

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

Page IV-4

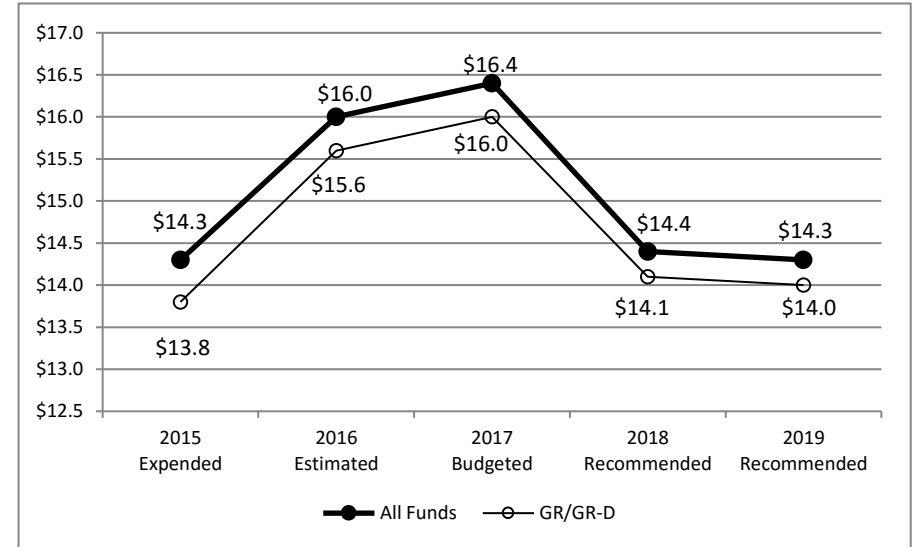
The Honorable Sharon Keller, Presiding Judge

George Dziuk, LBB Analyst

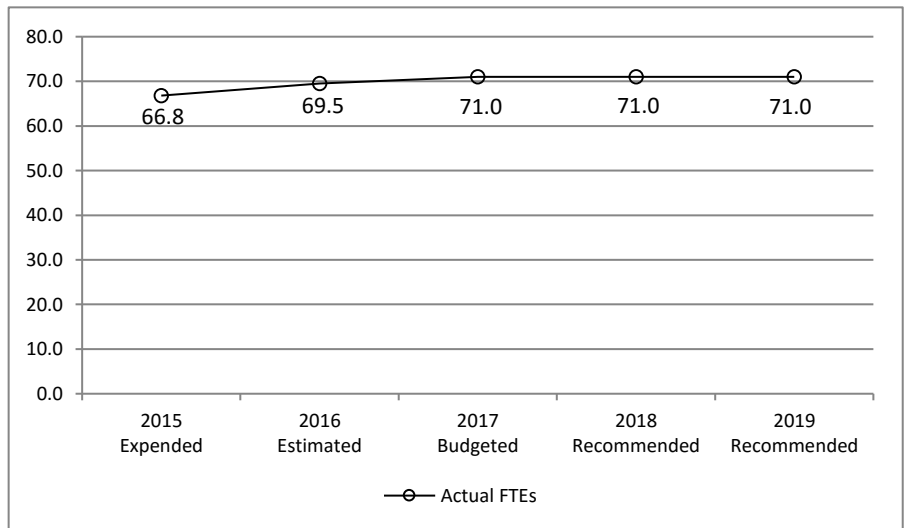
Method of Financing	2016-17 Base	2018-19 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$12,100,361	\$12,475,361	\$375,000	3.1%
GR Dedicated Funds	\$19,566,009	\$15,553,257	(\$4,012,752)	(20.5%)
<i>Total GR-Related Funds</i>	<i>\$31,666,370</i>	<i>\$28,028,618</i>	<i>(\$3,637,752)</i>	<i>(11.5%)</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$735,502	\$735,502	\$0	0.0%
All Funds	\$32,401,872	\$28,764,120	(\$3,637,752)	(11.2%)

	FY 2017 Budgeted	FY 2019 Recommended	Biennial Change	Percent Change
FTEs	71.0	71.0	0.0	0.0%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2018-19 Recommended) represents an estimated 100% of the agency's estimated total available funds for the 2018-19 biennium.

