

SENATE AMENDMENTS

2nd Printing

By: Collier

H.B. No. 409

A BILL TO BE ENTITLED

AN ACT

relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.

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

SECTION 1. Sections 79.014(a) and (b), Government Code, are amended to read as follows:

(a) The governor shall appoint with the advice and consent of the senate seven ~~[five]~~ members of the board as follows:

(1) one member who is a district judge serving as a presiding judge of an administrative judicial region;

(2) one member who is a judge of a constitutional county court or who is a county commissioner;

(3) one member who is a practicing criminal defense attorney;

(4) one member who is a chief public defender in this state ~~[or the chief public defender's designee, who must be an attorney employed by the public defender's office]; [and]~~

(5) one member who is a judge of a constitutional county court or who is a county commissioner of a county with a population of 250,000 or more;

(6) one member who is either:

(A) a director of a managed assigned counsel program in this state; or

1 (B) a justice of the peace, municipal court
2 judge, or appointed magistrate under Article 2.09, Code of Criminal
3 Procedure, whose regular duties include presiding over hearings
4 under Article 15.17, Code of Criminal Procedure; and

5 (7) one member who has a demonstrated expertise in
6 indigent defense issues.

7 (b) The board members serve staggered terms of two years,
8 with three ~~[two]~~ members' terms expiring February 1 of each
9 odd-numbered year and four ~~[three]~~ members' terms expiring February
10 1 of each even-numbered year.

11 SECTION 2. Sections 79.016(a) and (c), Government Code, are
12 amended to read as follows:

13 (a) A board member who is a chief public defender or a
14 director of a managed assigned counsel program for ~~[or an attorney~~
15 ~~employed by]~~ an entity that applies for funds under Section 79.037
16 shall disclose that fact before a vote by the board regarding an
17 award of funds to that entity and may not participate in that vote.

18 (c) The commission may not award funds under Section 79.037
19 to an entity served by a chief public defender or a director of a
20 managed assigned counsel program ~~[other attorney]~~ who fails to make
21 a disclosure to the board as required by Subsection (a).

22 SECTION 3. This Act takes effect September 1, 2023.

By: Zaffirini

Substitute the following for H.B. No. 409:

By: Zaffirini

ADOPTED H.B. No. 409

MAY 19 2023
C.S. H.B. No. 409
Lately Spaw
Secretary of the Senate

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13 county court or who is a county commissioner;

14 (3) one member who is a practicing criminal defense
15 attorney;

16 (4) one member who is a chief public defender in this
17 state ~~[or the chief public defender's designee, who must be an~~
18 ~~attorney employed by the public defender's office]; [and]~~

19 (5) one member who is a judge of a constitutional
20 county court or who is a county commissioner of a county with a
21 population of 250,000 or more;

22 (6) one member who is either:

23 (A) a director of a managed assigned counsel
24 program in this state; or

1 (B) a person who has a demonstrated expertise in
2 indigent defense issues; and

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4 court judge, or appointed magistrate under Article 2.09, Code of
5 Criminal Procedure, whose regular duties include presiding over
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17 award of funds to that entity and may not participate in that vote.

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19 to an entity served by a chief public defender or a director of a
20 managed assigned counsel program [~~other attorney~~] who fails to make
21 a disclosure to the board as required by Subsection (a).

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 20, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB409 by Collier (Relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SD, SMAT, JPa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 17, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB409 by Collier (relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SMAT, JPa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 15, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB409 by Collier (Relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SMAT, DDeI, MW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 3, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB409 by Collier (Relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, DDel, MW, BH