

Issue Docket

Conference Committee on Senate Bill 1

2022-23 General Appropriations Bill

Article IV - Judiciary

As of May 13, 2021

201 SUPREME COURT OF TEXAS

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	IV-1	IV-1		
Cross-Agency Issues			SENATE	1) Judicial Exempt Position and Salary Reallocation House transfers \$35,750,635 in All Funds with Judicial and State Prosecutor Positions and Salaries to the Judiciary Section, Comptroller's Department including: a. \$29,220,391 in General Revenue and \$6,213,004 in Judicial Fund No. 573 for Judge/Justice salaries b. \$317,240 in General Revenue for the State Prosecutor Salary c. 99.0 FTEs d. Schedule of Exempt Positions salaries
			SENATE	2) Information Technology to Address Court Backlogs House adds a rider and transfers General Revenue in the following amounts from strategy A.1.3, Visiting Judges- Regions, in the bill pattern of the Judiciary Section, Comptroller's Department to strategy A.1.2, Information Technology, in the bill pattern of the Office of Court Administration to implement an information technology program to address court backlogs due to the COVID-19 pandemic: a. \$500,000 each fiscal year. b. up to \$4,343,306 each fiscal year contingent on the Office of Court Administration determining that the program is effective at reducing the backlog and notifying the Legislative Budget Board and the Comptroller of Public Accounts of its determination. See also House Rider 15, Information Technology Modernization to Address Court Backlogs.
Number of Full-Time-Equivalents (FTEs)	85.0	76.0		See Cross-Agency Issue 1.
Schedule of Exempt Positions				See Cross-Agency Issue 1.
Chief Justice	170,500			
Justice (8)	168,000			

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
A.1.2 APPELLATE JUSTICE SALARIES	\$ 3,630,310	\$ -	\$ 3,630,310	See Cross-Agency Issue 1.
B.1.1 BASIC CIVIL LEGAL SERVICES	\$ 74,068,784	\$ 78,068,784	\$ 4,000,000	House provides an increase in General Revenue for basic civil legal services for the following:
			HOUSE LESS \$1,500,000	a. \$3,000,000 for the indigent
			HOUSE	b. \$1,000,000 for veterans and their families.
		\$ 76,568,784		

211 COURT OF CRIMINAL APPEALS

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	IV-3	IV-3		
			SENATE	
Number of Full-Time-Equivalents (FTEs)	71.0	62.0		All differences due to Cross-Agency Issue 1.
Schedule of Exempt Positions				
Presiding Judge	170,500	0		
Judge (8)	168,000	0		
A.1.2 APPELLATE JUDGE SALARIES	\$ 3,666,582	\$ -	\$ 3,666,582	

14 COURTS OF APPEALS DISTRICTS

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	IV-7	IV-7		
			SENATE	
Number of Full-Time-Equivalents (FTEs)	402.5	322.5		All differences due to Cross-Agency Issue 1.
Schedule of Exempt Positions				
Chief Justice (14)	\$ 156,500			
Justice (66)	\$ 154,000			
221 First Court of Appeals District, Houston A.1.2 APPELLATE JUSTICE SALARIES	\$ 2,997,659	\$ -	\$ 2,997,659	
222 Second Court of Appeals District, Fort Worth A.1.2 APPELLATE JUSTICE SALARIES	\$ 2,469,744	\$ -	\$ 2,469,744	
223 Third Court of Appeals District, Austin A.1.2 APPELLATE JUSTICE SALARIES	\$ 2,077,668	\$ -	\$ 2,077,668	
224 Fourth Court of Appeals District, San Antonio A.1.2 APPELLATE JUSTICE SALARIES	\$ 2,420,372	\$ -	\$ 2,420,372	
225 Fifth Court of Appeals District, Dallas A.1.2 APPELLATE JUSTICE SALARIES	\$ 4,398,440	\$ -	\$ 4,398,440	
226 Sixth Court of Appeals District, Texarkana A.1.2 APPELLATE JUSTICE SALARIES	\$ 1,100,992	\$ -	\$ 1,100,992	
227 Seventh Court of Appeals District, Amarillo A.1.2 APPELLATE JUSTICE SALARIES	\$ 1,474,288	\$ -	\$ 1,474,288	

