

SUBJECT: Removing the requirement that public defenders report clients' finances

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody,
Pacheco

0 nays

1 present not voting — Murr

WITNESSES: For — Alex Bunin, Harris County Public Defender's Office; (*Registered, but did not testify*: Pete Gallego, Bexar County Criminal District Attorney's Office; Ender Reed, Harris County Commissioners Court; Brett Merfish, Texas Appleseed; Emily Gerrick, Texas Fair Defense Project; Darwin Hamilton)

Against — None

On — (*Registered, but did not testify*: Wesley Shackelford, Texas Indigent Defense Commission)

BACKGROUND: Code of Criminal Procedure art. 26.044(1) allows a public defender's office to investigate the financial condition of any person the office is appointed to represent. The office must report the results of the investigation to the appointing judge, and the judge may hold a hearing to determine if the person is indigent and entitled to representation by a public defender.

It has been suggested that requiring attorneys in public defender offices to report their client's financial condition to the appointing judge violates attorney-client privilege.

DIGEST: HB 2131 would remove the requirement that a public defender's office report to the appointing judge the results of its investigation into the financial condition of a person the office was appointed to represent.

The bill also would remove the authority of an appointing judge to hold a hearing to determine if the person was indigent.

The bill would take effect September 1, 2019.