

**House Bill 295**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

(a) The commission shall:

(1) provide technical support to:

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

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

(2) to assist a county in providing or improving the provision of 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) the county;

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

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

(D) an entity described by Section 791.013 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) monitor each entity that receives a grant under Subdivision (2) and enforce compliance with the conditions of the grant, including enforcement by:

(A) withdrawing grant funds; or

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

SENATE VERSION (CS)

SECTION 1. Same as House version.

CONFERENCE

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SECTION 2. 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, is reenacted and amended to read as follows:

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

- (1) compliance with standards adopted by the board; and
- (2) demonstrated commitment to compliance with the requirements of state law relating to indigent defense.

SECTION 3. 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, is reenacted to read as follows:

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

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

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

- (1) the amount paid by a county in the period beginning on July 1 of the tax year preceding the tax year for which the tax is adopted and ending on June 30 of the tax year for which the tax is adopted to;

SENATE VERSION (CS)

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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

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

- (1) the amount paid by a county in the period beginning on July 1 of the tax year preceding the tax year for which the tax is adopted and ending on June 30 of the tax year for which the tax is adopted to;

CONFERENCE

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HOUSE VERSION

(A) provide appointed counsel for indigent individuals in criminal or civil proceedings in accordance with the schedule of fees adopted under Article 26.05, Code of Criminal Procedure; or  
(B) fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure; and  
(2) [~~in the period beginning on July 1 of the tax year preceding the tax year for which the tax is adopted and ending on June 30 of the tax year for which the tax is adopted, less~~] the amount of any state grants received by the county during that period for those purposes [~~the same purpose~~].

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

SECTION 6. Section 26.0442, 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. This Act takes effect September 1, 2021.

SENATE VERSION (CS)

(A) provide appointed counsel for indigent individuals in criminal or civil proceedings in accordance with the schedule of fees adopted under Article 26.05, Code of Criminal Procedure; and  
(B) fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure; and  
(2) [~~in the period beginning on July 1 of the tax year preceding the tax year for which the tax is adopted and ending on June 30 of the tax year for which the tax is adopted, less~~] the amount of any state grants received by the county during that period for those purposes [~~the same purpose~~].

SECTION 5. Same as House version.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

CONFERENCE