a legal clinic or program that provides legal services to indigent defendants and is sponsored by a law school approved by the supreme court;

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(11) policies and standards governing the appointment of attorneys to represent children in proceedings under Title 3, Family Code; and
(12) other policies and standards for providing indigent defense services as determined by the task force to be appropriate.

No equivalent provision.

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

SENATE VERSION

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

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

SECTION 5. Same as House version.

CONFERENCE