

1-1 By: Hinojosa S.B. No. 1057
1-2 (In the Senate - Filed March 9, 2015; March 16, 2015, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 23, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 23, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Burton	X		
1-12	Creighton	X		
1-13	Hinojosa	X		
1-14	Menéndez	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1057 By: Hinojosa

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the provision of funding for indigent defense services.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Sections 79.016(a) and (c), Government Code, are
1-22 amended to read as follows:
1-23 (a) A board member who is a chief public defender for or [~~who~~
1-24 ~~is~~] an attorney employed by an entity [~~a public defender's office in~~
1-25 ~~a county~~] that applies for funds under Section 79.037 shall
1-26 disclose that fact before a vote by the board regarding an award of
1-27 funds to that entity [~~county~~] and may not participate in that [~~such~~
1-28 ~~a~~] vote.
1-29 (c) The commission may not award funds under Section 79.037
1-30 to an entity [~~a county~~] served by a chief public defender or other
1-31 attorney who fails to make a disclosure to the board as required by
1-32 Subsection (a).
1-33 SECTION 2. Section 79.037, Government Code, is amended by
1-34 amending Subsections (a), (b), and (c) and adding Subsections (e),
1-35 (f), (g), and (h) to read as follows:
1-36 (a) The commission shall:
1-37 (1) provide technical support to:
1-38 (A) assist counties in improving their indigent
1-39 defense systems; and
1-40 (B) promote compliance by counties with the
1-41 requirements of state law relating to indigent defense;
1-42 (2) to assist a county [~~counties~~] in providing
1-43 indigent defense services in the county, distribute in the form of
1-44 grants any funds appropriated for the purposes of this section to
1-45 one or more of the following entities:
1-46 (A) the county;
1-47 (B) a law school's legal clinic or program that
1-48 provides indigent defense services in the county; and
1-49 (C) a regional public defender that meets the
1-50 requirements of Subsection (e) and provides indigent defense
1-51 services in the county; and
1-52 (3) monitor each entity [~~county~~] that receives a grant
1-53 under Subdivision (2) and enforce compliance [~~by the county~~] with
1-54 the conditions of the grant, including enforcement by:
1-55 (A) withdrawing grant funds; or
1-56 (B) requiring reimbursement of grant funds by the
1-57 entity [~~county~~].
1-58 (b) The commission shall determine for each county the
1-59 entity or entities within the county that are eligible to receive
1-60 [~~distribute~~] funds for the provision of indigent defense services

2-1 under [as required by] Subsection (a)(2). The determination must
2-2 be made based on the entity's:

2-3 (1) [a county's] compliance with standards adopted by
2-4 the board; and

2-5 (2) [the county's] demonstrated commitment to
2-6 compliance with the requirements of state law relating to indigent
2-7 defense.

2-8 (c) The board shall adopt policies to ensure that funds
2-9 under Subsection (a)(2) are allocated and distributed [to counties]
2-10 in a fair manner.

2-11 (e) The commission may distribute funds under Subsection
2-12 (a)(2) to a regional public defender's office formed under Article
2-13 26.044, Code of Criminal Procedure, if:

2-14 (1) the regional public defender's office serves two
2-15 or more counties, each with a population of less than 100,000;

2-16 (2) each county that enters an agreement to create or
2-17 designate and to jointly fund the regional public defender's office
2-18 satisfies the commission that the county will timely provide funds
2-19 to the office for at least half of the office's operational costs
2-20 for the duration of the grant;

2-21 (3) each participating county by local rule adopts and
2-22 submits to the commission guidelines under Article 26.04(f), Code
2-23 of Criminal Procedure, detailing the types of cases to be assigned
2-24 to the office; and

2-25 (4) each participating county and the regional public
2-26 defender's office agrees in writing to a method that the commission
2-27 determines to be appropriate under Subsection (f) to pay all costs
2-28 associated with the defense of cases assigned to the office that
2-29 remain pending in the county after the termination of the agreement
2-30 or the county's participation in the agreement.

2-31 (f) The commission shall select, by rule or under a contract
2-32 with a regional public defender's office, a method for the payment
2-33 of costs under Subsection (e)(4), which may include any combination
2-34 of the following:

2-35 (1) allowing an office to establish and maintain a
2-36 reserve of funds sufficient to cover anticipated costs, in an
2-37 amount determined appropriate by the commission;

2-38 (2) guaranteeing all or part of the costs to be paid;
2-39 or

2-40 (3) establishing a schedule of fees for the payment of
2-41 costs in the manner provided by Article 26.05, Code of Criminal
2-42 Procedure.

2-43 (g) Any change to a schedule of fees established under
2-44 Subsection (f)(3) must first be approved by the commission.

2-45 (h) A regional public defender's office shall collect each
2-46 participating county's portion of the operational costs as that
2-47 portion is provided by the county to the office.

2-48 SECTION 3. This Act takes effect September 1, 2015.

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