

By: Murr, Collier, Smith, Moody,
A. Johnson of Harris

H.B. No. 295

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of funding for indigent defense services.

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

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

6 (a) The commission shall:

7 (1) provide technical support to:

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

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

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

17 (A) the county;

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

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

23 (D) an entity described by Section 791.013 that
24 provides to a county administrative services under an interlocal

1 contract entered into for the purpose of providing or improving the
2 provision of indigent defense services in the county; and

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

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

9 (A) withdrawing grant funds; or

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

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

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

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

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

25 SECTION 3. Section 79.037(c), Government Code, as amended
26 by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th
27 Legislature, Regular Session, 2015, is reenacted to read as

1 follows:

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

5 SECTION 4. Section 26.0442(a), Tax Code, is amended to read
6 as follows:

7 (a) In this section, "indigent defense compensation
8 expenditures" for a tax year means the difference between:

9 (1) the amount paid by a county in the period beginning
10 on July 1 of the tax year preceding the tax year for which the tax is
11 adopted and ending on June 30 of the tax year for which the tax is
12 adopted to:

13 (A) provide appointed counsel for indigent
14 individuals in criminal or civil proceedings in accordance with the
15 schedule of fees adopted under Article 26.05, Code of Criminal
16 Procedure; or

17 (B) fund the operations of a public defender's
18 office under Article 26.044, Code of Criminal Procedure; and

19 (2) [~~in the period beginning on July 1 of the tax~~
20 ~~year preceding the tax year for which the tax is adopted and ending~~
21 ~~on June 30 of the tax year for which the tax is adopted, less]~~ the

22 amount of any state grants received by the county during that period
23 for those purposes [~~the same purpose~~].

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

27 SECTION 6. Section 26.0442, Tax Code, as amended by this

1 Act, applies to the calculation of the no-new-revenue maintenance
2 and operations rate for a county only for a tax year beginning on or
3 after January 1, 2022.

4 SECTION 7. This Act takes effect September 1, 2021.