

By: Merritt

H.B. No. 1954

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the financial consequences to a county of the
3 appointment of counsel in certain cases.

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

5 SECTION 1. Article 26.04(m), Code of Criminal Procedure, is
6 amended to read as follows:

7 (m) In determining whether a defendant is indigent, the
8 court or the courts' designee may consider the defendant's income,
9 source of income, assets, property owned, outstanding obligations,
10 necessary expenses, the number and ages of dependents, and spousal
11 income that is available to the defendant. If the defendant has
12 posted or is capable of posting bail, the [The] court or the courts'
13 designee shall determine that the defendant is not indigent [may
14 ~~not consider whether the defendant has posted or is capable of~~
15 ~~posting bail, except to the extent that it reflects the defendant's~~
16 ~~financial circumstances as measured by the considerations listed in~~
17 ~~this subsection].~~

18 SECTION 2. This Act takes effect September 1, 2005.