

Issue Docket

Conference Committee on House Bill 1

2016-17 General Appropriations Bill

Article IV - The Judiciary

As of May 19, 2015

ARTICLE IV - THE JUDICIARY
ISSUE DOCKET
Conference Committee on General Appropriations Bill

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>201 SUPREME COURT OF TEXAS</u>						
		IV-1		IV-1		
A.1.1, APPELLATE COURT OPERATIONS	\$ 6,307,923	\$ 6,187,024	\$ 6,243,923	\$ 6,132,024	\$ 119,000	House provides \$119,000 out of General Revenue Fund for: a. Justice home security (\$9,000) b. Supreme Court committee travel (\$60,000) c. Court reporter for court advisory committee (\$50,000)
B.1.1, BASIC CIVIL LEGAL SERVICES	\$ 35,703,622	\$ 25,703,623	\$ 25,452,469	\$ 25,492,552	\$ 10,462,224	House provides: a. \$10,000,000 in General Revenue–Dedicated Sexual Assault Program No. 5010 funding for basic civil legal services to victims of sexual assault. b. \$462,224 through an interagency contract with the Office of Attorney General (OAG) for basic civil legal services to align with corresponding amounts in the OAG's appropriations.

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
Basic Civil Legal Services for Veterans / Interagency Contract with Texas Veterans' Commission						Senate provides same level of funding as the House for basic civil legal services for the OAG, but does not include the corresponding interagency contract amount in the funding for the Supreme Court.
	IV-3, Rider #9 Rider Packet, page IV-1		IV-3, Rider #9 Rider Packet, page IV-1			House requires \$1.0 million each fiscal year to be used to provide basic civil legal services to veterans and their families and \$500,000 each fiscal year to be used for Veterans Treatment Court Programs by the Texas Veterans Commission.
<u>Workgroup Rider and Program Revisions and Additions</u>						Senate requires \$1.5 million each fiscal year to be used for Veterans Treatment Court Programs by the Texas Veterans Commission.
Basic Civil Legal Services for Victims of Sexual Assault					ADOPT	Workgroup adds a rider requiring that \$5,000,000 each year, or \$10,000,000 for the biennium, to the Supreme Court of Texas for basic civil legal services to victims of sexual assault be used by the court pursuant to statutory requirements established in Government Code, Section 420.008 Sexual Assault Program Fund,

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>211 COURT OF CRIMINAL APPEALS</u>						
		IV-3		IV-3		
Number of Full-Time-Equivalents (FTEs)	71.0	71.0	69.0	69.0		See Strategy A.1.1, Appellate Court Operations, below
A.1.1, APPELLATE COURT OPERATIONS	\$ 6,317,264	\$ 6,313,725	\$ 5,754,129	\$ 5,755,681	\$ 1,121,179	House provides \$1,121,179 in General Revenue Funds for the following: a. Legal staff salary increases to achieve legal staff salary parity with the Supreme Court (\$766,775) b. Non-legal staff salary increases (\$69,000) c. Additional staff attorney and deputy clerk (\$280,314 and 2.0 FTEs) with computer and operating expenses (\$5,090)
B.1.1, JUDICIAL EDUCATION	\$ 9,903,530	\$ 9,902,255	\$ 9,703,530	\$ 9,902,255	\$ 200,000	House provides \$200,000 in General Revenue–Dedicated Judicial Education Fund No. 540 for unexpended balance authority across biennia for the judicial education administrative allocation funds.
Judicial Education	IV-5, Rider #2 Rider Packet, page IV-2		IV-4, Rider #2 Rider Packet, page IV-2			House provides:

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
Judicial Education: Appropriations for Certain Types of Legal Education	IV-5, Rider #3		IV-5, Rider #3			a. unexpended balance authority across biennia in an amount not to exceed \$200,000. b. unexpended balance authority within the biennium for amounts carried forward from the previous biennium.
					ADOPT	Technical Correction: Amend rider text that is identical in both bills to include the staff of criminal defense attorneys representing indigent defendants in criminal matters as eligible recipients for continuing legal education courses, programs, and technical assistance projects in subsection (3) to conform with current law. (See Rider 3 on Page 22.)

