

SUBJECT: Providing certain authorizations to Texas Indigent Defense Commission

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Coleman, Farias, Burrows, Romero, Schubert, Spitzer,  
Tinderholt, Wu

0 nays

1 absent — Stickland

WITNESSES: For — Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Patti Jones, Lubbock County; Will Jones, McLennan County; Mark Mendez, Tarrant County Commissioners Court; Rick Thompson, Texas Association of Counties; Patricia Cummings, Texas Criminal Defense Lawyers Association; Douglas Smith, Texas Criminal Justice Coalition; Conrad John, Travis County Commissioners Court; John Brieden, Washington County)

Against — None

On — Wesley Shackelford, Texas Indigent Defense Commission

BACKGROUND: The Texas Indigent Defense Commission (TIDC), governed by Government Code, ch. 79, provides financial and technical support to counties to develop and maintain quality indigent defense systems. TIDC supports counties to provide for legal representation and defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings.

Government Code, sec. 79.037 requires the commission to distribute funds to assist counties in providing indigent defense services based on each county's compliance with adopted standards and state law relating to indigent defense.

Government Code, ch. 791 authorizes local governments to contract with one another and with state agencies. These agreements are called interlocal contracts.

**DIGEST:** CSHB 2825 would allow the Texas Indigent Defense Commission (TIDC) to award a grant to local government entities or organizations that provide administrative services to counties under an interlocal agreement created to provide or improve indigent defense services in the county. TIDC would have to monitor each grant recipient and enforce compliance with the conditions of the grant in the same way as a grant awarded directly to a county.

If an interlocal agreement was created between TIDC and one or more counties, TIDC could participate and assist counties in the creation, implementation, operation, and maintenance of a computerized system to assist counties in the provision and administration of indigent defense services and the collection of data relating to representation of indigent defendants in Texas. CSHB 2825 also would permit TIDC to provide training services to counties related to the operation of the information system. The bill would specify that the indigent information system would not be a statewide technology center under Government Code, ch. 2054.

CSHB 2825 would permit TIDC to use appropriated funds to pay costs associated with the interlocal contract, including license fees, implementation costs, maintenance and operations costs, administrative costs, and other costs specified in the contract.

The bill would take effect September 1, 2015.

**SUPPORTERS SAY:** CSHB 2825 would decrease administrative work for counties by allowing the Texas Indigent Defense Commission (TIDC) to award grants to entities that provide or improve a county's indigent defense services. Currently, counties contract with service providers to support their indigent defense services, but these contracts can become burdensome for county administrators, consuming resources and time. This bill would simplify the grant distribution process by eliminating a layer of

bureaucracy.

CSHB 2825 also could enhance county and regional cooperation by allowing counties to collaborate with one another and with the TIDC to establish an indigent defense information system, which would gather information across counties regarding indigent defense services.

The bill would give TIDC more oversight on the use of grant funding to counties and indigent defense service providers. Awarding grants to providers through counties means TIDC loses oversight of the funds and cannot ensure as effectively that all service providers are complying with TIDC standards and policies. This bill would permit TIDC to award funds directly to providers and to ensure compliance standards were being met.

**OPPONENTS  
SAY:**

CSHB 2825 would diminish local government oversight and authority by allowing TIDC to award grants directly to providers, rather than having to go through the counties. Counties, not state agencies, are in the best position to determine the needs of their local indigent populations.