

1-1 By: Berman (Senate Sponsor - Duncan) H.B. No. 3306
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 12, 2003, read first time and referred to Committee on Finance;
1-4 May 23, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 1; May 23, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3306 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain appropriations made in support of the courts by
1-11 the legislature to certain individuals and governmental entities,
1-12 to the assignment of certain visiting judges, and to the Eighth,
1-13 Ninth, and Eleventh courts of appeals districts.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subsection (f), Section 2, Article 11.071, Code
1-16 of Criminal Procedure, is amended to read as follows:

1-17 (f) The convicting court shall reasonably compensate as
1-18 provided by Section 2A and attorney appointed under this section,
1-19 regardless of whether the attorney is appointed by the convicting
1-20 court or was appointed by the court of criminal appeals under prior
1-21 law [as provided by Section 2A].

1-22 SECTION 2. Section 2A, Article 11.071, Code of Criminal
1-23 procedure, is amended by adding Subsection (d) to read as follows:

1-24 (d) The comptroller shall reimburse a county for the
1-25 compensation and payment of expenses of an attorney appointed by
1-26 the court of criminal appeals under prior law. A convicting court
1-27 seeking reimbursement for a county as permitted by this subsection
1-28 shall certify the amount the county is entitled to receive under
1-29 this subsection for an application filed under this article, not to
1-30 exceed a total amount of \$25,000.

1-31 SECTION 3. Subsection (d), Section 3, Article 11.071, Code
1-32 of Criminal Procedure, is amended to read as follows:

1-33 (d) Counsel may incur expenses for habeas corpus
1-34 investigation, including expenses for experts, without prior
1-35 approval by the convicting court or the court of criminal appeals.
1-36 On presentation of a claim for reimbursement, which may be
1-37 presented ex parte, the convicting court shall order reimbursement
1-38 of counsel for expenses, if the expenses are reasonably necessary
1-39 and reasonably incurred. If the convicting court denies in whole or
1-40 in part the request for expenses, the court shall briefly state the
1-41 reasons for the denial in a written order provided to the applicant.
1-42 The applicant may request reconsideration of the denial for
1-43 reimbursement by the convicting court.

1-44 SECTION 4. Sections 22.201(i) and (l), Government Code, are
1-45 amended to read as follows:

1-46 (i) The Eighth Court of Appeals District is composed of the
1-47 counties of Andrews, Brewster, Crane, Crockett, Culberson,
1-48 [~~Ector~~], El Paso, [~~Gaines, Glasscock~~], Hudspeth, Jeff Davis,
1-49 Loving, [~~Martin, Midland~~], Pecos, Presidio, Reagan, Reeves,
1-50 Terrell, Upton, Ward, and Winkler.

1-51 (l) The Eleventh Court of Appeals District is composed of
1-52 the counties of Baylor, Borden, Brown, Callahan, Coleman, Comanche,
1-53 Dawson, Eastland, Ector, Erath, Fisher, Gaines, Glasscock,
1-54 Haskell, Howard, Jones, Knox, Martin, Midland, Mitchell, Nolan,
1-55 Palo Pinto, Scurry, Shackelford, Stephens, Stonewall, Taylor, and
1-56 Throckmorton.

1-57 SECTION 5. Section 22.216(h), Governmental Code, is amended
1-58 to read as follows:

1-59 (h) The Court of Appeals for the Eighth Court of Appeals
1-60 District consists of a chief justice and two [~~three~~] justices.

1-61 SECTION 6. Section 22.216(i), Government Code, is amended
1-62 to read as follows:

1-63 (i) The Court of Appeals for the Ninth Court of Appeals

District consists of a chief justice and three [~~two~~] justices.

SECTION 7. The heading to Section 74.003, Government Code, is amended to read as follows:

Sec. 74.003. ASSIGNMENT OF JUSTICES AND JUDGES FOR APPELLATE COURTS [~~JUDGES~~].

SECTION 8. Section 74.003, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other provision of law, an active district court judge may be assigned to hear a matter pending in an appellate court.

