

BILL ANALYSIS

H.B. 1603
By: Guillen
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There has been confusion regarding the procedures for appointing an attorney pro tem to represent the state in the prosecution of misdemeanor offenses in the jurisdiction of municipal and justice courts. Without clarity, the interest of the state cannot be adequately represented in these courts. H.B. 1603 seeks to address this issue by providing for the appointment of an attorney pro tem in municipal and justice courts and setting out related procedures.

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. 1603 amends the Code of Criminal Procedure to authorize a justice or judge of a justice or municipal court to appoint any competent attorney as an attorney pro tem to represent the state if the state is not represented by counsel when a case for the prosecution of a misdemeanor offense is called for trial. The bill establishes that an attorney appointed in this manner is qualified to perform the duties of the office of the state's attorney and that the attorney may be paid a reasonable fee for performing those duties. The bill's provisions apply only to a trial that begins on or after the bill's effective date, regardless of whether the alleged offense was committed before, on, or after that date.

EFFECTIVE DATE

September 1, 2023.