

Financing the Judiciary in Texas

Legislative Primer



SUBMITTED TO THE 82ND TEXAS LEGISLATURE

JANUARY 2011

LEGISLATIVE BUDGET BOARD STAFF

THIRD EDITION

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TABLE OF CONTENTS

INTRODUCTION.....	1
STATE FUNDING FOR APPELLATE COURT OPERATIONS	7
STATE FUNDING FOR TRIAL COURTS.....	15
STATE FUNDING FOR PROSECUTOR SALARIES AND PAYMENTS	23
STATE FUNDING FOR OTHER JUDICIARY PROGRAMS	29
COURT-GENERATED STATE REVENUE SOURCES	39
APPENDIX A – DISTRICT COURT PERFORMANCE MEASURES	49
APPENDIX B – FREQUENTLY ASKED QUESTIONS.....	57
APPENDIX C – GLOSSARY.....	59
APPENDIX D – COURT COSTS AND FEES.....	61
APPENDIX E – COURT COSTS AND FEES—CASE EXAMPLES	67
APPENDIX F – JUDICIAL SALARIES.....	71

INTRODUCTION

This report describes the state's court system and reviews the different state funding and revenue sources for each area of the Judiciary. References to appropriated funds are based on the Eighty-first Legislature, 2009, General Appropriations Act (GAA), 2010–11 biennium. All funding provided by the Eighty-first Legislature, whether for district or appellate courts, prosecutors, judicial retirement benefits, juror pay, or judicial agencies, is detailed in this report. This report also reviews court costs and fees the judiciary is authorized to impose and how much revenue is generated from collection of those costs and fees.

The Eighty-first Legislature appropriated \$671.8 million to the Judiciary for the 2010–11 biennium which represents less than 0.5 percent of all state appropriations. As seen in **Figure 1** the primary source of revenue (also referred to as methods of finance) for the Judiciary is General Revenue Funds, accounting for \$437.8 million, or 65.2 percent. Other Funds, including the Judicial Fund No. 573 and Judicial and Court Personnel Training Fund No. 540, compose the next largest portion of judiciary funding at

\$167.5 million, or 24.9 percent. General Revenue–Dedicated Funds, including Fair Defense Account, total \$61.5 million, or 9.2 percent. The smallest funding portion of less than 1.0 percent is Federal Funds, which total \$5.0 million. **Figure 1** does not include \$16.1 million in Interagency Contracts, consisting primarily of federal funds from the Office of the Attorney General for child support specialty court contracts, and from the Compensation to Victims of Crime Account for basic civil legal services for indigent victims of crime.

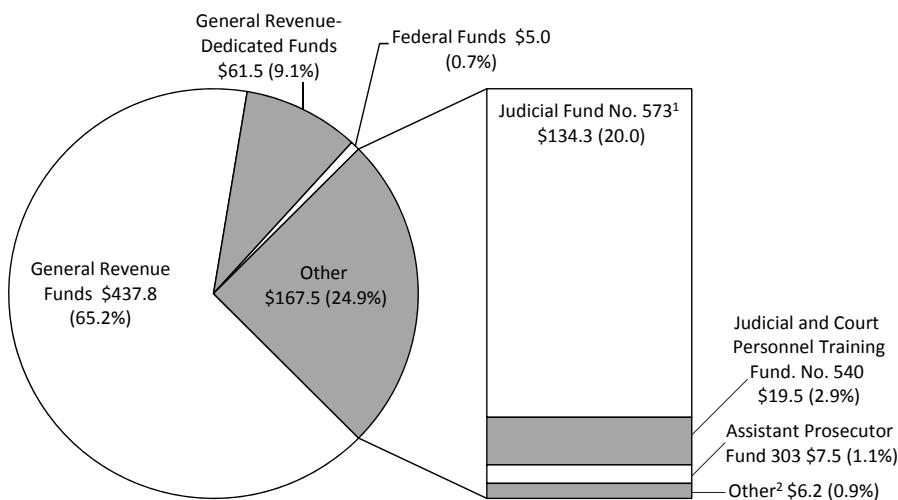
Figure 2 lists the Judiciary's appropriations by function for the 2010–11 biennium. The largest appropriation by function is for district judges salaries at \$111.8 million, followed by judicial retirement and benefits costs (Judicial Retirement System I and II) at \$80.3 million.

In November 2009, the Comptroller of Public Accounts reported that state revenues were in decline due to the effect of the national recession on the state economy, with implications for 2010–11 appropriations. Accordingly, in January 2010 the Governor, Lieutenant Governor, and Speaker of the House asked state agencies, institutions of

