

BILL ANALYSIS

Senate Research Center
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S.B. 1214
By: Perry
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Regional Public Defender Office for Capital Cases (RPDO) is based in Lubbock County and is administratively organized as a department of the county. Originally developed as a cooperative endeavor to provide capital defense services in counties in the 7th and 9th administrative judicial regions, the program has expanded through inter-local agreements to serve 178 participating counties in all nine administrative judicial regions across the state. Lubbock County recognizes the broad impact this program has for participating counties and the importance of upholding constitutional requirements in the most serious criminal cases.

In recognition of its statewide impact, S.B. 1214 would provide a statutory basis for the RPDO program to assure its continued operation. The bill would authorize the Texas Indigent Defense Commission (TIDC) to develop a succession plan for RPDO if the administering county chooses to no longer serve in that role. A succession plan developed under the bill could authorize TIDC to designate a governmental entity to administer the RPDO program, which could be another county, group of counties, or an entity created under the Interlocal Cooperation Act. The plan could also require the designated administering entity to establish an oversight board for the RPDO and require the RPDO to comply with any rules developed by TIDC for the administration of the program.

As proposed, S.B. 1214 amends current law relating to a succession plan for a regional public defender's office that primarily handles capital cases.

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 Subchapter C, Chapter 79, Government Code, by adding Section 79.042, as follows:

Sec. 79.042. SUCCESSION PLAN FOR CERTAIN PUBLIC DEFENDERS' OFFICES.

(a) Defines "governmental entity."

(b) Authorizes the Texas Indigent Defense Commission (TIDC), as a condition of a grant awarded by TIDC to a regional public defender's office (office) that primarily handles capital cases, to establish for the office a succession plan to take effect only if the commissioners court of the county in which the central administrative office of the office is located ceases for any reason to be a party to the agreement creating or designating the office.

(c) Authorizes a succession plan established under Subsection (b) to authorize TIDC to designate a governmental entity to administer the office, require the designated governmental entity to establish an oversight board for the office under Article 26.045 (Public Defender Oversight Board), Code of Criminal Procedure, and require the office to comply with any rules adopted by TIDC for the administration of the office.

SECTION 2. Effective date: upon passage or September 1, 2017.