

By: Walle

H.B. No. 2130

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the duties of the court regarding a plea bargain  
3 agreement that requires a defendant to pay costs associated with  
4 court-appointed counsel.

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

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

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

14 (2) If the plea bargain agreement requires payment of  
15 the costs of legal services as described by Subdivision (1), the  
16 court shall determine, in accordance with Articles [26.05\(g\)](#) and  
17 [42A.301\(b\)\(11\)](#), the amount the defendant is able to pay for the  
18 legal services.

19 (3) The failure of the court to comply with  
20 Subdivision (1) or (2) is not a ground for the defendant to set  
21 aside the conviction, sentence, or plea, except that after  
22 imposition of the sentence or placement on community supervision,  
23 including deferred adjudication community supervision, any order  
24 requiring the defendant to pay an amount for legal services becomes

1 void if the court does not substantially comply with those  
2 subdivisions.

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

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