

**Rider Comparison Packet**

**Conference Committee on Senate Bill 1**

**2014-15 General Appropriations Bill**

**Article IV - (The Judiciary)**

**ARTICLE IV - THE JUDICIARY**  
**211 Court of Criminal Appeals**  
**DIFFERENCES ONLY**

**Senate**

**House**

**2. Judicial Education.**

- a. The Court of Criminal Appeals may assign to the Office of Court Administration or to any other agency of the Judicial Branch the necessary administrative and accounting functions for the General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540 appropriation included in this Act to be performed under the direction of the Court of Criminal Appeals in compliance with Government Code, Chapter 56. To implement this provision, the Comptroller is authorized to transfer the appropriation from the Court of Criminal Appeals to the Office of Court Administration, or to any other agency of the Judicial Branch, as directed by order of the Court of Criminal Appeals. Of the amount appropriated for Strategy B.1.1, Judicial Education, \$403,750 in fiscal year 2014 and \$403,750 in fiscal year 2015 shall be expended for the continuing legal education of judges of county courts performing judicial functions.
- b. None of the funds appropriated above in Strategy B.1.1, Judicial Education, in excess of 3 percent of the appropriated amount and any additional amounts appropriated for the purposes of this provision in any fiscal year shall be expended for the administration of the judicial education function. The 3 percent administrative allocation is estimated to be \$552,861 in fiscal year 2014 and \$455,861 in fiscal year 2015, subject to amounts of refunds of unexpended balances from training entities or other funds that may be provided for judicial and court personnel training. For the purposes of this provision, the term administration shall include, but not be limited to, administrative oversight functions, accounting and auditing functions, management studies, performance audits, and other studies initiated by the Court of Criminal Appeals or the Office of Court Administration.
- c. Funds expended by either the Court of Criminal Appeals or the Office of Court Administration, out of the appropriation made above out of the General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540, for the purpose of conducting management studies, performance audits, or other studies, shall be expended only in accordance with a competitive bidding process.

**2. Judicial Education.**

- a. The Court of Criminal Appeals may assign to the Office of Court Administration or to any other agency of the Judicial Branch the necessary administrative and accounting functions for the General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540 appropriation included in this Act to be performed under the direction of the Court of Criminal Appeals in compliance with Government Code, Chapter 56. To implement this provision, the Comptroller is authorized to transfer the appropriation from the Court of Criminal Appeals to the Office of Court Administration, or to any other agency of the Judicial Branch, as directed by order of the Court of Criminal Appeals. Of the amount appropriated for Strategy B.1.1, Judicial Education, \$403,750 in fiscal year 2014 and \$403,750 in fiscal year 2015 shall be expended for the continuing legal education of judges of county courts performing judicial functions.
- b. Funds appropriated above in Strategy B.1.1, Judicial Education include a 3 percent administrative allocation estimated to be \$276,411 in fiscal year 2014 and \$276,411 in fiscal year 2015, subject to amounts of refunds of unexpended balances from training entities, other funds that may be provided for judicial and court personnel training or unexpended balances in the administrative allocation in the current or prior biennia. In addition to these amounts, \$200,000 in fiscal year 2014 and \$200,000 in fiscal year 2015 of the amounts appropriated above in Strategy B.1.1, Judicial Education are allocated for administrative purposes. For the purposes of this provision, the term administration shall include, but not be limited to, administrative oversight functions, accounting and auditing functions, management studies, performance audits, and other studies initiated by the Court of Criminal Appeals or the Office of Court Administration.
- c. Funds expended by either the Court of Criminal Appeals or the Office of Court Administration, out of the appropriation made above out of the General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540, for the purpose of conducting management studies, performance audits, or other studies, shall be expended only in accordance with a competitive bidding process.

**ARTICLE IV - THE JUDICIARY**  
**211 Court of Criminal Appeals**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

- 9. Appropriation: Unexpended Balance Authority Between Biennia and Within the Biennium for Judicial Education, Administrative Allocation.** All unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education, at the end of fiscal year 2013 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 2014 (not to exceed \$150,000 in General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540, and included in amounts appropriated above). Further, all unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education, at the end of fiscal year 2014 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 2015 (not to exceed \$150,000 in General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540).

