

## **BILL ANALYSIS**

Senate Research Center  
78R3774 EMT-D

S.B. 727  
By: Staples  
Criminal Justice  
3/24/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, Section 2A, Article 11.071, Code of Criminal Procedure, requires the state to reimburse a county for compensation of attorneys appointed to represent death row inmates in habeas corpus proceedings, but caps those payments at \$25,000 per county per biennium. As proposed, S.B. 727 increases the reimbursement cap for indigent capital defense from \$25,000 to \$50,000, with amounts in excess of that amount remaining the obligation of the county.

### **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 Subsections (a) and (b), Section 2A, Article 11.071, Code of Criminal Procedure, as follows:

- (a) Increases from \$25,000 to \$50,000 the total amount of reimbursement to which a county is entitled under this section. Makes a conforming change.
- (b) Makes a conforming change.

SECTION 2. Effective date: September 1, 2003, but only if the comptroller certifies on or before that date that at least \$2 million is appropriated by the General Appropriations Act, Acts of the 78th Legislature, Regular Session, 2003, for the fiscal biennium ending August 31, 2005, to the court of criminal appeals for the purpose of providing compensation and expenses to counsel representing persons under a sentence of death in habeas corpus proceedings.