

By: Kolkhorst

S.B. No. 1649

A BILL TO BE ENTITLED

AN ACT

relating to assistance with the establishment and oversight of public defenders' offices and a review of 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 assistance to counties in the establishment and oversight of public defenders' offices. Except as provided by Subsection (c), the commission may offer the assistance described by this subsection only to counties with populations of less than 50,000.

(c) The commission may offer the assistance described by Subsection (b) to a county with a population of 50,000 or more only if there is an existing effort to establish and develop a public defender's office in that county. The commission shall offer the assistance described by Subsection (b) to counties with a population of 50,000 or more if public defenders' offices exist in all counties with populations of less than 50,000.

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

1 (e) Not later than November 1 of each even-numbered year,
2 the commission shall submit to the governor and the legislature a
3 report that includes:

4 (1) a plan and a timeline for establishing public
5 defenders' offices in counties with populations of less than
6 50,000; and

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

9 Sec. 79.044. REVIEW OF ATTORNEY'S FEES. The commission
10 shall conduct an annual review of criminal defense attorney's fees
11 in this state to ensure that attorneys are charging equitable,
12 consistent, and fair rates to defendants in criminal cases across
13 the state.

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