

By: Alonzo

H.B. No. 3207

A BILL TO BE ENTITLED

AN ACT

relating to the authority of public defenders to refuse to accept indigent defense appointments for good cause.

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

SECTION 1. Article 26.044, Code of Criminal Procedure, is amended by amending Subsection (j) and adding Subsections (j-1) and (j-2) to read as follows:

(j) A public defender's office may not accept an appointment under Article 26.04(f) if:

(1) a conflict of interest exists that has not been waived by the client;

(2) the public defender's office has insufficient resources to provide adequate representation for the defendant;

(3) the public defender's office is incapable of providing representation for the defendant in accordance with the rules of professional conduct;

(4) the acceptance of the appointment would violate the maximum allowable caseloads established at the public defender's office; or

(5) [~~4~~] the public defender's office shows other good cause for not accepting the appointment.

(j-1) On refusing an appointment under Subsection (j), a chief public defender shall file with the court a written statement that identifies any reason for refusing the appointment. The court

1 shall determine whether the chief public defender has demonstrated  
2 adequate good cause for refusing the appointment and shall include  
3 the statement with the papers in the case.

4 (j-2) A chief public defender may not be terminated,  
5 removed, or sanctioned for refusing in good faith to accept an  
6 appointment under Subsection (j).

7 SECTION 2. This Act takes effect September 1, 2013.