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>14 COURTS OF APPEALS</u>						
230 Tenth Court of Appeals District, Waco		IV-16		IV-16		
A.1.1, APPELLATE COURT OPERATIONS	\$ 1,742,120	\$ 1,642,120	\$ 1,692,120	\$ 1,592,120	\$ 100,000	House provides \$100,000 in General Revenue for unexpended balance authority across biennia.
Unexpended Balance Authority						House provides:
	IV-17, Rider #2 Rider Packet, page IV-4					a. unexpended balance authority across biennia for an amount not to exceed \$100,000 for court facilities. b. unexpended balance authority within the biennium for the funds carried forward from the prior biennium.
Contingency for Court Relocation			IV-17, Rider #2 Rider Packet, page IV-4			Senate provides a rider making \$100,000 for court relocation costs contingent on the enactment of legislation relating to court facilities.

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>212 OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL</u> Cross-Strategy Issue No. 1-- Associate judge salary increase for judges of child support courts and child protection courts.		IV-22		IV-22	<div> HOUSE less \$1,676,781 in All Funds (\$857,428 in General Revenue and \$819,352 in Interagency Contracts) for 80% of a district judge salary, or \$112,000 </div>	The House provides \$2,987,042 in All Funds (\$1,570,920 in General Revenue and \$1,416,122 in Interagency Contracts) to increase associate judge salaries for the child support courts and child protection courts to 90% of a district judge salary, or \$126,000.

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
Cross-Strategy Issue No. 2-- Targeted salary increase for court coordinator and court reporter salaries for child support courts and child protection courts.					SENATE less \$119,031, or a 4% Salary Increase, in All Funds (\$66,135 in General Revenue and \$52,895 in Interagency Contracts)	The Senate provides \$350,089 in All Funds (\$194,515 in General Revenue and \$155,574 in Interagency Contracts) for salary increases for court coordinators and court reporters of the child support courts and child protection courts.
Number of Full-Time-Equivalents (FTEs)	232.6	232.6	245.6	245.6		See Strategies A.1.1, Court Administration and A.1.2, Information Technology, below
	235.6	235.6				
Appropriations Made in Riders	\$ 150,000	\$ -	\$ 4,387,354	\$ 4,237,354	\$ 8,474,708	The Senate provides \$8,474,708 for the statewide electronic filing system: <ul style="list-style-type: none"> a. from General Revenue–Dedicated Statewide Electronic Filing System Account No. 5157 contingent upon the enactment of SB 1970 relating to increasing the electronic filing fee for certain courts of law (see also, Strategy A.1.2, Information Technology, for related House decision); or b. from General Revenue if SB 1970 is not enacted (see also, Senate Rider #17 below)

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
A.1.1, COURT ADMINISTRATION	\$ 3,271,050	\$ 3,297,050	\$ 4,166,783	\$ 4,178,088	\$ 1,776,771	The Senate provides \$1,776,771 in General Revenue for the following: a. \$369,705 for merit salary increases b. \$375,304 and additional authority for 3.0 FTEs for the following: 1) 1.0 FTE for a researcher to support best practice dissemination to the courts (\$66,660 each year) 2) 1.0 FTE for additional personnel to support accounting and budget monitoring functions (\$65,000 each year) 3) 1.0 FTE for additional personnel to address judicial information workloads (\$55,992 each year) c. \$1,031,762 with additional authority for 6.0 FTEs for a Guardianship Compliance Project
					HOUSE	
					Adopt half of Senate with \$515,881 and 3.0 FTEs	
			\$ 3,536,339	\$ 3,547,642		

