

By: Hinojosa

S.B. No. 316

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prioritization of certain available legal defense
3 services when appointing representation for an indigent defendant
4 in a criminal case.

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

6 SECTION 1. Articles 26.04(f), (h), and (i), Code of
7 Criminal Procedure, are amended to read as follows:

8 (f) In a county in which a public defender's office is
9 created or designated under Article 26.044, the court or the
10 courts' designee shall give priority in appointing ~~[may appoint]~~
11 that office to represent the defendant. However, the court is not
12 required to appoint the public defender's office if:

- 13 (1) the court has reason to appoint other counsel; or
14 (2) a managed assigned counsel program also exists in
15 the county and an attorney will be appointed under that program ~~[in~~
16 ~~accordance with guidelines established for the office].~~

17 (h) Subject to Subsection (f), in ~~[In]~~ a county in which an
18 alternative program for appointing counsel is established as
19 provided by Subsection (g) and is approved by the presiding judge of
20 the administrative judicial region, a court or the courts' designee
21 may appoint an attorney to represent an indigent defendant by using
22 the alternative program. In establishing an alternative program
23 under Subsection (g), the judges of the courts establishing the
24 program may not, without the approval of the commissioners court,

1 obligate the county by contract or by the creation of new positions
2 that cause an increase in expenditure of county funds.

3 (i) Subject to Subsection (f), a [A] court or the courts'
4 designee required under Subsection (c) to appoint an attorney to
5 represent a defendant accused or convicted of a felony may appoint
6 an attorney from any county located in the court's administrative
7 judicial region.

8 SECTION 2. The change in law made by this Act applies only
9 to a criminal proceeding that commences on or after the effective
10 date of this Act. A criminal proceeding that commences before the
11 effective date of this Act is governed by the law in effect when the
12 proceeding commenced, and the former law is continued in effect for
13 that purpose.

14 SECTION 3. This Act takes effect September 1, 2015.