

SUBJECT: Revising membership of the Texas Indigent Defense Commission board

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Moody, Cook, Bhojani, Bowers, Darby, Leach, C. Morales, Schatzline
0 nays
1 present not voting — Harrison

WITNESSES: For — Bradley Hargis, Capital Area Private Defender; Nicholas Chu, Justices of the Peace and Constables Association (*Registered, but did not testify*); M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Jenny Hixon, Texas Civil Rights Project; Thomas Parkinson)
Against — None
On — Geoff Burkhart, Texas Indigent Defense Commission

BACKGROUND: Some have suggested that a representative from a managed assigned counsel (MAC) program should be included on the board governing the Texas Indigent Defense Commission (TIDC), as many TIDC cases involving indigent defendants are represented by MAC program attorneys.

DIGEST: HB 409 would add to the list of members of the TIDC board the governor would be required to appoint with the advice and consent of the senate:

- one member who was a director of a MAC program in this state; and
- one member who was a justice of the peace, municipal court judge, or appointed magistrate whose regular duties include presiding over hearings.

The bill would remove provisions allowing a chief public defender's designee to replace a chief public defender on the board.

The bill also would increase the number of members' terms expiring February 1 of each odd-numbered year from two to three and increase the number of members' terms expiring February 1 of each even-numbered year from three to four.

The bill would include directors of MAC programs among those who, if applying for a grant, would be required to disclose their position before a vote by the board regarding an award of funds to that entity and could not participate in that vote. The bill also would include directors of MAC programs among those to which the commission could not award funds if the directors failed to make a disclosure to the board.

The bill would take effect September 1, 2023.