

**Section 1**

**Court of Criminal Appeals  
Summary of Recommendations- House**

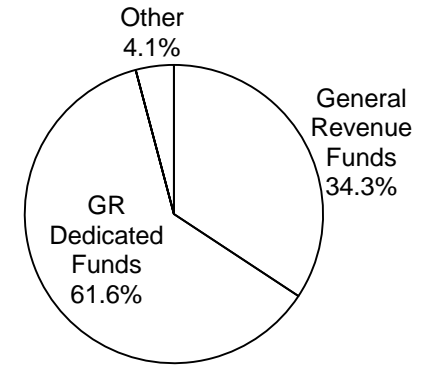
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The Honorable Sharon Keller, Presiding Judge

Mary Kay Spellman, LBB Analyst

<b>Method of Financing</b>	<b>2012-13 Base</b>	<b>2014-15 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>
General Revenue Funds	\$9,269,032	\$9,276,782	\$7,750	0.1%
GR Dedicated Funds	\$16,674,868	\$16,674,868	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$25,943,900</i>	<i>\$25,951,650</i>	<i>\$7,750</i>	<i>0.0%</i>
Federal Funds	\$249,840	\$0	(\$249,840)	(100.0%)
Other	\$1,118,002	\$1,118,002	\$0	0.0%
<b>All Funds</b>	<b>\$27,311,742</b>	<b>\$27,069,652</b>	<b>(\$242,090)</b>	<b>(0.9%)</b>