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
A.1.2, INFORMATION TECHNOLOGY	\$ 19,118,997	\$ 17,532,940	\$ 25,289,064	\$ 21,902,432	\$ 10,539,559	The House reduces General Revenue – Dedicated Statewide Electronic Filing System Account No. 5157 by \$4,119,000 each year to meet anticipated collections (\$8,238,000). Senate provides an additional \$8,474,708 from the same source of funds upon the enactment of SB 1970, or from General Revenue if SB 1970 is not enacted (see also, Appropriations Made in Riders above).
					SENATE	
						The Senate provides \$2,301,559 in General Revenue for the following:
					SENATE	a. \$1,600,000 and capital budget authority to replace aging security technology and a legacy data analysis system used to monitor the four judicial professions regulated by the Judicial Branch Certification Commission.
					HOUSE	b. \$78,722 and capital budget authority for increased Microsoft Enterprise Agreement costs.
					HOUSE	c. \$416,052 and additional authority for 3.0 FTEs to provide regional technology support staff for child support courts, child protection courts, intermediate appellate courts, administrative judicial regions, and regional agency staff.
					HOUSE	d. \$131,785 with additional authority for 1.0 FTE for a project manager to oversee agency technology projects.

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
					SENATE	e. \$75,000 to support information technology-related expenses associated with the Guardianship Compliance Project.
			\$ 29,031,997	\$ 25,770,940		
A.1.4, ASSIST ADMIN JUDICIAL REGIONS	\$ 208,528	\$ 208,667	\$ 266,672	\$ 266,812	\$ 116,289	The Senate provides \$116,289 to provide the administrative judicial regions with additional funds for administrative staff salary supplements.
B.1.1, CHILD SUPPORT COURTS PROGRAM	\$ 8,161,933	\$ 8,280,109	\$ 7,255,794	\$ 7,373,969	\$ 1,812,279	See Cross-Strategy Issue No. 1 - \$2,145,640 in All Funds (\$729,518 in General Revenue and \$1,416,122 in Interagency Contracts)
					HOUSE less \$1,250,481 in All Funds (\$431,129 in General Revenue and \$819,352 in Interagency Contracts)	

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
B.1.2, CHILD PROTECTION COURTS PROGRAM						The Senate provides the following: a. \$100,000 in All Funds (\$34,000 in General Revenue and \$66,000 in Interagency Contracts) to provide professional development for child support court coordinators. b. See Cross-Strategy Issue #2 - \$233,361 in All Funds (\$77,787 in General Revenue and \$155,574 in Interagency Contracts)
					HOUSE	
					SENATE less \$79,343 in All Funds (\$26,448 in General Revenue and \$52,895 in Interagency Contracts)	
	\$ 7,613,702	\$ 7,731,877				
	\$ 4,501,153	\$ 4,502,053	\$ 4,138,816	\$ 4,139,716	\$ 724,674	See Cross-Strategy Issue No. 1 - \$841,402 in General Revenue
					HOUSE less \$426,299 in General Revenue	
					SENATE less \$39,687 in General Revenue	See Cross-Strategy Issue No. 2 - \$116,728 in General Revenue
	\$ 4,326,524	\$ 4,327,423				

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
D.1.1, TX INDIGENT DEFENSE COMM	\$ 39,161,079	\$ 39,242,881	\$ 32,109,298	\$ 32,096,816	\$ 14,197,846	The House provides \$15,000,000 in General Revenue for the following:
					House less \$3,100,000	a. \$3,100,000 each year in General Revenue for a regional public defender office for capital cases (\$6,200,000)
					House less \$4,400,000	b. \$4,400,000 each year in General Revenue to defray the costs to counties for providing mandatory indigent defense services (\$8,800,000)
					HOUSE plus \$232,989 to conform with Office of Capital Writs Decisions	c. A Reducion of \$1,074,039 in General Revenue–Dedicated Fair Defense Account No. 5073 funds to compensate for funding decisions made for the Office of Capital Writs. The Senate reduces \$271,885 in General Revenue–Dedicated Fair Defense Account No. 5073 funds from this Strategy to compensate for funding decisions made for the Office of Capital Writs.
	\$ 35,527,573	\$ 35,609,376				

