

BILL ANALYSIS

H.B. 2864
By: Collier
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While the membership of the board governing the Texas Indigent Defense Commission includes judges, county commissioners, a defense lawyer, and a chief public defender, a representative from a managed assigned counsel program (MAC) is not included. To maintain an odd number of board members and the current proportion of judicial representation, there have been calls to expand board membership to include a member who is a director of a MAC program in Texas, along with a member who is a justice of the peace, municipal court judge, or appointed magistrate. H.B. 2864 seeks to address this issue by revising the governance and administration of the Texas Indigent Defense Commission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2864 amends the Government Code to make the following changes to the membership of the Texas Indigent Defense Commission (TIDC):

- increases the number of members from five to seven;
- requires one additional member to be a director of a managed assigned counsel program in Texas;
- requires the other additional member to be a justice of the peace, municipal court judge, or appointed magistrate whose regular duties include presiding over arraignments for arrests made under warrant; and
- removes the option for the chief public defender in Texas to designate an attorney employed by the public defender's office to serve in the chief public defender's place.

H.B. 2864 subjects one TIDC member to a two-year term expiring February 1 of each odd-numbered year and one TIDC member to a two-year term expiring February 1 of each even-numbered year. With respect to the TIDC member who is a director of a managed assigned counsel program, if the program is for an entity that applies for funds from TIDC, the bill does the following:

- requires the member to disclose that fact before a vote by the board regarding an award of funds to that entity and prohibits that member from participating in that vote; and
- prohibits TIDC from awarding funds to an entity served by such a member who fails to make that disclosure.

EFFECTIVE DATE

September 1, 2021.