

BILL ANALYSIS

H.B. 679
By: Gervin-Hawkins
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the frequent appointment of poorly performing attorneys to represent indigent defendants. It has been suggested that the number of attorneys qualified in Texas to handle the growing list of capital murder defendants is insufficient. H.B. 679 seeks to address this issue by allowing experienced and trial-ready defense attorneys to be appointed as the lead counsel in a capital case if they meet certain criteria.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 679 amends the Code of Criminal Procedure to establish that, for purposes of standards adopted for the qualification of attorneys appointed to represent indigent defendants in capital cases in which the death penalty is sought, the requirement for a trial attorney appointed as lead counsel to a capital case to have trial experience in investigating and presenting mitigating evidence at the penalty phase of a death penalty trial is satisfied regardless of whether the case resulted in a judgment or dismissal or whether the state subsequently waived the death penalty in the case. The bill includes as an alternative to that requirement having an equivalent amount of trial experience as determined by the local selection committee.

H.B. 679 establishes that the requirement for a trial attorney appointed as lead appellate counsel in the direct appeal of a capital case to have trial or appellate experience in the use of mitigating evidence at the penalty phase of a death penalty trial is satisfied regardless of whether the case resulted in a judgment or dismissal or whether the state subsequently waived the death penalty in the case and includes as an alternative to that requirement having an equivalent amount of trial or appellate experience as determined by the local selection committee.

EFFECTIVE DATE

September 1, 2021.