

By: West

S.B. No. 600

A BILL TO BE ENTITLED

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AN ACT

relating to the reimbursement of compensation and expenses of certain appointed counsel filing an application for a writ of habeas corpus in a capital case.

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

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

(f) The convicting court shall reasonably compensate as provided by Section 2A an attorney appointed under this section, regardless of whether the attorney is appointed by the convicting court or was appointed by the court of criminal appeals under prior law [as provided by Section 2A].

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

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

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

(d) Counsel may incur expenses for habeas corpus

1 investigation, including expenses for experts, without prior
2 approval by the convicting court or the court of criminal appeals.
3 On presentation of a claim for reimbursement, which may be
4 presented ex parte, the convicting court shall order reimbursement
5 of counsel for expenses, if the expenses are reasonably necessary
6 and reasonably incurred. If the convicting court denies in whole or
7 in part the request for expenses, the court shall briefly state the
8 reasons for the denial in a written order provided to the applicant.
9 The applicant may request reconsideration of the denial for
10 reimbursement by the convicting court.

11 SECTION 4. This Act takes effect September 1, 2003.