

BILL ANALYSIS

Senate Research Center
80R2708 SLO-F

H.B. 1267
By: Pena (Seliger)
Criminal Justice
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In indigent defense cases, it can sometimes be weeks or months before requests for payment for attorney's fees are decided by the trial judge. Current law allows an attorney to appeal the disapproval of a fee voucher.

H.B. 1267 encourages prompt rulings on such fee vouchers and allows attorneys to either be paid or appeal a decision reducing or denying the fee requested. Rather than requiring the judge to act within a specified time period, the proposed legislation gives the attorney an option to appeal the refusal to act where the judge has been nonresponsive to requests for payment for more than 60 days.

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, to authorize an attorney whose request for payment is disapproved or is not otherwise acted on by the 60th day after the date the request for payment is submitted to appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region. Makes conforming 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, 2007.