

1-1 By: West S.B. No. 600
1-2 (In the Senate - Filed February 19, 2003; February 25, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 3, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 3, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 600 By: Ellis

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

1-10 relating to the reimbursement of compensation and expenses of
1-11 certain appointed counsel filing an application for a writ of
1-12 habeas corpus in a capital case.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (f), Section 2, Article 11.071, Code
1-15 of Criminal Procedure, is amended to read as follows:

1-16 (f) The convicting court shall reasonably compensate as
1-17 provided by Section 2A an attorney appointed under this section,
1-18 regardless of whether the attorney is appointed by the convicting
1-19 court or was appointed by the court of criminal appeals under prior
1-20 law [as provided by Section 2A].

1-21 SECTION 2. Section 2A, Article 11.071, Code of Criminal
1-22 Procedure, is amended by adding Subsection (d) to read as follows:

1-23 (d) The comptroller shall reimburse a county for the
1-24 compensation and payment of expenses of an attorney appointed by
1-25 the court of criminal appeals under prior law. A convicting court
1-26 seeking reimbursement for a county as permitted by this subsection
1-27 shall certify the amount the county is entitled to receive under
1-28 this subsection for an application filed under this article, not to
1-29 exceed a total amount of \$25,000.

1-30 SECTION 3. Subsection (d), Section 3, Article 11.071, Code
1-31 of Criminal Procedure, is amended to read as follows:

1-32 (d) Counsel may incur expenses for habeas corpus
1-33 investigation, including expenses for experts, without prior
1-34 approval by the convicting court or the court of criminal appeals.
1-35 On presentation of a claim for reimbursement, which may be
1-36 presented ex parte, the convicting court shall order reimbursement
1-37 of counsel for expenses, if the expenses are reasonably necessary
1-38 and reasonably incurred. If the convicting court denies in whole or
1-39 in part the request for expenses, the court shall briefly state the
1-40 reasons for the denial in a written order provided to the applicant.
1-41 The applicant may request reconsideration of the denial for
1-42 reimbursement by the convicting court.

1-43 SECTION 4. This Act takes effect September 1, 2003.

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