

**Section 1**

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

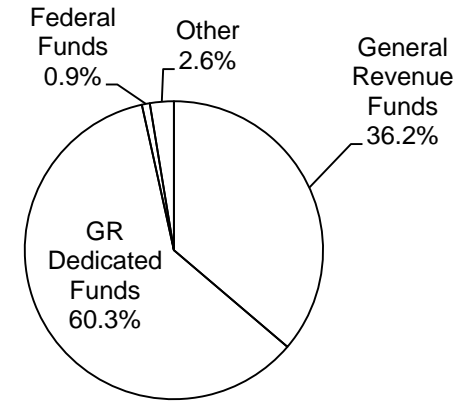
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The Honorable Sharon Keller, Presiding Judge

George Dziuk, LBB Analyst

<b>Method of Financing</b>	<b>2014-15 Base</b>	<b>2016-17 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>
General Revenue Funds	\$10,269,683	\$10,269,683	\$0	0.0%
GR Dedicated Funds	\$17,098,611	\$17,100,385	\$1,774	0.0%
<i>Total GR-Related Funds</i>	<i>\$27,368,294</i>	<i>\$27,370,068</i>	<i>\$1,774</i>	<i>0.0%</i>
Federal Funds	\$244,157	\$245,000	\$843	0.3%
Other	\$1,403,002	\$735,502	(\$667,500)	(47.6%)
<b>All Funds</b>	<b>\$29,015,453</b>	<b>\$28,350,570</b>	<b>(\$664,883)</b>	<b>(2.3%)</b>

**RECOMMENDED FUNDING  
BY METHOD OF FINANCING**



	<b>FY 2015 Budgeted</b>	<b>FY 2017 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>
<b>FTEs</b>	69.0	69.0	0.0	0.0%

The bill pattern for this court (2016-17 Recommended) represents an estimated 100% of the court's estimated total available funds for the 2016-17 biennium.

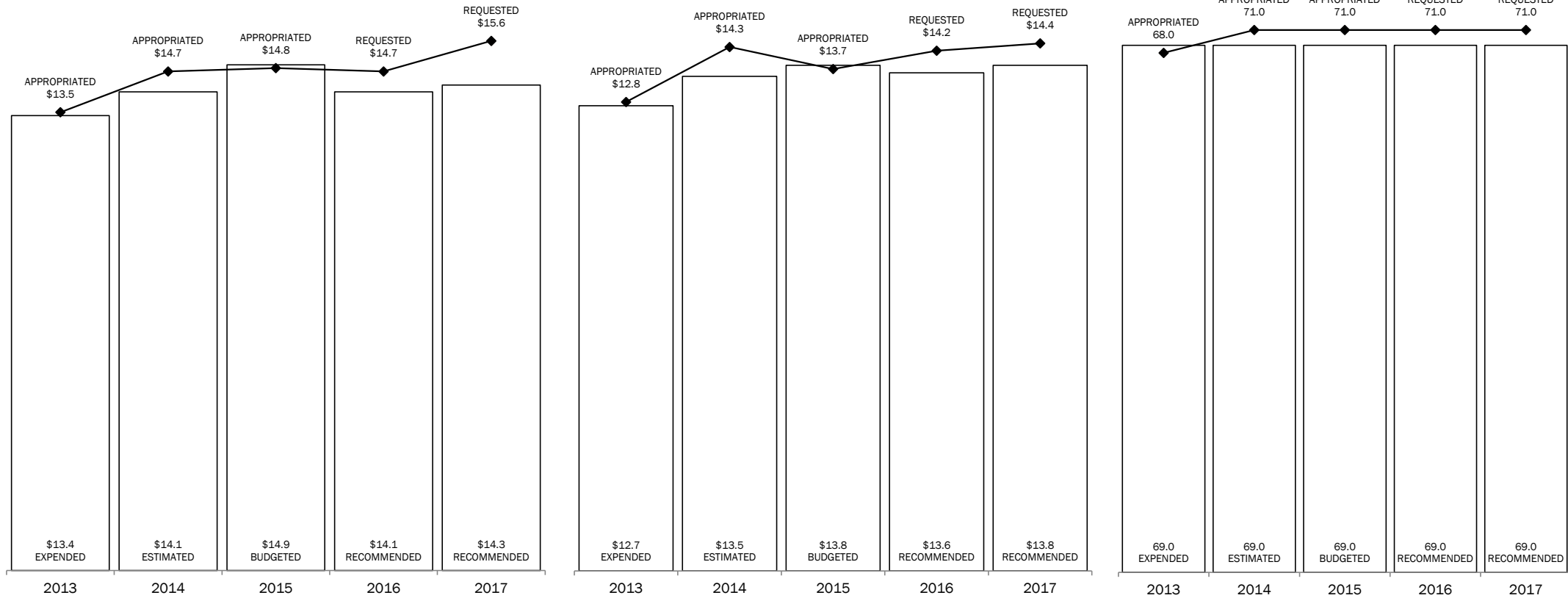
**Section 1**  
**Court of Criminal Appeals**  
 2016-2017 BIENNIUM  
 IN MILLIONS

