

## **BILL ANALYSIS**

Senate Research Center  
87R8491 TSS-D

H.B. 2446  
By: Canales (Perry)  
Criminal Justice  
5/14/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas counties utilize interlocal agreements to house pretrial detainees in out-of-county jails. As of March 1, 2021, almost 2,000 people have been detained in jails outside of the county where their case would be tried. This situation results in hefty out-of-pocket costs for appointed attorneys, who must either drive long distances to the out-of-county jails to speak with their clients or pay more than a dollar a minute to talk on the phone with their clients. H.B. 2446 seeks to require reimbursement of court-appointed attorneys for expenses incurred in confidential communications with certain clients imprisoned in an out-of-county correctional facility.

H.B. 2446 amends current law relating to the reimbursement of expenses to certain counsel appointed to represent a defendant in a criminal proceeding.

### **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, Code of Criminal Procedure, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Requires a counsel in a noncapital case, other than an attorney with a public defender's office, appointed to represent a defendant under this code to be reimbursed for reasonable and necessary expenses, including expenses for:

- (1) creates this subdivision from existing text and makes no further changes;
- (2) creates this subdivision from existing text and makes a nonsubstantive change; and
- (3) if the defendant is imprisoned in a correctional facility located more than 50 miles from the court in which the defendant's proceeding is pending:
  - (A) travel to the defendant's location for a confidential interview; or
  - (B) any costs associated with remotely conducting a confidential interview with the defendant.

(d-1) Creates this subsection from existing text and makes nonsubstantive changes.

SECTION 2. Provides that the change in law made by this Act applies only to expenses incurred on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.