

## **BILL ANALYSIS**

H.B. 3207  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Excessive caseloads for public defender offices have reportedly become a problem in certain public defender offices in Texas. The national bar association has mandated that the workload of public defender office attorneys be controlled to prevent breach of the ethical obligation to provide competent and diligent representation and has urged state governments to enact legislation prohibiting the retaliatory discharge of a lead indigent defense services provider because of the provider's good faith effort to control acceptance of more clients than the provider can competently and diligently represent. H.B. 3207 seeks to ensure that public defender's office attorneys are not violating ethical obligations and to protect defendants' right to effective assistance of counsel.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3207 amends the Code of Criminal Procedure to prohibit a public defender's office from accepting an appointment as counsel to represent an indigent defendant if accepting the appointment would violate the maximum allowable caseloads established at the public defender's office. The bill requires a chief public defender, on refusing such an appointment for any of the statutorily prescribed reasons or because it would violate the maximum allowable caseloads, to file with the court a written statement that identifies any reason for refusing the appointment. The bill requires the court to determine whether the chief public defender has demonstrated adequate good cause for refusing the appointment and requires the court to include the chief public defender's statement with the papers in the case. The bill prohibits the termination, removal, or sanctioning of a chief public defender for refusing in good faith to accept such an appointment.

### **EFFECTIVE DATE**

September 1, 2013.