

1-1 By: Dale, Gonzales, Farney H.B. No. 184
 1-2 (Senate Sponsor - Schwertner)
 1-3 (In the Senate - Received from the House May 5, 2015;
 1-4 May 6, 2015, read first time and referred to Committee on State
 1-5 Affairs; May 18, 2015, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 18, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the allocation of costs and attorney's fees incurred by
 1-21 a Court of Inquiry.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article 52.04, Code of Criminal Procedure, is
 1-24 amended by amending Subsection (c) and adding Subsection (d) to
 1-25 read as follows:

1-26 (c) Except as provided by Subsection (d), the [The] county
 1-27 in which the affidavit under Article 52.01 was filed shall be
 1-28 responsible for any attorney's fees awarded under Subsection (b).

1-29 (d) If the subject of the Court of Inquiry was an officer or
 1-30 employee of the state at the time of the alleged offense, the state
 1-31 shall be responsible for any attorney's fees awarded under
 1-32 Subsection (b).

1-33 SECTION 2. Article 52.09, Code of Criminal Procedure, is
 1-34 amended by amending Subsections (a) and (b) and adding Subsection
 1-35 (a-1) to read as follows:

1-36 (a) Except as provided by Subsection (a-1), all [All] costs
 1-37 incurred in conducting a Court of Inquiry, including compensation
 1-38 of an attorney pro tem, shall be borne by:

1-39 (1) the county in which the [said] Court of Inquiry is
 1-40 conducted, if the subject of the inquiry was not an officer or
 1-41 employee of the state at the time of the alleged offense; or

1-42 (2) the state, if the subject of the inquiry was an
 1-43 officer or employee of the state at the time of the alleged offense.

1-44 (a-1) If[, provided, however, that where] the Attorney
 1-45 General of Texas [has] submitted a request in writing to the judge
 1-46 for the holding of the [such] Court of Inquiry, [then and in that
 1-47 event] the costs described by Subsection (a) shall be borne by the
 1-48 state [State of Texas] and shall be taxed to the attorney general
 1-49 and paid in the same manner and from the same funds as other court
 1-50 costs.

1-51 (b) Assistance by a county or district attorney to a Court
 1-52 of Inquiry is a duty of the attorney's office, and the attorney may
 1-53 not receive a fee for the service. The state or the [A] county
 1-54 responsible for costs incurred under Subsection (a), as applicable,
 1-55 is not liable for attorney's fees claimed for assistance in a Court
 1-56 of Inquiry by any attorney other than an attorney pro tem appointed
 1-57 under Article 52.01(d) [of this code].

1-58 SECTION 3. The change in law made by this Act applies only
 1-59 to a Court of Inquiry commenced on or after the effective date of
 1-60 this Act. A Court of Inquiry commenced before the effective date of
 1-61 this Act is governed by the law in effect on the date the Court of

2-1 Inquiry was commenced, and the former law is continued in effect for
2-2 that purpose.

2-3 SECTION 4. This Act takes effect September 1, 2015.

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