TOTAL= \$28.4 MILLION

**ALL FUNDS**

**GENERAL REVENUE AND  
 GENERAL REVENUE-DEDICATED FUNDS**

**FULL-TIME-EQUIVALENT POSITIONS**



Note: 1) General Revenue and General Revenue-Dedicated Funds expended amounts exceed appropriated amounts in fiscal year 2015 due to unexpended balance authority within the biennium and salary increases.

2) Similar to all appellate courts, the Court of Criminal Appeals is exempted from Art. IX, Sec. 6.10, which limits the number of FTEs paid from appropriated funds to the amounts specified in the General Appropriations Act.

**Section 2**

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

Strategy/Goal	2014-15 Base	2016-17 Recommended	Biennial Change	% Change	Comments
APPELLATE COURT OPERATIONS A.1.1	\$11,005,185	\$11,005,185	\$0	0.0%	
<b>Total, Goal A, APPELLATE COURT OPERATIONS</b>	<b>\$11,005,185</b>	<b>\$11,005,185</b>	<b>\$0</b>	<b>0.0%</b>	
JUDICIAL EDUCATION B.1.1	\$18,010,268	\$17,345,385	(\$664,883)	(3.7%)	Recommendations fund the Judicial Education strategy at \$664,883 less than 2014-15 levels due to the following:  <ol style="list-style-type: none"> <li>1. \$843 increase in federal funding;</li> <li>2. \$1,774 increase due to biennialization of the general state employee salary increase in 2014-15; and</li> <li>3. \$667,500 decrease due to recommended elimination of Rider 6, Appropriation: Refunds of Unexpended Balances from Training Entities (see also, Selected Fiscal and Policy Issues - House #3 and #4 and Rider Highlights - House #3 and #6).</li> </ol>
<b>Total, Goal B, JUDICIAL EDUCATION</b>	<b>\$18,010,268</b>	<b>\$17,345,385</b>	<b>(\$664,883)</b>	<b>(3.7%)</b>	
<b>Grand Total, All Strategies</b>	<b>\$29,015,453</b>	<b>\$28,350,570</b>	<b>(\$664,883)</b>	<b>(2.3%)</b>	

## Section 3

### Court of Criminal Appeals Selected Fiscal and Policy Issues - House

1. **Judicial Compensation Commission & Judicial Pay Raise:** Recommendations continue \$324,000 in General Revenue provided for judicial salary increases in the 2014–15 biennium for the Presiding Judge and Judges of the court. This increase is part of a 12 percent salary increase for judge and prosecutor positions linked to district judge pay totaling \$34.8 million across the 2014–15 biennium.

For the 2016–17 biennium, the Judicial Compensation Commission is recommending a 5 percent increase in judicial salaries.

2. **Targeted Salary Increases:** Recommendations continue \$482,439 in General Revenue for targeted salary increases to the General Counsel, Clerk of the Court, staff attorneys, central staff attorneys, law clerks, and non-legal positions provided in the 2014–15 biennium. Court staff received either the general state employee salary increase or the targeted salary increase.
3. **Unexpended Balance Authority:** The agency requests unlimited unexpended balance authority for the Judicial Education strategy within the biennium and up to \$200,000 between biennia through riders. Recommendations continue unexpended balance authority within the strategy through riders within the biennium up to \$150,000 each year from funds allocated for administrative purposes. Recommendations include \$150,000 in fiscal year 2016 and discontinue unexpended balance authority from the prior biennium. (See also, Items Not Included in Recommendations - House #2 and #3, and Rider Highlights - House #2 and #9)
4. **Training Entity Refunds:** Recommendations continue the requirement for the court to maintain procedures for training entities to refund unexpended and unencumbered state grant funds; however expanded authority is now provided for the court to allow training entities to retain and use those funds for training purposes with the court's approval. Previous requirements anticipated and capped refunds at \$667,500 in each year of the 2014–15 biennium from each preceding fiscal year. Unexpended balances from training entities have decreased since the 2012–13 biennium, accounting for slightly over half a percent of total Judicial Education expenditures in fiscal year 2014. The court anticipates the continued decrease of these balances in the 2016–17 biennium. Recommendations also expand reporting requirements for the court to include the amount and allocation of unexpended prior year grant funds held by training entities in its reports to the Legislature. (See also, Rider Highlights - House #3 and #6)

