

SUBJECT: Allowing indigent defense commission to support public defender's office

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Leach, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith,
White

0 nays

1 absent — Farrar

SENATE VOTE: On final passage, May 3 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Adam Haynes, Conference of
Urban Counties; Dee Simpson, Texas Rio Grande Legal Aid)

Against — None

On — (*Registered, but did not testify*: Geoffrey Burkhart, Texas Indigent
Defense Commission)

BACKGROUND: Government Code ch. 79 governs the Texas Indigent Defense
Commission (TIDC). Under sec. 79.037, TIDC provides technical support
to assist counties in improving their indigent defense systems and
distributes grants to assist counties in providing indigent defense services.

Concerns have been raised that the cost to counties for court-appointed
counsel for indigent defendants is rising. A study by TIDC indicates that
public defenders' offices may be the most cost-effective method to deliver
such legal representation. Some suggest extending TIDC's grant program
to allow the commission to support establishment of public defenders'
offices.

DIGEST: CSSB 1649 would specify that grants distributed by the Texas Indigent
Defense Commission (TIDC) could be used for improving the provision
of indigent defense services in a county. TIDC grant eligibility would be

expanded to include:

- certain entities providing a county with administrative services under an interlocal contract to provide or improve the provision of indigent defense services; and
- nonprofit corporations providing indigent defense services or indigent defense support services in the county.

The bill would allow TIDC to encourage the creation of public defenders' offices and offer financial and technical assistance to counties in the establishment, operation, and oversight of those offices. TIDC could provide ongoing financial assistance to public defenders' offices, including regional offices that served more than one county.

TIDC would have to establish policies and standards for the operation and administration of a public defender's office. The commission would have to submit a report to the governor and Legislature by November 1 each even-numbered year, including the number of public defenders' offices established with commission assistance and the number of counties not served by an office.

The bill also would require TIDC to conduct a biennial review of criminal defense attorney's fees in the state to ensure the fees were consistent and fair.

CSSB 1649 would take effect September 1, 2019.

NOTES:

According to the fiscal note, the expected fiscal impact of this bill to the state would be dependent on the number of counties interested in creating a public defender's office.