**House**

- 9. Appropriation: Unexpended Balance Authority Between Biennia and Within the Biennium for Judicial Education, Administrative Allocation.** All unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education and allocated for administrative purposes at the end of fiscal year 2013 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 2014 (not to exceed \$150,000 in General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540, and included in amounts appropriated above). Further, all unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education and allocated for administrative purposes at the end of fiscal year 2014 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 2015 (not to exceed \$150,000 in General Revenue-Dedicated Judicial and Court Personnel Training Account No. 540).

**ARTICLE IV - THE JUDICIARY**  
**212 Office of Court Administration, Texas Judicial Council**  
**DIFFERENCES ONLY**

**Senate**

- 8. Texas Indigent Defense Commission.** Included above in Strategy D.1.1, Texas Indigent Defense Commission, is \$950,500 including 12.0 FTEs in fiscal year 2014 and \$950,500 including 12.0 FTEs in fiscal year 2015 for the administration of the Commission. Except as otherwise provided relating to appropriations for the Office of Capital Writs, balances and amounts deposited into the General Revenue-Dedicated Fair Defense Account No. 5073 are appropriated above in Strategy D.1.1, Texas Indigent Defense Commission (TIDC). Any balances and amounts deposited in excess of \$48,449,904 in fiscal year 2014 and \$30,546,228 in fiscal year 2015 are appropriated to the TIDC for the same purpose. Included in these estimates are amounts collected from court costs pursuant to Code of Criminal Procedure, Art. 102.0045, Fee for Jury Reimbursement to Counties (estimated to be \$7,000,000 in fiscal year 2014 and \$7,000,000 in fiscal year 2015). Any unexpended balances in the Fair Defense Account at the end of fiscal year 2014 are appropriated for fiscal year 2015 to the TIDC for the same purpose.

The Texas Indigent Defense Commission shall have authority to make grants to counties from the Fair Defense Account (General Revenue-Dedicated Account No. 5073), with funds being disbursed by the Comptroller. No portion of the appropriation made by this section shall be used to offset the Office of Court Administration's administrative support provided to the Texas Indigent Defense Commission except by mutual agreement of the Texas Indigent Defense Commission and the Office of Court Administration. Any unexpended balances in appropriations out of the Fair Defense Account at the end of fiscal year 2014 are hereby appropriated for fiscal year 2015 to the Office of Court Administration, Texas Judicial Council for the same purpose.

- 11. Innocence Projects.** Out of amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, \$600,000 in each year of the biennium from the General Revenue-Dedicated Fair Defense Account No. 5073 shall be used by the Commission to contract with law schools at the University of Houston, the University of Texas, Texas Tech University, and Texas Southern University for innocence projects. It is the intent of the Legislature that the amount of each contract with each university shall be \$150,000. Of the amount of each contract to each university, \$50,000 shall be spent on a half-time case coordinator to maximize the effectiveness of student researchers and improve the connection between the student's work

**House**

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- 11. Innocence Projects.** Out of amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, \$400,000 in each year of the biennium from the General Revenue-Dedicated Fair Defense Account No. 5073 shall be used by the Commission to contract with law schools at the University of Houston, the University of Texas, Texas Tech University, and Texas Southern University for innocence projects. It is the intent of the Legislature that the amount of each contract with each university shall be \$100,000. Any unexpended balances in the \$400,000 in funds designated for innocence projects as of August 31, 2014 are hereby

**ARTICLE IV - THE JUDICIARY**  
**212 Office of Court Administration, Texas Judicial Council**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

and the "real world" of courts, procedures and attorneys that surround each individual case. Any unexpended balances in the \$600,000 in funds designated for innocence projects as of August 31, 2014 are hereby appropriated to Strategy D.1.1, Texas Indigent Defense Commission for the same purpose for the fiscal year beginning September 1, 2014.