FIGURE 1
JUDICIARY APPROPRIATIONS BY METHOD OF FINANCE
2010–11 BIENNIAL

IN MILLIONS

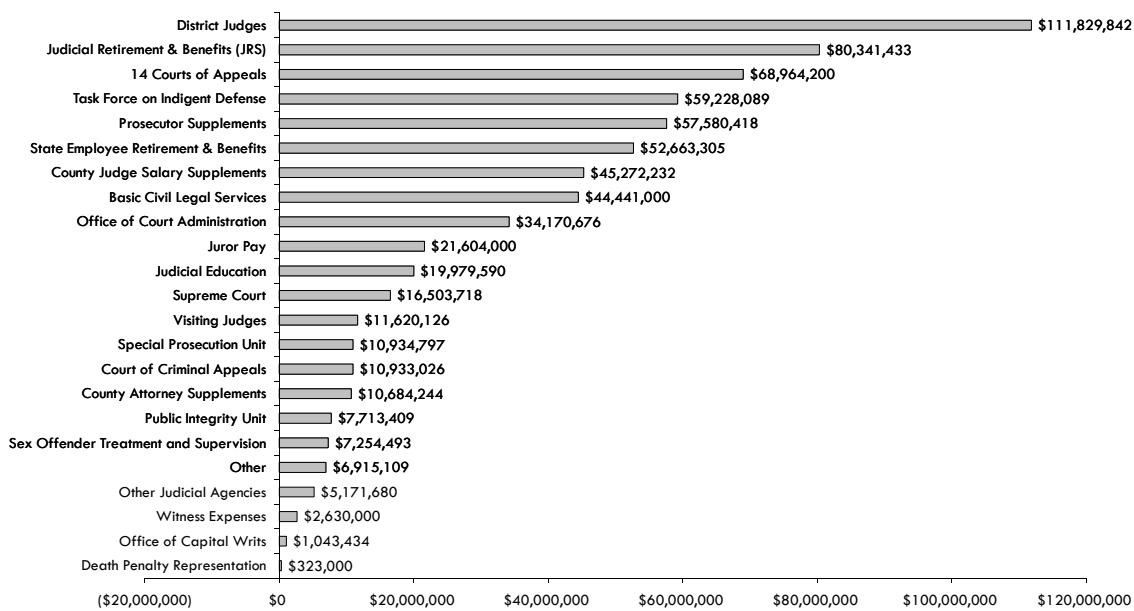
TOTAL = \$671.8 MILLION



¹Includes \$14.1 million in estimated benefit and retirement costs allocated to Judicial Fund No. 573.

²Other = State Highway Fund 6 (\$2.1 million), Criminal Justice Grants (\$3.0 million), and Appropriated Receipts (\$1.0 million).
SOURCE: Legislative Budget Board.

FIGURE 2
2010–11 APPROPRIATIONS FOR THE JUDICIARY



SOURCE: Legislative Budget Board.

higher education, and appellate courts to develop plans to identify reductions equal to 5 percent of 2010–11 appropriations out of General Revenue and General Revenue–Dedicated Funds. Those plans were approved in May 2010, and **Figure 3** reflects amounts, as adjusted, for each entity in the Judiciary.

Both the Supreme Court and the Court of Criminal Appeals made reductions to appellate court operations in the amount of approximately \$0.3 million, or between 2 to 3 percent. The basic civil legal services (\$20 million) and multi-district litigation programs (\$0.4 million) at the Supreme Court were exempted from General Revenue–Related programs reductions resulting in an overall reduction of 0.89 percent in court appropriations. The 14 Courts of Appeals designated 2 percent savings in appellate court operations, mostly in foregone 2011 pay increases or planned new hires. Judicial branch agencies generally relied on position vacancies, deferred capital projects and operating reductions to meet the 5 percent target, with indigent defense and specialty child-related courts being exempted. Entities funded through the Judiciary Section, Comptroller’s Department also made 5 percent operating reductions to the following programs: the visiting judge program, the Public Integrity Unit of Travis County, the Special Prosecution Unit of Walker County, and the Council on Sex Offender Treatment. For the 2010–11 biennium, funding for salaries, salary

supplements, and other payments to judges and prosecutors were exempted. In each chapter of the primer, the 2010–11 appropriated amounts are referenced excluding the reductions shown in **Figure 3**.

FIGURE 3
FIVE PERCENT REDUCTIONS, 2010–11 GENERAL REVENUE–RELATED APPROPRIATIONS

ARTICLE IV ENTITY	2010–11 APPROPRIATIONS	2010–11 REDUCTIONS	PERCENTAGE REDUCTION
Supreme Court of Texas	\$35,519,588	(\$314,479)	(0.89%)
Court of Criminal Appeals	\$9,747,524	(\$296,048)	(3.04%)
First Court of Appeals, Houston	\$7,074,465	(\$141,489)	(2.00%)
Second Court of Appeals, Fort Worth	\$5,307,298	(\$106,146)	(2.00%)
Third Court of Appeals, Austin	\$4,652,405	(\$93,048)	(2.00%)
Fourth Court of Appeals, San Antonio	\$5,394,050	(\$107,881)	(2.00%)
Fifth Court of Appeals, Dallas	\$9,709,718	(\$194,194)	(2.00%)
Sixth Court of Appeals, Texarkana	\$2,586,544	(\$51,731)	(2.00%)
Seventh Court of Appeals, Amarillo	\$3,174,364	(\$63,487)	(2.00%)
Eighth Court of Appeals, El Paso	\$2,587,592	(\$51,752)	(2.00%)
Ninth Court of Appeals, Beaumont	\$3,164,616	(\$63,292)	(2.00%)
Tenth Court of Appeals, Waco	\$2,550,319	(\$51,006)	(2.00%)
Eleventh Court of Appeals, Eastland	\$2,578,194	(\$51,564)	(2.00%)
Twelfth Court of Appeals, Tyler	\$2,634,391	(\$52,688)	(2.00%)
Thirteenth Court of Appeals, Corpus Christi - Edinburg	\$4,674,700	(\$93,494)	(2.00%)
Fourteenth Court of Appeals, Houston	\$7,104,066	(\$142,081)	(2.00%)
Office of Court Administration	\$83,408,275	(\$816,413)	(0.98%)
Office of the State Prosecuting Attorney	\$851,004	(\$42,550)	(5.00%)
State Law Library	\$2,167,524	(\$65,116)	(3.00%)
State Commission on Judicial Conduct	\$1,998,252	(\$85,913)	(4.30%)
Office of Capital Writs	\$1,043,434	(\$52,172)	(5.00%)
Judiciary Section, Comptroller's Department	\$177,453,756	(\$1,470,055)	(0.83%)
Totals	\$375,382,082	(\$4,406,599)	(1.17%)

SOURCE: Legislative Budget Board.

OVERVIEW OF TEXAS COURT SYSTEM STRUCTURE

The basic structure of the Texas court system was established by constitutional amendment in 1891. The current judicial structure is composed of appellate courts, district courts, county-level courts, justice of the peace courts, and municipal courts. (See **Figure 4** for information regarding the court structure of Texas.)