### Section 3

5. **Judicial and Court Personnel Training Account Fund No. 540 Available Balances:** Recommendations do not include a request for \$2,030,000 in General Revenue–Dedicated Judicial and Court Personnel Training Fund No. 540 received on January 29, 2015 for additional judicial education training events and associated travel expenses with conforming changes to Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education. Senate Bill 1, Eighty-second Legislature, 1<sup>st</sup> Called Session, 2011 (SB1) reclassified the Judicial and Court Personnel Training Fund No. 540 from Other Funds to a General-Revenue Dedicated Account beginning in the 2012–13 biennium. Prior to the enactment of the legislation, statute required any account balances above \$500,000 to be swept into the General Revenue Fund. This statutory language was eliminated in SB1 and, even though the account was re-created in the General Revenue Fund, the Comptroller determined the account to be ineligible to be used for general spending purposes. As such, it does not count toward the amount of General Revenue-related funds used to certify the General Appropriations Act. Balances in this account have accrued since the 2012–13 biennium due to appropriations each fiscal year being less than collected revenues. This request equals estimated fiscal year 2015 ending balances in the Comptroller of Public Account’s Biennial Revenue Estimate (See also, Rider Highlights #3 and Items Not Included in Recommendations - House #3).
  
6. **Criminal Defense Attorney Staff Training:** Not included in recommendations is a request for \$230,400 in General Revenue–Dedicated Judicial and Court Personnel Training Fund No. 540, \$115,200 for each year of the 2016–17 biennium, to contract with a statewide professional association of criminal defense attorneys and other entities for the training of criminal defense attorney staff representing indigent defendants. Enactment of House Bill 1245, Eighty-third Legislature, 2013 resulted in an appropriation of \$115,200 in General Revenue–Dedicated Judicial and Court Personnel Training Fund No. 540 in fiscal year 2015 for these purposes; however, expenditures for this purpose were unintentionally excluded from 2014–15 reported amounts in the agency’s Legislative Appropriations Request which resulted in the amounts not being included in the recommendations (See also, Items Not Included in Recommendations - House #2).

**Section 4**

**Court of Criminal Appeals  
Performance Review and Policy Report Highlights - House**

<b>Reports &amp; Recommendations</b>	<b>Savings/ (Cost)</b>	<b>Gain/ (Loss)</b>	<b>Fund Type</b>	<b>Included in Introduced Bill</b>	<b>Action Required During Session</b>
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**NO RELATED RECOMMENDATIONS**

## Section 5

### Court of Criminal Appeals Rider Highlights - House

Recommendations for the court's riders include the following:

1. Consolidation of all rider language directing judicial education appropriations for specific types of continuing legal education into amended Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education.
2. Retains the court's authority to recapture unexpended grant funds from training entities and expands that authority to allow training entities to retain unexpended grant funds for training purposes with the Court's approval.
3. Requires training entities report to the court the amount of unused prior year grant funds held and how these funds will be used.
4. Discontinues unexpended balance authority from funds allocated for administrative purposes between biennia.

Recommendations to individual riders include the following:

#### 2. **Judicial Education.**

1. Transfers funding designations and authority for the continuing legal education of judges of county courts performing judicial functions to the amended Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education.
2. Adds clarifying language for the \$200,000 available each fiscal year to the court for administrative and training purposes or other purposes at the discretion of the court.
3. Incorporates language granting the court up to \$150,000 in unexpended balance authority within the biennium previously in former Rider 9, Appropriation: Unexpended Balance Authority Between Biennia and Within the Biennium for Judicial Education, Administrative Allocation. (See also, Items Not Included in Recommendations - House #3 and Selected Fiscal and Policy Issues - House #3).

#### 3. **(Amended) Continuing Education and Technical Assistance for Prosecutors and Criminal Defense Attorneys.**

1. Title change to "Judicial Education: Appropriations for Certain Types of Legal Education".
2. Incorporates language from multiple riders directing appropriations for specific types of continuing legal education.
3. Incorporates language from former Rider 6, Appropriation: Refunds of Unexpended Balances from Training Entities, that requires the court to maintain procedures for training entities to refund unexpended state grant funds with expanded authority for the Court to determine that entities can retain funds and use them for approved training purposes.
4. Appropriates any refunded state grant funds from training entities each fiscal year for the same purpose.

#### 5. **Judicial and Court Personnel Training Report.** Requires the court to include the amount and use of unexpended prior year grant funds held by training entities within a report provided twice each fiscal year to the Governor and Legislative Budget Board.