- 15. Study of Department of Public Safety Sting Operations.** Included in amounts appropriated above in Strategy A.1.1, Court Administration, the Office of Court Administration (OCA) is appropriated \$40,000 in fiscal year 2014 to conduct a study to determine the financial impact on local governments of statewide sting operations conducted by the Department of Public Safety (DPS), in particular the costs of the prosecution and defense of court cases resulting from these sting operations in small or exurban communities and counties near urban areas. The study shall include a review of past sting operations conducted by DPS, including those involving drugs, human trafficking, and similar activity. The study shall also include a review of all forfeiture funds collected as a result of these sting operations, including an analysis of who receives these funds and the purposes for which they are used. Any unexpended balances as of August 31, 2014 in funds appropriated for this purpose are appropriated for the same purpose in the fiscal year beginning September 1, 2014. OCA shall report to the Legislature the findings from this study no later than January 1, 2015.

**House**

appropriated to Strategy D.1.1, Texas Indigent Defense Commission for the same purpose for the fiscal year beginning September 1, 2015.

- 15. Appropriation of Process Server Fees.** Included in amounts appropriated above in Strategy C.1.3, Guardians and Process Servers, all fees collected pursuant to § 51.008, Government Code, Fees for Process Server Certification, estimated to be \$224,338 in fiscal year 2014 and \$212,118 in fiscal year 2015, are appropriated to the Office of Court Administration for the purposes authorized by §51.008, Government Code. In addition, the number of Full-Time Equivalent Positions indicated above includes 3.0 FTEs in fiscal year 2014 and fiscal year 2015 for this purpose.

**ARTICLE IV - THE JUDICIARY**  
**212 Office of Court Administration, Texas Judicial Council**  
**DIFFERENCES ONLY**  
(Continued)

Senate

House

- 16. Contingency for HB 990 or SB\_\_\_ : Sentencing Commission.** Contingent on enactment of HB 990 or SB\_\_\_, or similar legislation relating to the establishment of a permanent Sentencing Commission to review the Penal Code comprehensively and study statewide sentencing laws and trends, by the Eighty-third Legislature, Regular Session, in addition to amounts appropriated above in Strategy A.1.1, Court Administration is \$882,424 for fiscal year 2014 and \$263,090 for fiscal year 2015 from General Revenue Funds. Out of these appropriations, the Office of Court Administration shall use funds to operate the Sentencing Commission and to implement the provisions of the legislation should it be transferred to an appropriations account for the Sentencing Commission as deemed necessary but not to exceed an aggregate \$882,424 for the fiscal year beginning September 1, 2013 and \$263,090 for the fiscal year beginning September 1, 2014.

**ARTICLE IV - THE JUDICIARY**  
**241 Judiciary Section, Comptroller's Department**  
**DIFFERENCES ONLY**

Senate

House

**4. Special Prosecution Unit: Appropriation Source, Unexpended Balances and Performance Reporting.** Out of the funds appropriated above in Strategy D.1.5, Special Prosecution Unit, Walker County and under the authority of Article 104.003, Code of Criminal Procedure, and Article V, §21 of the Texas Constitution, Walker County, the following amounts are appropriated to the Special Prosecution Unit for the payment of salaries and other necessary expenses for the operation of the Special Prosecution Unit for the following purposes:

**4. Special Prosecution Unit: Appropriation Source, Unexpended Balances and Performance Reporting.** Out of the funds appropriated above in Strategy D.1.5, Special Prosecution Unit, Walker County and under the authority of Article 104.003, Code of Criminal Procedure, and Article V, §21 of the Texas Constitution, Walker County, the following amounts are appropriated to the Special Prosecution Unit for the payment of salaries and other necessary expenses for the operation of the Special Prosecution Unit for the following purposes:

	For the Years Ending	
	August 31, 2014	August 31, 2015
Criminal Division	\$ 1,823,274	\$ 1,743,893
Civil Division	2,470,423	2,398,897
Juvenile Division	805,196	805,462
	\$ 5,098,893	\$ 4,948,252
<u>Method of Financing</u>		
General Revenue	\$ 3,631,059	\$ 3,479,799
		&UB
Criminal Justice Division Grants	\$ 1,467,834	\$ 1,468,453
Total, Method of Financing	\$ 5,098,893	\$ 4,948,252

