

Task Force on Indigent Defense Legislative Policy

General. Legislative actions to be undertaken by the Task Force on Indigent Defense (Task Force) shall be limited to those that conform to the Task Force legislative policy and applicable law. The Task Force provides recommendations for legislative and other changes to the indigent defense system under authority of Section 71.061, Government Code, which provides in part:

§ 71.061. COUNTY REPORTING PLAN; TASK FORCE REPORTS.

...

(b) The Task Force on Indigent Defense shall annually submit to the governor, lieutenant governor, speaker of the house of representatives, and council and shall publish in written and electronic form a report:

- (1) containing the information submitted under Section 71.0351; and
- (2) regarding:
 - (A) the quality of legal representation provided by counsel appointed to represent indigent defendants;
 - (B) current indigent defense practices in the state as compared to state and national standards;
 - (C) efforts made by the task force to improve indigent defense practices in the state; and
 - (D) recommendations made by the task force for improving indigent defense practices in the state.

The terms "legislation" or "legislative proposal," when used in this policy, shall be construed to mean any existing or proposed statute, rule, or regulation of the State of Texas or the United States or of any department or agency of the United States or the State of Texas. The terms "legislative position" or "legislative action" shall mean the legislative action taken or proposed to be taken by the Task Force with respect to legislative proposals.

Criteria. The Task Force, when acting within the scope of its authority under this policy in deciding whether to recommend, support, remain neutral, or oppose proposed legislation or to initiate any legislative action in either house of the Texas Legislature, in the United States Congress, or before any department or agency of the United States or the State of Texas shall, in addition to the policy considerations set forth in this Section, determine that the proposed legislation or legislative action conforms in all material respects to the following criteria:

- A. The proposed legislation or legislative action falls within the purposes, expressed or implied, of the Task Force as provided in the Fair Defense Act.
- B. Adequate notice and opportunity has been afforded for the presentation of opposing opinions and views.
- C. The proposed legislation or legislative action is in the public interest.

- D. The proposed legislation or legislative action is not designed to promote or impede the political candidacy of any person or party or to promote a partisan political purpose.

Policies and Standards Committee.

- A. The Policies and Standards Committee of the Task Force will meet as often as necessary to develop recommendations to the Task Force for the Task Force to initiate legislative action in accordance with this policy.
- B. The Policies and Standards Committee may create a workgroup to assist it in developing legislative proposals.
- C. The Policies and Standards Committee shall include in its recommendations to the Task Force legislative positions approved by a majority vote of the Policies and Standards Committee members present and voting.
- D. The Policies and Standards Committee shall also have the authority to draft and submit to the Task Force proposed legislation that it recommends to the Task Force.

Approval of Legislative Proposals by Task Force.

- A. The Task Force shall consider all legislative proposals recommended by the Policies and Standards Committee. The Task Force shall also consider any legislative proposals submitted by any member of the Task Force.
- B. The Task Force may not propose legislation unless it has been approved by a two-thirds vote of the Task Force members present and voting at the meeting at which it is considered.
- C. The Task Force may also by two-thirds vote of the Task Force members present and voting take positions supporting, opposing, or remaining neutral on pending legislation. Failure to receive the necessary majority vote to support or remain neutral on the proposed legislation shall not be construed as adoption of a position to oppose that legislation. Legislative positions may be altered, amended, or withdrawn by a majority vote of the Task Force present at a meeting.

Legislative Action by Task Force.

- A. Legislative proposals and legislative action approved by the Task Force shall be published in the Task Force's *Annual Report*.
- B. The Director shall, in cooperation with the Task Force, seek legislative sponsors for all approved legislative proposals. The Director or designee shall also appear or find an appropriate representative to appear before the Texas Legislature to explain each legislative proposal approved by the Task Force and to conduct such related activities and provide such additional information as may be required; however, no representative of the Task Force or any section thereof shall appear before the Legislature or any committee or member of the Legislature in the pursuit of any legislative action authorized by the Task Force without complying with all applicable laws of the State of Texas.

Director to Administer Legislative Program.

- A. The Director shall coordinate and administer the legislative programs and activities of the Task Force and shall, together with the Special Counsel, monitor the Task Force's legislative program as well as pending legislation that may have an impact on the Task Force.
- B. The Director shall monitor the time frame in which the Task Force's legislative program is to be developed and shall make recommendations concerning the legislative timetable to the Task Force.
- C. The Director shall assist and advise the Task Force in the development of the Task Force's legislative program.
- D. The Director shall have a copy of each item of proposed legislation prepared and forwarded to each member of the Policies and Standards Committee in the meeting packet prior to its next meeting.
- E. The Director or designee shall assist the Policies and Standards Committee in the submission of its written report or recommendations to the Task Force. A copy of the Policies and Standards Committee's report shall be forwarded to each member of the Task Force in the meeting packet prior to the meeting at which the Task Force is to consider the Policies and Standards Committee recommendations. The report shall contain a copy of each legislative proposal and the rationale for the Policies and Standards Committee's recommendation, as well as the rationale of any known objections.
- F. The Director shall provide copies of all legislative proposals approved by the Task Force to the Executive Director of the Texas Judicial Council and the Texas Judicial Council at its next regularly scheduled meeting.