## Section 5

- Former 6. **Appropriation: Refunds of Unexpended Balances from Training Entities.** Recommendations delete this rider. Provisions governing refunds from training entities are retained in amended Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education. (See also, Selected Fiscal and Policy Issues - House #4)
- Former 7. **Judicial and Court Personnel Training.** Recommendations delete this rider because its provisions are included in amended Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education.
- Former 8. **Actual Innocence Training.** Recommendations delete this rider because its provisions are included in amended Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education.
- Former 9. **Appropriation: Unexpended Balance Authority Between Biennia and Within the Biennium for Judicial Education, Administrative Allocation.** Recommendations delete this rider because similar language granting unexpended balance authority for funds allocated for administrative purposes are included in Rider 2, Judicial Education. (See also, Selected Fiscal and Policy Issues - House #3 and Items Not Included in Recommendations – House #2 and #3)
- Former 10. **Public Defender Training.** Recommendations delete this rider because its provisions are included in amended Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education.



**Section 6**

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

	<b>2016-17 Biennial Total</b>	
	<b>GR &amp; GR- Dedicated</b>	<b>All Funds</b>
<b>Court Exceptional Items - In Court Priority Order</b>		
<p>1. General Revenue funding to enhance appellate court operations and bring salaries more in line with comparable positions at the Supreme Court (includes 2.0 FTEs):</p> <p style="margin-left: 20px;">a. Legal staff salary increases (\$435,625 each fiscal year)</p> <p style="margin-left: 20px;">b. Non-legal staff salary increases (\$69,000 each fiscal year)</p> <p style="margin-left: 20px;">c. 2.0 FTEs for an additional staff attorney and Deputy Clerk (\$140,157 each fiscal year)</p> <p style="margin-left: 20px;">d. Computer and operating expenses for new employees (\$5,090 in fiscal year 2016)</p>	\$ 1,294,654	\$ 1,294,654
<p>2. <b>Legal Education for Staff of Criminal Defense Attorneys Representing Indigent Defendants</b></p> <p style="margin-left: 20px;">a) General Revenue–Dedicated Judicial and Court Personnel Training Fund No. 540 funding (\$115,200 in both years of the biennium) to contract with a statewide professional association of criminal defense attorneys and other entities for the training of staff of criminal defense attorneys representing indigent defendants (See also, Selected Fiscal and Policy Issues - House #6).</p> <p style="margin-left: 20px;">b) Increase authority in Rider 3 Judicial Education: Appropriation for Certain Types of Legal Education from \$1,105,000 to \$1,220,200 in fiscal year 2016 to align with amounts for fiscal year 2017. This funding would provide continuing legal education and technical assistance for criminal defense attorneys who regularly represent indigent defendants in criminal matters and their staff (See also, Selected Fiscal and Policy Issues - House #6).</p>	\$ 230,400	\$ 230,400

**Section 6**

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

	<u>2016-17 Biennial Total</u>	
	<u>GR &amp; GR- Dedicated</u>	<u>All Funds</u>
3. General Revenue–Dedicated Judicial and Court Personnel Training Fund No. 540 funding (\$1,015,000 each fiscal year) for grants to judicial training entities for additional training events and to provide funding for associated travel expenses using available balances in this account. This request includes conforming changes to Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education (See also, Righter Highlights - House #3 and Selected Fiscal and Policy Issues - House #5).	\$ 2,030,000	\$ 2,030,000
4. Request for unexpended balance authority within the biennium in Strategy B.1.1 Judicial Education at the strategy level.	\$ -	\$ -
5. Request for an increase in unexpended balance authority across biennia and within the biennium for Strategy B.1.1 Judicial Education from \$150,000 to \$200,000.	\$ -	\$ -
<b>Total, Items Not Included in the Recommendations</b>	<b><u>\$ 3,555,054</u></b>	<b><u>\$ 3,555,054</u></b>

**Section 7**

**Court of Criminal Appeals  
Summary of 10 Percent Biennial Base Reduction Options - House**

Priority	Item	Description/Impact	Biennial Reduction Amounts				Reduction as % of Program GR/GR-D Total	Included in Intro Bill?
			GR and GR-Dedicated	All Funds	FTEs	Potential Revenue Loss		
1	<b>Reduce Five Law Clerk Positions (Appellate Court Operations Strategy)</b>	The reduction would eliminate five law clerk positions (\$250,000 per year). The reduction's impact would decrease clearance rates and increase time to process appeals before the court.	\$500,000	\$500,000	5.0	\$0	5%	No
2	<b>Reduce Four Law Clerk Positions and One Non-Legal Position (Appellate Court Operations Strategy)</b>	The reduction would eliminate law clerk positions (\$200,000 per year) and one non-legal position (\$23,162). The reduction's impact would decrease clearance rates and increase time to process appeals before the court.	\$446,324	\$446,324	4.0	\$0	4%	No
<b>TOTAL, 10% Reduction Options</b>			<b>\$946,324</b>	<b>\$946,324</b>	<b>9.0</b>	<b>\$0</b>		