

1-1 By: Hinojosa S.B. No. 316
 1-2 (In the Senate - Filed January 15, 2015; February 2, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 16, 2015, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; March 16, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the prioritization of certain available legal defense
 1-18 services when appointing representation for an indigent defendant
 1-19 in a criminal case.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Articles 26.04(f), (h), and (i), Code of
 1-22 Criminal Procedure, are amended to read as follows:

1-23 (f) In a county in which a public defender's office is
 1-24 created or designated under Article 26.044, the court or the
 1-25 courts' designee shall give priority in appointing ~~may appoint~~
 1-26 that office to represent the defendant. However, the court is not
 1-27 required to appoint the public defender's office if:

- 1-28 (1) the court has reason to appoint other counsel; or
- 1-29 (2) a managed assigned counsel program also exists in
 1-30 the county and an attorney will be appointed under that program ~~[in~~
 1-31 ~~accordance with guidelines established for the office].~~

1-32 (h) Subject to Subsection (f), in ~~[In]~~ a county in which an
 1-33 alternative program for appointing counsel is established as
 1-34 provided by Subsection (g) and is approved by the presiding judge of
 1-35 the administrative judicial region, a court or the courts' designee
 1-36 may appoint an attorney to represent an indigent defendant by using
 1-37 the alternative program. In establishing an alternative program
 1-38 under Subsection (g), the judges of the courts establishing the
 1-39 program may not, without the approval of the commissioners court,
 1-40 obligate the county by contract or by the creation of new positions
 1-41 that cause an increase in expenditure of county funds.

1-42 (i) Subject to Subsection (f), a ~~[A]~~ court or the courts'
 1-43 designee required under Subsection (c) to appoint an attorney to
 1-44 represent a defendant accused or convicted of a felony may appoint
 1-45 an attorney from any county located in the court's administrative
 1-46 judicial region.

1-47 SECTION 2. The change in law made by this Act applies only
 1-48 to a criminal proceeding that commences on or after the effective
 1-49 date of this Act. A criminal proceeding that commences before the
 1-50 effective date of this Act is governed by the law in effect when the
 1-51 proceeding commenced, and the former law is continued in effect for
 1-52 that purpose.

1-53 SECTION 3. This Act takes effect September 1, 2015.

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