APPELLATE COURTS

The state's appellate courts include the Supreme Court of Texas, the Court of Criminal Appeals, and the 14 Courts of Appeals. The Supreme Court of Texas consists of nine justices and is the state's highest court in civil and juvenile matters. The Court of Criminal Appeals contains nine judges and is the final authority in criminal cases. The 14 courts of appeals

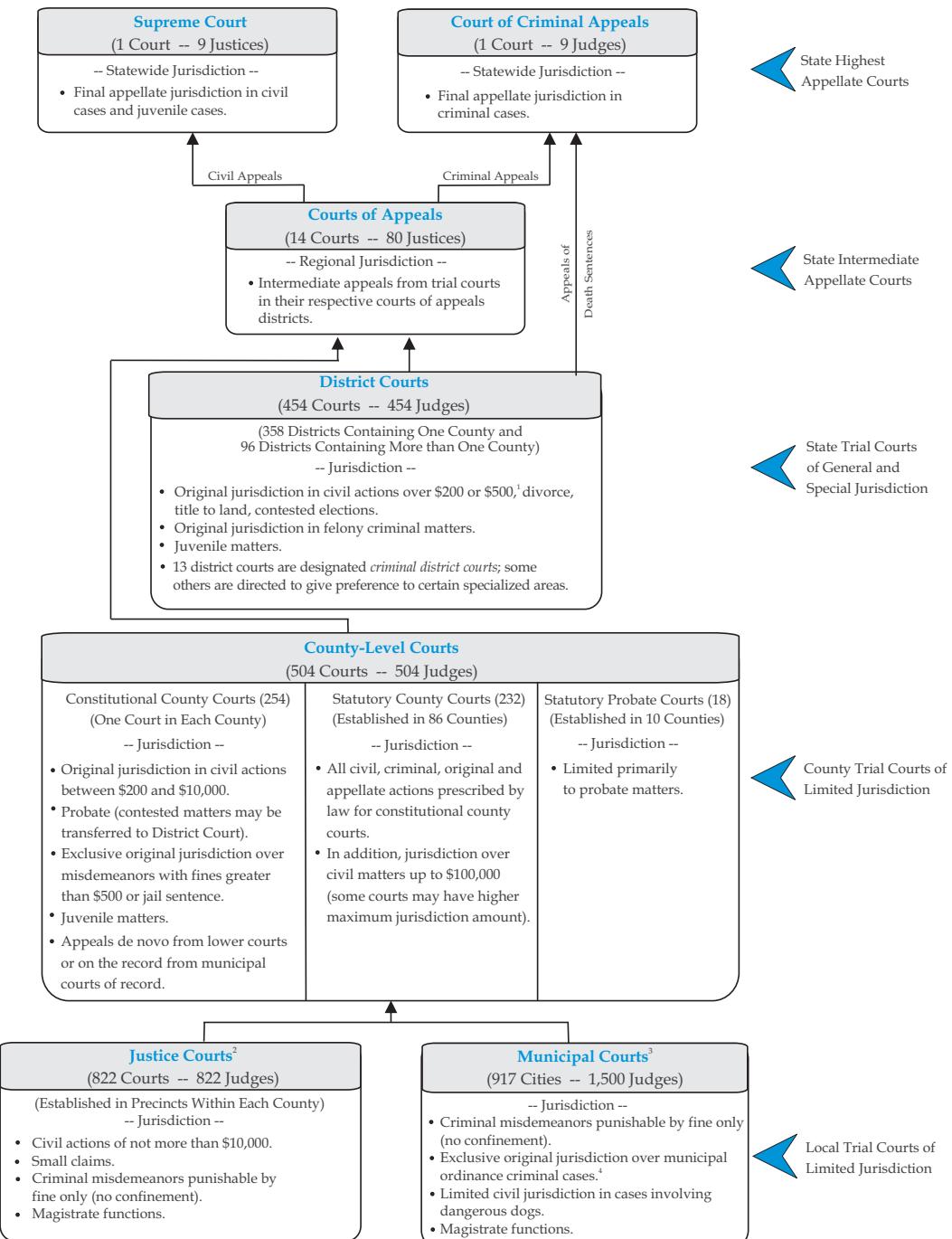
have intermediate appellate jurisdiction in both civil and criminal cases. Each court of appeals is presided over by a chief justice and anywhere from 2 to 12 additional justices, as authorized by the Legislature. As of September 2010, there were a total of 80 justices on the 14 courts of appeals. **Figure 5** reflects the geographic locations and number of justices for the 14 courts of appeals.

DISTRICT COURTS

Under the 14 courts of appeals there are 454 district courts that serve one or more counties. The district courts each have one judge. Section 74.042 of the Texas Government Code establishes nine administrative judicial regions in the State of Texas, each with a single presiding judge designated by the Governor (see **Figure 6**). The presiding judge of a judicial region is responsible for promulgating and implementing

INTRODUCTION

FIGURE 4
COURT STRUCTURE OF TEXAS AS OF SEPTEMBER 1, 2010



¹ The dollar amount is unclear.

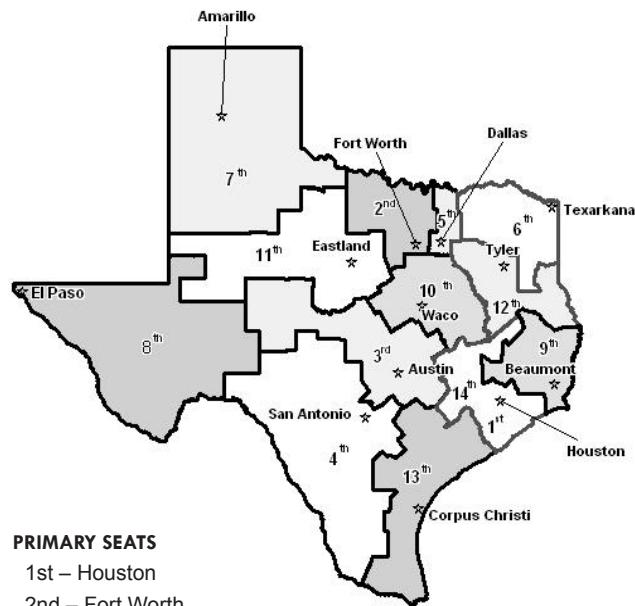
² All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial de novo in the county-level courts, and in some instances in the district courts.

