

SUBJECT: Revisions to Task Force on Indigent Defense.

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Peña, Vaught, Riddle, Escobar, Hodge, Mallory Caraway, Pierson, Talton

0 nays

1 absent — Moreno

WITNESSES: For — (*Registered, but did not testify:* Dominic Gonzales, Texas Criminal Justice Coalition; David Gonzalez, Texas Criminal Defense Lawyers' Association; Andrea Marsh, Texas Fair Defense Project; Wesley Shackelford, Task Force on Indigent Defense; Olen Underwood, Second Administrative Region of Texas)

Against — None

BACKGROUND: The ad hoc assigned counsel program, defined under Government Code, sec. 71.001(1), is a system under which private attorneys are individually appointed to provide legal representation and services to an indigent defendant in a criminal matter. These attorneys act as independent contractors and are compensated with public funds.

The Task Force on Indigent Defense distributes grants to various counties in Texas for indigent defense. Currently, Government Code, sec. 71.055(a) requires that the task force to meet at least quarterly.

DIGEST: HB 1265 would amend Government Code, secs. 71.001(1) and 71.060(a) to rename the “ad hoc assigned counsel program” as the “assigned counsel program.”

The bill also would amend sec. 71.055(a) to require the Task Force on Indigent Defense to meet at least four times a year rather than mandating a meeting each quarter.

The bill would take effect September 1, 2007.

SUPPORTERS
SAY:

HB 1265 would correct the improper use of the term “ad hoc” in the Government Code’s description of the assigned counsel program to better reflect the requirements of the Texas Fair Defense Act of 2001. The act requires that counsel be assigned using a rotating system, while the term “ad hoc” implies that a judge could appoint counsel based on who the judge believed was most appropriate for a particular case.

The bill also would allow the Task Force on Indigent Defense the flexibility to issue grants and adopt standards without being constrained by a quarterly meeting requirement. The task force's grant cycle sometimes conflicts with the requirement for a quarterly meeting. Changing the meeting requirement to at least four times a year would ensure the task force met frequently enough to do its job, but without the artificial mandate of having to meet during each calendar quarter.

OPPONENTS
SAY:

No apparent opposition