

By: Canales

H.B. No. 2446

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the reimbursement of expenses to certain counsel
3 appointed to represent a defendant in a criminal proceeding.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 26.05, Code of Criminal Procedure, is
6 amended by amending Subsection (d) and adding Subsection (d-1) to
7 read as follows:

8 (d) A counsel in a noncapital case, other than an attorney
9 with a public defender's office, appointed to represent a defendant
10 under this code shall be reimbursed for reasonable and necessary
11 expenses, including expenses for:

- 12 (1) investigation;
13 (2) ~~[and for]~~ mental health and other experts; and
14 (3) if the defendant is imprisoned in a correctional
15 facility located more than 50 miles from the court in which the
16 defendant's proceeding is pending:

17 (A) travel to the defendant's location for a
18 confidential interview; or

19 (B) any costs associated with remotely
20 conducting a confidential interview with the defendant.

21 (d-1) Expenses under Subsection (d) incurred with prior
22 court approval shall be reimbursed in the same manner provided for
23 capital cases by Articles 26.052(f) and (g), and expenses under
24 that subsection incurred without prior court approval shall be

1 reimbursed in the manner provided for capital cases by Article
2 [26.052\(h\)](#).

3 SECTION 2. The change in law made by this Act applies only
4 to expenses incurred on or after the effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2021.