

BILL ANALYSIS

C.S.H.B. 2825
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Indigent Defense Commission is charged with providing financial and technical support to assist counties in improving their indigent defense systems. Interested parties explain one instance in which several counties have formed a collaborative effort through an interlocal agreement to carry out these duties for the purpose of realizing economies of scale in this common endeavor. The parties further explain that the Texas Conference of Urban Counties, through its TechShare program, serves as the administrative entity of the interlocal agreement. However, the parties note that, because the commission may make grants only to counties, one of the participating counties must serve as the official grantee responsible for the receipt and appropriate expenditure of grant funds, as well as compliance with grant terms and accounting. The parties are concerned that a county serving in such a capacity cannot currently recoup administrative expenses related to these responsibilities. C.S.H.B. 2825 seeks to amend the applicable law to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2825 amends the Government Code to authorize the Texas Indigent Defense Commission, by entering into an interlocal contract with one or more counties under the Interlocal Cooperation Act, to participate and assist counties in the creation, implementation, operation, and maintenance of a computerized system to be used to assist those counties in the provision and administration of indigent defense services and to be used to collect data from those counties regarding representation of indigent defendants in Texas. The bill authorizes the commission to use appropriated funds to pay costs incurred under such an interlocal contract and to provide training services to counties on the use and operation of a system created, implemented, operated, or maintained by one or more contracting counties. The bill exempts an indigent defense information system from provisions of the Information Resources Management Act relating to statewide technology centers.

C.S.H.B. 2825 authorizes the commission to award a grant to an administrative agency, local government, or certain organization exempted from federal income tax under the federal Internal Revenue Code of 1986 that provides to a county administrative services under an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services in the county. The bill requires the commission to monitor each entity that receives such

a grant and to enforce compliance with the conditions of the grant in the same manner as if the grant were awarded directly to a county for the provision of indigent defense services.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2825 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 79.037, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:

(b) The commission shall distribute funds as described [~~required~~] by Subsection (a)(2) or (e) based on the applicable [a] county's compliance with standards adopted by the board and the county's demonstrated commitment to compliance with the requirements of state law relating to indigent defense.

(c) The board shall adopt policies to ensure that funds under Subsection (a)(2) or (e) are allocated and distributed [~~to counties~~] in a fair manner.

(e) The commission may award a grant to an entity described by Section 791.013 that provides to a county administrative services pursuant to an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services in the county. The commission shall monitor each entity that receives a grant under this subsection and enforce compliance with the conditions of the grant in the same manner as if the grant were awarded directly to a county under Subsection (a)(2).

SECTION 2. Subchapter C, Chapter 79, Government Code, is amended by adding Section 79.040 to read as follows:

Sec. 79.040. INDIGENT DEFENSE INFORMATION SYSTEM. (a) By entering into an interlocal contract with one or more counties under Chapter 791, the commission may participate and assist counties in the creation, implementation,

HOUSE COMMITTEE SUBSTITUTE

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(c) The board shall adopt policies to ensure that funds under Subsection (a)(2) or (e) are allocated and distributed [~~to counties~~] in a fair manner.

(e) The commission may award a grant to an entity described by Section 791.013 that provides to a county administrative services under an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services in the county. The commission shall monitor each entity that receives a grant under this subsection and enforce compliance with the conditions of the grant in the same manner as if the grant were awarded directly to a county under Subsection (a)(2).

SECTION 2. Subchapter C, Chapter 79, Government Code, is amended by adding Section 79.040 to read as follows:

Sec. 79.040. INDIGENT DEFENSE INFORMATION SYSTEM. (a) By entering into an interlocal contract with one or more counties under Chapter 791, the commission may participate and assist counties in the creation, implementation,

operation, and maintenance of a statewide computerized system to be used to assist those counties in the provision and administration of indigent defense services and to be used to collect data from those counties regarding representation of indigent defendants in this state.

(b) The commission may use appropriated funds to pay costs incurred pursuant to an interlocal contract described by Subsection (a), including license fees, implementation costs, maintenance and operations costs, administrative costs, and any other costs specified in the interlocal contract.

(c) The commission may provide training services to counties on the use and operation of a system created, implemented, operated, or maintained by one or more counties under Subsection (a).

(d) Subchapter L, Chapter 2054, does not apply to the statewide indigent defense information system created under this section.

SECTION 3. This Act takes effect September 1, 2015.

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(b) The commission may use appropriated funds to pay costs incurred under an interlocal contract described by Subsection (a), including license fees, implementation costs, maintenance and operations costs, administrative costs, and any other costs specified in the interlocal contract.

(c) The commission may provide training services to counties on the use and operation of a system created, implemented, operated, or maintained by one or more counties under Subsection (a).

(d) Subchapter L, Chapter 2054, does not apply to an indigent defense information system created under this section.

SECTION 3. Same as introduced version.