

BILL ANALYSIS

Senate Research Center
83R4299 MEW-D

H.B. 577
By: Guillen (Ellis)
Criminal Justice
5/14/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas law authorizes the appointment of an attorney employed by a public defender's office with respect to an application for a writ of habeas corpus only if an attorney employed by the office of capital writs is not appointed in the case and the attorney employed by the public defender's office is on the list of competent counsel available for appointment maintained by the presiding judges of the administrative judicial regions. These conditions currently refer only to capital writs. In an effort to update statutory language.

H.B. 577 amends current law relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 26.044(n), Code of Criminal Procedure, as follows:

(n) Authorizes an attorney employed by a public defender's office to be appointed with respect to an application for a writ of habeas corpus filed under Article 11.071 (Procedure in Death Penalty Case) only if:

(1) an attorney employed by the office of capital writs is not appointed in the case; and

(2) the attorney employed by the public defender's office is on the list of competent counsel maintained under Section 78.056 (Appointment List), Government Code.

SECTION 2. Effective date: upon passage or September 1, 2013.