

By: West

S.B. No. 600

A BILL TO BE ENTITLED

AN ACT

1
2 relating to compensation and expense reimbursement of appointed
3 counsel in certain habeas corpus cases.

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

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

7 (f) The convicting court shall reasonably compensate an
8 attorney appointed under this section or previously appointed by
9 the court of criminal appeals as provided by Section 2A.

10 SECTION 2. Subsections (a) and (d), Section 3, Article
11 11.071, Code of Criminal Procedure, are amended to read as follows:

12 (a) On appointment by the court of criminal appeals or the
13 convicting court, counsel shall investigate expeditiously, before
14 and after the appellate record is filed in the court of criminal
15 appeals, the factual and legal grounds for the filing of an
16 application for a writ of habeas corpus.

17 (d) Counsel may incur expenses for habeas corpus
18 investigation, including expenses for experts, without prior
19 approval by the court of criminal appeals or the convicting court.
20 On presentation of a claim for reimbursement, which may be
21 presented ex parte, the convicting court shall order reimbursement
22 of counsel for expenses, if the expenses are reasonably necessary
23 and reasonably incurred. If the court denies in whole or in part
24 the request for expenses, the court shall briefly state the reasons

1 for the denial in a written order provided to the applicant. The
2 applicant may request reconsideration of the denial for
3 reimbursement by the convicting court.

4 SECTION 3. This Act takes effect September 1, 2003, and
5 applies to an application for a writ of habeas corpus under Article
6 11.071, Code of Criminal Procedure, then pending or filed on or
7 after that date.