

1-1 By: Collier (Senate Sponsor - Zaffirini) H.B. No. 409  
1-2 (In the Senate - Received from the House May 1, 2023;  
1-3 May 5, 2023, read first time and referred to Committee on State  
1-4 Affairs; May 17, 2023, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;  
1-6 May 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 409 By: Zaffirini

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to the governance and administration of the Texas Indigent  
1-24 Defense Commission and to certain disclosures made in relation to  
1-25 the provision of funding for indigent defense services.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Sections 79.014(a) and (b), Government Code, are  
1-28 amended to read as follows:

1-29 (a) The governor shall appoint with the advice and consent  
1-30 of the senate seven [~~five~~] members of the board as follows:

1-31 (1) one member who is a district judge serving as a  
1-32 presiding judge of an administrative judicial region;

1-33 (2) one member who is a judge of a constitutional  
1-34 county court or who is a county commissioner;

1-35 (3) one member who is a practicing criminal defense  
1-36 attorney;

1-37 (4) one member who is a chief public defender in this  
1-38 state [~~or the chief public defender's designee, who must be an~~  
1-39 ~~attorney employed by the public defender's office~~]; [~~and~~]

1-40 (5) one member who is a judge of a constitutional  
1-41 county court or who is a county commissioner of a county with a  
1-42 population of 250,000 or more;

1-43 (6) one member who is either:

1-44 (A) a director of a managed assigned counsel  
1-45 program in this state; or

1-46 (B) a person who has a demonstrated expertise in  
1-47 indigent defense issues; and

1-48 (7) one member who is a justice of the peace, municipal  
1-49 court judge, or appointed magistrate under Article 2.09, Code of  
1-50 Criminal Procedure, whose regular duties include presiding over  
1-51 hearings under Article 15.17, Code of Criminal Procedure.

1-52 (b) The board members serve staggered terms of two years,  
1-53 with three [~~two~~] members' terms expiring February 1 of each  
1-54 odd-numbered year and four [~~three~~] members' terms expiring February  
1-55 1 of each even-numbered year.

1-56 SECTION 2. Sections 79.016(a) and (c), Government Code, are  
1-57 amended to read as follows:

1-58 (a) A board member who is a chief public defender or a  
1-59 director of a managed assigned counsel program for [~~or an attorney~~  
1-60 ~~employed by~~] an entity that applies for funds under Section 79.037

2-1 shall disclose that fact before a vote by the board regarding an  
2-2 award of funds to that entity and may not participate in that vote.

2-3 (c) The commission may not award funds under Section 79.037  
2-4 to an entity served by a chief public defender or a director of a  
2-5 managed assigned counsel program [~~other attorney~~] who fails to make  
2-6 a disclosure to the board as required by Subsection (a).

2-7 SECTION 3. This Act takes effect September 1, 2023.

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