

- SUBJECT:** Reimbursing attorneys appointed in habeas appeals of pre-1999 cases
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Keel, Riddle, Denny, Ellis, Hodge, Pena, Talton
0 nays
2 absent — Dunnam, P. Moreno
- SENATE VOTE:** On final passage, April 16 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** No public hearing
- BACKGROUND:** Under Code of Criminal Procedure art. 11.071, convicting courts are required to appoint and reasonably compensate attorneys for indigent defendants' *habeas corpus* appeals of death penalty cases. *Habeas corpus* appeals raise issues outside of the trial record and typically center on constitutional rights, such as the effectiveness of counsel or the satisfactory disclosure of evidence by prosecutors. The state is required to reimburse counties for the appointed attorneys and the payment of expenses, up to \$25,000.
- The provisions of art. 11.071 apply to convictions that occurred after September 1, 1999. Convictions that occurred prior to September 1, 1999, are governed by a prior law, no longer in the statutes, that required the Court of Criminal Appeals to appoint the attorneys and reimburse counties for the expenses.
- DIGEST:** SB 600 would require convicting courts to compensate attorneys for *habeas corpus* appeals of death penalty cases in which the conviction occurred prior to September 1, 1999, in the same way that they compensate attorneys in cases in which the conviction occurred after September 1, 1999. The comptroller would be required to reimburse a county for the compensation and payment of expenses up to \$25,000.
- The bill would take effect September 1, 2003.

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SUPPORTERS
SAY:

SB 600 would allow compensation for appointed attorneys in *habeas corpus* appeals of all death penalty cases to be handled by the same procedures, regardless of when the offense occurred. This would clear up confusion over the two laws and allow the Court of Criminal Appeals to get out of the business of reimbursing these attorneys, something that would be handled better by the convicting courts. SB 600 would have no fiscal implication to the state since the bill simply would take payments that currently are made with state dollars flowing through the Court of Criminal Appeals and apply them to reimbursing counties through the Comptroller's Office.

OPPONENTS
SAY:

No apparent opposition.