

House Bill 409
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SENATE VERSION (CS)

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

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

(7) one member who is a justice of the peace, municipal court judge, or appointed magistrate under Article 2.09, Code of Criminal Procedure, whose regular duties include presiding over hearings under Article 15.17, Code of Criminal Procedure.

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

CONFERENCE

House Bill 409
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<p>SECTION 2. Sections 79.016(a) and (c), Government Code, are amended to read as follows:</p> <p>(a) A board member who is a chief public defender <u>or a director of a managed assigned counsel program</u> for [or an attorney employed by] an entity that applies for funds under Section 79.037 shall disclose that fact before a vote by the board regarding an award of funds to that entity and may not participate in that vote.</p> <p>(c) The commission may not award funds under Section 79.037 to an entity served by a chief public defender or <u>a director of a managed assigned counsel program</u> [either attorney] who fails to make a disclosure to the board as required by Subsection (a).</p> <p>SECTION 3. This Act takes effect September 1, 2023.</p>	<p>SECTION 2. Same as House version.</p> <p>SECTION 3. Same as House version.</p>	