

## **BILL ANALYSIS**

S.B. 316  
By: Hinojosa  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that a court is authorized, but not required, to appoint a public defender to represent an indigent defendant. The parties further note that because the court is not required to do so, some courts are not assigning public defenders to cases that generally warrant such an appointment, thereby undermining the rights of the accused and wasting taxpayer money. S.B. 316 seeks to protect the rights of the accused and make efficient use of public defender's offices.

### **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**

S.B. 316 amends the Code of Criminal Procedure to replace the authorization of a court, or of the court's designee, in a county in which a public defender's office is created or designated to appoint that office to represent an indigent defendant in accordance with guidelines established for the office with the requirement that such a court, or the court's designee, give priority in appointing the public defender's office to represent an indigent defendant. The bill establishes that the court is not required to appoint the public defender's office if the court has reason to appoint other counsel or if a managed assigned counsel program also exists in the county and an attorney will be appointed under that program.

### **EFFECTIVE DATE**

September 1, 2015.