86R3591 MAW-D

By:  Walle H.B. No. 2130

A BILL TO BE ENTITLED

AN ACT

relating to the duties of the court regarding a plea bargain agreement that requires a defendant to pay costs associated with court-appointed counsel.

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

SECTION 1.  Article 26.13, Code of Criminal Procedure, is amended by adding Subsection (h-2) to read as follows:

(h-2)(1)  Before accepting a plea of guilty or a plea of nolo contendere in a case in which a plea bargain agreement exists, the court shall inquire as to whether the agreement requires the defendant to pay in part or in whole the costs of legal services provided to the defendant in accordance with Article 1.051(c) or (d), including any expenses and costs.

(2)  If the plea bargain agreement requires payment of the costs of legal services as described by Subdivision (1), the court shall determine, in accordance with Articles 26.05(g) and 42A.301(b)(11), the amount the defendant is able to pay for the legal services.

(3)  The failure of the court to comply with Subdivision (1) or (2) is not a ground for the defendant to set aside the conviction, sentence, or plea, except that after imposition of the sentence or placement on community supervision, including deferred adjudication community supervision, any order requiring the defendant to pay an amount for legal services becomes void if the court does not substantially comply with those subdivisions.

SECTION 2.  The change in law made by this Act applies only to a plea of guilty or nolo contendere entered on or after the effective date of this Act, regardless of whether the offense with reference to which the plea is entered is committed before, on, or after that date.

SECTION 3.  This Act takes effect September 1, 2019.