

1-1 By: Hinojosa S.B. No. 583
 1-2 (In the Senate - Filed February 1, 2019; February 21, 2019,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 23, 2019, reported favorably by the following vote: Yeas 5,
 1-5 Nays 1; April 23, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman		X		
1-9 Buckingham	X			
1-10 Flores	X			
1-11 Hughes			X	
1-12 Miles	X			
1-13 Perry	X			

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

1-17 relating to the appointment of a local public defender's office to
 1-18 represent indigent defendants in criminal cases.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 26.04, Code of Criminal Procedure, is
 1-21 amended by amending Subsections (a) and (f) to read as follows:

1-22 (a) The judges of the county courts, statutory county
 1-23 courts, and district courts trying criminal cases in each county,
 1-24 by local rule, shall adopt and publish written countywide
 1-25 procedures for timely and fairly appointing counsel for an indigent
 1-26 defendant in the county arrested for, charged with, or taking an
 1-27 appeal from a conviction of a misdemeanor punishable by confinement
 1-28 or a felony. The procedures must be consistent with this article
 1-29 and Articles 1.051, 15.17, 15.18, 26.05, and 26.052 and must
 1-30 provide for the priority appointment of a public defender's office
 1-31 as described by Subsection (f). A court shall appoint an attorney
 1-32 from a public appointment list using a system of rotation, unless
 1-33 the court appoints an attorney under Subsection (f), (f-1), (h), or
 1-34 (i). The court shall appoint attorneys from among the next five
 1-35 names on the appointment list in the order in which the attorneys'
 1-36 names appear on the list, unless the court makes a finding of good
 1-37 cause on the record for appointing an attorney out of order. An
 1-38 attorney who is not appointed in the order in which the attorney's
 1-39 name appears on the list shall remain next in order on the list.

1-40 (f) In a county with in which a public defender's office
 1-41 ~~[is created or designated under Article 26.044]~~, the court or the
 1-42 courts' designee shall give priority in appointing that office to
 1-43 represent the defendant in the criminal proceeding, including a
 1-44 proceeding in a capital murder case. However, the court is not
 1-45 required to appoint the public defender's office if:

1-46 (1) the court makes a finding of good cause on the
 1-47 record for appointing [has reason to appoint] other counsel; [or]

1-48 (2) the appointment would be contrary to the office's
 1-49 written plan under Article 26.044;

1-50 (3) the office is prohibited from accepting the
 1-51 appointment under Article 26.044(j); or

1-52 (4) a managed assigned counsel program also exists in
 1-53 the county and an attorney will be appointed under that program.

1-54 SECTION 2. This Act takes effect September 1, 2019.

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