

BILL ANALYSIS

S.B. 592
By: Ellis
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Critics assert that indigent defense systems that lack checks and balances to protect against massive attorney caseloads are at risk of wasting countless taxpayer dollars, jeopardizing public safety, and violating the protection of the constitutional right to effective assistance of counsel. Without caseload standards, these systems are too often unaccountable, ineffective and wasteful, and fail to ensure that people accused of criminal offenses receive quality legal representation. Attorneys with overwhelming caseloads run the risk of providing incompetent representation, which could place innocent defendants behind bars at taxpayers' expense while leaving guilty perpetrators unpunished for their crimes. S.B. 592 seeks to provide for the monitoring of the caseloads of attorneys appointed to represent indigent defendants in criminal cases.

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

S.B. 592 amends the Code of Criminal Procedure to require an attorney appointed for an indigent defendant, not later than October 15 of each year and in the form and manner prescribed by the Texas Indigent Defense Commission, to submit to the applicable county information that describes the attorney's caseload for the preceding fiscal year, including cases taken on a retainer.

S.B. 592 amends the Government Code, effective September 1, 2013, to expand the information that each county is required to prepare and provide to the Texas Indigent Defense Commission not later than November 1 of each odd-numbered year and in the form and manner prescribed by the commission, to include the following: any plan or proposal submitted to the county commissioners court under statutory provisions regarding a public defender's office; any plan of operation submitted to the county commissioners court under statutory provisions regarding a managed assigned counsel program; any contract for indigent defense services required under rules adopted by the commission relating to a contract defender program; any revisions to previously submitted such plans, proposals, or contracts; and verification that any such previously submitted plans, proposals, or contracts still remain in effect.

S.B. 592 requires each county to prepare and provide to the commission, not later than November 1 of each year and in the form and manner prescribed by the commission, information that describes for the preceding fiscal year the caseloads of attorneys receiving appointments to represent indigent defendants.

S.B. 592, effective September 1, 2013, requires not later than September 1, 2014, the Texas Indigent Defense Commission to conduct and publish a study based on relevant policies, performance guidelines, and best practices for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that, when the

attorney's total caseload is considered, allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation. The bill requires the commission, in conducting the study, to consult with criminal defense attorneys, criminal defense attorney associations, the judiciary, and any other organization engaged in the development of criminal indigent defense policy that the commission considers appropriate.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2014.