

BILL ANALYSIS

H.B. 409
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While the membership of the board governing the Texas Indigent Defense Commission (TIDC) includes judges, a defense lawyer, and a chief public defender, a representative from a managed assigned counsel (MAC) program is not included, even though TIDC has many cases that involve indigent defendants who are represented by attorneys from MAC programs. H.B. 409 seeks to include the crucial perspective of MAC program attorneys in TIDC board operations, while maintaining an odd number of board members and the current proportion of judicial representation, by expanding board membership to include 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. 409 also removes language in existing statute authorizing the chief public defender to designate an attorney employed by their office to serve on the board in their place and requires a MAC director member to recuse themselves for votes regarding an award of funds to a county that the MAC program serves, as is the case for a chief public defender serving on the board.

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. 409 amends the Government Code to make the following changes to the membership of the governing board of the Texas Indigent Defense Commission (TIDC):

- increases the number of appointive 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. 409 retains the current staggering of TIDC board member terms by including one of the newly added board members among the members whose two-year term of office expires February 1 of each odd-numbered year and by including the other newly added board member among the members whose two-year term of office expires February 1 of each even-numbered year. With respect to the TIDC board 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, 2023.