

By: Dominguez

H.B. No. 1457

A BILL TO BE ENTITLED

AN ACT

relating to attorneys representing indigent defendants in certain criminal proceedings.

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

SECTION 1. Article 26.04, Code of Criminal Procedure, is amended by adding Subsection (i-1) to read as follows:

(i-1) Notwithstanding Subsection (j)(2) or any other law, an attorney may be appointed under this article to represent an indigent person for the sole purpose of providing counsel in relation to that person's appearance before a magistrate as required by Article 14.06(a), 15.17(a), or 15.18(a). The attorney may continue to represent the person following the proceeding if appointed for that purpose under the other provisions of this article.

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

(i-1) Notwithstanding Subsection (i)(1), an attorney engaged in the private practice of criminal law may be employed by a public defender's office on a part-time basis for the sole purpose of providing counsel in relation to an indigent person's appearance before a magistrate as required by Article 14.06(a), 15.17(a), or 15.18(a).

SECTION 3. The change in law made by this Act to Article 26.04, Code of Criminal Procedure, applies only to a person who is

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

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2019.