³ Some municipal courts are courts of record - appeals from those courts are taken on the record to the county-level courts.

⁴ An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health or (2) \$500 for all others.

SOURCE: Office of the Court of Administration.

FIGURE 5
COURTS OF APPEALS DISTRICTS



PRIMARY SEATS

1st – Houston

2nd – Fort Worth

3rd – Austin

4th – San Antonio

5th – Dallas

6th – Texarkana

7th – Amarillo

8th – El Paso

9th – Beaumont

10th – Waco

11th – Eastland

12th – Tyler

13th – Corpus Christi-Edinburg

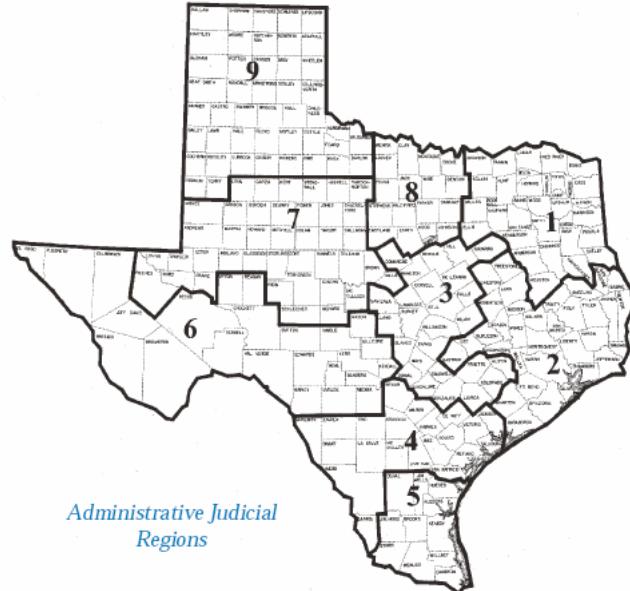
14th – Houston

SOURCE: Office of Court Administration.

regional rules of administration, advising local judges on judicial management, recommending changes to the Supreme Court for the improvement of administration, and acting for local administrative judges in their absence.

District courts serve as the primary trial courts in the state. Most district courts handle both criminal and civil cases. In metropolitan areas, the state district courts tend to specialize in criminal, civil, or family law matters. In a few locations, courts that serve primarily a criminal jurisdiction are designated as "criminal district courts." A limited number of district courts in the state are also assigned jurisdiction over subject matter normally handled by county courts.

FIGURE 6
ADMINISTRATIVE JUDICIAL REGIONS



SOURCE: Office of Court Administration.

COUNTY COURTS

The Texas Constitution establishes a single county court in each of the state's 254 counties. These constitutional county courts each have a single judge. The constitutional county courts have original jurisdiction over certain civil actions, probate, certain misdemeanors, and appeals from lower courts. However, not all county courts exercise judicial functions. The legislature has also created statutory county courts (primarily in metropolitan areas) to relieve the county judge of some or all of the judicial duties of the office. These statutory courts include 232 county courts at law in 86 counties and 18 statutory probate courts in 10 counties.

LOCAL TRIAL COURTS

Justice of the peace courts have original jurisdiction in criminal cases that are punishable by fine or where there is no jail time. They also function as small claims court and have jurisdiction over forcible entry and eviction actions. The Texas Constitution authorizes from one to eight justice precincts per county. The number of justices is determined by population size. As of September 2010, Texas has 822 justice courts.

The Constitution also allows for the creation of municipal courts. As of September 2010, there were 1,500 municipal courts operating in 917 cities throughout Texas. Municipal courts have original jurisdiction over criminal violations of

city ordinances, resolutions, and orders of joint boards that govern local airports.

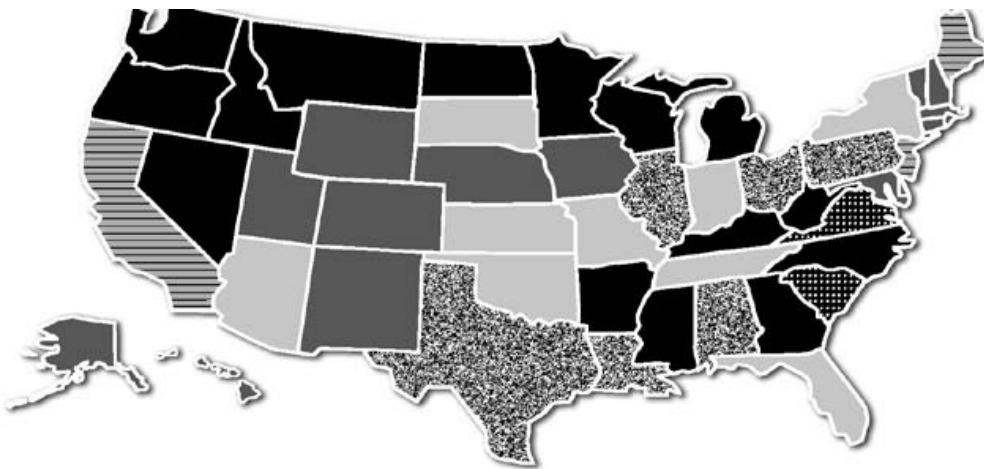
JUDICIAL SELECTION IN TEXAS

Texas is one of six states that select its judges through partisan elections, in which the candidate's party affiliation is listed on the ballot. However, in Texas some appellate and district judges first assume the bench when appointed by the Governor to fill a judicial vacancy. These same judges must run for office once the judge's term expires.

