

## **BILL ANALYSIS**

S.B. 780  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law authorizes a court in a county in which a public defender's office is created or designated to appoint that office to represent an indigent defendant in a criminal case, but the law does not expressly require the court to do so. During a recent legislative interim, certain legislators and appellate judges received reports that courts are not assigning public defenders to qualifying indigent defendants, even when a case seems to warrant the use of a public defender. Critics assert that this underutilization of county public defender's offices undermines the rights of the accused and wastes taxpayer money that funds the offices. S.B. 780 seeks to require priority to be given to certain available legal defense services in the appointment of representation for an indigent defendant in a criminal case, with certain exceptions.

### **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. 780 amends the Code of Criminal Procedure to require a court or the courts' designee, in a county in which a public defender's office is created or designated, to give priority in appointing that office to represent an indigent defendant, rather than to authorize such a court or designee to appoint that office to represent the defendant in accordance with guidelines established for the office. The bill creates an exception to this requirement to make such an appointment if the court has reason to appoint other counsel or if a managed assigned counsel program also exists in the county and an attorney will be appointed under that program.

### **EFFECTIVE DATE**

September 1, 2013.