

By: Kolkhorst
(Murr)

S.B. No. 1649

Substitute the following for S.B. No. 1649:

By: Davis of Dallas

C.S.S.B. No. 1649

A BILL TO BE ENTITLED

AN ACT

relating to the provision of funding for indigent defense services
and to the representation of indigent defendants in criminal cases.

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

SECTION 1. Section 79.037(a), Government Code, is amended
to read as follows:

(a) The commission shall:

(1) provide technical support to:

(A) assist counties in improving their systems
for providing indigent defense services, including indigent
defense support services [~~systems~~]; and

(B) promote compliance by counties with the
requirements of state law relating to indigent defense;

(2) to assist a county in providing or improving the
provision of indigent defense services in the county, distribute in
the form of grants any funds appropriated for the purposes of this
section to one or more of the following entities:

(A) the county;

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

(C) a regional public defender that meets the
requirements of Subsection (e) and provides indigent defense
services in the county; [~~and~~]

(D) an entity described by Section 791.013 that

1 provides to a county administrative services under an interlocal
2 contract entered into for the purpose of providing or improving the
3 provision of indigent defense services in the county; and

4 (E) a nonprofit corporation that provides
5 indigent defense services or indigent defense support services in
6 the county; and

7 (3) monitor each entity that receives a grant under
8 Subdivision (2) and enforce compliance with the conditions of the
9 grant, including enforcement by:

10 (A) withdrawing grant funds; or

11 (B) requiring reimbursement of grant funds by the
12 entity.

13 SECTION 2. Section 79.037(b), Government Code, as amended
14 by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th
15 Legislature, Regular Session, 2015, is reenacted and amended to
16 read as follows:

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

22 (1) compliance with standards adopted by the board;
23 and

24 (2) demonstrated commitment to compliance with the
25 requirements of state law relating to indigent defense.

26 SECTION 3. Section 79.037(c), Government Code, as amended
27 by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th

1 Legislature, Regular Session, 2015, is reenacted to read as
2 follows:

3 (c) The board shall adopt policies to ensure that funds
4 under Subsection (a)(2) are allocated and distributed in a fair
5 manner.

6 SECTION 4. Subchapter C, Chapter 79, Government Code, is
7 amended by adding Sections 79.043 and 79.044 to read as follows:

8 Sec. 79.043. ESTABLISHMENT OF PUBLIC DEFENDERS' OFFICES.

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

11 (b) The commission may encourage the creation of public
12 defenders' offices and may offer financial and technical assistance
13 to counties in the establishment, operation, and oversight of
14 public defenders' offices. The commission may provide ongoing
15 financial assistance to public defenders' offices, including
16 regional public defenders' offices that serve more than one county.

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

19 (d) Not later than November 1 of each even-numbered year,
20 the commission shall submit to the governor and the legislature a
21 report that includes:

22 (1) the number of public defenders' offices
23 established with the commission's assistance under this section;
24 and

25 (2) the number of counties that are not served by a
26 public defender's office.

27 Sec. 79.044. REVIEW OF ATTORNEY'S FEES. The commission

1 shall conduct a biennial review of the schedule of fees adopted
2 under Article 26.05, Code of Criminal Procedure, for the payment of
3 attorneys appointed to represent an indigent defendant in criminal
4 proceedings and the total amount of fees paid by counties to those
5 attorneys to ensure that the attorney's fees are consistent and
6 fair.

7 SECTION 5. Section 79.037(e), Government Code, as added by
8 Chapter 56 (S.B. 1353), Acts of the 84th Legislature, Regular
9 Session, 2015, is repealed.

10 SECTION 6. This Act takes effect September 1, 2019.