

SUBJECT: Allowing nonprofit indigent defense organizations to receive TIDC grants

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For — Emily Gerrick, Texas Fair Defense Project; (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Melissa Shannon, Bexar County Commissioners Court; Jim Allison, County Judges and Commissioners Association of Texas; Daniel Collins, County of El Paso; Charles Reed, Dallas County Commissioners Court; Kathy Mitchell, Just Liberty; Russell Schaffner, Tarrant County; Rachana Chhin, Texas Catholic Conference of Bishops; Alycia Castillo, Texas Criminal Justice Coalition; Rebecca Bernhardt, The Innocence Project of Texas; Julie Wheeler, Travis County Commissioners Court)

Against — None

On — Scott Ehlers, Texas Indigent Defense Commission

BACKGROUND: Government Code sec. 79.037(a) requires the Texas Indigent Defense Commission (TDIC) to assist counties in providing indigent defense services by distributing grants from appropriated funds to the county, a law school's legal clinic or program that provides indigent defense services in the county, or an eligible regional public defender who provides indigent defense services in the county. TDIC also must provide technical support to assist counties in improving their indigent defense systems.

DIGEST: HB 295 would allow grants provided by the Texas Indigent Defense Commission (TIDC) under Government Code sec. 79.037(a) to be used to improve the provision of indigent defense services in a county. TIDC would have to determine for each county the entities eligible to receive

funds for the improvement in the provision of indigent defense services based on criteria established in statute, and the bill would remove a requirement that TIDC consider only entities located within the county.

The bill would add to the list of entities eligible to receive grants issued by TIDC under sec. 79.037(a):

- a contract supervision agency, designated local government, or organization that provided administrative services to a county under an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services in the county; and
- a nonprofit corporation that provided indigent defense services or indigent defense support services in the county.

HB 295 also would specify that TIDC had to provide technical support to assist counties in improving their systems for providing indigent defense services, including indigent defense support services.

In addition, the bill would reenact Government Code secs. 79.037(b) and (c) to harmonize differences between the two versions of the subsections that were amended through the enactment in 2015 of SB 1353 and SB 1057.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

HB 295 would enable the Texas Indigent Defense Commission to more efficiently allocate existing funds for indigent defense services by allowing the commission to directly issue grants to certain nonprofit organizations providing these services. Allowing nonprofits to accept grants from the commission without funds first having to be routed through the county would save counties valuable time and resources and allow nonprofits to more efficiently provide indigent defense services. This also would provide flexibility to rural counties that did not provide extensive indigent defense services.

CRITICS
SAY:

No concerns identified.