

1-1 By: Kolkhorst S.B. No. 1649
1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 23, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 23, 2019,
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 | Buckingham | X | | |
| 1-12 | Flores | X | | |
| 1-13 | Hughes | | X | |
| 1-14 | Miles | X | | |
| 1-15 | Perry | X | | |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1649 By: Huffman

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

1-19 relating to assistance with the establishment, operation, and
1-20 oversight of public defenders' offices and a review of certain
1-21 criminal defense attorney's fees by the Texas Indigent Defense
1-22 Commission.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 79, Government Code, is
1-25 amended by adding Sections 79.043 and 79.044 to read as follows:

1-26 Sec. 79.043. ESTABLISHMENT OF PUBLIC DEFENDERS' OFFICES.

1-27 (a) In this section, "public defender's office" has the meaning
1-28 assigned by Article 26.044, Code of Criminal Procedure.

1-29 (b) The commission shall offer financial and technical
1-30 assistance to counties in the establishment, operation, and
1-31 oversight of public defenders' offices. The commission shall
1-32 provide ongoing financial assistance, as necessary, to ensure the
1-33 continued existence of the public defenders' offices in those
1-34 counties. The commission shall prioritize offering the assistance
1-35 described by this subsection to counties with populations of less
1-36 than 100,000, including assistance to regional public defenders'
1-37 offices that serve more than one county.

1-38 (c) The commission shall establish policies and standards
1-39 for the operation and administration of a public defender's office.

1-40 (d) Not later than November 1 of each even-numbered year,
1-41 the commission shall submit to the governor and the legislature a
1-42 report that includes:

1-43 (1) a plan and a timeline for establishing public
1-44 defenders' offices in counties with populations of less than
1-45 100,000; and

1-46 (2) a report on the number of public defenders' offices
1-47 established with the commission's assistance under this section.

1-48 Sec. 79.044. REVIEW OF ATTORNEY'S FEES. The commission
1-49 shall conduct a biennial review of the schedule of fees adopted
1-50 under Article 26.05, Code of Criminal Procedure, for the payment of
1-51 attorneys appointed to represent an indigent defendant in criminal
1-52 proceedings and the total amount of fees paid by counties to those
1-53 attorneys to ensure that the attorney's fees are consistent and
1-54 fair.

1-55 SECTION 2. This Act takes effect September 1, 2019.

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