

**SUBJECT:** Authorizing certain legal representation of the indigent by private lawyers

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

**VOTE:** 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

**WITNESSES:** For — Michael Young, Bexar County Texas; Alex Bunin, Harris County Public Defender's Office (*Registered, but did not testify*: Nick Hudson, American Civil Liberties Union of Texas; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Kathleen Mitchell, Just Liberty; Mary Mergler, Texas Appleseed; Gabriela Villareal, Texas Conference of Urban Counties; Douglas Smith, Texas Criminal Justice Coalition; Emily Gerrick, Texas Fair Defense Project; Marc Levin, Texas Public Policy Foundation; Susan Lippman)

Against — None

On — (*Registered, but did not testify*: Wesley Shackelford, Texas Indigent Defense Commission)

**BACKGROUND:** Under Code of Criminal Procedure art. 26.044, attorneys employed by a public defender's office may not engage in the private practice of criminal law.

It has been suggested that it might be appropriate to allow some attorneys practicing criminal law in private practice to have limited involvement in representing indigent defendants due to their expertise and the convenience of such arrangements.

**DIGEST:** HB 1457 would authorize attorneys engaged in the private practice of criminal law to be employed by a public defender on a part-time basis for the sole purpose of providing counsel in relation to an indigent person's appearance before a magistrate after arrest.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.