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
228 Eighth Court of Appeals District, El Paso A.1.2 APPELLATE JUSTICE SALARIES	\$ 1,000,506	\$ -	\$ 1,000,506	
229 Ninth Court of Appeals District, Beaumont A.1.2 APPELLATE JUSTICE SALARIES	\$ 1,523,876	\$ -	\$ 1,523,876	
230 Tenth Court of Appeals District, Waco A.1.2 APPELLATE JUSTICE SALARIES	\$ 1,181,688	\$ -	\$ 1,181,688	
231 Eleventh Court of Appeals District, Eastland A.1.2 APPELLATE JUSTICE SALARIES	\$ 1,032,120	\$ -	\$ 1,032,120	
232 Twelfth Court of Appeals District, Tyler A.1.2 APPELLATE JUSTICE SALARIES	\$ 1,132,100	\$ -	\$ 1,132,100	
233 Thirteenth Court of Appeals District, Corpus Christi-Edinburg A.1.2 APPELLATE JUSTICE SALARIES	\$ 2,195,924	\$ -	\$ 2,195,924	
234 Fourteenth Court of Appeals District, Houston A.1.2 APPELLATE JUSTICE SALARIES	\$ 3,131,126	\$ -	\$ 3,131,126	

212 OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Cross-Strategy Issue	IV-23	IV-20	HOUSE	1) Maintain 2020-21 Appropriation Levels for Travel to Children's Courts for In-Person Hearings House provides an increase of \$303,360 in General Revenue for associate judges and court coordinators to travel to Children's Courts for in-person hearings.
Schedule of Exempt Positions	197,415	197,415		Senate increases the exempt position salary Group from 5 to 7. House provides Group 5.
A.1.1 COURT ADMINISTRATION	\$ 12,427,142	\$ 11,961,809		Senate provides an increase in General Revenue to hire eight auditors for the Guardianship Abuse, Fraud, and Exploitation Deterrence Program to fill positions already included in the agency's FTE Cap. This maintains funding at 2020-21 levels.
A.1.2 INFORMATION TECHNOLOGY	\$ 58,559,133	\$ 59,559,133	\$ 1,000,000	See Cross-Agency Issue 2. See also House Rider 15, Information Technology Modernization to Address Court Backlogs.
B.1.1 CHILD SUPPORT COURTS PROGRAM	\$ 17,462,893	\$ 17,548,695	\$ 85,802	See Cross-Strategy Issue.
B.1.2 CHILD PROTECTION COURTS PROGRAM	\$ 12,884,042	\$ 13,101,600	\$ 217,558	See Cross-Strategy Issue.
D.1.1 TX INDIGENT DEFENSE COMM	\$ 89,963,926	\$ 94,963,926	\$ 5,000,000	House provides an increase in General Revenue-Dedicated Statewide Fair Defense Account No. 5073 for additional funding for indigent defense grants above 2020-21 appropriated levels.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Family Violence Homicide Reduction Task Force		IV-25, Rider #12 Rider Packet, page IV-1	HOUSE AS AMENDED	House rider requires the Office of Court Administration to establish a Family Violence Homicide Reduction Task Force to make recommendations and provide guidance to courts implementing policies related to the transfer or other disposition of firearms for persons temporarily prohibited from possessing firearms pursuant to a judgment, bond condition, or order issued as a result of family violence.
Children's Justice Grants to States	IV-28, Rider #12 Rider Packet page IV-1			House moves the rider to the Governor's Trusteed Programs bill pattern.
Contingency for SB 11	IV-28, Rider #13 Rider Packet page IV-1			Senate rider provides \$___ from ___ for the purpose of modifying the appellate courts structure, contingent on the enactment of legislation.
Protective Order Enforcement Study		IV-25, Rider #13 Rider Packet, page IV-1		House rider requires the Office of Court Administration to study different mechanisms of protective order enforcement used in a representative selection of Texas counties; identify best practices for a statewide model of effective, efficient protective order enforcement; and provide a report to House and Senate committees with jurisdiction over criminal justice and public safety by September 1, 2022.
Indigent Defense with Mental Illness Pilot Project		IV-25, Rider #14 Rider Packet, page IV-2		House rider requires the Texas Indigent Defense Commission to fund a pilot project for the early identification and specialized representation of indigent defendants with mental illness by providing grants to counties to expand the capacity of existing mental health defender programs and to establish mental health defender programs in counties currently without these programs. House rider also expresses legislative intent for the Commission to provide grants to geographically diverse counties with a population of more than 800,000 at the time of the 2010 decennial United States census.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Contingency for SB 21	IV-28, Rider #14 Rider Packet page IV-2			Senate rider provides \$___ from ___ for the purpose of creating or amending rules for fixing the amount of bail, the release of certain defendants on bail or personal bond, related duties of a magistrate in a criminal case, reporting information pertaining to bail bonds, and the regulation of charitable bail organizations, contingent on the enactment of legislation.
Information Technology Modernization to Address Court Backlogs		IV-25, Rider #15 Rider Packet, page IV-2		See Cross-Agency Issue 2. House rider requires the Office of Court Administration to use \$500,000 in General Revenue transferred from the Judiciary Section, Comptroller's Department each fiscal year to implement an information technology modernization program to address court backlogs, including backlogs arising due to the COVID-19 pandemic. House rider also transfers up to \$4,343,306 each fiscal year from strategy A.1.3, Visiting Judges- Regions, in the bill pattern of the Judiciary Section, Comptroller's Department to strategy A.1.2, Information Technology, in the bill pattern of the Office of Court Administration contingent on the Office of Court Administration determining that the program is effective at reducing the backlog and notifying the Legislative Budget Board and the Comptroller of Public Accounts of its determination.
Conference Committee Revisions and Additions				
Domestic Violence / Community Safety	\$204,200 in General Revenue		ADOPT	Conference Committee adds fundig in strategy A.1.1, Court Administration, to continue an Attorney position to provide training and technical assistance on domestic violence and protective order issues to judges that was previously funded with Federal Funds which are no longer available.

