

BILL ANALYSIS

Senate Research Center

S.B. 2053
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 133.102, Local Government Code, apportions revenue from an existing consolidated court cost fee to several state accounts. A recent Court of Criminal Appeals (CCA) decision (*Salinas v. State*) found the dedication to two of those accounts (abused children's counseling, and comprehensive rehabilitation), unconstitutional, while leaving the rest of the statute and its apportionment to various programs intact. In footnote 54 of the *Salinas* opinion, the CCA provides that "[i]f the Legislature redirects the funds to a legitimate criminal justice purpose, the entire consolidated court cost may be collected."

One of the current recipients of funding from this consolidated court cost fee is the Texas Indigent Defense Commission (commission). The commission provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. In addition, the commission requires local planning for indigent defense and reporting of expenditures and provides an array of resources for counties to improve these services. To help ensure that the commission has sufficient resources to help counties fulfill the legal requirements of the Constitution and state law related to the right to counsel, S.B. 2053 amends the statute setting out the apportionment of this fee revenue to delete the two funds that have been found unconstitutional, and to add the percentage of the revenue that was attributed to the unconstitutional funds to the Texas Indigent Defense Commission fund.

As proposed, S.B. 2053 amends current law relating to the distribution of the consolidated court cost.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 133.102(e), Local Government Code, as follows:

(e) Prohibits the account or fund to which this subsection applies from receiving less than the following percentages:

(1) deletes existing Subsection (1) including abused children's counseling 0.0088 percent. Redesignates existing Subdivision (2) as Subdivision (1);

(2) through (4) redesignates existing Subdivisions (3) through (5) as Subdivisions (2) through (4) and makes no further changes to these subdivisions;

(5) redesignates existing Subdivision (7) as Subdivision (5) and makes no further changes to this subdivision;

(6) deletes existing Subdivision (6) including comprehensive rehabilitation 9.8218 percent. Redesignates existing Subdivision (8) as Subdivision (6);

(7) through (11) redesignates existing Subdivisions (9) through (13) as Subdivisions (7) through (11) and makes no further changes to these subdivisions; and

(12) redesignates existing Subdivision (14) as Subdivision (12) and increases the percentage from 8.0143 to 17.8448 percent for the fair defense account.

SECTION 2. Effective date: upon passage or September 1, 2017.