

By: Pena

H.B. No. 1267

A BILL TO BE ENTITLED

AN ACT

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

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

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

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