

By: Cook, Villalba, Fallon

H.B. No. 1663

A BILL TO BE ENTITLED

AN ACT

relating to a defendant's payment of costs associated with a court-appointed counsel.

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

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 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, after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, 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

1 to pay the costs.

2 (3) In making a determination under Subdivision (2),
3 the court may only consider the information a court or courts'
4 designee is authorized to consider in making an indigency
5 determination under Article [26.04](#)(m).

6 SECTION 2. This Act takes effect September 1, 2015.