

By: Herrero

H.B. No. 2969

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Indigent Defense Commission to provide certain funding for indigent defense services.

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

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

(a) A board member who is a chief public defender for or ~~[who is]~~ an attorney employed by an entity ~~[a public defender's office in a county]~~ that applies for funds under Section 79.037 shall disclose that fact before a vote by the board regarding an award of funds to that entity ~~[county]~~ and may not participate in that ~~[such a]~~ vote.

(c) The commission may not award funds under Section 79.037 to an entity ~~[a county]~~ served by a chief public defender or other attorney who fails to make a disclosure to the board as required by Subsection (a).

SECTION 2. Section 79.037, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (e) and (f) to read as follows:

(a) The commission shall:

(1) provide technical support to:

(A) assist counties in improving their indigent defense systems; and

(B) promote compliance by counties with the

1 requirements of state law relating to indigent defense;

2 (2) to assist a county [~~counties~~] in providing  
3 indigent defense services in the county, distribute in the form of  
4 grants any funds appropriated for the purposes of this section to  
5 one or more of the following entities:

6 (A) the county;

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

9 (C) a regional public defender that meets the  
10 requirements of Subsection (e) and provides indigent defense  
11 services in the county; and

12 (3) monitor each entity [~~county~~] that receives a grant  
13 under Subdivision (2) and enforce compliance [~~by the county~~] with  
14 the conditions of the grant, including enforcement by:

15 (A) withdrawing grant funds; or

16 (B) requiring reimbursement of grant funds by the  
17 entity [~~county~~].

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

23 (1) [~~a county's~~] compliance with standards adopted by  
24 the board; and

25 (2) [~~the county's~~] demonstrated commitment to  
26 compliance with the requirements of state law relating to indigent  
27 defense.

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

4 (e) The commission may distribute funds under Subsection  
5 (a)(2) to a regional public defender's office formed under Article  
6 26.044, Code of Criminal Procedure, if:

7 (1) the regional public defender's office serves two  
8 or more contiguous counties, each with a population of less than  
9 100,000;

10 (2) each county that enters an agreement to create or  
11 designate and to jointly fund the regional public defender's office  
12 satisfies the commission that the county will timely provide funds  
13 to the commission for at least half of the office's operational  
14 costs for the duration of the grant; and

15 (3) each participating county by local rule adopts and  
16 submits to the commission guidelines under Article 26.04(f), Code  
17 of Criminal Procedure, detailing the types of cases to be assigned  
18 to the office.

19 (f) The commission shall collect each participating  
20 county's portion of the operational costs of the regional public  
21 defender's office and distribute those funds to the regional public  
22 defender's office together with the grant funds provided under  
23 Subsection (a)(2).

24 SECTION 3. This Act takes effect September 1, 2015.