

By: Uresti

H.B. No. 2861

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring criminal district court approval before
3 counsel in a noncapital indigent defense case incurs certain
4 expenses.

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

6 SECTION 1. Section 26.05(d), Code of Criminal Procedure, is
7 amended to read as follows:

8 (d) To the extent consistent with this subsection, a [A]
9 counsel in a noncapital case, other than an attorney with a public
10 defender, appointed to represent a defendant under this code shall
11 be reimbursed for reasonable and necessary expenses~~[, including~~
12 ~~expenses for investigation and for mental health and other~~
13 ~~experts]~~. A counsel may be reimbursed for expenses incurred for
14 purposes of investigation or expert testimony only if the counsel
15 receives prior court approval. Expenses incurred with prior court
16 approval shall be reimbursed in the same manner provided for
17 capital cases by Articles 26.052(f) and (g), and expenses incurred
18 without prior court approval shall be reimbursed in the manner
19 provided for capital cases by Article 26.052(h).

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2005.