

By: Moody

H.B. No. 1317

A BILL TO BE ENTITLED

AN ACT

relating to the compensation of certain court-appointed attorneys.

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

SECTION 1. Subtitle G, Title 2, Government Code, is amended by adding Chapter 85 to read as follows:

CHAPTER 85. ATTORNEY COMPENSATION

Sec. 85.001. COMPENSATION OF CERTAIN COURT-APPOINTED ATTORNEYS. (a) Except as provided by Subsection (b), a court shall pay an attorney appointed by the court, including a special prosecutor or attorney pro tem, the amount agreed to by the court and attorney at the time of the attorney's appointment if:

(1) the court and attorney enter into a written compensation agreement; and

(2) the amount of the attorney's compensation is not otherwise established by law.

(b) A court may pay a court-appointed attorney an amount less than the amount described by Subsection (a) if the court finds that the attorney:

(1) breached the attorney's duties by performing in an unreasonable manner the services for which the court appointed the attorney; or

(2) failed to perform the services for which the court appointed the attorney.

Sec. 85.002. SUIT TO RECOVER COMPENSATION. If a court fails

1 to pay the attorney the amount required under Section 85.001, the
2 attorney may file suit to recover that amount against:

3 (1) this state if the court is a district court or an
4 appellate court of this state;

5 (2) the county if the court is a county court or
6 statutory county court of the county; or

7 (3) the municipality if the court is a municipal court
8 or municipal court of record of the municipality.

9 Sec. 85.003. WAIVER OF IMMUNITY. Sovereign or governmental
10 immunity to suit and liability is waived and abolished to the extent
11 of liability created under Section 85.002.

12 SECTION 2. This Act takes effect September 1, 2019.