

1-1 By: Pena (Senate Sponsor - Seliger) H.B. No. 1267
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the compensation of counsel appointed to defend an
1-9 indigent defendant in a criminal proceeding.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 26.05(c), Code of Criminal Procedure, is
1-12 amended to read as follows:

1-13 (c) Each fee schedule adopted shall state reasonable fixed
1-14 rates or minimum and maximum hourly rates, taking into
1-15 consideration reasonable and necessary overhead costs and the
1-16 availability of qualified attorneys willing to accept the stated
1-17 rates, and shall provide a form for the appointed counsel to itemize
1-18 the types of services performed. No payment shall be made under this
1-19 article until the form for itemizing the services performed is
1-20 submitted to the judge presiding over the proceedings and the judge
1-21 approves the payment. If the judge disapproves the requested
1-22 amount of payment, the judge shall make written findings stating
1-23 the amount of payment that the judge approves and each reason for
1-24 approving an amount different from the requested amount. An
1-25 attorney whose request for payment is disapproved or is not
1-26 otherwise acted on by the 60th day after the date the request for
1-27 payment is submitted may appeal the disapproval or failure to act by
1-28 filing a motion with the presiding judge of the administrative
1-29 judicial region. On the filing of a motion, the presiding judge of
1-30 the administrative judicial region shall review the disapproval of
1-31 payment or failure to act and determine the appropriate amount of
1-32 payment. In reviewing the disapproval or failure to act, the
1-33 presiding judge of the administrative judicial region may conduct a
1-34 hearing. Not later than the 45th day after the date an application
1-35 for payment of a fee is submitted under this article, the
1-36 commissioners court shall pay to the appointed counsel the amount
1-37 that is approved by the presiding judge of the administrative
1-38 judicial region and that is in accordance with the fee schedule for
1-39 that county.

1-40 SECTION 2. The change in law made by this Act applies only
1-41 to a request for payment submitted under Article 26.05(c), Code of
1-42 Criminal Procedure, as amended by this Act, on or after the
1-43 effective date of this Act.

1-44 SECTION 3. This Act takes effect September 1, 2007.

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