

SUBJECT: Requiring counsel to be reimbursed for certain expenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, C. Morales, Schatzline

0 nays

1 absent — Leach

WITNESSES: For — Sarah Mae Jennings, Texas Fair Defense Project (*Registered, but did not testify*; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Shea Place, Texas Criminal Defense Lawyers Association; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Geoff Burkhart, Texas Indigent Defense Commission)

BACKGROUND: Concerns have been raised that certain expenses for attorneys with defendants confined in an out-of-county jail could result in high out-of-pocket costs for travel or phone calls.

DIGEST: HB 2523 would establish that a counsel in a noncapital case, other than an attorney with a public defender’s office, appointed to represent a defendant in a criminal proceeding would have to be reimbursed for certain reasonable and necessary expenses. If the defendant was confined in a correctional facility located more than 50 miles from the court in which the defendant’s proceeding was pending, this would include expenses for travel to the defendant’s location for a confidential communication, food and lodging related to that travel, and any costs associated with remotely entering into a confidential communication with the defendant.

The bill would take effect September 1, 2023, and would apply only to expenses incurred on or after the effective date.