

By: Kolkhorst

S.B. No. 1649

A BILL TO BE ENTITLED

AN ACT

relating to assistance with the establishment, operation, and oversight of public defenders' offices and a review of certain criminal defense attorney's fees by the Texas Indigent Defense Commission.

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

SECTION 1. Subchapter C, Chapter 79, Government Code, is amended by adding Sections 79.043 and 79.044 to read as follows:

Sec. 79.043. ESTABLISHMENT OF PUBLIC DEFENDERS' OFFICES.

(a) In this section, "public defender's office" has the meaning assigned by Article 26.044, Code of Criminal Procedure.

(b) The commission shall offer financial and technical assistance to counties in the establishment, operation, and oversight of public defenders' offices. The commission shall provide ongoing financial assistance, as necessary, to ensure the continued existence of the public defenders' offices in those counties. The commission shall prioritize offering the assistance described by this subsection to counties with populations of less than 100,000, including assistance to regional public defenders' offices that serve more than one county.

(c) The commission shall establish policies and standards for the operation and administration of a public defender's office.

(d) Not later than November 1 of each even-numbered year, the commission shall submit to the governor and the legislature a

1 report that includes:

2 (1) a plan and a timeline for establishing public  
3 defenders' offices in counties with populations of less than  
4 100,000; and

5 (2) a report on the number of public defenders' offices  
6 established with the commission's assistance under this section.

7 Sec. 79.044. REVIEW OF ATTORNEY'S FEES. The commission  
8 shall conduct a biennial review of the schedule of fees adopted  
9 under Article 26.05, Code of Criminal Procedure, for the payment of  
10 attorneys appointed to represent an indigent defendant in criminal  
11 proceedings and the total amount of fees paid by counties to those  
12 attorneys to ensure that the attorney's fees are consistent and  
13 fair.

14 SECTION 2. This Act takes effect September 1, 2019.