

## **BILL ANALYSIS**

Senate Research Center  
84R7687 MEW-D

H.B. 1386  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1386 updates an outdated provision of the Code of Criminal Procedure to reflect current practice. It eliminates the provision that prohibits municipal court defendants from being represented by more than one lawyer. That provision is largely unknown and almost universally overlooked by Texas municipal courts. The law should be updated to reflect the common understanding of court procedure, whereby a defendant may be represented by a team of attorneys working in consultation with one another. All defendants are entitled to secure the best representation available to them. It is unfair to place such an arbitrary restriction on their rights, and it is time to strike the one-lawyer provision from the code.

H.B. 1386 amends current law relating to the prohibition of more than one counsel appearing in a misdemeanor case.

### **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 Article 45.020(b), Code of Criminal Procedure, as follows:

(b) Authorizes state's counsel to open and conclude the argument in the case. Deletes existing text requiring not more than one counsel to conduct either the prosecution or defense.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.