215 OFFICE OF CAPITAL AND FORENSIC WRITS

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
1) Cross-Strategy Issue	IV-28	IV-25	SENATE	<p>1) Salary Parity</p> <p>Senate provides an increase of \$590,730 in General Revenue-Dedicated Statewide Fair Defense Account No. 5073 to increase certain salaries as follows:</p> <p>a. \$487,200 to increase average salaries from \$75,000 to \$95,000 for 12 attorneys.</p> <p>b. \$103,530 to increase average salaries from \$58,000 to \$66,500 for 6 mitigation specialists.</p>
A.1.1 CAPITAL REPRESENTATION	\$ 3,722,347	\$ 3,212,817	\$ 509,530	See Cross-Strategy Issue
A.1.2 NON-CAPITAL REPRESENTATION	\$ 579,074	\$ 497,874	\$ 81,200	See Cross-Strategy Issue

213 OFFICE OF THE STATE PROSECUTING ATTORNEY

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	IV-29	IV-26		
			SENATE	All differences due to Cross-Agency Issue 1.
Number of Full-Time-Equivalents (FTEs)	4.0	3.0		
Schedule of Exempt Positions	154,000	0		
A.1.2 STATE PROSECUTOR SALARY	\$ 317,240	\$ -	\$ 317,240	

243 STATE LAW LIBRARY

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	IV-30	IV-28		
A.1.1 ADMINISTRATION AND OPERATIONS	\$ 2,186,853	\$ 2,128,455	\$ 58,398	Senate provides an increase in General Revenue to fund subscriptions consisting of 5,000 titles, including Westlaw and AILALink.

242 STATE COMMISSION ON JUDICIAL CONDUCT

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	IV-31	IV-29		
A.1.1 ADMINISTRATION AND ENFORCEMENT	\$ 2,443,908	\$ 2,383,908	\$ 60,000	Senate provides an increase in General Revenue to fill a vacant attorney position.

241 JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	IV-32	IV-30		
Number of Full-Time-Equivalents (FTEs)	645.2	744.2		See Cross-Agency Issue 1.
Schedule of Exempt Positions				See Cross-Agency Issue 1.
Chief Justice, Supreme Court	\$ -	170,500		
Justice, Supreme Court (8)	\$ -	168,000		
Presiding Judge, Criminal Appeals	\$ -	170,500		
Judge, Criminal Appeals (8)	\$ -	168,000		
Chief Justice, Court of Appeals (14)	\$ -	156,500		
Justice, Court of Appeals (66)	\$ -	154,000		
State Prosecuting Attorney	\$ -	140,000		
A.1.2 VISITING JUDGES - REGIONS	\$ 10,100,612	\$ 9,100,612	\$ 1,000,000	See Cross-Agency Issue 2.
A.1.2 APPELLATE JUDGES	\$ -	\$ 35,433,395	\$ 35,433,395	See Cross-Agency Issue 1.
B.1.3 STATE PROSECUTING ATTORNEY	\$ -	\$ 317,240	\$ 317,240	See Cross-Agency Issue 1.
B.1.6 FELONY PROSECUTORS: EXPENSES	\$ 8,332,166	\$ 7,941,046	\$ 391,120	Senate provides \$391,120 in General Revenue to maintain appropriations for office apportionments of felony prosecutors at 2020-21 levels.
D.1.4 SPECIAL PROSECUTION UNIT, WALKER CO	\$ 10,967,837	\$ 10,488,810	\$ 479,027	Out of General Revenue Funds: a. Senate provides \$366,853 for a Juvenile Sexual Assault prosecutor, civil commitment expert witness expenses, travel, continuing education, and operational expenses with the SPU Palestine office, which maintain appropriations at 2020-21 levels.
			SENATE	

