

Rider Comparison Packet

Conference Committee on House Bill 1

2020-21 General Appropriations Bill

Article IV - Judiciary

COURT OF CRIMINAL APPEALS

Differences Only - Excludes Capital

House

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, prosecuting attorneys, and criminal defense attorneys on mental health issues and pre-trial diversion.

Senate

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, prosecuting attorneys, and criminal defense attorneys on mental health issues and pre-trial diversion. Judicial education shall include information for judges and staff on mental health care resources available in the court's geographic region.

OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL

Differences Only - Excludes Capital

House

Senate

7. Texas Indigent Defense Commission (TIDC).

- a. Amounts appropriated above from the General Revenue-Dedicated Fair Defense Account No. 5073 in Strategy D.1.1, Texas Indigent Defense Commission, include court costs pursuant to Code of Criminal Procedure, Art. 102.0045, Fee for Jury Reimbursement to Counties (estimated to be \$6,100,000 in fiscal year 2020 and \$6,100,000 in fiscal year 2021).
- b. Also, out of the amounts appropriated above in Strategy D.1.1, 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 2020 and \$2,474,370 in fiscal year 2021 shall be distributed to counties that implement cost containment initiatives designed to limit local indigent defense cost increases. No portion of the appropriation governed by this subsection 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, 2020, 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.

15. Guardianship Compliance Project. Amounts appropriated above from the General Revenue Fund include \$2,787,420 in fiscal year 2020 and \$2,777,397 in fiscal year 2021 in Strategy A.1.1, Court Administration, \$106,200 in fiscal year 2020 and \$37,600 in fiscal year 2021 in Strategy A.1.2, Information Technology, and 34.3 FTEs each fiscal year for the Guardianship Compliance Project.

7. Texas Indigent Defense Commission (TIDC).

- a. 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 2020 and \$1,164,988 and 11.0 FTEs in fiscal year 2021 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 \$6,100,000 in fiscal year 2020 and \$6,100,000 in fiscal year 2021).
- b. Also, out of the amounts appropriated above in Strategy D.1.1, 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 2020 and \$2,474,370 in fiscal year 2021 shall be distributed to counties that implement cost containment initiatives designed to limit local indigent defense cost increases. No portion of the appropriation governed by this subsection 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, 2020, 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.

13. Guardianship Compliance Project. Amounts appropriated above from the General Revenue Fund, include \$2,408,067 in fiscal year 2020 and \$2,402,667 in fiscal year 2021 in Strategy A.1.1, Court Administration, \$106,200 in fiscal year 2020 and \$37,600 in fiscal year 2021 in Strategy A.1.2, Information Technology, and 28.0 FTEs each fiscal year for the Guardian Compliance Project.

OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL

Differences Only - Excludes Capital
(Continued)

House

Senate

17. E-Filing Account Appropriations and Capital Budget Authority.

- (a) Amounts appropriated above in Strategy A.1.2, Information Technology, include \$35,761,000 in fiscal year 2020 and \$24,768,000 in fiscal year 2021 in General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 funding. In addition, the Office of Court Administration is appropriated all revenues and balances in General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 for authorized purposes pursuant to Government Code §51.851 and §51.852. The Office of Court Administration shall prioritize expenditures from this account for vendor contract payments to support the operation and maintenance of the statewide electronic filing system.
- (b) Notwithstanding Article IX, Section §14.03, Transfers - Capital Budget, of this Act, the Office of Court Administration may request to increase capital budget authority and establish new capital budget projects using General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 appropriations in Strategy A.1.2, Information Technology. The agency shall request establishment of new capital budget projects and increases in capital budget authority for those projects in a format prescribed by the Legislative Budget Board that provides information regarding the purposes and the projected impact of expenditures. A request submitted under this provision shall be considered to be approved unless the Legislative Budget Board issues a written disapproval within 30 business days after the date on which the staff of the Legislative Budget Board concludes its review of the request.
- (c) Any approved increase in capital budget authority and establishment of new capital budget projects made by the Office of Court Administration and approved by the Legislative Budget Board in subsection (b) of this rider may be transferred out of those projects to a non-capital budget item in an unlimited amount to meet vendor contract payments supporting the operation and maintenance of the statewide electronic filing system.
- (d) The Office of Court Administration shall provide a quarterly report as of September 1, 2019 detailing statewide electronic filing system vendor contract payments and General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 balances to the Legislative Budget Board and to the Office of the Governor.

18. Statewide eFiling System Account Estimated Appropriation.

- (a) Amounts appropriated above in Strategy A.1.2, Information Technology, include \$35,601,020 in fiscal year 2020 and \$24,928,000 in fiscal year 2021 in General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 funding. In addition to the amounts appropriated above, all balances and amounts deposited into the General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 (estimated to be \$0 in each fiscal year) are appropriated to the Office of Court Administration in Strategy A.1.2, Information Technology.
- (b) Except for the amounts appropriated from the General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 as identified in Rider 17, Statewide Case Management System, and in Rider 19, Contingency for Senate Bill 325, elsewhere in the Office of Court Administration's bill pattern, the Office of Court Administration shall prioritize expenditures from the General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 for vendor contract payments to support the operation and maintenance of the statewide electronic filing system.
- (c) Contingent upon Senate Bill 325 not being enacted, the funding identified in Rider 18, Contingency for Senate Bill 325, shall be used for vendor contract payments to support the operation and maintenance of the statewide electronic filing system.

OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL

Differences Only - Excludes Capital
(Continued)

House

Senate

- 17. Statewide Case Management System.** Amounts appropriated above in Strategy A.1.2, Information Technology, include \$11,829,384 from the General Revenue Fund in fiscal year 2020 and \$15,650,196 in fiscal year 2020 and \$2,171,580 in fiscal year 2021 from the General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157, and 2.0 FTEs each fiscal year for the creation of a statewide case management system.
- 18. Indigent Defense with Mental Illness.** Out of the amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, \$5,000,000 in General Revenue each fiscal year shall be used to provide funding to existing public defender offices for a pilot project for the early identification and specialized representation of indigent defendants with a mental illness. The Commission shall use the funds to provide grants to public defender offices to expand the capacity of existing mental health defender programs and to establish mental health defender programs in public defender offices currently without these programs. The Commission shall provide grants to public defender offices on a continuing basis to sustain effective mental health defender programs.
- 19. Fair Defense Account 5073 Appropriation.** Out of amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, \$10,000,000 in General Revenue-Dedicated Fair Defense Account No. 5073 is appropriated in fiscal year 2020 for the purpose of providing grants to counties for indigent defense.
- 19. Contingency for Senate Bill 325.** Contingent on enactment of Senate Bill 325, or similar legislation relating to protective orders by the Eighty-sixth Legislature, Regular Session, the Office of Court Administration (OCA) shall use \$350,000 out of General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 from amounts appropriated in Strategy

OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL

Differences Only - Excludes Capital

(Continued)

House

Senate

A.1.2, Information Technology, in the bill pattern of the OCA in fiscal year 2020 to establish and maintain a central, computerized, and Internet-based registry for protective orders.

20. 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 Office of Court Administration in Strategy D.1.1, Texas Indigent Defense Commission, in fiscal year 2020 or fiscal year 2021, as identified in Art. IX, §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 2020 or fiscal year 2021 does not satisfy the requirements of Art. IX, §10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

21. Uniform Case Management System. It is the intent of the legislature that:

- (a) the amounts appropriated above to the Office of Court Administration in Strategy A.1.2, Information Technology, for a Uniform Case Management System described by Rider 2 following the appropriations to the office be expended through a competitive procurement process in accordance with general law and that at least two software management systems meet qualifications for evaluation;
- (b) to the extent authorized by general law, the system:
 - (1) collects county judicial data, including mental health adjudications and domestic violence protective orders;
 - (2) provides timely and accurate reporting of judicial data to the office and the national criminal history record information and mental health record repositories;
 - (3) easily integrates with existing state and countywide systems to allow frequent sharing

OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL

Differences Only - Excludes Capital

(Continued)

House

Senate

of information between systems; and

- (4) includes adequate reporting standards to ensure the accurate reporting of information through the system.

JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT

Differences Only - Excludes Capital

House

Senate

9. Grants to Counties Due to Enactment of House Bill 9, Eighty-fourth Legislature, 2015.

- a. The Judiciary Section, Comptroller's Department is appropriated above in Strategy D.1.9, Cost of Extraordinary Prosecution, \$1,306,750 in General Revenue for the 2020-21 biennium to make grants to counties in which the net compensation of state prosecutors is adversely affected by House Bill 9 or similar legislation related to member contributions to the Employees Retirement System of Texas, enacted by the Eighty-fourth Legislature, 2015.
- b. The Judiciary Section, Comptroller's Department shall allocate funds appropriated above to affected counties in amounts that are sufficient to allow those counties to provide state prosecutors a supplement pursuant to Government Code §46.003, such that their compensation after benefit contributions, including to the Employees Retirement System, plus the supplement, is equal to what it would have been had House Bill 9, Eighty-fourth Legislature, Regular Session, or similar legislation not passed.
- c. Additionally, the Judiciary Section, Comptroller's Department shall include in its allocation to affected counties an amount sufficient to cover the counties' cost of providing the supplement, including the payment of benefits.
- d. The Comptroller of Public Accounts shall promulgate rules and regulations as necessary to administer this section.

10. Visiting Judge - Appellate. Amounts appropriated above in Strategy A.1.3, Visiting Judge - Appellate, may be used by the Judiciary Section, Comptroller's Department to reimburse one or more courts of appeals for the salary or fee paid to a staff attorney employed or contracted by a court of appeals to assist judges assigned to cases in addition to their ordinary caseload contingent on written approval of the Council of Chief Justices.

SPECIAL PROVISIONS - JUDICIARY

Differences Only - Excludes Capital

House

Senate

Sec. 9. Contingent on House Bill 2384. Amounts appropriated elsewhere in this Act to fund a ten percent increase to judicial salaries and associated benefit costs each fiscal year are contingent on the enactment of House Bill 2384, or similar legislation relating to judicial compensation by the Eighty-sixth Legislature, Regular Session, and may only be used to fund judicial salary or benefit increases authorized by the legislation. If House Bill 2384, or similar legislation, is not enacted, all judicial salaries (including Exempt position Group and salary levels) and benefit costs each fiscal year shall be funded at the same level included in the General Appropriations Act enacted by the Eighty-fifth Legislature, Regular Session.