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
Additional Child Protection Courts	IV-27, Rider #17 Rider Packet, page V-5					House provides a rider that requires \$912,854 in fiscal year 2016 and \$902,054 in fiscal year 2017 may be only be spent for establishing four new child protection courts and to provide support and assistance to child protection courts.
Contingency for SB 1970			IV-27, Rider #17 Rider Packet, page V-5			See Appropriations Made in Riders above.
Performance Reporting for the Guardianship Compliance Project			IV-27, Rider #18 Rider Packet, page V-5			Senate provides a rider that requires the agency to report on the performance of the Guardianship Compliance Project in a report to the 85th Legislature and specifies topics that the report must cover.
Regional Public Defender Office for Capital Cases	IV-27, Rider #18 Rider Packet, page V-6				HOUSE rider as amended to reduce the amount to \$500,000 in General Revenue	House provides a rider that specifies that no more than \$1,000,000 in General Revenue shall be used by the Indigent Defense Commission as a grant to county for administration and operation of the Regional Public Defender for Capital Cases program with participation limited to a county with population fewer than 300,000 or Cameron and Hidalgo counties.

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>215 OFFICE OF CAPITAL WRITS</u>						
		IV-28		IV-28		
Number of Full-Time-Equivalents (FTEs)	18.0	18.0	15.0	15.0		See Strategy A.1.1, Death Penalty Representation, below.
	16.5	16.5				
A.1.1, DEATH PENALTY REPRESENTATION	\$ 1,511,146	\$ 1,416,863	\$ 1,335,146	\$ 1,240,863	\$ 352,000	House provides \$352,000 in General Revenue-Dedicated Fair Defense Account No. 5073 for the following:
					Adopt HOUSE less \$176,000 and 1.5 FTEs	a. \$65,000 each year for one attorney with authority for 1.0 FTE (\$130,000)
						b. \$52,000 each year for one investigator, with authority for 1.0 FTE (\$104,000)
						c. \$42,000 each year for one paralegal, with authority for 1.0 FTE (\$84,000)
						d. Legal staff salary increases to increase annual attorney salaries (\$34,000)
	\$ 1,423,146	\$ 1,328,863				

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>213 OFFICE OF THE STATE PROSECUTING ATTORNEY</u>						
		IV-29		IV-29		
A.1.1, REPRESENTATION BEFORE COURT OF CRIMINAL APPEALS	\$ 418,646	\$ 419,407	\$ 413,778	\$ 414,540	\$ 9,735	House provides an additional \$9,735 in General Revenue to increase two staff attorney salaries to \$102,500 each.

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>243 STATE LAW LIBRARY</u>	IV-30		IV-30			
Number of Full-Time-Equivalents (FTEs)	12.0	12.0	13.0	13.0		See Strategy A.1.1. Administration and Operations, below
A.1.1, ADMINISTRATION AND OPERATIONS	\$ 1,042,427	\$ 1,042,426	\$ 1,191,170	\$ 1,191,170	\$ 297,487	The House provides \$8,513 in General Revenue to pay for a portion of the Executive Director's salary increase each year (See also, Schedule of Exempt Positions above). The Senate provides \$306,000 in General Revenue for the following: a. \$25,000 each year for staff librarian salary increases (\$50,000) b. \$75,000 each year to support the Library's remote access service (\$150,000) c. \$53,000 each year for a staff librarian to provide support for the Library's remote access service, with authority for 1.0 FTE (\$106,000)

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>242 STATE COMMISSION ON JUDICIAL CONDUCT</u>						
		IV-31		IV-31		
Number of Full-Time-Equivalents (FTEs)	14.0	14.0	13.0	13.0		See Strategy A.1.1, Administration and Enforcement, below
A.1.1, ADMINISTRATION AND ENFORCEMENT	\$ 1,112,436	\$ 1,109,936	\$ 994,022	\$ 994,021	\$ 234,329	House provides \$234,329 in General Revenue for the following: a. \$102,450 each year for a managing attorney position, with authority for 1.0 FTE (\$204,900) b. Approximately \$12,716 each year for staff attorney salary increases (\$25,431) c. \$1,999 each year to increase the Executive Director's salary (\$3,998)