Funds for the Criminal Division are to be used for the investigation and prosecution of felony offenses committed by prisoners of the Texas Department of Criminal Justice; and, for the investigation and prosecution of other felonies and misdemeanors committed by agency employees and others when criminal conduct affects the operation of the agency in the various counties of the State where Texas Department of Criminal Justice facilities are located. Funds for the Civil Division are to be used for the civil commitment of sexually violent predators. Funds for the Juvenile Division are to be used for the prosecution of criminal offenses or delinquent conduct committed in facilities of the Texas Juvenile Justice Department.

	For the Years Ending	
	August 31, 2014	August 31, 2015
Criminal Division	\$ 1,743,274	\$ 1,743,893
Civil Division	2,470,423	2,398,897
Juvenile Division	805,196	805,462
	\$ 5,018,893	\$ 4,948,252
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**ARTICLE IV - THE JUDICIARY**  
**241 Judiciary Section, Comptroller's Department**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

The funds appropriated above in Strategy D.1.5, Special Prosecution Unit, Walker County shall be used to employ the services of legal and support staff plus the payment of their necessary capital and operating expenses in carrying out the purposes of the Special Prosecution Unit as established by its Board of Directors. Funds shall not be used to pay any county for costs of housing the Special Prosecution Unit in a county-owned building.

Walker County is the designated agency to administer the funds provided for the support of the Special Prosecution Unit. Walker County shall submit a voucher containing an itemized statement of expenses to include salaries, fringe benefits and authorized expenses incurred to the Judiciary Section, Comptroller's Department each month of the fiscal year. Such vouchers shall be reviewed by the Walker County Auditor's Office to ensure compliance with applicable state and county regulation concerning the expenditures of public funds. Upon receipt of said vouchers, the Judiciary Section, Comptroller's Department shall issue warrants each month to reimburse Walker County. The total reimbursement each year shall not exceed the amount appropriated, and in no event shall amounts appropriated be expended to reimburse Walker County or other counties for lease space in county-owned buildings.

Any unexpended balances from appropriations out of the General Revenue Fund made to the Special Prosecution Unit for fiscal year 2014 are appropriated to the Special Prosecution Unit in fiscal year 2015 for the same purposes.

At the discretion of the Executive Director of the Special Prosecution Unit, any General Revenue funds appropriated above in Strategy D.1.5, Special Prosecution Unit, may be transferred between divisions in an amount not to exceed 20 percent of the appropriation item from which the transfer is made for the fiscal year.

After obtaining written approval from the Legislative Budget Board, the Special Prosecution Unit may exceed the 20 percent discretionary transfer authority provided to the Executive Director of the Special Prosecution Unit.

**House**

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Any unexpended balances from appropriations out of the General Revenue Fund made to the Special Prosecution Unit for fiscal year 2014 are appropriated to the Special Prosecution Unit in fiscal year 2015 for the same purposes.

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After obtaining written approval from the Legislative Budget Board, the Special Prosecution Unit may exceed the 20 percent discretionary transfer authority provided to the Executive Director of the Special Prosecution Unit.



**ARTICLE IV - THE JUDICIARY**  
**241 Judiciary Section, Comptroller's Department**  
**DIFFERENCES ONLY**  
(Continued)

**Senate**

The Special Prosecution Unit shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on activities of the Special Prosecution Unit.

**House**

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**ARTICLE IV - THE JUDICIARY**  
**S04 Special Provisions - Judiciary**  
**DIFFERENCES ONLY**

**Senate**

**House**

**Sec.7. Appellate Court Salary Limits.** It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2013, more than \$97,500 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2013 more than \$88,600 annually. This provision does not apply to law clerk positions at any appellate court.

**Sec.7. Appellate Court Salary Limits.** It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2013, more than \$94,100 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2013 more than \$82,700 annually. This provision does not apply to law clerk positions at any appellate court.