RECOMMENDED FUNDING  
BY METHOD OF FINANCING

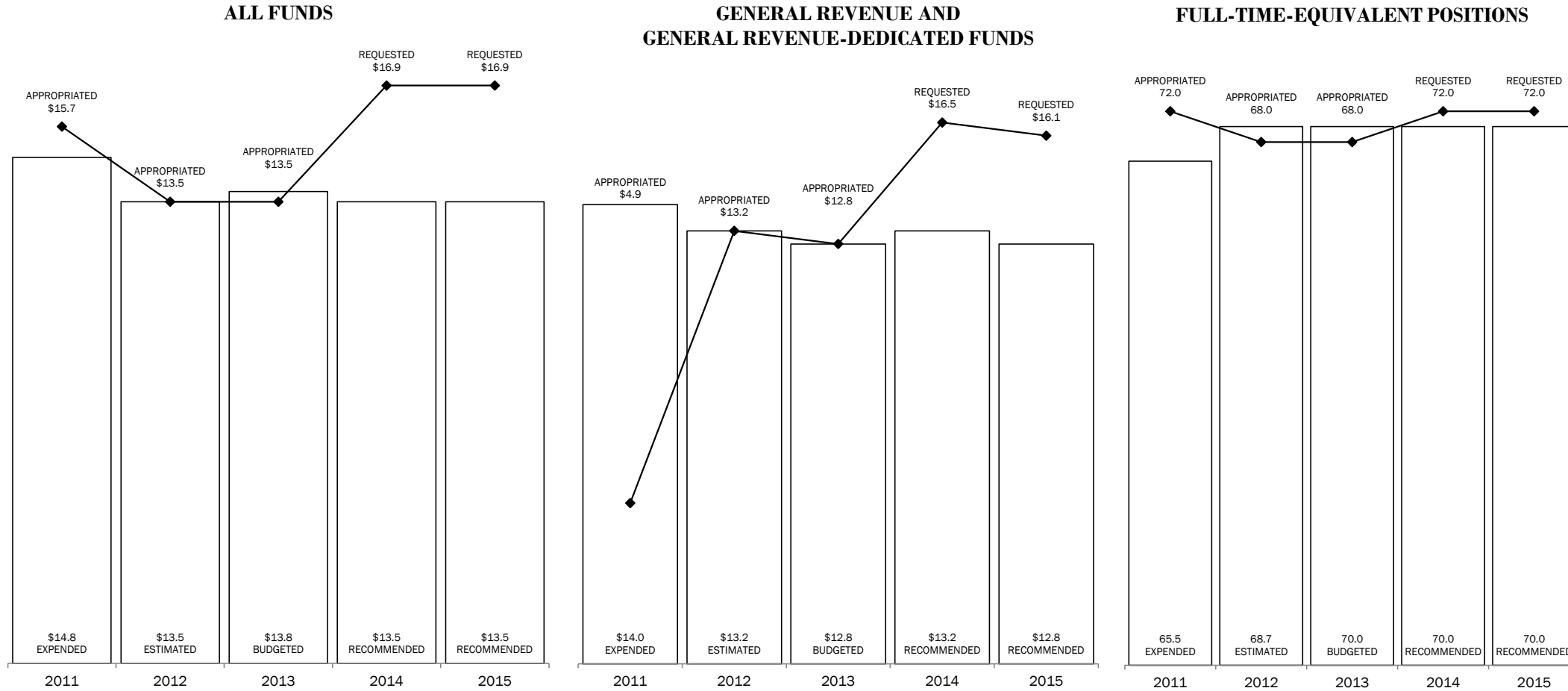


	<b>FY 2013 Budgeted</b>	<b>FY 2015 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>
<b>FTEs</b>	70.0	70.0	0.0	0.0%

The bill pattern for this court (2014-15 Recommended) represents an estimated 100% of the court's estimated total available funds for the 2014-15 biennium.

**Section 1**  
**Court of Criminal Appeals**  
 2014-2015 BIENNIUM  
 IN MILLIONS

TOTAL= \$27.1 MILLION



- Note: 1) All funds expended amounts exceed appropriated amounts in 2011 due to unexpended balance authority within the biennium.  
 2) Expended amounts exceed appropriated amounts for General Revenue and General Revenue- Dedicated Funds in 2011 because the Judicial and Court Personnel Training Fund No. 540, was Other Funds, prior to 2012.  
 3) Like all appellate courts, the Court of Criminal Appeals is exempted from Art. IX, Sec. 6.10, which limits FTE Counts to cap in GAA.

Section 2

**Court of Criminal Appeals  
Summary of Recommendations- House, By Method of Finance -- ALL FUNDS**

Strategy/Goal	2012-13 Base	2014-15 Recommended	Biennial Change	% Change	Comments
APPELLATE COURT OPERATIONS A.1.1	\$10,004,534	\$10,012,284	\$7,750	0.1%	Recommendations include \$7,750 above the 2012-13 spending levels to comply with Senate Bill 1519, Eightieth Legislature, 2007, and Senate Bill 427, Eighty-first Legislature, 2009, which provide for an increase in longevity pay for judges with sixteen or more years of service. In 2014-15 a judge will be eligible for longevity pay that was not eligible in 2012-13.
<b>Total, Goal A, APPELLATE COURT OPERATIONS</b>	<b>\$10,004,534</b>	<b>\$10,012,284</b>	<b>\$7,750</b>	<b>0.1%</b>	
JUDICIAL EDUCATION B.1.1	\$17,307,208	\$17,057,368	(\$249,840)	(1.4%)	Recommendations fund the Judicial Education strategy at 1.4 percent less than the 2012-13 levels, due to one-time award of federal funds to support capital-case training for both criminal defense attorneys who represent indigent defendants and prosecutors in fiscal year 2012. Recommendations provide funds to grantees to provide training for judges, prosecuting attorneys, criminal defense attorneys, bailiffs, constables, and other judicial personnel as provided by statute.
<b>Total, Goal B, JUDICIAL EDUCATION</b>	<b>\$17,307,208</b>	<b>\$17,057,368</b>	<b>(\$249,840)</b>	<b>(1.4%)</b>	
<b>Grand Total, All Strategies</b>	<b>\$27,311,742</b>	<b>\$27,069,652</b>	<b>(\$242,090)</b>	<b>(0.9%)</b>	

