

Amend HB 679 (house committee report) as follows:

(1) On page 1, strike lines 5 and 6, and substitute the following:

SECTION 1. Article 26.052, Code of Criminal Procedure, is amended by adding Subsections (c-1), (c-2), (c-3), (c-4), (c-5), and (c-6) and amending Subsections (d) and (m) to read as follows:

(2) On page 1, between lines 6 and 7, insert the following:

(c-1) The local selection committee shall evaluate and determine the list of attorneys qualified under this article to be appointed to represent indigent defendants in capital cases in which the death penalty is sought and post a list of those attorneys on the Internet website of each administrative judicial region.

(c-2) A statewide capital defense training and standards committee is created. Each member of the committee must be a licensed attorney and must have significant experience in capital defense or indigent criminal defense policy or practice. A member of the committee may not be a prosecutor, a law enforcement officer, or an employee of the office of capital and forensic writs. The committee must be composed of nine members, including:

(1) two judges jointly selected by the presiding judges of the administrative judicial regions;

(2) a criminal defense attorney appointed by the president of the Texas Criminal Defense Lawyers Association;

(3) the chief public defender of the Regional Public Defender for Capital Cases office, or the chief public defender's designee;

(4) the chief capital defender of a county public defender office appointed by the executive director of the Texas Indigent Defense Commission;

(5) a member of the State Bar of Texas committee on legal services to the poor in criminal matters selected by the chair of the committee; and

(6) three attorneys appointed by the executive director of the Texas Indigent Defense Commission.

(c-3) Members of the statewide capital defense training and standards committee serve four-year terms and may be reappointed. If a vacancy occurs, the appropriate appointing authority shall

appoint a successor in the same manner as the original appointment to serve for the remainder of the unexpired term.

(c-4) The members of the statewide capital defense training and standards committee shall select a chair from among the committee's members.

(c-5) A member of the statewide capital defense training and standards committee may not receive compensation for services on the committee but is entitled to be reimbursed for actual and necessary expenses incurred in discharging committee duties. The expenses are paid from funds appropriated to the Texas Indigent Defense Commission.

(c-6) The Texas Indigent Defense Commission shall provide administrative support as necessary to carry out the purposes of this article.

(d)(1) The statewide capital defense training and standards committee shall adopt policies and standards for providing legal representation [~~the qualification of attorneys to be appointed~~] to [~~represent~~] indigent defendants in capital cases in which the death penalty is sought. The policies and standards must include, with respect to the qualification of attorneys to be appointed in capital cases, the following:

- (A) training requirements and curricula;
- (B) qualification standards;
- (C) continuing legal education requirements; and
- (D) other policies and standards as necessary to

ensure quality legal representation in capital cases.

(3) On page 1, strike lines 13-18, and substitute the following:

(C) have not been found by the local selection committee to have provided deficient legal representation [~~a federal or state court to have rendered ineffective assistance of counsel~~] during the trial or appeal of any capital case if [~~unless~~] the local selection committee has determined [~~determines under Subsection (n)~~] that the conduct underlying the deficient representation [~~finding no longer~~] accurately reflects the attorney's inability [~~ability~~] to provide effective representation in the future;

(4) Strike page 2, line 23, through page 3, line 1, and substitute the following:

(C) have not been found by the local selection committee to have provided deficient legal representation [~~a federal or state court to have rendered ineffective assistance of counsel~~] during the trial or appeal of any capital case if [~~unless~~] the local selection committee has determined [~~determines under Subsection (n)~~] that the conduct underlying the deficient representation [~~finding no longer~~] accurately reflects the attorney's inability [~~ability~~] to provide effective representation in the future;

(5) On page 3, between lines 24 and 25, insert the following:

(4) The Texas Indigent Defense Commission [~~committee~~] shall prominently post the policies and standards adopted by the statewide capital defense training and standards committee under Subsection (d)(1) on the commission's Internet website [~~in each district clerk's office in the region with a list of attorneys qualified for appointment~~].

(5) Not later than the second anniversary of the date an attorney is placed on the list of attorneys qualified for appointment in death penalty cases and each year following the second anniversary, the attorney must present a list of death penalty trial, direct appeal, and habeas corpus cases in which the attorney served as counsel and proof to the local selection committee that the attorney has successfully completed the training, minimum continuing legal education requirements, and other standards established by the statewide capital defense training and standards committee established under Subsection (c-2) [~~of the State Bar of Texas, including a course or other form of training relating to criminal defense in death penalty cases or in appealing death penalty cases, as applicable~~]. The local selection committee shall remove the attorney's name from the list of qualified attorneys if the attorney fails to provide the local selection committee with the materials required under this subsection [~~proof of completion of the continuing legal education requirements~~].

(m) The local selection committee shall annually review the list of attorneys posted under Subsection (c-1) [~~(d)~~] to ensure that each listed attorney satisfies the requirements under this chapter.

(6) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 26.052(n), Code of Criminal Procedure, is repealed.