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
			SENATE	b. Senate provides \$112,174 to cover increases in health insurance cost and other related benefits costs by Walker County.
D.1.9 DOCKET EQUALIZATION	\$ 9,530	\$ 10,000	\$ 470	House provides \$470 in General Revenue to maintain appropriations at 2020-21 levels for travel expenses incurred by appellate justices and their staff who travel to hear cases transferred to them for disposition.
Conference Committee Revisions and Additions				
Visiting Judge Program	\$1,000,000 in General Revenue		ADOPT	Conference Committee adds funding in Strategy A.1.2, Visiting Judges - Regions, to address case backlogs.

Article IV Agencies with No Issues

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Special Provisions	IV-38	IV-35		

State Judicial Exempt Position and Salary Reallocation Summary

Agency Bill Pattern	Senate		House	
	Exempt Positions	Senate Funding	Exempt Positions	House Funding
Supreme Court				
Chief Justice and Justice positions	9	\$ 3,630,310	0	\$ -
Court of Criminal Appeals				
Presiding Judge and Judge positions	9	\$ 3,666,582	0	\$ -
Courts of Appeals Districts				
First Court of Appeals District, Houston	9	\$ 2,997,659	0	\$ -
Second Court of Appeals District, Fort Worth	7	\$ 2,469,744	0	\$ -
Third Court of Appeals District, Austin	6	\$ 2,077,668	0	\$ -
Fourth Court of Appeals District, San Antonio	7	\$ 2,420,372	0	\$ -
Fifth Court of Appeals District, Dallas	13	\$ 4,398,440	0	\$ -
Sixth Court of Appeals District, Texarkana	3	\$ 1,100,992	0	\$ -
Seventh Court of Appeals District, Amarillo	4	\$ 1,474,288	0	\$ -
Eighth Court of Appeals District, El Paso	3	\$ 1,000,506	0	\$ -
Ninth Court of Appeals District, Beaumont	4	\$ 1,523,876	0	\$ -
Tenth Court of Appeals District, Waco	3	\$ 1,181,688	0	\$ -
Eleventh Court of Appeals District, Eastland	3	\$ 1,032,120	0	\$ -
Twelfth Court of Appeals District, Tyler	3	\$ 1,132,100	0	\$ -
Thirteenth Court of Appeals District, Corpus Christi-Edinburg	6	\$ 2,195,924	0	\$ -
Fourteenth Court of Appeals District, Houston	<u>9</u>	<u>\$ 3,131,126</u>	<u>0</u>	<u>\$ -</u>
Sub-Total	80	\$ 28,136,503	0	\$ -
State Prosecuting Attorney				
	1	\$ 317,240	0	\$ -
Judiciary Section, Comptroller's Department				
	0	\$ -	99	\$ 35,705,635
Total	99	\$ 35,750,635	99	\$ 35,705,635

Office of Court Administration
Proposed Funding and Rider

Prepared by LBB Staff, 5/4/2021

Overview

Add a rider requiring the Texas Indigent Defense Commission to establish a pilot project for the early identification and specialized representation of indigent defendants with mental illness in counties that meet certain criteria.

Required Action

On page IV-28 of the Office of Court Administration's bill pattern in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following rider:

_____.
Indigent Defendants with Mental Illness Pilot Project. Out of the amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, the Texas Indigent Defense Commission shall provide funding for a pilot project for the early identification and specialized representation of indigent defendants with mental illness. The Commission shall provide grants to counties to expand the capacity of existing mental health defender programs and to establish mental health defender programs in counties currently without these programs. It is the intent of the legislature that for the pilot project the Commission shall provide grants to ~~three~~ **three** geographically diverse counties each with a population of more than 800,000 at the time of the 2010 decennial United States census.