

BILL ANALYSIS

Senate Research Center

H.B. 1663
By: Cook et al. (Schwertner)
Criminal Justice
5/15/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a court is required to order a defendant to pay all or part of the cost of legal services provided to the defendant, if the defendant has the financial resources to do so. However, the court's authority to order such payment ends with the sentencing of the defendant.

H.B. 1663 enables a court to order a defendant to pay all or part of the cost of legal services at any time during the defendant's confinement, placement on community supervision, or period of deferred adjudication. H.B. 1663 will allow local governments to recover the cost of legal services provided if a defendant acquires sufficient financial resources subsequent to sentencing.

H.B. 1663 amends current law relating to a defendant's payment of costs associated with a court-appointed counsel.

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(g), Code of Criminal Procedure, as follows:

(g)(1) Creates this subsection from existing text. Requires the court to order the defendant to pay during the pendency of the charges or, if convicted, as court costs the amount that it finds the defendant is able to pay if the court determines that a defendant has financial resources that enable the defendant to offset in part or in whole the costs of the legal services provided, including any expenses and costs. Makes a nonsubstantive change.

(2) Provides that this subdivision applies only to a defendant who at the time of sentencing to confinement or placement on community supervision, including deferred adjudication community supervision, did not have the financial resources to pay the entire cost of legal services provided to the defendant. Authorizes the court, after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, to order a defendant to whom this subdivision applies to pay the unpaid portion of the costs of legal services provided to the defendant, if the court determines that the defendant has the financial resources to pay the costs at any time during a defendant's sentence of confinement or period of community supervision.

(3) Provides that, in making a determination under Subdivision (2), the court may only consider the information a court or courts' designee is authorized to consider in making an indigency determination under Article 26.04(m).

SECTION 2. Effective date: September 1, 2015.