

BILL ANALYSIS

Senate Research Center
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H.B. 267
By: Gallego (Armbrister)
Criminal Justice
5/11/2001
Engrossed

This analysis is based on the House Committee Report, which is the most recent version available to the Senate Research Center.

DIGEST AND PURPOSE

District courts are required to appoint counsel to indigent defendants charged with capital offenses. Because capital trials are demanding and may result in a defendant receiving the death penalty, it is necessary to ensure that qualified attorneys are appointed to defend indigent defendants in these circumstances. H.B. 267 requires the convicting court, if an applicant for a writ of habeas corpus asserts that the appointed counsel was incompetent, to include in its finding of facts and conclusions of law whether the appointed counsel was a qualified attorney at the time appointed and provided competent representation that met the minimum standards set by the local selection committee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

H.B. 267 amends the Code of Criminal Procedure to provide that if an applicant asserts as a claim in the application for a writ of habeas corpus that the applicant at trial was represented by appointed counsel and that the appointed counsel was incompetent, the convicting court is required to state in the findings of facts and conclusions of law whether the counsel appointed was a qualified attorney at the time appointed and provided competent representation that met the minimum standards set by the local selection committee.

Effective date: September 1, 2001.

Makes application of this Act prospective.