Twenty-five states select judges through a combination of commission-based appointments or elections. In a commission-based system, a nominating commission evaluates candidates and forwards the names of the best qualified to the governor, who makes an appointment. Selection systems also include non-partisan elections, and gubernatorial or legislative appointments (**Figure 7** depicts judicial selection methods used by the states).

Over the years, there have been proposals that would change the current election system to a merit-based retention system. Judges would be initially appointed by the Governor for a specified term, and then would be subject to a nonpartisan election in which voters could approve or reject the judge's retention. Proponents for this system argue that an appointment-retention system would result in more competent judges to better serve the public, who often are not familiar with the qualifications of judicial candidates. Proponents also note that requiring judges to run for office runs the risk of making the judge beholden to the donors making campaign contributions. Despite these concerns, defenders of Texas' elective system say it is the best means of holding judicial officers accountable for their decisions.

FIGURE 7
JUDICIAL SELECTION METHODS BY STATE



- [Light Gray Box] Combined commission-based appointment and other selection systems (states with mixed selection processes, where appellate court judges are chosen through commission-based appointment, or in partisan or nonpartisan elections). (9 states)
- [Dark Gray Box] Commission-based appointment (16 states)
- [White Box with Black Dots] Partisan election (6 states)
- [Black Box] Nonpartisan election (15 states)
- [Horizontal Stripes Box] Gubernatorial appointment (2 states)
- [Vertical Stripes Box] Legislative appointment (2 states)

SOURCE: American Judicature Society (AJS), www.judicialselection.us

STATE FUNDING APPELLATE COURT OPERATIONS

The appellate system in Texas is composed of (1) the Supreme Court, the court with final appellate jurisdiction in civil and juvenile cases; (2) the Court of Criminal Appeals, the highest state appellate court for criminal cases; and (3) the 14 Courts of Appeals, the intermediate appellate courts for civil and criminal appeals from the trial courts.

Appellate courts do not try cases, have juries, or hear witnesses. Rather, they review actions and decisions of the lower courts on questions of law or allegations of procedural error. In carrying out this review, the appellate courts are usually restricted to the evidence and exhibits presented in the trial court.¹

THE SUPREME COURT

The Supreme Court of Texas was created in 1845 and is composed of a chief justice and eight other justices. The court has statewide final appellate jurisdiction in civil and juvenile cases. It is also charged with original jurisdiction to issue writs and has final jurisdiction over the involuntary retirement or removal of judges.

Other responsibilities of the court include:

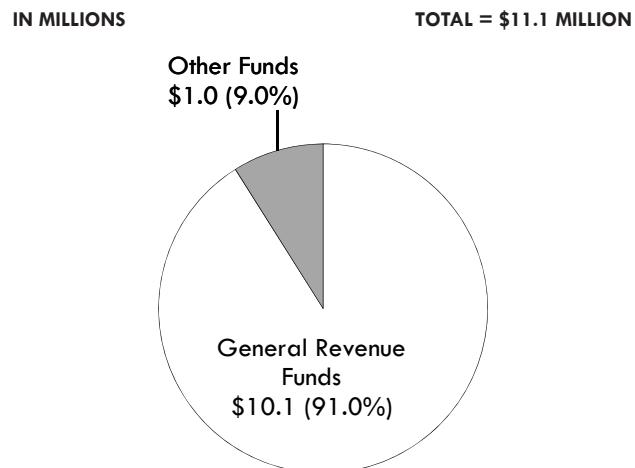
- the promulgation and enforcement of rules of civil procedure and evidence,
- the licensing and supervision of attorneys,
- the appointment of members of the Board of Law Examiners,
- the processing of declarations of intent to study law and applications for admission to the Bar,
- the supervision of the Office of Court Administration and the Court Reporters' Certification Board,
- the supervision of the Permanent Commission for Children, Youth, and Families and Federal funding of judicial programs;
- the supervision of funding for programs providing civil legal services for indigents, and

- the equalization of the dockets of the 14 Courts of Appeals.

The Eighty-first Legislature, 2009, appropriated \$11.1 million in the General Appropriations Act (GAA) for the 2010–11 biennium to support Supreme Court operations.

Figure 8 shows the sources of revenue (also referred to as methods of finance) for the \$11.1 million in state appropriations. Court operations are funded out of the General Revenue Fund and Judicial Fund No. 573. A portion of the funding provided out of Judicial Fund No. 573 for court operations is provided by a \$37 filing fee and a \$4 criminal court cost established to cover the cost of the latest judicial pay raise effective December 1, 2005. Salaries of Supreme Court justices are set at \$150,000. The Chief Justice of the Supreme Court also receives a salary supplement of \$2,500.

FIGURE 8
SUPREME COURT OPERATIONS
APPROPRIATIONS BY METHOD OF FINANCE
2010–11 BIENNIAL



SOURCE: Legislative Budget Board.

The Eightieth Legislature previously enacted Senate Bill 1182 allowing an additional \$50 filing fee on civil cases filed in the Supreme Court or the 14 Courts of Appeals. The fee is deposited to the new Supreme Court Support Account in Judicial Fund No. 573, and the court may use the funds for any expenses related to court operations. 2010–11 appropriations contingent upon collection of the \$50 filing

¹Annual Statistical Report for the Texas Judiciary, Fiscal Year 2009, p. 5.

fee receipts total \$138,216 per fiscal year. As of September 2010, the filing fee is estimated to generate approximately \$200,000 per fiscal year.

The Court also operates five advisory committees: (1) Rules Advisory Committee; (2) Task Force on Judicial Readiness in Times of Emergency; (3) Commission on Children, Youth, and Families; (4) Ancillary Proceeding Task Force; and (5) Task Force on Judicial Foreclosure.

