

BILL ANALYSIS

S.B. 527
By: Birdwell
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties call for the recovery of indigent attorney's fees from inmates and persons on probation who are capable of repaying the fees. S.B. 527 seeks to lighten the burden of the taxpayer by revising provisions relating to compensation of certain appointed counsel.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 527 amends the Code of Criminal Procedure to authorize a judge, at any time during a defendant's sentence of confinement or period of community supervision but 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 who, at the time of the sentencing did not have the financial resources to pay the applicable maximum amount for certain legal services provided to the defendant, to pay any unpaid portion of the applicable amount if the judge determines that the defendant has the financial resources to pay the additional portion. The bill authorizes the judge to amend such an order, if, subsequent to the judge's determination, the judge determines that the defendant is indigent or demonstrates an inability to pay the amount ordered. The bill provides that a judge, in making such a determination, may only consider the defendant's income, source of income, assets, property owned, outstanding obligations, necessary expenses, the number and ages of dependents, and spousal income that is available to the defendant. The bill prohibits the judge from revoking or extending the defendant's period of community supervision solely to collect the amount the defendant has been ordered to pay under the bill's provisions.

EFFECTIVE DATE

September 1, 2017.