

BILL ANALYSIS

C.S.H.B. 1663
By: Cook
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties call for the recovery of indigent attorney's fees from inmates and probationers who are capable of repaying the fees. C.S.H.B. 1663 seeks to lighten the burden of the taxpayer by revising provisions relating to compensation of appointed counsel.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1663 amends the Code of Criminal Procedure to authorize a court to order a defendant, at any time during the defendant's sentence of confinement or period of community supervision, who at the time of sentencing to confinement or placement on community supervision, including deferred adjudication community supervision, did not have the financial resources to pay the entire cost of legal services provided to the defendant to pay the unpaid portion of the costs of legal services provided to the defendant if the court determines that the defendant has the financial resources to pay the costs.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1663 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

(g) If the court determines that a defendant has financial resources that enable the

HOUSE COMMITTEE SUBSTITUTE

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

(g)(1) If the court determines that a defendant has financial resources that

defendant [~~him~~] to offset in part or in whole the costs of the legal services provided, including any expenses and costs, the court shall order the defendant to pay during the pendency of the charges or, if convicted, as court costs the amount that it finds the defendant is able to pay.

If at the time of sentencing the court determines that the defendant

is unable to pay the total cost of the services provided,

the court shall order the defendant to pay the unpaid portion as money becomes available to the defendant during the defendant's sentence, including money deposited in the defendant's trust account administered by the Texas Department of Criminal Justice under Section 501.014, Government Code.

SECTION 2. The change in law made by this Act applies only to a sentencing proceeding that commences on or after the effective date of this Act. A sentencing proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

enable the defendant [~~him~~] to offset in part or in whole the costs of the legal services provided, including any expenses and costs, the court shall order the defendant to pay during the pendency of the charges or, if convicted, as court costs the amount that it finds the defendant is able to pay.

(2) This subdivision applies only to a defendant who at the time of sentencing to confinement or placement on community supervision, including deferred adjudication community supervision, did not have the financial resources to pay the entire cost of legal services provided to the defendant. At any time during a defendant's sentence of confinement or period of community supervision, the court may order a defendant to whom this subdivision applies to pay the unpaid portion of the costs of legal services provided to the defendant, if the court determines that the defendant has the financial resources to pay the costs.

No equivalent provision.

SECTION 2. Same as introduced version.