

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 86th 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.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council