SECTION 9. Section 74.061, Government Code, is amended by amending Subsection (c) and adding Subsections (j) and (k) to read as follows:

(c) The salary of a retired judge or justice while assigned under this chapter shall be paid out of money appropriated from the general revenue fund for that purpose in an amount equal to the compensation received from state and county sources of the judge of the court to which he is assigned. The salary of a retired judge or justice while assigned shall be determined pro rata for the period of time that the judge or justice actually sits as the assigned judge. The salary of a retired statutory county court judge assigned under this chapter to serve in a district court [~~or statutory county court~~] shall be paid by the state in the same manner as the salary of a retired district judge assigned under this chapter to serve in a district court [~~or statutory county court~~] is paid by the state.

(j) A judge or justice who sits as an assigned judge for half a day or less shall be compensated in an amount that is equal to one-half of the amount to which a judge or justice is entitled for sitting as an assigned judge for a full day under this section.

(k) Notwithstanding any other provision of law, a former, retired, or active judge is not entitled to compensation paid by the state when the judge sits as an assigned judge for a statutory county court.

SECTION 10. The amounts or entitlements required by statute for individuals or entities that receive state funds under Article IV of the General Appropriations Act may be reduced or eliminated in order to achieve a balanced budget.

SECTION 11. An active, former, or retired visiting judge or justice is not entitled to an amount from the state for expenses, per diem, travel, or salary that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION 12. A local administrative district judge is not entitled to a salary from the state under Section 659.0125, Government Code, that exceeds the amount authorized for that salary by the General Appropriations Act.

SECTION 13. An active district judge is not entitled to travel expenses under Section 24.019, Government Code, in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act.

SECTION 14. A judge, justice, or prosecuting attorney is not entitled to an amount from the state for a salary, a salary supplement, office expenses or reimbursement of office expenses, or travel that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION 15. (a) A county is not entitled to receive from the state supplemental salary compensation for county prosecutors under Section 46.0031, Government Code, or longevity pay supplements reimbursement under Section 41.255, Government Code, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act.

(b) A county is not entitled to state contributions for salaries or supplements under Chapter 25 or 26, Government Code, in an amount that exceeds the amounts appropriated for those purposes in the General Appropriations Act.

(c) A county is not entitled to reimbursement under Article 11.071, Code of Criminal Procedure, for reimbursement for compensation and payment of expenses of counsel under Article

3-1 11.071, Code of Criminal Procedure, for counsel appointed under
3-2 that article or prior law in an amount that exceeds the amount
3-3 appropriated for that purpose in the General Appropriations Act.

3-4 SECTION 16. A person reimbursed by the state for travel and
3-5 expenses for attendance as a witness as provided by Article 35.27,
3-6 Code of Criminal Procedure, is not entitled to an amount that
3-7 exceeds the amount appropriated for that purpose by the General
3-8 Appropriations Act.

3-9 SECTION 17. Section 74.061, Government Code, as amended by
3-10 this Act, applies only to the assignment of a judge or justice under
3-11 Chapter 74 or 75, Government Code, made on or after the effective
3-12 date of this Act. An assignment made before the effective date of
3-13 this Act is governed by the law in effect at the time the assignment
3-14 is made, and that law is continued in effect for that purpose.

3-15 SECTION 18. Notwithstanding Section 22.216(h), Government
3-16 Code, as amended by this Act, the Eighth Court of Appeals consists
3-17 of a chief justice and three justices until a vacancy occurs or the
3-18 term of a justice expires, whichever occurs first. Section
3-19 22.216(h), Government Code, as amended by this Act, does not affect
3-20 the office of a justice of the Eighth Court of Appeals serving on
3-21 September 1, 2003, and the justice, unless otherwise removed,
3-22 continues to serve for the term to which the justice was elected.

3-23 SECTION 19. This Act does not affect the jurisdiction on
3-24 appeal of any case from a county that is transferred by this Act to a
3-25 different court of appeals district if the notice of appeal for the
3-26 case was filed before the effective date of this Act in the
3-27 appropriate court of appeals district.

3-28 SECTION 20. (a) Except as provided by Subsection (b), this
3-29 Act takes effect immediately if it receives a vote of two-thirds of
3-30 all the members elected to each house, as provided by Section 39,
3-31 Article III, Texas Constitution. If this Act does not receive the
3-32 vote necessary for immediate effect, this Act takes effect
3-33 September 1, 2003.

3-34 (b) Sections 4, 5, and 9 of this Act take effect
3-35 September 1, 2003 and Section 6 of this Act takes effect January 1,
3-36 2005.

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