

By: Dominguez

H.B. No. 1103

A BILL TO BE ENTITLED

AN ACT

relating to the representation of an indigent person 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 represent the person in subsequent proceedings of that case, only 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. Article 26.04(i-1), Code of Criminal Procedure, as added by this Act, applies only to a person who is arrested on or

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

5 SECTION 4. This Act takes effect September 1, 2021.