

- SUBJECT:** Allowing certain training funds to be used for the staff of defense attorneys
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Lewis, Farrar, Farney, Gooden, Hunter, K. King, Raymond, S. Thompson
- 0 nays
- 1 absent — Hernandez Luna
- WITNESSES:** For — (*Registered, but did not testify:* Rebecca Bernhardt, Texas Defender Service; Andrea Marsh, Texas Fair Defense Project; Allen Place, Texas Criminal Defense Lawyers Association)
- Against — (*Registered, but did not testify:* Bobby Gutierrez, Justice of the Peace and Constables Association of Texas)
- BACKGROUND:** Government Code, ch. 56 creates the judicial and court personnel training fund for the continuing legal education of judges and court personnel.
- Government Code, sec. 56.004 requires the judicial and court personnel training fund be used to provide for continuing legal education, technical assistance, and other support programs for: judges and their court personnel, prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters, and justices of the peace and their court personnel. Additionally, innocence training programs for law enforcement officers, law students, and other participants also are paid for by the fund.
- DIGEST:** HB 1245 would add the personnel of criminal defense attorneys who regularly represent indigent defendants in criminal matters to the groups that could receive continuing legal education, technical assistance, and other support programs from the judicial and court personnel training fund.
- The bill would take effect on September 1, 2013.

**SUPPORTERS
SAY:**

HB 1245 would provide clarification to the judicial and court personnel training fund. Under current law, prosecuting attorneys and their personnel, as well as court personnel at all court levels may participate in trainings administered by the fund. However, the personnel of criminal defense attorneys who regularly represent indigent defendants are not able to participate as they are not specifically listed under the statute. The bill would equalize the fund by allowing employees of criminal defense attorneys to receive training from the fund.

It would be appropriate to include the staff of defense attorneys because they would not cost much to train and there are funds available. CSSB 1 would appropriate \$17.9 million for the judicial and court personnel training fund. After specific appropriations are made from the fund, \$550,000 would be left available. The Legislative Budget Board fiscal note estimates it would cost \$115,000 per year to train criminal defense personnel. In comparison, the cost to train prosecuting attorneys' staff for 2012 was \$276,822. In that same year, it cost \$844,052 to train JP and constable personnel.

**OPPONENTS
SAY:**

HB 1245 could reduce the already small amount of funding available to groups already allowed to access the judicial and court personnel training fund by whatever amount would be allocated to defense attorney personnel. While criminal defense attorney personnel are a deserving group, HB 1245 would not be the right vehicle for additional training funds.

**OTHER
OPPONENTS
SAY:**

The bill should only allow funds for the training of defense attorney personnel to come from funds already marked for the training of defense attorneys. This would be more fair to other groups that already draw on the fund for training resources.