

**SUBJECT:** Prioritizing public defender's offices for appointment of counsel

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 4 ayes — Herrero, Leach, Shaheen, Simpson  
0 nays  
3 absent — Moody, Canales, Hunter

**SENATE VOTE:** On final passage, March 23 — 31-0

**WITNESSES:** None

**BACKGROUND:** Code of Criminal Procedure, Art. 26.047 provides for the creation, management and oversight of managed assigned counsel programs. It defines a managed assigned counsel program as a program operated with public funds by a governmental entity, nonprofit corporation, or bar association under a written agreement with a governmental entity, other than an individual judge or court for the purposes of appointing counsel for indigent defendants.

**DIGEST:** SB 316 would require courts in counties that had a public defender's office to give priority to that office when appointing counsel for indigent defendants. Under the bill, courts would not be required to appoint the public defender's office if the court had reason to appoint other counsel or the court appointed counsel from a managed assigned counsel program in the county.

The bill would take effect September 1, 2015, and would apply only to a criminal proceeding that commenced on or after that date.

**SUPPORTERS SAY:** SB 316 would encourage use of public defender's offices across the state. Many counties have public defender's offices that are underutilized. This bill would save taxpayers money by increasing the number of cases in which public defender's offices, which are already funded by the counties,

were appointed and reducing the amount spent on appointing private attorneys to represent indigent defendants.

The bill would accomplish this without placing significant burdens on judges. Judges still would have discretion to appoint other counsel for any reason they thought appropriate, without having to provide justification for their decisions.

OPPONENTS  
SAY:

No apparent opposition.