

By: Perry

S.B. No. 1046

A BILL TO BE ENTITLED

AN ACT

relating to the reimbursement of expenses to certain counsel appointed to represent a defendant in a criminal proceeding.

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

SECTION 1. Article 26.05, Code of Criminal Procedure, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) A counsel in a noncapital case, other than an attorney with a public defender's office, appointed to represent a defendant under this code shall be reimbursed for reasonable and necessary expenses, including expenses for:

(1) investigation;

(2) ~~and for~~ mental health and other experts; and

(3) if the defendant is confined in a correctional facility located more than 50 miles from the court in which the defendant's proceeding is pending:

(A) travel to the defendant's location for a confidential communication and food and lodging related to that travel; and

(B) any costs associated with remotely entering into a confidential communication with the defendant.

(d-1) Expenses under Subsection (d) incurred with prior court approval shall be reimbursed in the same manner provided for capital cases by Articles 26.052(f) and (g), and expenses under

1 Subsection (d) incurred without prior court approval shall be
2 reimbursed in the manner provided for capital cases by Article
3 [26.052](#)(h).

4 SECTION 2. The change in law made by this Act applies only
5 to expenses incurred on or after the effective date of this Act.

6 SECTION 3. This Act takes effect September 1, 2023.