

1-1 By: Hinojosa S.B. No. 1557  
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 18, 2007, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 18, 2007, sent to printer.)

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

1-8 relating to the appointment of an attorney to represent an indigent  
1-9 defendant who is in the custody of a correctional facility of the  
1-10 Texas Department of Criminal Justice or another related  
1-11 correctional facility.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 26.051, Code of Criminal Procedure, is  
1-14 amended by amending Subsection (h) and adding Subsection (i) to  
1-15 read as follows:

1-16 (h) When the court appoints an attorney other than an  
1-17 attorney provided by the board:

1-18 (1) except as otherwise provided by this article, the  
1-19 inmate's legal defense is subject to Articles 1.051, 15.17, 26.04,  
1-20 26.05, and 26.052, as applicable; and

1-21 (2) [7] the county shall pay from its general fund the  
1-22 total costs of the aggregate amount allowed and awarded by the court  
1-23 for attorney compensation and expenses under Article 26.05 or  
1-24 26.052, as applicable [the first \$250.00 of the aggregate sum  
1-25 allowed and awarded by the court for the attorney fees under Article  
1-26 26.05 of this code. If the fees awarded for a court-appointed  
1-27 attorney in a case described by this subsection exceed \$250.00, the  
1-28 court shall certify the amount in excess of \$250.00 to the board.  
1-29 On request of the board, the comptroller shall issue a warrant to  
1-30 the court-appointed attorney in the amount certified to the board  
1-31 by the court].

1-32 (i) The state shall reimburse a county for attorney  
1-33 compensation and expenses awarded under Subsection (h). A court  
1-34 seeking reimbursement for a county shall certify to the comptroller  
1-35 of public accounts the amount of compensation and expenses for  
1-36 which the county is entitled to be reimbursed under this article.  
1-37 Not later than the 60th day after the date the comptroller receives  
1-38 from the court the request for reimbursement, the comptroller shall  
1-39 issue a warrant to the county in the amount certified by the court.

1-40 SECTION 2. Subsections (b) and (c), Article 26.051, Code of  
1-41 Criminal Procedure, and Article 26.055, Code of Criminal Procedure,  
1-42 are repealed.

1-43 SECTION 3. The change in law made by this Act applies to an  
1-44 appointment of an attorney under Article 26.051, Code of Criminal  
1-45 Procedure, made on or after the effective date of this Act. An  
1-46 appointment of an attorney made before the effective date of this  
1-47 Act is governed by the law in effect when the appointment was made,  
1-48 and the former law is continued in effect for that purpose.

1-49 SECTION 4. This Act takes effect September 1, 2007.

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