

**STATE OF TEXAS**

**RESOLUTION**

**of the**

**TEXAS JUDICIAL COUNCIL**

**In Support of Appropriating All Funds Collected for Improving Indigent Defense**

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Texas Indigent Defense Commission (TIDC) is a permanent standing committee of the Texas Judicial Council, created under Chapter 79, Texas Government Code; and

WHEREAS, TIDC is charged with promoting compliance by counties with the requirements of state law related to indigent defense pursuant to the *Fair Defense Act of 2001*; and

WHEREAS, the right to counsel is also guaranteed in the U.S. and Texas Constitutions; and

WHEREAS, the TIDC funding has directly led to improved compliance and innovations that enhance access to quality indigent defense representation; and

WHEREAS, numerous challenges remain in the Texas indigent defense system despite significant progress; and

WHEREAS, the Texas Indigent Defense Commission is funded exclusively from the Fair Defense Account, a General Revenue-dedicated fund of the State of Texas; and

WHEREAS, the court costs and fees that fund the Fair Defense Account are collected specifically for the purpose of improving indigent defense; and

WHEREAS, TIDC has historically been provided with spending authority for all inflows into the Fair Defense Account; and

WHEREAS, to meet its mission more effectively, TIDC needs access to these funds to improve oversight, accountability, access, quality, and transparency in the delivery of indigent defense in Texas; and

WHEREAS, the 86<sup>th</sup> Legislature provided an additional \$5 million for mental health defender programs but limited the use of the funds to existing public defender offices;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council recommends that the Texas Legislature:

- 1) Restore TIDC's estimated appropriation authority to the Texas Fair Defense Account so that fees collected for the purpose of improving indigent defense can be used for that purpose; and
- 2) Allow the funds allocated for mental health defender programs to be accessed by any public defender office or managed assigned counsel program in the state.



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Honorable Nathan L. Hecht  
Chair, Texas Judicial Council