**Section 3**

**Court of Criminal Appeals  
Selected Fiscal and Policy Issues**

1. **Judicial Longevity Pay.** In January 2014, one judge from the Court of Criminal Appeals will be eligible for a judicial longevity pay increase as provided in Senate Bill 1519, Eightieth Legislature, 2007, and Senate Bill 497, Eighty-first Legislature, 2009. Judges who complete 16 years of service are eligible for an increase in pay. For fiscal year 2014, the amount has been pro-rated and General Revenue recommendations have been adjusted to reflect a \$3,100 (8 months of eligibility X \$387.50 per month) increase and an additional \$4,650 in General Revenue for fiscal year 2015 to fund a full year of eligibility.
2. **Judicial Education Grants.** In the 2012-13 biennium, funding to Judicial Education Grants was reduced by \$2.9 million, or 15 percent from the 2010-11 spending levels. The total number of participants trained through grant funding in fiscal year 2011 was 20,348, and is estimated to drop by 1,385 participants, or 7 percent in 2012. The amount of participants is expected to remain at 18,963 in fiscal year 2013. Recommendations for funding in the 2014-15 biennium for Judicial Education Grants are equal to 2012-13 funding levels. The court is seeking funding above recommended amounts totaling \$5.4 million for Judicial Education. (See Items Not Included in Recommendations Nos. 2 and 3).

Fiscal Year	2011	2012	2013	2014	2015
<b>Total Number of Participants Trained in Judicial Education</b>	20,348	18,963	18,963	18,963	18,963

3. **Reclassification of Judicial and Court Personnel Training Fund No. 540 as a GR-Dedicated Account.** Senate Bill 2, Section 56.001, Eighty-second Legislature, First Called Session, reclassified the Judicial and Court Personnel Training Fund No. 540 as an account within the General Revenue Fund. Previously the fund was statutorily classified as Other Funds. The Comptroller of Public Accounts did not provide a certification credit from the reclassification (originally estimated at \$5.3 million), citing the Texas Supreme Court decision in LeCroy v. Hanlon, which construes use of court fees for a non-judiciary purpose as unconstitutional due to Art. I, Sec. 13, Texas Constitution, the open courts provision. As a result, any additional funding to the Judicial and Court Personnel Training Fund No. 540, above amounts included in recommended funding levels, would not result in a cost to the bill.

**Section 3**

**Court of Criminal Appeals  
FTE Highlights**

Full-Time-Equivalent Positions	Expended 2011	Estimated 2012	Budgeted 2013	Recommended 2014	Recommended 2015
Cap	72.0	68.0	68.0	70.0	70.0
Actual/Budgeted	65.5	68.7	70.0	NA	NA
<b>Schedule of Exempt Positions (Cap)</b>					
Presiding Judge	\$152,500	\$152,500	\$152,500	\$152,500	\$152,500
Judge (8)	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000

Note: Appellate Courts are exempt from FTE cap restrictions due to Section 4, Article IV, Special Provisions.

**Section 3**

**Court of Criminal Appeals  
Performance Measure Highlights**

	Expended 2011	Estimated 2012	Budgeted 2013	Recommended 2014	Recommended 2015
<ul style="list-style-type: none"> <li><i>Disposition Rate for Petitions of Discretionary Review Which Are Granted</i></li> </ul>	102%	106%	100%	100%	100%
<p><i>Measure Explanation: This is a measure of the total number of petitions for discretionary review for which opinions were issued during the year in relation to the total number of petitions for distretionary review granted and added at any time during the year.</i></p>					
<ul style="list-style-type: none"> <li><i>Disposition Rate for Death Penalty Cases</i></li> </ul>	130%	175%	175%	175%	175%
<p><i>Measure Explanation: This is a measure of the number of death penalty cases for which opinions were issued during the year in relation to the number of death penalty cases filed and added under submission with the Court of Criminal Appeals during the year.</i></p>					
<ul style="list-style-type: none"> <li><i>Average Time from Time Filed to Disposition in Death Penalty Cases</i></li> </ul>	645	683	683	683	683
<p><i>Measure Explanation: This is a measure of the average time, calculated in days, from the time the first document in a death penalty case is filed with the Court of Criminal Appeals, until the court issues an opinion.</i></p>					