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>241 JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT</u>						
		IV-32		IV-32		
Appropriations Made in Riders	\$ 3,253,355	\$ 3,355,575	\$ (165,603)	\$ (165,603)	\$ 6,940,136	House provides \$6,608,930 in General Revenue-related funds contingent on the enactment of legislation that reforms the system of investigating and prosecuting crimes related to state government, including insurance and tax fraud. (See also House Rider #10 below.)
					PEND	
						Senate provides the following contingent on the enactment of legislation relating to the civil commitment of sexually violent predators:
					PEND	a. a savings of \$464,182 from General Revenue for operating expenses and salaries of a court reporter and a court coordinator assigned to the district court with special jurisdiction over civil commitment proceedings, (Strategy D.1.9, Montgomery County – 435th District Court Staff), offset by (b):

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
D.1.4, SPECIAL PROSECUTION UNIT, WALKER CO						b. an increase of \$132,976 from General Revenue in Strategy D.1.4, Special Prosecution Unit (SPU) for benefits (\$52,574), a 3-percent pay increase (\$77,642) and accounting fees (\$2,760) for the Civil Division. (See also Senate Rider #10 below.)
	\$ 5,378,830	\$ 5,227,449	\$ 5,280,759	\$ 5,129,378	\$ 196,142	a. House provides \$263,708 from General Revenue to provide a 4 percent pay raise to county employees in the Criminal, Civil and Juvenile Divisions. Senate provides \$122,900 from General Revenue to provide a 3 percent pay raise to county employees in the Criminal and Juvenile Divisions. (See also Appropriations Made in Riders above.)
						b. House provides \$76,974 from General Revenue for increased benefits costs for county employees in the Civil and Juvenile Divisions. Senate provides \$24,400 from General Revenue for increased benefits costs for county employees in the Juvenile Divisions. (See also Appropriations Made in Riders above.)

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
						c. House provides \$17,664 from General Revenue for accounting services of the Walker County Auditor for the Criminal, Civil and Juvenile Divisions. Senate provides \$14,904 for accounting services of the Walker County Auditor for the Criminal and Juvenile Divisions. (See also Appropriations Made in Riders above.)
Contingency for Public Integrity Unit Appropriations	IV-37, Rider #10 Rider Packet, page IV-7				PEND	See Appropriations Made in Riders above
Contingency for SB 746			IV-37, Rider #10 Rider Packet, page IV-7		PEND	See Appropriations Made in Riders above

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<u>S04 SPECIAL PROVISIONS - JUDICIARY</u>						
No Issues	IV-38		IV-38			
See also Article XI	See also Article XI, House page XI-16					

Supreme Court of Texas
Basic Civil Legal Services to Victims of Sexual Assault
Prepared by LBB Staff, 05/07/2015

Overview

Add a rider requiring that \$5,000,000 each fiscal year, or \$10,000,000 for the biennium, in appropriations to the Supreme Court of Texas from the GR Dedicated- Sexual Assault Program Account No. 5010 be used for basic civil legal services to victims of sexual assault by the court pursuant to statutory requirements established in Government Code, Section 420.008 Sexual Assault Program Fund, Subsection (c)(11).

Required Action

On page IV-3 of the Supreme Court of Texas bill pattern, add the following rider:

10. Basic Civil Legal Services for Victims of Sexual Assault: Amounts appropriated above in Strategy B.1.1, Basic Civil Legal Services, from General Revenue-Dedicated- Sexual Assault Program Account No. 5010 funds include \$5,000,000 each fiscal year in for basic civil legal services to victims of sexual assault that may only be used for the purposes established for the Supreme Court of Texas in Government Code, Section 420.008 Sexual Assault Program Fund, Subsection (c)(11).

Court of Criminal Appeals
Technical Correction
Conform Judicial Education: Appropriations for
Certain Types of Legal Education rider to current law

Prepared by LBB Staff, 04/14/2015

Overview

Amend Judicial Education: Appropriations for Certain Types of Legal Education rider by including criminal defense attorney office personnel who regularly represent indigent defendants in criminal matters as eligible recipients of continuing education courses, programs, and technical assistance projects funded with appropriations governed by the rider to conform with current law.

