

BILL ANALYSIS

Senate Research Center

H.B. 295
By: Murr et al. (Zaffirini)
Jurisprudence
5/17/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are several provisions in current law that prevent indigent defense legal service providers from receiving funds that would help them better serve their clients. First, legislation enacted in 2015 provided money to the Texas Indigent Defense Commission to award counties grants for these services. Currently, however, the commission lacks the authority to use previously allocated funds for this purpose. What's more, when judges appoint outside counsel to represent indigent populations, state law allows counties to exempt the cost of hiring these private attorneys when calculating increases in tax revenue for property-tax rollback elections. Counties are not permitted, however, to exempt funds directed to public defender's offices despite them clearing cases at faster rates and at a lower cost than most outside counsel.

H.B. 295 would address these issues by authorizing the Texas Indigent Defense Commission to use existing funds to defray counties' expenses associated with providing indigent defense legal services. It also would allow counties to exempt funds allocated to public defender's offices when calculating property tax revenue increases.

H.B. 295 amends current law relating to the provision of funding for indigent defense services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 79.037(a), Government Code, as follows:

(a) Requires the Texas Indigent Defense Commission (TIDC) to:

(1) provide technical support to:

(A) assist counties in improving their systems for providing indigent defense services, including indigent defense support services, rather than assist counties in improving their indigent defense systems; and

(B) makes no changes to this paragraph;

(2) to assist a county in providing or improving the provision of, rather than in providing, 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)-(C) makes nonsubstantive changes to these paragraphs;

(D) an entity described by Section 791.013 (Contract Supervision and Administration) that provides to a county administrative services under an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services in the county; and

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

(3) makes no changes to this subdivision.

SECTION 2. Reenacts Section 79.037(b), Government Code, as amended by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th Legislature, Regular Session, 2015, and amends it, to require TIDC to determine for each county the entity or entities that are eligible, rather than the entity or entities within the county that are eligible, to receive funds for the provision of or improvement in the provision of, rather than to receive funds for the provision of, indigent defense services under Subsection (a)(2).

SECTION 3. Reenacts Section 79.037(c), Government Code, as amended by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th Legislature, Regular Session, 2015, to require the governing board of TIDC (board) to adopt policies to ensure that funds under Subsection (a)(2) are allocated and distributed in a fair manner.

SECTION 4. Amends Section 26.0442(a), Tax Code, to redefine "indigent defense compensation expenditures" for purposes of Section 26.0442 (Tax Rate Adjustment for County Indigent Defense Compensation Expenditures).

SECTION 5. Repealer: Section 79.037(e) (relating to authorizing TIDC to award grants to certain counties), Government Code, as added by Chapter 56 (S.B. 1353, Acts of the 84th Legislature, Regular Session, 2015).

SECTION 6. Provides that Section 26.0442 (Tax Rate Adjustment for County Indigent Defense Compensation Expenditures), Tax Code, as amended by this Act, applies to the calculation of the no-new-revenue maintenance and operations rate for a county only for a tax year beginning on or after January 1, 2022.

SECTION 7. Effective date: September 1, 2021.