

BILL ANALYSIS

S.B. 600
By: West
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas law has two different procedures for paying expenses in habeas and death penalty cases. In cases where the conviction occurred before September 1, 1999, the Court of Criminal Appeals is responsible for the appointment and reimbursement of expenses. In cases where the conviction occurred after September 1, 1999, the convicting court is responsible for the appointment and reimbursement of expenses. Senate Bill 600 allows cases involving convictions prior to September 1, 1999, to be reimbursed under the same procedures as are in place for post-September 1, 1999, convictions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 600 amends the Code of Criminal Procedure to require the convicting court to reasonably compensate an appointed attorney, regardless of whether the attorney is appointed by the convicting court or by the court of criminal appeals under prior law. The comptroller is required to reimburse a county for the compensation and payment of expenses of an attorney appointed by the court of criminal appeals under prior law. The bill requires a convicting court seeking reimbursement for a county to certify the amount the county is entitled to receive for an application filed, not to exceed a total amount of \$25,000.

The counsel may incur expenses for habeas corpus investigation, including expenses for experts, without prior approval by the court of criminal appeals.

EFFECTIVE DATE

September 1, 2003.