

AN ACT

relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.

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

SECTION 1. Sections 79.014(a) and (b), Government Code, are amended to read as follows:

(a) The governor shall appoint with the advice and consent of the senate seven [~~five~~] members of the board as follows:

(1) one member who is a district judge serving as a presiding judge of an administrative judicial region;

(2) one member who is a judge of a constitutional county court or who is a county commissioner;

(3) one member who is a practicing criminal defense attorney;

(4) one member who is a chief public defender in this state [~~or the chief public defender's designee, who must be an attorney employed by the public defender's office~~]; [~~and~~]

(5) one member who is a judge of a constitutional county court or who is a county commissioner of a county with a population of 250,000 or more;

(6) one member who is either:

(A) a director of a managed assigned counsel program in this state; or

1                    (B) a person who has a demonstrated expertise in  
2 indigent defense issues; and

3                    (7) one member who is a justice of the peace, municipal  
4 court judge, or appointed magistrate under Article 2.09, Code of  
5 Criminal Procedure, whose regular duties include presiding over  
6 hearings under Article 15.17, Code of Criminal Procedure.

7                    (b) The board members serve staggered terms of two years,  
8 with three [~~two~~] members' terms expiring February 1 of each  
9 odd-numbered year and four [~~three~~] members' terms expiring February  
10 1 of each even-numbered year.

11                    SECTION 2. Sections 79.016(a) and (c), Government Code, are  
12 amended to read as follows:

13                    (a) A board member who is a chief public defender or a  
14 director of a managed assigned counsel program for [~~or an attorney~~  
15 ~~employed by~~] an entity that applies for funds under Section 79.037  
16 shall disclose that fact before a vote by the board regarding an  
17 award of funds to that entity and may not participate in that vote.

18                    (c) The commission may not award funds under Section 79.037  
19 to an entity served by a chief public defender or a director of a  
20 managed assigned counsel program [~~other attorney~~] who fails to make  
21 a disclosure to the board as required by Subsection (a).

22                    SECTION 3. This Act takes effect September 1, 2023.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 409 was passed by the House on April 27, 2023, by the following vote: Yeas 141, Nays 5, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 409 on May 25, 2023, by the following vote: Yeas 125, Nays 11, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 409 was passed by the Senate, with amendments, on May 19, 2023, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

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

Date

---

Governor