**Section 4**

**Court of Criminal Appeals (CCA)  
Performance Review and Policy Report Highlights**

Reports & Recommendations	Report Page	Savings/ (Cost)	Gain/ (Loss)	Fund Type	Included in Introduced Bill	Action Required During Session
<b>Use Alternative Settings to Reduce Forensic Cases in the State Mental Health Hospital System</b>	216					
1. Include a rider to authorize CCA to use funds appropriated for judicial education on alternatives to inpatient mental health treatment that may be appropriate for certain individuals under forensic commitment.					Rider 11	

## Section 5

### Court of Criminal Appeals Rider Highlights

11. (former) **Judicial and Court Personnel Training Fund No. 540 Reclassification.** Rider deleted due to reclassification in Senate Bill 2, Sec. 56.001, Eighty-second Legislature, First Called session.
11. (new) **Judicial Education: Alternatives to Inpatient Mental Health Treatment for Forensic Cases.** Rider recommendation for education of judges, prosecuting attorneys, and criminal defense attorneys on alternatives to inpatient mental health treatment for certain individuals.
- The following riders are not changed from the allocations in the 2012-13 General Appropriations Act: 2a, 2b, 3a, 3b, 6, 7,8, 9, 10



**Section 6**

**Court of Criminal Appeals  
Items not Included in Recommendations- House**

	2014-15 Biennial Total	
	GR & GR- Dedicated	All Funds
<b>In Agency Priority Order:</b>		
1. Enhance Appellate Court Operations (includes 2 FTEs)	\$ 1,292,846	\$ 1,292,846
a) Increase annual salary for General Counsel, and 24 Staff Attorneys (\$429,634 per fiscal year);		
b) Increase annual salaries for law clerks (\$18,000 per fiscal year);		
c) Increase non-legal staff salaries (\$85,573 per fiscal year);		
d) Restoration of 1 staff attorney position (\$93,231 per fiscal year); and		
e) Custodian position (\$20,000 per fiscal year).		
2. Additional Funds for Judicial Education	\$ 1,370,000	\$ 1,370,000
a) Increase of \$150,000 per fiscal year for Rider 8, Actual Innocence Training;		
b) Increase of \$200,000 per fiscal year additional in administrative allocation (i.e. in addition to 3% allocation) for Rider 2b;		
c) Increase of \$50,000 between fiscal years and between biennia in unexpended balance (currently set at \$100,000) authority for Rider 9, Unexpended Balance Authority Between Biennia and Within the Biennium; and		
d) Increase of \$285,000 for unexpended balance authority for Rider 6, Refunds of Unexpended Balances from Training Authorities.		

**Section 6**

**Court of Criminal Appeals  
Items not Included in Recommendations- House**

- 3. Restoration Plus Additional Funds for Judicial Education
  - a) \$71,250 per fiscal year for Rider 2a, Judicial Education;
  - b) \$296,250 per fiscal year for Rider 3a, Continuing Education for Prosecutors and Criminal Defense Attorneys;
  - c) \$245,000 per fiscal year for Rider 3b, Continuing Education for Prosecutors and Criminal Defense Attorneys;
  - d) \$67,500 per fiscal year for Rider 6, Refunds of Unexpended Balances from Training Entities;
  - e) \$50,000 per fiscal year for Rider 8, Actual Innocence Training;
  - f) \$57,500 per fiscal year for Rider 10, Public Defender Training; and
  - g) \$1,223,611 per fiscal year for grants per Section 56.003 of the Government Code.

<u>2014-15 Biennial Total</u>	
<u>GR &amp; GR- Dedicated</u>	<u>All Funds</u>
\$ 4,022,222	\$ 4,022,222
<u>\$ 6,685,068</u>	<u>\$ 6,685,068</u>

**Total, Items Not Included in the Recommendations**