

BILL ANALYSIS

Senate Research Center

S.B. 600
By: West, Royce
Criminal Justice
3/23/2003
As Filed

DIGEST AND PURPOSE

Currently, Texas law has two different procedures for paying expenses in habeas and death penalty cases. In cases where the conviction occurred before September 1, 1999, the Court of Criminal Appeals is responsible for the appointment and reimbursement of expenses. In cases where the conviction occurred after September 1, 1999, the convicting court is responsible for the appointment and reimbursement of expenses. As proposed, S.B. 600 allows cases involving convictions prior to September 1, 1999, to be reimbursed under the same procedures as are in place for post-September 1, 1999, convictions.

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 Section 2(f), Article 11.071, Code of Criminal Procedure, to require the convicting court to reasonably compensate an attorney appointed under this section or previously appointed by the court of criminal appeals as provided by Section 2A.

SECTION 2. Amends Sections 3(a) and (d), Article 11.071, Code of Criminal Procedure, as follows:

(a) Requires the counsel, on appointment by the court of criminal appeals or the convicting court, to investigate expeditiously, before and after the appellate record is filed in the court of criminal appeals, the factual and legal grounds for the filing of an application for a writ of habeas corpus.

(d) Authorizes the counsel to incur expenses for habeas corpus investigation, including expenses for experts, without prior approval by the court of criminal appeals or the convicting court. Requires the convicting court, on presentation of a claim for reimbursement, which may be presented ex-parte, to order reimbursement of the counsel's expenses, if the expenses are reasonably necessary and reasonably incurred. Authorizes the applicant to request reconsideration of the denial for reimbursement by the convicting court.

SECTION 3. Provides that this Act takes effect September 1, 2003, and applies to an application for a writ of habeas corpus under Article 11.071, Code of Criminal Procedure, then pending or filed after that date.