Court of Criminal Appeals
Summary of Funding Changes and Recommendations - House

Section 2

Funding Changes and Recommendations for the 2018-19 Biennium compared to the 2016-17 Base Spending Level (in millions)		General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
Funding Changes and Recommendations:							
A)	Maintain \$0.5 million in General Revenue and 4.0 FTEs for Appellate Court Operations that were included in the court's 4 percent reduction to enable the court to continue to process cases and to maintain average time to disposition for cases at 2016-17 rates.	\$0	\$0	\$0	\$0	\$0	A.1.1
B)	Decrease Judicial Education funding to align with estimated revenues and available fund balances in the General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540 slightly offset by an increase in General Revenue for the Court to contract with statewide professional associations and other entities for the purpose of providing continuing legal education, courses, and programs for judges and court staff on mental health issues and pre-trial diversion.	\$0.4	(\$4.0)	\$0	\$0	(\$3.6)	B.1.1
Funding Changes and Recommendations (in millions)		\$0.4	(\$4.0)	\$0.0	\$0.0	(\$3.6)	As Listed
<i>Funding Increases</i>		\$0.4	\$0	\$0	\$0	\$0.4	As Listed
<i>Funding Decreases</i>		\$0.0	(\$4.0)	\$0.0	\$0.0	(\$4.0)	As Listed

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

1. **Appellate Court Operations:** Recommendations continue funding and FTE levels for Appellate Court Operations at 2016–17 levels to enable the court to continue to process cases and to maintain average time to disposition for cases at 2016-17 rates. The court included \$0.5 million in General Revenue and authority for 4.0 FTEs for four law clerk positions in its 4 percent reduction.
2. **Judicial Education:** Recommendations provide \$15.6 million in All Funds for Judicial Education. This reflects a \$4.0 million, or 20.5 percent decrease, in General Revenue–Dedicated Judicial and Court Personnel Training Fund No. 540 funds for Judicial Education from 2016–17 levels, court estimated available fund balances, and an annual 2.5 percent decrease in revenues each fiscal year. Recommendations also provide \$0.4 million in General Revenue for the Court to contract with statewide professional associations and other entities for the purpose of providing continuing legal education, courses, and programs for judges and court staff on mental health issues and pre-trial diversion.

The Comptroller's Biennial Revenue Estimate (BRE) anticipates \$16.4 million in revenues and available fund balances for the 2018-19 biennium, which leaves \$0.8 million available for appropriation. Account revenues are drawn from a portion of a court cost assessed upon conviction and a portion of filing fees collected by the 14 Courts of Appeals. Revenues to the account have declined in most fiscal years in amounts ranging from 1.3 to 5.6 percent since fiscal year 2008. (See also, Rider Highlights - House #2, #7, and #8, and Items Not Included in Recommendations - House #1, #3, and #4).

3. **Judicial Compensation Commission:** The Judicial Compensation Commission is recommending a 10.2 percent increase in judicial salaries for the 2018–19 biennium. This would increase the state salary of a Court of Criminal Appeals Judge Justice from \$168,000 to \$185,136 and the Presiding Judge of the Court of Criminal Appeals from \$170,500 to \$187,636. The most recent judicial salary adjustment was a 12.0 percent increase in the 2014–15 biennium for judge and prosecutor positions linked to district judge pay totaling \$34.8 million across the 2014–15 biennium.

**Court of Criminal Appeals
Rider Highlights - House**

New Riders

7. **Judicial Education: Mental Health.** Recommendations add a rider appropriating \$187,500 in General Revenue each year to the Court to contract with statewide professional associations and other entities for the purpose of providing continuing legal education, courses, and programs for judges and court staff on mental health issues and pre-trial diversion (See also, Selected Fiscal and Policy Issues – House #2)
8. **Contingency for Behavioral Health Funds.** Recommendations add a rider requiring the Comptroller of Public Accounts to not allow expenditures of General Revenue-Related behavioral health funds for the Court if the planned expenditure of those funds does not satisfy the requirements of Art. IX, Sec. 10.04 Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

Modification of Existing Riders

2. **Judicial Education:** Recommendations revise the rider to eliminate redundancy within the bill pattern. Recommendations continue strategy-level unexpended balance authority within the biennium for the Judicial Education strategy and delete text providing this same authority in the rider.