The Eighty-first Legislature appropriated \$423,000 in the 2010–11 biennium to the Supreme Court for grants to trial and appellate courts for Multi-District Litigation (MDL) cases. MDL cases are large groups of civil cases that pertain to specific topics (e.g., hurricane-related litigation). At present, only one case—for asbestos-related cases being litigated in Harris County—receives MDL grants. MDL grants can be made to help cover court personnel costs associated with large party cases. Grants may be made to cover the salary of a judge or other court personnel such as a court coordinator or court reporter to assist the judge in disposition of the MDL cases.

SUPREME COURT PERFORMANCE

The Supreme Court disposed of approximately 3,757 matters in fiscal year 2010, including 110 regular causes, 806 petitions for review, and 2,841 other writs and motions. Regular causes involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are

set for oral argument in open court and are reported in written opinions.² Petitions for review do not include petitions for writs of mandamus, petitions for writs of habeas corpus, petitions for writs of prohibition and injunction, petitions to publish, parental notification appeals, or petitions for temporary injunctions. (See **Figures 9 and 10** for trends in Regular Causes and Petitions for Review Filed, respectively.)

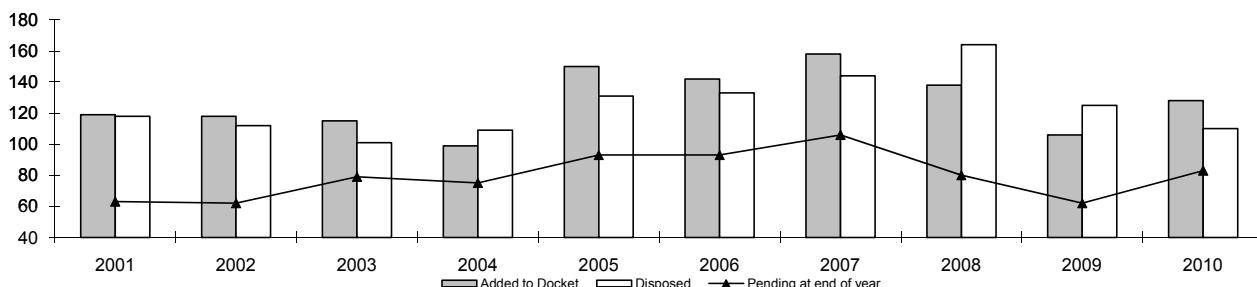
THE COURT OF CRIMINAL APPEALS

The Court of Criminal Appeals was created in 1891 and is composed of a presiding judge and eight other judges. The court has statewide final appellate jurisdiction in criminal cases. It also has exclusive jurisdiction over appeals in death penalty cases and the power to issue writs. Other responsibilities of the court include the promulgation of rules of evidence and rules of appellate procedure for criminal cases.

Appropriations for the 2010–11 biennium total \$10.5 million for court operations. **Figure 11** shows the breakdown of court operations by method of finance. Court operations are funded out of the General Revenue Fund and Judicial Fund No. 573. A portion of the funding provided out of Judicial Fund No. 573 for court operations is provided by a \$37 filing fee and a \$4 criminal court cost established to cover the cost of the latest judicial pay raise effective December 1, 2005. Salaries of Court of Criminal Appeals Judges are set at \$150,000. The Presiding Judge of the Court of Criminal Appeals also receives a salary supplement of \$2,500.

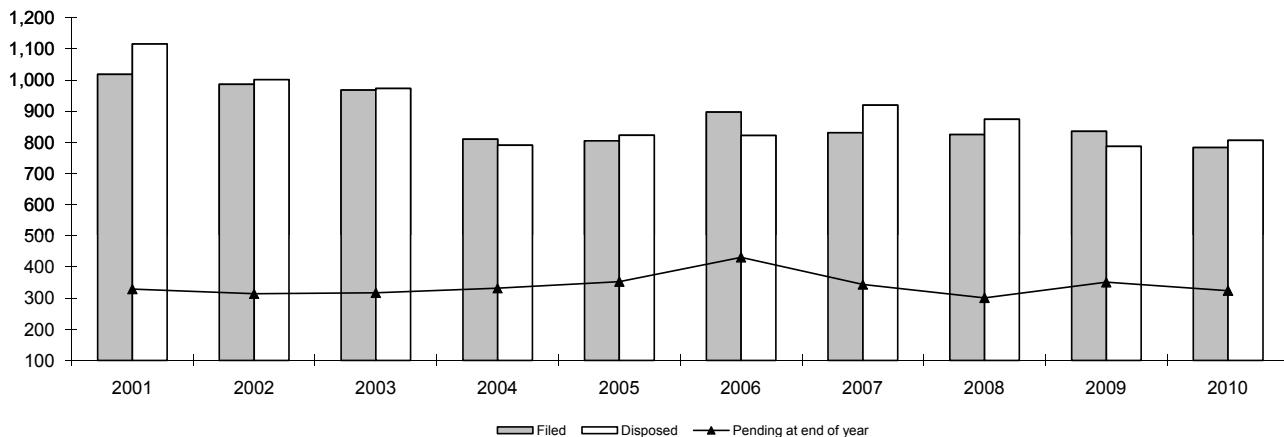
²Annual Statistical Report for the Texas Judiciary, Fiscal Year 2009, p. 25.

