

## **BILL ANALYSIS**

H.B. 1267  
By: Pena  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In indigent defense cases, it can sometimes be weeks or months before requests for payment for attorney fees are decided by the trial judge. This bill will encourage prompt rulings on such fee vouchers and will allow the attorneys to either be paid or appeal a decision reducing or denying the fee requested.

Rather than requiring the judge to act within a specified time period, the proposed legislation merely gives the attorney an option to appeal the refusal to act where the judge has been non responsive to requests for payment for more than 60 days. Current law allows an attorney to appeal the disapproval of a fee voucher.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 1267 amends Article 26.05(c), Code of Criminal Procedure, to allow an attorney to appeal to the presiding judge of the administrative judicial region a fee voucher request that has been submitted to the judge presiding in the case and has not been acted upon by the 60th day after the date the request for payment is submitted. The bill makes additional conforming changes to this article.

The change in law made by this Act applies only to a request for payment submitted under Article 26.05(c), Code of Criminal Procedure, as amended by this Act, on or after the effective date of this Act.

### **EFFECTIVE DATE**

September 1, 2007.