

Resolution



ORDER NO: 2016-0656

DATE: **June 7, 2016**

STATE OF TEXAS §

COUNTY OF DALLAS §

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 7th day of June, 2016, on a motion made by Dr. Theresa M. Daniel, Commissioner of District 1, and seconded by Dr. Elba Garcia, Commissioner of District 4, the following Resolution was adopted:

WHEREAS, the right to counsel is guaranteed in both the United States Constitution and the Texas Constitution, and, as such, is not a discretionary program; and

WHEREAS, The *Texas Fair Defense Act of 2001* was developed by the Texas legislature to provide a necessary structure and guidance to local officials; and

WHEREAS, the State of Texas is required to implement this right and provide legal counsel to indigent criminal defendants and fund the costs associated with the *Texas Fair Defense Act of 2001*; and

WHEREAS, in the 15 years since the Fair Defense Act was passed, the State has never covered more than 20% of the costs of providing indigent criminal defense; and

WHEREAS, indigent defense is one of the major uncontrollable costs in a budget because there is no control over the number of defendants who must be represented at a level of quality that meets the minimum standards imposed by the law; and

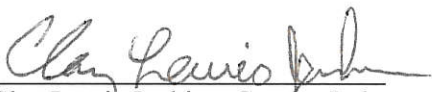
WHEREAS, Dallas County costs have increased more than 73% from \$16 million in 2001 to \$28 million in 2015 with only 7% of this increased expense covered by the state, thereby shifting the burden of costs to the Dallas County taxpayers; and

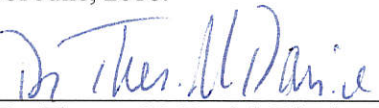
WHEREAS, With 17% of Texans falling below the poverty line, the 8th highest rank in the United States, the number of indigent criminal defendants is expected to keep growing; and


WHEREAS, the Texas legislature has taken steps toward closing this funding gap, there is still much more work to be done.


NOW, THEREFORE, BE IT RESOLVED that the Dallas County Commissioners Court asks the Texas legislature to fully fund the cost of indigent criminal defense throughout the state and in Dallas County as mandated by the *Fair Defense Act of 2001*.


DONE IN OPEN COURT, this the 7th day of June, 2016.


Clay Lewis Jenkins, County Judge


Dr. Theresa M. Daniel, District 1


Mike Cantrell, District 2


John Wiley Price, District 3


Dr. Elba Garcia, District 4