

## **BILL ANALYSIS**

Senate Research Center  
84R11065 LEH-F

S.B. 1353  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Indigent Defense Commission (TIDC) is charged with providing technical support to assist counties in improving their indigent defense systems, and distributing grants to counties to assist in the provision of indigent defense services. TIDC has recently funded a computerized system for indigency services.

Several counties have entered into an interlocal agreement to collaborate in the developing and sharing the costs of maintaining that computerized system. The Texas Conference of Urban Counties acts as the administrator of the interlocal agreement between the counties and maintains the computerized system through its TechShare program.

TIDC authority is limited to making grants only to counties, so a grant award cannot be made directly to an entity for the benefit of all counties sharing the computerized system. Instead, one of the counties participating in the interlocal agreement serves as the official grantee. However, this county cannot recoup administrative expenses related to the responsibilities of managing the grant on behalf of the interlocal agreement.

S.B. 1353 permits TIDC to award grants directly to an entity administering an interlocal agreement between counties for indigent defense services, and permits TIDC to participate in an interlocal agreement to operate its indigent defense services computer system. TIDC can monitor administrative entities and enforce grant requirements in the same way that it does with counties. S.B. 1353 allows TIDC to pay for costs associated with the computer system and to provide training to counties about its operation.

As proposed, S.B. 1353 amends current law relating to the provision and administration of indigent defense services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

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

(b) Requires the Texas Indigent Defense Commission (TIDC) to distribute funds as described by Subsection (a)(2) (requiring TIDC to assist counties in providing indigent defense services in the county) or (e) based on the applicable county's compliance with standards adopted by the governing board of TIDC (board) and the county's demonstrated commitment to compliance with the requirements of state law relating to indigent defense, rather than requires TIDC to distribute funds as required by Subsection (a)(2) based on 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) Requires the governing board of TIDC to adopt policies to ensure that funds under Subsection (a)(2) or (e) are allocated and distributed in a fair manner, rather than distributed to counties in a fair manner.

(e) Authorizes TIDC to award a grant to an entity described by Section 791.013 (Contract Supervision and Administration) 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. Requires TIDC to 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. Amends Subchapter C, Chapter 79, Government Code, by adding Section 79.040, as follows:

Sec. 79.040. INDIGENT DEFENSE INFORMATION SYSTEM. (a) Authorizes TIDC, by entering into an interlocal contract with one or more counties under Chapter 791 (Interlocal Cooperation Contracts), to 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) Authorizes TIDC to 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) Authorizes TIDC to 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) Provides that Subchapter L (Statewide Technology Centers), Chapter 2054 (Information Resources), does not apply to the statewide indigent defense information system created under this section.

SECTION 3. Effective date: September 1, 2015.