

By: Madden, McClendon

H.B. No. 427

Substitute the following for H.B. No. 427:

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C.S.H.B. No. 427

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain crimes occurring in the Texas Department of Criminal Justice or Texas Youth Commission.

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

SECTION 1. Article 104.003(a), Code of Criminal Procedure, is amended to read as follows:

(a) In a prosecution of a criminal offense [~~felony~~] committed on property owned or operated by or under contract with [~~while the actor was a prisoner in the custody of~~] the Texas Department of Criminal Justice or the Texas Youth Commission [~~Corrections or a prosecution of an offense committed in the department by any person under Chapter 21, Acts of 55th Legislature, Regular Session, 1957 (Article 6184m, Vernon's Texas Civil Statutes), or Chapter 481, Health and Safety Code, or Sections 485.031 through 485.035, Health and Safety Code~~], the state shall reimburse the county for expenses incurred by the county, in an amount that the court determines to be reasonable, for payment of:

(1) salaries and expenses of foreign language interpreters and interpreters for deaf persons whose services are necessary to the prosecution;

(2) consultation fees of experts whose assistance is directly related to the prosecution;

(3) travel expenses for witnesses;

1 (4) expenses for the food, lodging, and compensation
2 of jurors;

3 (5) compensation of witnesses;

4 (6) the cost of preparation of a statement of facts and
5 a transcript of the trial for purposes of appeal;

6 (7) if the death of a person is an element of the
7 offense, expenses of an inquest relating to the death;

8 (8) food, lodging, and travel expenses incurred by the
9 prosecutor's staff during travel essential to the prosecution of
10 the offense;

11 (9) court reporter's fees; and

12 (10) the cost of special security officers.

13 SECTION 2. Subchapter G, Chapter 61, Human Resources Code,
14 is amended by adding Section 61.098 to read as follows:

15 Sec. 61.098. PROSECUTION OF CERTAIN CRIMES OCCURRING AT
16 COMMISSION FACILITY. In a county in which property owned or
17 operated by or under contract with the commission is located, the
18 district attorney, criminal district attorney, or county attorney
19 performing the duties of a district attorney, as appropriate, may
20 request that the special prosecution unit prosecute an offense
21 described under Article 104.003(a), Code of Criminal Procedure,
22 that is committed on that property.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.