

AN ACT

relating to the provision of funding for indigent defense services.

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

SECTION 1. Section 79.037(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) provide technical support to:

(A) assist counties in improving their systems for providing indigent defense services, including indigent defense support services [~~systems~~]; and

(B) promote compliance by counties with the requirements of state law relating to indigent defense;

(2) to assist a county in providing or improving the provision of indigent defense services in the county, distribute in the form of grants any funds appropriated for the purposes of this section to one or more of the following entities:

(A) the county;

(B) a law school's legal clinic or program that provides indigent defense services in the county; [~~and~~]

(C) a regional public defender that meets the requirements of Subsection (e) and provides indigent defense services in the county; [~~and~~]

(D) an entity described by Section 791.013 that provides to a county administrative services under an interlocal

1 contract entered into for the purpose of providing or improving the  
2 provision of indigent defense services in the county; and

3 (E) a nonprofit corporation that provides  
4 indigent defense services or indigent defense support services in  
5 the county; and

6 (3) monitor each entity that receives a grant under  
7 Subdivision (2) and enforce compliance with the conditions of the  
8 grant, including enforcement by:

9 (A) withdrawing grant funds; or

10 (B) requiring reimbursement of grant funds by the  
11 entity.

12 SECTION 2. Section 79.037(b), Government Code, as amended  
13 by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th  
14 Legislature, Regular Session, 2015, is reenacted and amended to  
15 read as follows:

16 (b) The commission shall determine for each county the  
17 entity or entities [~~within the county~~] that are eligible to receive  
18 funds for the provision of or improvement in the provision of  
19 indigent defense services under Subsection (a)(2). The  
20 determination must be made based on the entity's:

21 (1) compliance with standards adopted by the board;  
22 and

23 (2) demonstrated commitment to compliance with the  
24 requirements of state law relating to indigent defense.

25 SECTION 3. Section 79.037(c), Government Code, as amended  
26 by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th  
27 Legislature, Regular Session, 2015, is reenacted to read as

1 follows:

2 (c) The board shall adopt policies to ensure that funds  
3 under Subsection (a)(2) are allocated and distributed in a fair  
4 manner.

5 SECTION 4. Section 26.0442(a), Tax Code, is amended to read  
6 as follows:

7 (a) In this section, "indigent defense compensation  
8 expenditures" for a tax year means the difference between:

9 (1) the amount paid by a county in the period beginning  
10 on July 1 of the tax year preceding the tax year for which the tax is  
11 adopted and ending on June 30 of the tax year for which the tax is  
12 adopted to:

13 (A) provide appointed counsel for indigent  
14 individuals in criminal or civil proceedings in accordance with the  
15 schedule of fees adopted under Article 26.05, Code of Criminal  
16 Procedure; and

17 (B) fund the operations of a public defender's  
18 office under Article 26.044, Code of Criminal Procedure; and

19 (2) [~~in the period beginning on July 1 of the tax~~  
20 ~~year preceding the tax year for which the tax is adopted and ending~~  
21 ~~on June 30 of the tax year for which the tax is adopted, less]~~ the  
22 amount of any state grants received by the county during that period  
23 for those purposes [the same purpose].

24 SECTION 5. Section 79.037(e), Government Code, as added by  
25 Chapter 56 (S.B. 1353), Acts of the 84th Legislature, Regular  
26 Session, 2015, is repealed.

27 SECTION 6. Section 26.0442, Tax Code, as amended by this

1 Act, applies to the calculation of the no-new-revenue maintenance  
2 and operations rate for a county only for a tax year beginning on or  
3 after January 1, 2022.

4 SECTION 7. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 295 was passed by the House on April 22, 2021, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 295 on May 28, 2021, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 295 was passed by the Senate, with amendments, on May 25, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor