

- SUBJECT:** Allowing certain entities to receive indigent defense funds
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 5 ayes — Herrero, Moody, Leach, Shaheen, Simpson
- 0 nays
- 2 absent — Canales, Hunter
- WITNESSES:** For — Jim Huff, Live Oak County, Bee County, McMullen County; David Hall, Texas Rio Grande Legal Aid; (*Registered, but did not testify*: James Oakley, Burnet County; Kelly Traylor and Byron Underwood, Cherokee County; Jim Allison, County Judges and Commissioners Association of Texas; John Norman, Garza County; P.T. (Pat) Calhoun, Goliad County; Mark Heinrich, Lubbock County; Josh Gravens, Texas Citizens United for Rehabilitation of Errants (CURE); Kristin Etter, Texas Criminal Defense Lawyers Association; Sarah Pahl, Texas Criminal Justice Coalition; Rebecca Bernhardt, Texas Fair Defense Project; Yannis Banks, Texas NAACP; Marc Levin, Texas Public Policy Foundation Center for Effective Justice; Justin Lewis)
- Against — None
- On — Wesley Shackelford, Texas Indigent Defense Commission
- BACKGROUND:** Under Government Code, ch. 79, the Texas Indigent Defense Commission is required to assist counties in providing indigent defense services in the county by distributing funds to counties through grants.
- DIGEST:** CSHB 2969 would require the Texas Indigent Defense Commission to assist counties in providing indigent defense services by determining which entities within the county were eligible to receive funds for indigent defense services and by distributing the grants to one or more of these entities. The entities could include counties, a law school's legal clinic or program that provided indigent defense services, and certain regional

public defenders.

The commission would be allowed to distribute funds to a regional public defender's office only if:

- the office served two or more counties;
- certain agreements regarding grant funding were met;
- commission guidelines for case assignment were adopted; and
- an agreement was made to a method to pay all costs associated with the defense of cases that remained pending after the end of the agreement or the county's participation in the agreement.

The bill would require the commission to select a method for payment of costs associated with defense of cases that remained pending. The method could include any combination of:

- allowing an office to establish a reserve of funds that was sufficient to cover anticipated costs in an amount determined by the commission;
- guaranteeing all or part of the costs to be paid; or
- establishing a schedule of fees that was adopted by judges of certain courts, any changes to which would have to be approved by the commission.

The bill would require a regional public defender's office to collect each participating county's portion of the operational costs as that portion was provided by the county to the office.

This bill would take effect September 1, 2015.