

By: Dale, Gonzales, Farney

H.B. No. 184

A BILL TO BE ENTITLED

AN ACT

relating to the allocation of costs and attorney's fees incurred by a Court of Inquiry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 52.04, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Except as provided by Subsection (d), the [The] county in which the affidavit under Article 52.01 was filed shall be responsible for any attorney's fees awarded under Subsection (b).

(d) If the subject of the Court of Inquiry was an employee of the state at the time of the alleged offense, the state shall be responsible for any attorney's fees awarded under Subsection (b).

SECTION 2. Article 52.09, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), all [All] costs incurred in conducting a Court of Inquiry, including compensation of an attorney pro tem, shall be borne by:

(1) the county in which the [said] Court of Inquiry is conducted, if the subject of the inquiry was not an employee of the state at the time of the alleged offense; or

(2) the state, if the subject of the inquiry was an employee of the state at the time of the alleged offense.

1            (a-1) If [~~; provided, however, that where~~] the Attorney  
2 General of Texas [~~has~~] submitted a request in writing to the judge  
3 for the holding of the [~~such~~] Court of Inquiry, [~~then and in that~~  
4 ~~event~~] the costs described by Subsection (a) shall be borne by the  
5 state [~~State of Texas~~] and shall be taxed to the attorney general  
6 and paid in the same manner and from the same funds as other court  
7 costs.

8            (b) Assistance by a county or district attorney to a Court  
9 of Inquiry is a duty of the attorney's office, and the attorney may  
10 not receive a fee for the service. The state or the [A] county  
11 responsible for costs incurred under Subsection (a), as applicable,  
12 is not liable for attorney's fees claimed for assistance in a Court  
13 of Inquiry by any attorney other than an attorney pro tem appointed  
14 under Article [52.01](#)(d) [~~of this code~~].

15            SECTION 3. The change in law made by this Act applies only  
16 to a Court of Inquiry commenced on or after the effective date of  
17 this Act. A Court of Inquiry commenced before the effective date of  
18 this Act is governed by the law in effect on the date the Court of  
19 Inquiry was commenced, and the former law is continued in effect for  
20 that purpose.

21            SECTION 4. This Act takes effect September 1, 2015.