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

Section 5

	2018-19 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2020-21
	GR & GR-D	All Funds	FTEs			

Court Exceptional Items - In Court Priority Order

1)	General Revenue funding contingent upon a revenue shortfall in General Revenue—Dedicated Judicial and Court Personnel Training Account No. 540 court cost collections for grants to judicial training entities for additional training events and to provide funding for associated travel expenses. This includes updating Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education, to align with new funding levels. (See also, Selected Fiscal and Policy Issues - House #2)	\$3,994,451	\$3,994,451	0.0	No	No	\$3,994,451
2)	General Revenue funding to provide salary increases to non-legal court staff for salary parity with similar positions in the Supreme Court of Texas.	\$377,330	\$377,330	0.0	No	No	\$371,754
3)	General Revenue—Dedicated Judicial and Court Personnel Training Fund No. 540 funding 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 includes updating Rider 3, Judicial Education: Appropriations for Certain Types of Legal Education, to align with new funding levels. (See also, Selected Fiscal and Policy Issues - House #2)	\$639,000	\$639,000	0.0	No	No	\$0

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

Section 5

		2018-19 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2020-21
		GR & GR-D	All Funds	FTEs			
4)	<p>\$480,260 in General Revenue and \$194,740 in General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540 funding for:</p> <p>1) \$262,000 to provide a grant to the Texas Justice Court Training Center to fund a staff attorney position to support judicial education services and to provide training on indigent defendants and mental health.</p> <p>2) \$413,000 to provide a grant to the Texas Municipal Courts Education Center to fund a part-time administrative assistant position to support expanding the center's judicial education services and for 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.</p>	\$675,000	\$675,000	0.0	No	No	\$675,000
TOTAL Items Not Included in Recommendations		\$1,691,330	\$1,691,330	0.0			\$1,046,754

Court of Criminal Appeals
Appendices - House

Table of Contents		
Appendix	Appendix Title	Page
A	Funding Changes and Recommendations by Strategy	8
B	Summary of Federal Funds	*
C	FTE Highlights	9
D	Performance Measure Highlights	*
E	Summary of Ten Percent Biennial Base Reduction Options	10

* Appendix is not included - no significant information to report

** Information is included in the presentation section of the packet

Court of Criminal Appeals
Funding Changes and Recommendations - House, by Strategy -- ALL FUNDS

Strategy/Goal	2016-17 Base	2018-19 Recommended	Biennial Change	% Change	Comments
APPELLATE COURT OPERATIONS A.1.1	\$12,835,863	\$12,835,863	\$0	0.0%	Recommendations continue funding for court operations at 2016-17 levels (See also, Selected Fiscal and Policy Issues - House #1 and Items Not Included in Recommendations - House #2).
Total, Goal A, APPELLATE COURT OPERATIONS	\$12,835,863	\$12,835,863	\$0	0.0%	
JUDICIAL EDUCATION B.1.1	\$19,566,009	\$15,928,257	(\$3,637,752)	(18.6%)	Recommendations reflect a 20.5 percent decrease in General Revenue–Dedicated Judicial and Court Personnel Training Account No. 540 due to court esimated available fund balances and an annual 2.5 percent decrease in revenues each fiscal year. Recommendations include a court-estimated annual 2.5 percent decrease to each year of the 2018-19 biennium due to anticipated decreases in Court Cost revenue to the account (See also, Selected Fiscal and Policy Issues - House #2 and Items Not Included in Recommendations - House #1, #2, and #4). Recommendations include \$187,500 in General Revenue each year, or \$375,000 for the 2018-19 biennium, for the Court to contract with statewide professional associations and other entities for the purpose of providing continuing legal education, courses, and programs for judges and court staff on mental health issues and pre-trial diversion.
Total, Goal B, JUDICIAL EDUCATION	\$19,566,009	\$15,928,257	(\$3,637,752)	(18.6%)	
Grand Total, All Strategies	\$32,401,872	\$28,764,120	(\$3,637,752)	(11.2%)	

**Court of Criminal Appeals
FTE Highlights - House**

Full-Time-Equivalent Positions	Expended 2015	Estimated 2016	Budgeted 2017	Recommended 2018	Recommended 2019
Cap	71.0	71.0	71.0	71.0	71.0
Actual/Budgeted	66.8	69.5	71.0	NA	NA

Schedule of Exempt Positions (Cap)					
Presiding Judge (1)	\$170,500	\$170,500	\$170,500	\$170,500	\$170,500
Judge (8)	\$168,000	\$168,000	\$168,000	\$168,000	\$168,000

Notes:
a) The Court of Criminal Appeals is exempted from Article IX, Section 6.10, which limits the number of FTEs paid from appropriated funds to the amounts specified in the General Appropriations Act.

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

Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Included in Introduced Bill?
			GR & GR-D	All Funds	FTEs			
1)	Reduce Legal and Non-legal Salaries	A 12.7% reduction in staff pay (excluding Judges)	\$1,161,635	\$1,161,635		\$0	10%	No
TOTAL, 10% Reduction Options			\$1,161,635	\$1,161,635		\$0		