

BILL ANALYSIS

Senate Research Center
88R7706 AJZ-D

H.B. 1603
By: Guillen (Hinojosa)
Criminal Justice
5/17/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1603 seeks to authorize the appointment of an attorney pro tem for the State in cases where the State is not represented by counsel at trial.

Article 2.07(g) of the Code of Criminal Procedure previously required the mandatory appointment of an attorney pro tem for the State in municipal and justice courts. However, this provision was repealed during the 86th Legislature. As a result, there has been some confusion and uncertainty regarding the appointment of an attorney pro tem in these courts.

H.B. 1603 seeks to address this issue by authorizing judges to appoint an attorney pro tem for the State if the State is not represented by counsel when the case is called for trial. This provision would provide clarity, and ensure that the interests of the State are adequately represented in these cases.

H.B. 1603 amends current law relating to the procedures governing the prosecution of misdemeanor offenses in the jurisdiction of the justice and municipal courts.

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 45.031, Code of Criminal Procedure, as follows:

Art. 45.031. COUNSEL FOR STATE NOT PRESENT. (a) Creates this subsection from existing text. Authorizes the justice or judge, if the state is not represented by counsel when the case is called for trial, to:

- (1) makes no changes to this subdivision;
- (2) appoint any competent attorney as an attorney pro tem to represent the state, notwithstanding Article 2.07 (Attorney Pro Tem); or
- (3) makes no changes to this subdivision;

Makes a nonsubstantive change.

(b) Provides that an attorney appointed under Subsection (a) is qualified to perform the duties of the office of the attorney representing the state and is authorized to be paid a reasonable fee for performing those duties.

SECTION 2. Provides that Article 45.031, Code of Criminal Procedure, as amended by this Act, applies only to a trial that begins on or after the effective date of this Act, regardless of whether the alleged offense was committed before, on, or after that date.

SECTION 3. Effective date: September 1, 2023.