

1-1 By: Murr, et al. (Senate Sponsor - Zaffirini) H.B. No. 295
1-2 (In the Senate - Received from the House April 23, 2021;
1-3 May 13, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 22, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 22, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 295 By: Huffman

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the provision of funding for indigent defense services.
1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-19 SECTION 1. Section 79.037(a), Government Code, is amended
1-20 to read as follows:

1-21 (a) The commission shall:

1-22 (1) provide technical support to:

1-23 (A) assist counties in improving their systems
1-24 for providing indigent defense services, including indigent
1-25 defense support services [systems]; and

1-26 (B) promote compliance by counties with the
1-27 requirements of state law relating to indigent defense;

1-28 (2) to assist a county in providing or improving the
1-29 provision of indigent defense services in the county, distribute in
1-30 the form of grants any funds appropriated for the purposes of this
1-31 section to one or more of the following entities:

1-32 (A) the county;

1-33 (B) a law school's legal clinic or program that
1-34 provides indigent defense services in the county; ~~and~~

1-35 (C) a regional public defender that meets the
1-36 requirements of Subsection (e) and provides indigent defense
1-37 services in the county; ~~and~~

1-38 (D) an entity described by Section 791.013 that
1-39 provides to a county administrative services under an interlocal
1-40 contract entered into for the purpose of providing or improving the
1-41 provision of indigent defense services in the county; and

1-42 (E) a nonprofit corporation that provides
1-43 indigent defense services or indigent defense support services in
1-44 the county; and

1-45 (3) monitor each entity that receives a grant under
1-46 Subdivision (2) and enforce compliance with the conditions of the
1-47 grant, including enforcement by:

1-48 (A) withdrawing grant funds; or

1-49 (B) requiring reimbursement of grant funds by the
1-50 entity.

1-51 SECTION 2. Section 79.037(b), Government Code, as amended
1-52 by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th
1-53 Legislature, Regular Session, 2015, is reenacted and amended to
1-54 read as follows:

1-55 (b) The commission shall determine for each county the
1-56 entity or entities ~~[within the county]~~ that are eligible to receive
1-57 funds for the provision of or improvement in the provision of
1-58 indigent defense services under Subsection (a)(2). The
1-59 determination must be made based on the entity's:

1-60 (1) compliance with standards adopted by the board;

2-1 and
2-2 (2) demonstrated commitment to compliance with the
2-3 requirements of state law relating to indigent defense.
2-4 SECTION 3. Section 79.037(c), Government Code, as amended
2-5 by Chapters 56 (S.B. 1353) and 476 (S.B. 1057), Acts of the 84th
2-6 Legislature, Regular Session, 2015, is reenacted to read as
2-7 follows:
2-8 (c) The board shall adopt policies to ensure that funds
2-9 under Subsection (a)(2) are allocated and distributed in a fair
2-10 manner.
2-11 SECTION 4. Section 26.0442(a), Tax Code, is amended to read
2-12 as follows:
2-13 (a) In this section, "indigent defense compensation
2-14 expenditures" for a tax year means the difference between:
2-15 (1) the amount paid by a county in the period beginning
2-16 on July 1 of the tax year preceding the tax year for which the tax is
2-17 adopted and ending on June 30 of the tax year for which the tax is
2-18 adopted to:
2-19 (A) provide appointed counsel for indigent
2-20 individuals in criminal or civil proceedings in accordance with the
2-21 schedule of fees adopted under Article 26.05, Code of Criminal
2-22 Procedure; and
2-23 (B) fund the operations of a public defender's
2-24 office under Article 26.044, Code of Criminal Procedure; and
2-25 (2) [~~in the period beginning on July 1 of the tax~~
2-26 ~~year preceding the tax year for which the tax is adopted and ending~~
2-27 ~~on June 30 of the tax year for which the tax is adopted, less] the
2-28 amount of any state grants received by the county during that period
2-29 for those purposes [~~the same purpose~~].
2-30 SECTION 5. Section 79.037(e), Government Code, as added by
2-31 Chapter 56 (S.B. 1353), Acts of the 84th Legislature, Regular
2-32 Session, 2015, is repealed.
2-33 SECTION 6. Section 26.0442, Tax Code, as amended by this
2-34 Act, applies to the calculation of the no-new-revenue maintenance
2-35 and operations rate for a county only for a tax year beginning on or
2-36 after January 1, 2022.
2-37 SECTION 7. This Act takes effect September 1, 2021.~~

2-38

* * * * *