

By: Harris

S.B. No. 1579

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the procedure for appointment of counsel for indigent  
3 defendants.

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

5 SECTION 1. Articles 1.051(c) and (i), Code of Criminal  
6 Procedure, are amended to read as follows:

7 (c) An indigent defendant is entitled to have an attorney  
8 appointed to represent him in any adversary judicial proceeding  
9 that may result in punishment by confinement and in any other  
10 criminal proceeding if the court concludes that the interests of  
11 justice require representation. If [~~Except as otherwise provided~~  
12 ~~by this subsection, if~~] an indigent defendant is entitled to and  
13 requests appointed counsel and if adversarial judicial proceedings  
14 have been initiated against the defendant, a court or the courts'  
15 designee authorized under Article 26.04 to appoint counsel for  
16 indigent defendants in the county shall appoint counsel as soon as  
17 possible, but not later than the end of the third working day after  
18 the date on which the court or the courts' designee receives the  
19 defendant's request for appointment of counsel. [~~In a county with a~~  
20 ~~population of 250,000 or more, the court or the courts' designee~~  
21 ~~shall appoint counsel as required by this subsection as soon as~~  
22 ~~possible, but not later than the end of the first working day after~~  
23 ~~the date on which the court or the courts' designee receives the~~  
24 ~~defendant's request for appointment of counsel.~~]

1           (i) If [~~Except as otherwise provided by this subsection, if~~]  
2 an indigent defendant is entitled to and requests appointed counsel  
3 and if adversarial judicial proceedings have not been initiated  
4 against the defendant, a court or the courts' designee authorized  
5 under Article 26.04 to appoint counsel for indigent defendants in  
6 the county shall appoint counsel immediately following the  
7 expiration of three working days after the date on which the court  
8 or the courts' designee receives the defendant's request for  
9 appointment of counsel. If adversarial judicial proceedings are  
10 initiated against the defendant before the expiration of the three  
11 working days, the court or the courts' designee shall appoint  
12 counsel as provided by Subsection (c). [~~In a county with a~~  
13 ~~population of 250,000 or more, the court or the courts' designee~~  
14 ~~shall appoint counsel as required by this subsection immediately~~  
15 ~~following the expiration of one working day after the date on which~~  
16 ~~the court or the courts' designee receives the defendant's request~~  
17 ~~for appointment of counsel. If adversarial judicial proceedings~~  
18 ~~are initiated against the defendant before the expiration of the~~  
19 ~~one working day, the court or the courts' designee shall appoint~~  
20 ~~counsel as provided by Subsection (c).~~]

21           SECTION 2. The change in law made by this Act applies only  
22 to a defendant's request for appointment of counsel made on or after  
23 the effective date of this Act.

24           SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

S.B. No. 1579

1 Act takes effect September 1, 2009.