

BILL ANALYSIS

Senate Research Center
80R19316 SLO-D

C.S.H.B. 1265
By: Pena (Seliger)
Criminal Justice
5/11/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In current law, "ad hoc assigned counsel program" is defined as a system under which private attorneys, acting as independent contractors and compensated with public funds, are individually appointed to provide legal representation and services to a particular indigent defendant accused of a crime or juvenile offense. However, this definition pertains to an "assigned counsel program" rather than an "ad hoc assigned counsel program." An "ad hoc" appointment system allows for a judge to appoint attorneys randomly instead of from a rotational list of attorneys, which is required by the Fair Defense Act. Therefore, this bill will remove the improper use of the term "ad hoc."

Additionally, the Task Force on Indigent Defense (task force) is currently required to meet quarterly. The schedule of issuing grants and adopting policies and standards sometimes require the task force to compress meeting dates where two meetings fall in one quarter. This change will allow the task force to set meetings at appropriate times for the greatest efficiency.

C.S.H.B. 1265 removes the improper use of the term "ad hoc." This bill allows the task force to meet at least four times per year at its own discretion. The bill also deletes the expiration date of the provision relating to an annual \$65 legal services fee paid by active members of the State Bar of Texas.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 71.001(1), Government Code, to define "assigned counsel program" and to delete the existing definition for "ad hoc assigned counsel program."

SECTION 2. Amends Section 71.055(a), Government Code, to require the Task Force on Indigent Defense to meet at least four times each year, rather than to meet quarterly, and at such other times as it deems necessary or convenient to perform its duties.

SECTION 3. Amends Section 71.060(a), Government Code, to make a conforming change.

SECTION 4. Amends Section 81.054(j), Government Code, to delete existing text providing that this subsection, which requires the supreme court to set a certain additional legal services fee to be paid annually by each state bar member, expires on September 1, 2007.

SECTION 5. Effective date: September 1, 2007.