Required Action

On page IV-5 of the Court of Criminal Appeals bill pattern, amend the following rider:

3. Judicial Education: Appropriations for Certain Types of Legal Education.

- a. Out of funds appropriated above to the Court of Criminal Appeals in Strategy B.1.1, Judicial Education, from General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540:
 - (1) \$451,129 each fiscal year shall be expended for the continuing legal education of judges of county courts performing judicial functions.
 - (2) An amount not to exceed \$1,400,874 each fiscal year shall be used to contract with a statewide professional association of prosecuting attorneys and other entities to provide continuing legal education courses, programs, and technical assistance projects for prosecutors and prosecutor office personnel.
 - (3) An amount not to exceed \$1,363,387 each fiscal year shall be used to contract with a statewide professional association of criminal defense attorneys and other entities to provide continuing legal education courses, programs and technical assistance projects for criminal defense attorneys and criminal defense attorney office personnel who regularly represent indigent defendants in criminal matters.
 - (4) A minimum of \$850,000 each fiscal year shall be used to contract with training entities providing for the training and continuing legal education of the clerks and other court personnel of the appellate courts, district courts, county courts at law, county courts, justice courts, and municipal courts of this State in accordance with Government Code §74.025.
 - (5) An amount not to exceed \$350,000 each fiscal year shall be used to contract with statewide professional associations and other entities whose purposes include providing continuing legal education courses, programs, and technical assistance projects on actual innocence for criminal defense attorneys, prosecuting attorneys, judges, bailiffs, constables, warrant officers, or other persons as provided by statute.
 - (6) An amount not to exceed \$42,500 each fiscal year shall be used to contract with statewide professional associations and other entities whose purposes include providing continuing legal education, courses, and programs for public defenders.

- b. The Court of Criminal Appeals shall maintain procedures to require training entities to either refund all unexpended and unencumbered state grant funds or retain and use those funds for training purposes subject to the approval of the Court of Criminal Appeals each fiscal year. All refunds received by the Court of Criminal Appeals from grants made to training entities (estimated to be \$0) are appropriated to the Court of Criminal Appeals in Strategy B.1.1, Judicial Education, each fiscal year for the same purposes.

Office of Court Administration, Texas Judicial Council
Proposed Funding and Rider
Regional Public Defender Office for Capital Cases

Prepared by LBB Staff, 5/16/2015

Overview

Amend a rider in the Office of Court Administration, Texas Judicial Council bill pattern requiring an amount not to exceed \$250,000 each year, or \$500,000 for the 2016–17 biennium, in Strategy D.1.1, Texas Indigent Defense Commission, to be used by the Commission as a grant to a county for administration and operation of the Regional Public Defender for Capital Case program and establish eligibility criteria for county participation in the program based on population and location. This would retain \$2.6 million for use by the Regional Public Defender for Capital Case program for the biennium to expand program services to eligible counties.

Of the \$250,000 each fiscal year provided for counties whose population is less than 800,000 and that share a border with the Republic of Mexico, the rider would authorize any amounts remaining each fiscal year not used for that purpose to be used to expand the Regional Public Defender for Capital Case program to service other eligible counties.

Required Action

On page IV-29 of the Office of Court Administration, Texas Judicial Council bill pattern, amend the following rider:

_____. **Regional Public Defender Office for Capital Cases.**

- a. Amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, include an amount not to exceed ~~\$500,000~~\$250,000 in fiscal year 2016 and ~~\$500,000~~\$250,000 in fiscal year 2017 in General Revenue that shall be used by the Commission as a grant to a county for administration and operation of the Regional Public Defender for Capital Cases. Participation in the Regional Public Defender Program is limited to a county that:
 - (1) Possesses a population as defined in Government Code §312.011(20) of fewer than 300,000; or
 - (2) (A) Possesses a population as defined in Government Code §312.011(20) of fewer than 800,000; and
 - (B) Shares a border with the Republic of Mexico.
- b. Any amounts remaining each fiscal year under subsection (a) above may be used to expand the Regional Public Defender for Capital Case program to service other eligible counties.