

By: Birdwell

S.B. No. 527

A BILL TO BE ENTITLED

AN ACT

relating to a defendant's payment of costs associated with a court-appointed counsel.

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

SECTION 1. Article 26.05, Code of Criminal Procedure, is amended by adding Subsection (g-1) to read as follows:

(g-1)(1) This subsection 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 maximum amount described by Subsection (g)(1) or (2), as applicable, for legal services provided to the defendant.

(2) At any time during a defendant's sentence of confinement or period of community supervision, the judge, after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, may order a defendant to whom this subsection applies to pay any unpaid portion of the amount described by Subsection (g)(1) or (2), as applicable, if the judge determines that the defendant has the financial resources to pay the additional portion.

(3) The judge may amend an order entered under Subdivision (2) if, subsequent to the judge's determination under that subdivision, the judge determines that the defendant is

1 indigent or demonstrates an inability to pay the amount ordered.

2 (4) In making a determination under this subsection,
3 the judge may only consider the information a court or courts'
4 designee is authorized to consider in making an indigency
5 determination under Article 26.04(m).

6 (5) Notwithstanding any other law, the judge may not
7 revoke or extend the defendant's period of community supervision
8 solely to collect the amount the defendant has been ordered to pay
9 under this subsection.

10 SECTION 2. This Act takes effect September 1, 2017.