

By: Hinojosa

S.B. No. 1557

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appointment of an attorney to represent an indigent  
3 defendant who is in the custody of a correctional facility of the  
4 Texas Department of Criminal Justice or another related  
5 correctional facility.

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

7 SECTION 1. Article 26.051, Code of Criminal Procedure, is  
8 amended by amending Subsection (h) and adding Subsection (i) to  
9 read as follows:

10 (h) When the court appoints an attorney other than an  
11 attorney provided by the board:

12 (1) except as otherwise provided by this article, the  
13 inmate's legal defense is subject to Articles 1.051, 15.17, 26.04,  
14 26.05, and 26.052, as applicable; and

15 (2) [7] the county shall pay from its general fund the  
16 total costs of the aggregate amount allowed and awarded by the court  
17 for attorney compensation and expenses under Article 26.05 or  
18 26.052, as applicable ~~[the first \$250.00 of the aggregate sum~~  
19 ~~allowed and awarded by the court for the attorney fees under Article~~  
20 ~~26.05 of this code. If the fees awarded for a court-appointed~~  
21 ~~attorney in a case described by this subsection exceed \$250.00, the~~  
22 ~~court shall certify the amount in excess of \$250.00 to the board.~~  
23 ~~On request of the board, the comptroller shall issue a warrant to~~  
24 ~~the court-appointed attorney in the amount certified to the board~~

1 ~~by the court]~~.

2 (i) The state shall reimburse a county for attorney  
3 compensation and expenses awarded under Subsection (h). A court  
4 seeking reimbursement for a county shall certify to the comptroller  
5 of public accounts the amount of compensation and expenses for  
6 which the county is entitled to be reimbursed under this article.  
7 Not later than the 60th day after the date the comptroller receives  
8 from the court the request for reimbursement, the comptroller shall  
9 issue a warrant to the county in the amount certified by the court.

10 SECTION 2. Articles 26.051(b) and (c), Code of Criminal  
11 Procedure, and Article 26.055, Code of Criminal Procedure, are  
12 repealed.

13 SECTION 3. The change in law made by this Act applies to an  
14 appointment of an attorney under Article 26.051, Code of Criminal  
15 Procedure, made on or after the effective date of this Act. An  
16 appointment of an attorney made before the effective date of this  
17 Act is governed by the law in effect when the appointment was made,  
18 and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect September 1, 2007.