

## **BILL ANALYSIS**

Senate Research Center  
89R3508 AJZ-F

H.B. 1445  
By: Hernandez; Schofield (Campbell)  
Criminal Justice  
5/16/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2011, the Texas Legislature codified the managed assigned counsel (MAC) statute, following the success of a pilot program in Lubbock County. Participating counties assign attorneys for indigent defense in criminal cases.

Currently, state law allows only the judge or the managed assigned counsel director to approve any payments. While the legislative intent behind having one individual making attorney fee payment decisions is a cost-effective approach for smaller counties, the size and volume of payment approvals in larger counties have created a substantial administrative burden for the directors. If the director is temporarily unavailable, attorney payments could be unreasonably delayed.

H.B. 1445 will simply allow the MAC director the option to establish a designee that would assist in approving these types of payments to attorneys if necessary.

H.B. 1445 amends current law relating to the compensation of counsel appointed to provide representation and services to indigent individuals in criminal and juvenile proceedings.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 26.05(c), Code of Criminal Procedure, as follows:

(c) Requires that no payment be made under Article 26.05 (Compensation of Counsel Appointed to Defend) until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047 (Managed Assigned Counsel Program), to the director of the program or the director's designee, and until the judge or the director or director's designee, as applicable, approves the payment. Makes conforming and nonsubstantive changes.

SECTION 2. Makes application of Article 26.05(c), Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.