

SENATE AMENDMENTS

2nd Printing

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

H.B. No. 295

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.

ADOPTED

MAY 25 2021

By: _____

Laffine
Secretary of the Senate

H.B. No. 295

Substitute the following for ____B. No. _____:

By: _____

Joan Huffman

C.S. ____B. No. _____

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB295 by Murr (Relating to the provision of funding for indigent defense services.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Indigent Defense Commission to assist counties in improving their provision of indigent defense services, including indigent defense support services. The bill would also expand the entities eligible to receive grants from the Texas Indigent Defense Commission for improving a county's provision of indigent defense services.

That bill would also amend the Tax Code to change the definition of "indigent defense compensation expenditures" for purposes of the adjustment of a county's no-new-revenue maintenance and operations rate to reflect increases in those expenditures.

According to the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be covered within existing resources and no significant fiscal impact to the state court system is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts

LBB Staff: JMc, SD, SLE, BH, DKN, MW

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 21, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB295 by Murr (relating to the provision of funding for indigent defense services.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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LBB Staff: JMc, SLE, BH, DKN, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 18, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB295 by Murr (Relating to the provision of funding for indigent defense services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Indigent Defense Commission to assist counties in improving their provision of indigent defense services, including indigent defense support services. The bill would also expand the entities eligible to receive grants from the Texas Indigent Defense Commission for improving a county's provision of indigent defense services.

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No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts

LBB Staff: JMc, SLE, BH, DKN, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 6, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB295 by Murr (Relating to the provision of funding for indigent defense services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Indigent Defense Commission to assist counties in improving their provision of indigent defense services, including indigent defense support services. The bill would also expand the entities eligible to receive grants from the Texas Indigent Defense Commission for improving a county's provision of indigent defense services.

According to the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be covered within existing resources and no significant fiscal impact to the state court system is anticipated.

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