FIGURE 9
SUPREME COURT
REGULAR CAUSES
10-YEAR HISTORY



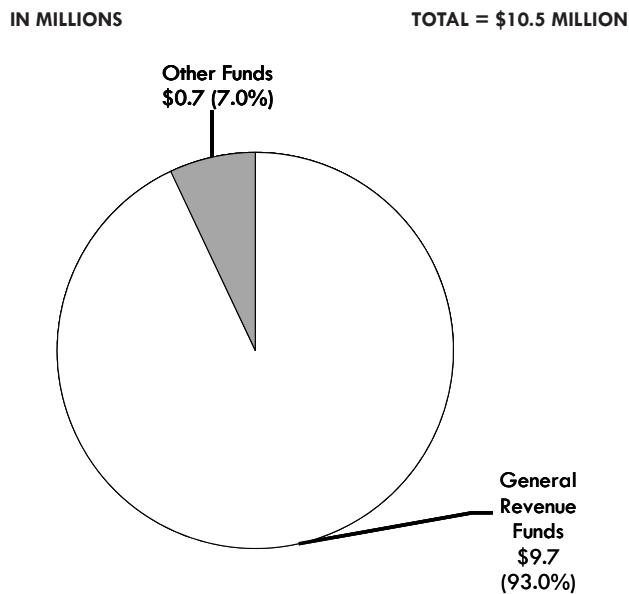
SOURCE: Office of Court Administration.

FIGURE 10
SUPREME COURT
PETITIONS FOR REVIEW FILED
10-YEAR HISTORY



SOURCE: Office of Court Administration.

FIGURE 11
COURT OF APPEALS OPERATION
2010-11 APPROPRIATIONS



SOURCE: Legislative Budget Board.

The Court of Criminal Appeals maintains three advisory committees: (1) Rules Advisory Committee; (2) Mental Health Task Force; and (3) Criminal Justice Integrity Unit.

COURT OF CRIMINAL APPEALS PERFORMANCE

The majority of the Court of Criminal Appeals caseload is mandatory, consisting of review of applications for post-conviction habeas corpus relief in felony cases, original

proceedings, and direct appeals. Original proceedings are filed directly with the Court of Criminal Appeals and include writs of certiorari, writs of habeas corpus, writs of mandamus and writs of prohibition.³ Direct appeals include death penalty appeals, DNA appeals, and appeals involving habeas corpus or extraordinary matters.

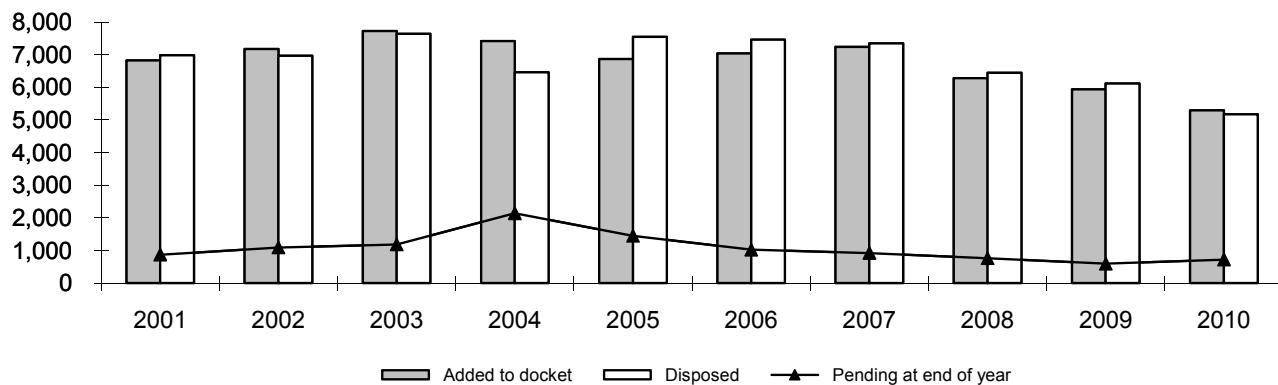
In addition to mandatory matters, decisions made by courts of appeals in criminal cases may be appealed to the Court of Criminal Appeals through a petition for discretionary review, which may be filed by the state, the defendant, or both. (See **Figures 12 and 13** for trends in mandatory caseload and petitions for discretionary review, respectively.) There were 5,298 mandatory cases added to the Court of Criminal Appeals docket in fiscal year 2010 and the Court disposed of 5,173 mandatory cases in that year. The Court of Criminal Appeals disposed of 1,650 petitions for discretionary review in fiscal year 2010 and 1,605 petitions for discretionary review were filed with the Court in fiscal year 2010.

THE COURTS OF APPEALS

The Courts of Appeals have intermediate appellate jurisdiction in civil cases and in criminal cases other than those in which the death penalty has been assessed. The state is divided into 14 court of appeals districts, with one court of appeals in each district, as shown in **Figure 4** in the Introduction Chapter. There are 80 justices distributed among the 14 courts of appeals, and the number of justices

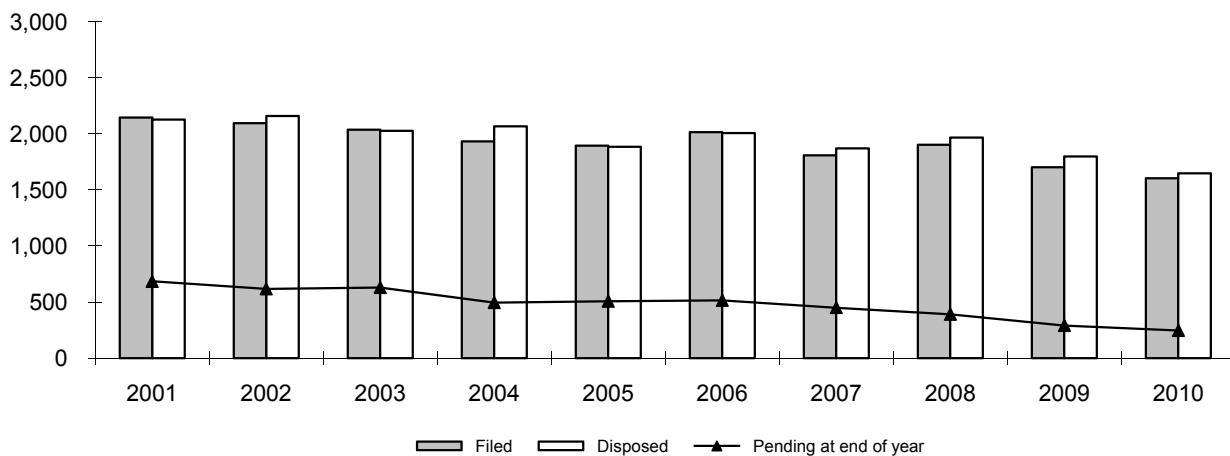
³Ibid, p. 28.

