

By: White

H.B. No. 4605

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-1)(1), Code of Criminal Procedure, is amended to read as follows:

(1) This subsection applies only to a defendant who:

(A) 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 maximum amount described by Subsection (g)(1) or (2), as applicable, for legal services provided to the defendant; or

(B) is subject to an order under Subsection (g-2) to pay a reduced amount for legal services provided to the defendant, regardless of the amount of financial resources available to the defendant at the time the defendant was sentenced to confinement or placed on community supervision.

SECTION 2. Article 26.05, Code of Criminal Procedure, is amended by adding Subsections (g-2), (g-3), (g-4), and (g-5) to read as follows:

(g-2)(1) At any time during the sentence of confinement or period of community supervision of a defendant who has been ordered under Subsection (g) or (g-1) to pay in part or in whole the costs of

1 legal services provided to the defendant, the judge shall, on
2 written request of the defendant, provide the defendant with the
3 opportunity to present evidence that the defendant no longer has
4 the financial resources to pay the amount ordered. If the judge
5 determines that the defendant is indigent or demonstrates an
6 inability to pay the amount ordered, the judge shall amend the
7 applicable order to require the defendant to pay a reduced amount,
8 if any, based on the defendant's ability to pay.

9 (2) The judge may, on the judge's own motion, amend the
10 applicable order as provided by Subdivision (1) on making the
11 determination required by that subdivision.

12 (g-3) In making a determination under Subsection (g-1) or
13 (g-2), the judge may only consider the information a court or
14 courts' designee is authorized to consider in making an indigency
15 determination under Article 26.04(m).

16 (g-4) The jurisdiction of the judge to enter an order under
17 Subsection (g-1) or (g-2) continues until the defendant has
18 discharged the sentence or completed the period of community
19 supervision.

20 (g-5) Notwithstanding any other law, the judge may not
21 revoke or extend the defendant's period of community supervision
22 solely to collect the amount the defendant has been ordered to pay
23 under Subsection (g-1) or (g-2).

24 SECTION 3. Articles 26.05(g-1)(3), (4), and (5), Code of
25 Criminal Procedure, are repealed.

26 SECTION 4. The change in law made by this Act applies to a
27 defendant who, on or after the effective date of this Act, is

1 serving a sentence of confinement or is on community supervision,
2 including deferred adjudication community supervision, regardless
3 of whether the defendant was sentenced to confinement or placed on
4 community supervision before, on, or after the effective date of
5 this Act.

6 SECTION 5. This Act takes effect September 1, 2019.