

Chapter 554

S.B. No. 527

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

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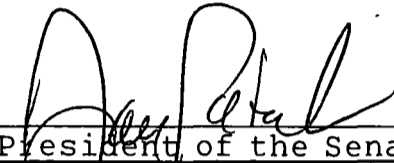
1 indigent or demonstrates an inability to pay the amount ordered.

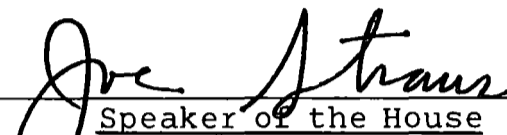
2 (4) In making a determination under this subsection,
3 the judge may only consider the information a court or courts'
4 designee is authorized to consider in making an indigency
5 determination under Article 26.04(m).

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.

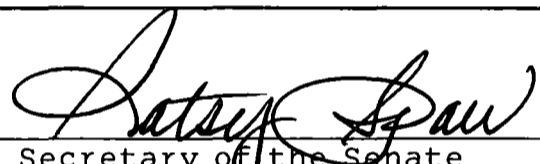
10 SECTION 2. This Act takes effect September 1, 2017.

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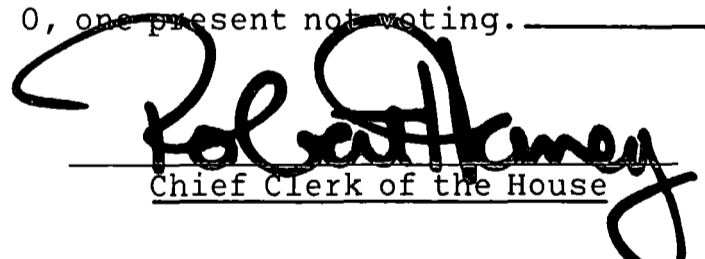

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 527 passed the Senate on May 2, 2017, by the following vote: Yeas 31, Nays 0; May 15, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 19, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 29, Nays 1.



Secretary of the Senate

I hereby certify that S.B. No. 527 passed the House, with amendments, on May 9, 2017, by the following vote: Yeas 146, Nays 0, one present not voting; May 19, 2017, House granted request of the Senate for appointment of Conference Committee; May 25, 2017, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 0, one present not voting.



Chief Clerk of the House

Approved:

6-9-2017
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:00 PM O'CLOCK

JUN 09 2017

Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 22, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB527 by Birdwell (Relating to a defendant's payment of costs associated with a court-appointed counsel), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to permit a court to require a defendant who was appointed counsel to repay the cost of legal services in certain circumstances. The Office of Court Administration has indicated that duties and responsibilities associated with implementing the provisions of the bill could be accomplished within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, SD, KJo, GDz, MW, PBO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB527 by Birdwell (Relating to a defendant's payment of costs associated with a court-appointed counsel.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, SD, KJo, GDz, MW, PBO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 6, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB527 by Birdwell (Relating to a defendant's payment of costs associated with a court-appointed counsel.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to permit a court to require a defendant who was appointed counsel to repay the cost of legal services in certain circumstances. The Office of Court Administration has indicated that duties and responsibilities associated with implementing the provisions of the bill could be accomplished within existing resources.

Local Government Impact

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Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, GDz, MW, PBO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB527 by Birdwell (Relating to a defendant's payment of costs associated with a court-appointed counsel.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, GDz, MW, PBO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 23, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB527 by Birdwell (Relating to a defendant's payment of costs associated with a court-appointed counsel.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, MW, PBO