

BILL ANALYSIS

H.B. 1445
By: Hernandez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2011, the Texas Legislature passed H.B. 1754, which established the Texas Indigent Defense Commission and provided procedures for counties to establish managed assigned counsel programs to provide legal representation for indigent defendants. However, under current law, payments to an attorney appointed to represent a criminal defendant, including an indigent defendant, cannot be made until the presiding judge or, in counties operating such a program, the program's director approves the payment, as applicable. The bill author has informed the committee that this statute can create an administrative burden on directors of managed assigned counsel programs in larger counties. In a committee hearing, the executive director of the Harris County managed assigned counsel program reported having to manage approval processing for over 200 attorneys, equating to over 700 payments per week on average. H.B. 1445 addresses this issue by authorizing a county's managed assigned counsel program director to establish a designee that would assist in approving these attorney payments.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1445 amends the Code of Criminal Procedure to include the designee of the director of a managed assigned counsel program among the individuals authorized to approve payments requested as a reasonable attorney's fee submitted by counsel appointed to provide representation and services to indigent individuals in criminal and juvenile proceedings. Accordingly, the bill requires the designee who disapproves a requested amount of payment to make written findings stating the amount of payment that the designee approves and each reason for approving an amount different from the requested amount. The bill's provisions apply only to expenses incurred by an attorney on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.