

By: Pena

H.B. No. 1267

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the compensation of counsel appointed to defend an
3 indigent defendant in a criminal proceeding.

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

5 SECTION 1. Article 26.05(c), Code of Criminal Procedure, is
6 amended to read as follows:

7 (c) Each fee schedule adopted shall state reasonable fixed
8 rates or minimum and maximum hourly rates, taking into
9 consideration reasonable and necessary overhead costs and the
10 availability of qualified attorneys willing to accept the stated
11 rates, and shall provide a form for the appointed counsel to itemize
12 the types of services performed. No payment shall be made under this
13 article until the form for itemizing the services performed is
14 submitted to the judge presiding over the proceedings and the judge
15 approves the payment. If the judge disapproves the requested
16 amount of payment, the judge shall make written findings stating
17 the amount of payment that the judge approves and each reason for
18 approving an amount different from the requested amount. An
19 attorney whose request for payment is disapproved or is not
20 otherwise acted on by the 60th day after the date the request for
21 payment is submitted may appeal the disapproval or failure to act by
22 filing a motion with the presiding judge of the administrative
23 judicial region. On the filing of a motion, the presiding judge of
24 the administrative judicial region shall review the disapproval of

1 payment or failure to act and determine the appropriate amount of
2 payment. In reviewing the disapproval or failure to act, the
3 presiding judge of the administrative judicial region may conduct a
4 hearing. Not later than the 45th day after the date an application
5 for payment of a fee is submitted under this article, the
6 commissioners court shall pay to the appointed counsel the amount
7 that is approved by the presiding judge of the administrative
8 judicial region and that is in accordance with the fee schedule for
9 that county.

10 SECTION 2. The change in law made by this Act applies only
11 to a request for payment submitted under Article 26.05(c), Code of
12 Criminal Procedure, as amended by this Act, on or after the
13 effective date of this Act.

14 SECTION 3. This Act takes effect September 1, 2007.