

By: Dutton

H.B. No. 609

A BILL TO BE ENTITLED

AN ACT

relating to the representation of a defendant in certain criminal proceedings in populous counties.

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

SECTION 1. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.171 to read as follows:

Art. 15.171. REPRESENTATION IN POPULOUS COUNTIES. (a) This article applies only to a county with a population of more than three million.

(b) Notwithstanding any other law, an arrested person who is taken before a magistrate as required by Article 14.06(a), 15.17(a), or 15.18(a) shall be represented by the public defender's office for the county in which the magistrate is located for purposes of the person's appearance before the magistrate unless the person:

(1) has retained counsel to represent the person at the appearance; or

(2) voluntarily and intelligently waives, in writing, the right to counsel.

(c) If a person represented by the public defender's office under this article is not indigent, the judge presiding over the person's case shall order the person to pay the costs of the office's services as provided by Article 26.05(g).

SECTION 2. The change in law made by this Act applies only

1 to a person who is arrested on or after the effective date of this
2 Act. A person arrested before the effective date of this Act is
3 governed by the law in effect on the date the person was arrested,
4 and the former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2017.