

By: Hinojosa

S.B. No. 1057

A BILL TO BE ENTITLED

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. 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), (f), (g), and (h) 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 requirements of state law relating to indigent defense;

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

5                     (A) the county;

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

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

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

14                     (A) withdrawing grant funds; or

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

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

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

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

27           (c) The board shall adopt policies to ensure that funds

1 under Subsection (a)(2) are allocated and distributed [~~to counties~~]  
2 in a fair manner.

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

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

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

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

17 (4) each participating county and the regional public  
18 defender's office agrees in writing to a method that the commission  
19 determines to be appropriate under Subsection (f) to pay all costs  
20 associated with the defense of cases assigned to the office that  
21 remain pending in the county after the termination of the agreement  
22 or the county's participation in the agreement.

23 (f) The commission shall select, by rule or under a contract  
24 with a regional public defender's office, a method for the payment  
25 of costs under Subsection (e)(4), which may include any combination  
26 of the following:

27 (1) allowing an office to establish and maintain a

1 reserve of funds sufficient to cover anticipated costs, in an  
2 amount determined appropriate by the commission;

3 (2) guaranteeing all or part of the costs to be paid;  
4 or

5 (3) establishing a schedule of fees for the payment of  
6 costs in the manner provided by Article 26.05, Code of Criminal  
7 Procedure.

8 (g) Any change to a schedule of fees established under  
9 Subsection (f)(3) must first be approved by the commission.

10 (h) A regional public defender's office shall collect each  
11 participating county's portion of the operational costs as that  
12 portion is provided by the county to the office.

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