

AN ACT

relating to the appointment of a local public defender's office to represent indigent defendants in criminal cases.

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

SECTION 1. Article 26.04, Code of Criminal Procedure, is amended by amending Subsections (a) and (f) to read as follows:

(a) The judges of the county courts, statutory county courts, and district courts trying criminal cases in each county, by local rule, shall adopt and publish written countywide procedures for timely and fairly appointing counsel for an indigent defendant in the county arrested for, charged with, or taking an appeal from a conviction of a misdemeanor punishable by confinement or a felony. The procedures must be consistent with this article and Articles 1.051, 15.17, 15.18, 26.05, and 26.052 and must provide for the priority appointment of a public defender's office as described by Subsection (f). A court shall appoint an attorney from a public appointment list using a system of rotation, unless the court appoints an attorney under Subsection (f), (f-1), (h), or (i). The court shall appoint attorneys from among the next five names on the appointment list in the order in which the attorneys' names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.

1 (f) In a county with ~~[in which]~~ a public defender's office
2 ~~[is created or designated under Article 26.044]~~, the court or the
3 courts' designee shall give priority in appointing that office to
4 represent the defendant in the criminal proceeding, including a
5 proceeding in a capital murder case. However, the court is not
6 required to appoint the public defender's office if:

7 (1) the court makes a finding of good cause for
8 appointing ~~[has reason to appoint]~~ other counsel, provided that in
9 a capital murder case, the court makes a finding of good cause on
10 the record for appointing that counsel; [or]

11 (2) the appointment would be contrary to the office's
12 written plan under Article 26.044;

13 (3) the office is prohibited from accepting the
14 appointment under Article 26.044(j); or

15 (4) a managed assigned counsel program also exists in
16 the county and an attorney will be appointed under that program.

17 SECTION 2. This Act takes effect September 1, 2019.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 583 passed the Senate on April 29, 2019, by the following vote: Yeas 27, Nays 4; May 23, 2019, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 23, 2019, House granted request of the Senate; May 25, 2019, Senate adopted Conference Committee Report by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 583 passed the House, with amendment, on May 21, 2019, by the following vote: Yeas 124, Nays 17, two present not voting; May 23, 2019, House granted request of the Senate for appointment of Conference Committee; May 25, 2019, House adopted Conference Committee Report by the following vote: Yeas 118, Nays 17, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor