

Rider Comparison Packet

Conference Committee on Senate Bill 1

2018-19 General Appropriations Bill

Article IV – The Judiciary

ARTICLE IV - THE JUDICIARY
201 Supreme Court of Texas
DIFFERENCES ONLY

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5.

Court Improvement Projects. Amounts appropriated above in each fiscal year include \$1,000,000 in General Revenue and \$596,969 in Federal Funds including State Court Improvement Program (CFDA 93.568) funds. Out of these funds, the Supreme Court is allocated an amount estimated to be \$527,000 in fiscal year 2018 and \$527,000 in fiscal year 2019 to administer the grant. Additionally, the Supreme Court shall file a report with the Legislative Budget Board and the Governor within 90 days following August 31st of each fiscal year showing disbursements, the purpose of each disbursement, and compliance with grant conditions.
10.

Basic Civil Legal Services for Veterans. Amounts appropriated above in Strategy B.1.1, Basic Civil Legal Services, include \$1,500,000 each fiscal year in Judicial Fund No. 573 for the purpose of providing basic civil legal services to veterans and their families.

5.

Court Improvement Projects. Federal Funds appropriated above include State Court Improvement Program (CFDA 93.586) funds in the amounts of \$596,969 each year. Out of these funds, the Supreme Court is allocated an amount estimated to be \$173,910 each year to administer the grant. Additionally, the Supreme Court shall file a report with the Legislative Budget Board and the Governor within 90 days following August 31st of each fiscal year showing disbursements, the purpose of each disbursement, and compliance with grant conditions.
10.

Basic Civil Legal Services for Veterans. Amounts appropriated above in Strategy B.1.1, Basic Civil Legal Services, include \$1,500,000 each fiscal year in General Revenue for the purpose of providing basic civil legal services to veterans and their families.
11.

Appropriation for Basic Civil Legal Services. It is the intent of the Legislature that during the years subsequent to this biennium, to the extent allowed by law, funding for Basic Civil Legal Services should be continued beyond use of one-time civil penalties revenue provided through Judicial Fund No. 573 funding from a settlement such as that between the State of Texas and Volkswagen.

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- 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) \$484,414 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 \$1,504,346 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 \$1,463,964 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

- 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) \$453,364 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 \$1,407,821 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 \$1,370,139 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

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projects on actual innocence for criminal defense attorneys, prosecuting attorneys, judges, bailiffs, constables, warrant officers, or other persons as provided by statute.

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.

- (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.
- (7) An amount not to exceed \$262,000 for the 2018-19 biennium shall be used to contract with statewide professional associations and other entities whose purpose include providing judicial education services and to provide training on indigent defendants and mental health.
- (8) An amount not to exceed \$413,000 for the 2018-19 biennium shall be used to contract with statewide professional associations and other entities whose purposes include providing judicial education services and direct training costs for clinics for judges and court personnel regarding bail, fines, fees, requests for community service, jail commitments, and jail credit in cases involving indigents, and for development of a mentor program for new municipal court judges and webinars on legislative reform, bail, indigence, compliance, collections improvement programs, alternative sentencing, case flow management, and jail commitments.
- 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.

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7.

Judicial Education: Mental Health. The Court of Criminal Appeals shall use \$187,500 appropriated above in Strategy B.1.1, Judicial Education, from the General Revenue Fund each fiscal year to contract with statewide professional associations and other entities whose purposes include providing continuing legal education, courses, and programs for judges and court staff on mental health issues and pre-trial diversion.
8.

Contingency for Behavioral Health Funds. Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Court of Criminal Appeals in Strategy B.1.1, Judicial Education, in fiscal year 2018 or fiscal year 2019, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2018 or fiscal year 2019 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

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- 8. Texas Indigent Defense Commission (TIDC).** Amounts appropriated above from the General Revenue-Dedicated Fair Defense Account No. 5073 in Strategy D.1.1, Texas Indigent Defense Commission, include \$1,064,988 and 11.0 FTEs in fiscal year 2018 and \$1,064,988 and 11.0 FTEs in fiscal year 2019 for the administration of the Commission. Included in amounts appropriated above from the General Revenue-Dedicated Fair Defense Account No. 5073 are court costs pursuant to Code of Criminal Procedure, Art. 102.0045, Fee for Jury Reimbursement to Counties (estimated to be \$6,200,000 in fiscal year 2018 and \$6,200,000 in fiscal year 2019).

Out of the amounts appropriated above, TIDC shall make grants to counties from the General Revenue-Dedicated Fair Defense Account No. 5073 in accordance with all uses authorized by Government Code, Chapter 79, with funds being disbursed by the Comptroller. Of this amount, \$2,566,528 in fiscal year 2018 and \$2,474,370 in fiscal year 2019 shall be distributed to counties that implement cost containment initiatives designed to limit local indigent defense cost increases. 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 TIDC except by mutual agreement of the TIDC and the Office of Court Administration.

TIDC shall submit a report to the Legislature no later than December 1, 2018, detailing the effectiveness of various cost containment measures implemented by counties and proposing additional measures to reduce county operating costs with respect to indigent defense.

- 14. Texas Forensic Science Commission.** Funds appropriated above in Strategy A.1.5, Texas Forensic Science Commission, in the amount of \$638,000 in fiscal year 2018 and \$528,000 in fiscal year 2019 in General Revenue are contingent on the enactment of Senate Bill 1124, or similar legislation relating to the Texas Forensic Science Commission becoming administratively attached to the Office of Court Administration, by the Eighty-fifth Legislature, Regular Session. Any unobligated and unexpended balances at the end of fiscal year 2018 are appropriated for the same purpose for fiscal year 2019.

- 8. Texas Indigent Defense Commission (TIDC).** Amounts appropriated above from the General Revenue-Dedicated Fair Defense Account No. 5073 in Strategy D.1.1, Texas Indigent Defense Commission, include \$1,164,988 and 11.0 FTEs in fiscal year 2018 and \$1,164,988 and 11.0 FTEs in fiscal year 2019 for the administration of the Commission. Included in amounts appropriated above from the General Revenue-Dedicated Fair Defense Account No. 5073 are court costs pursuant to Code of Criminal Procedure, Art. 102.0045, Fee for Jury Reimbursement to Counties (estimated to be \$6,200,000 each fiscal year).

Out of the amounts appropriated above, TIDC shall make grants to counties from the General Revenue-Dedicated Fair Defense Account No. 5073 in accordance with all uses authorized by Government Code, Chapter 79, 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 TIDC except by mutual agreement of the TIDC and the Office of Court Administration.

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15. **Guardianship Compliance Project.** Amounts appropriated above from the General Revenue Fund include \$3,016,599 in each fiscal year in Strategy A.1.1, Court Administration, and \$170,610 in fiscal year 2018 and \$67,110 in fiscal year 2019 in Strategy A.1.2, Information Technology, as well as 39.0 FTEs each fiscal year, for the Guardianship Compliance Project.

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11. **Fraud Investigations.** Out of the funds appropriated above in Strategy D.1.10, Fraud Investigations, the following amounts are allocated specifically to the Travis County State Fraud Unit for the following purposes:

	For the Years Ending August 31, 2018	August 31, 2019
Insurance Fraud Investigations	1,241,842	1,175,282 & UB
Method of Financing, General Revenue Fund - Insurance Companies Maintenance Tax and Insurance Department Fees		
General State Government Investigations	1,241,842	1,175,282 & UB
Method of Financing, General Revenue Fund		
Total, Method of Financing	\$2,483,684	\$2,350,564 & UB

In no event shall the funds granted to the Travis County State Fraud Unit exceed the amounts specified, nor shall funds appropriated be expended to pay Travis County for costs of housing the State Fraud Unit in a county-owned building. In no event shall any funds appropriated above out of Judicial Fund No. 573 be allocated to the Travis County State Fraud Unit. Any unexpended balances from appropriations made to the Travis County State Fraud Unit for fiscal year 2018 are appropriated to the Travis County State Fraud Unit for fiscal year 2019 for the same purposes.

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The Travis County State Fraud 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 fraud investigations of the Travis County State Fraud Unit.

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Sec. 9. Contract Cost Containment. Pursuant to Article IX Section 17.10, Contract Cost Containment, appropriations made above to the agencies in Article IV are reduced by \$284,875 in General Revenue in 2018 and \$284,875 in General Revenue in 2019 and \$27,850 in General Revenue Dedicated in 2018 and \$27,850 in General Revenue Dedicated in 2019.