FIGURE 12
COURT OF CRIMINAL APPEALS—MANDATORY CASELOAD
10-YEAR HISTORY



SOURCE: Office of Court Administration.

FIGURE 13
COURT OF CRIMINAL APPEALS—PETITIONS FOR DISCRETIONARY REVIEW
10-YEAR HISTORY



SOURCE: Office of Court Administration.

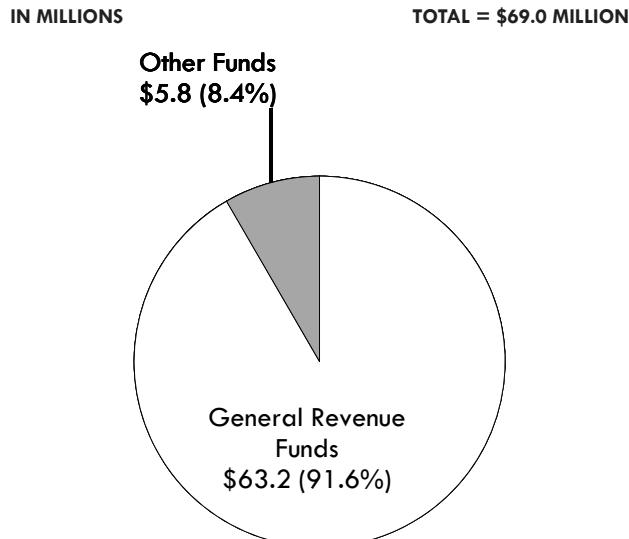
at each is set by statute and varies from 3 to 13. The courts are located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, Tyler, Corpus Christi–Edinburg and Houston.

The Eighty-first Legislature, 2009, appropriated \$69.0 million in the 2010–11 GAA to support the 14 courts of appeals. **Figure 14** shows the sources of revenue for the \$69.0 million in state appropriations. Nearly all of the funding for the courts of appeals, approximately 92 percent, is provided by the General Revenue Fund. This amount includes a \$3.8 million block grant appropriated to the courts of appeals by the Eighty-first Legislature to provide similar funding levels for courts of the same size. Most of this

block grant is allocated for targeted pay increases for staff attorneys, law clerks, and other designated staff, which take effect in fiscal year 2011. The block grant was also used to reclassify law clerks to staff attorneys, and, to add attorney and non-attorney staff. (**Figure 15** provides details on the \$3.8 million block grant.)

The remainder of state funding is provided by revenue from a \$37 filing fee on civil cases and a \$4 criminal court cost, which is deposited into Judicial Fund No. 573 (Other Funds). This revenue stream was created by House Bill 11, Seventy-ninth Legislature, Second Called Session, 2005, to fund a judicial pay raise. None of the local funds used for appellate

FIGURE 14
14 COURTS OF APPEALS
2010–11 APPROPRIATIONS



SOURCE: Legislative Budget Board.

court operating costs or to supplement the salaries of appellate court judges are reflected in the appropriations bill.

The state's 14 courts of appeals are also provided transferability of funds between the courts via Section 12 of Special Provisions for Article IV of the 2010–11 General Appropriations Act. The Chief Justice of the Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between the appellate courts provided they have received approval by both the Legislative Budget Board and the Governor's Office.

VISITING JUDGES

At the intermediate appellate court level, the Chief Justice of the Supreme Court may assign a visiting judge at the request of the chief justice of an appellate court to help control backlogs of cases or to hear special dockets. Additionally, because appellate justices must hear cases in panels of three, appellate courts employing only three permanent justices must use a visiting judge when one justice must be disqualified or is recused from a case. Accordingly, the largest expenditure of visiting judge funds at the appellate level is for 3-justice courts. Visiting judges serving appellate courts are

FIGURE 15
COURTS OF APPEALS ALLOCATION OF \$3.8 MILLION BLOCK GRANT
2010–11 BIENNIAL

COURTS OF APPEALS	JUSTICES	FTE POSITIONS REQUESTED	2010–11 APPROPRIATION (IN MILLIONS)	2010–11 BLOCK GRANT	RECLASSIFY LAW CLERKS TO STAFF ATTORNEYS	ATTORNEY STAFF	NON-ATTORNEY STAFF	INCREASE ATTORNEY SALARIES	INCREASE NON-ATTORNEY SALARIES	INCREASE OTHER OPERATING COSTS	TOTAL BLOCK GRANT
5th	13	0	\$10.6	\$668,154				\$294,623	\$57,347	\$316,184	\$668,154
1st	9	1	7.7	490,539	\$200,000		\$35,000	154,455	76,084	25,000	490,539
14th	9	3	7.8	450,908	150,000	\$72,500	70,000	71,304	34,614	52,490	450,908
2nd	7	1	5.9	259,222		40,000		162,214	47,319	9,689	259,222
4th	7	1	5.9	362,421	207,000		38,226	86,070	31,125		362,421
3rd	6	1	5.1	238,366		75,000		163,366			238,366
13th	6	1.5	5.1	237,430		85,000	16,118	130,312		6,000	237,430
7th	4	1	3.4	153,771		80,000		58,000	15,771		153,771
9th	4	1	3.4	150,720		70,000		80,720			150,720
6th	3	1	2.8	165,735		70,000		42,150	20,000	33,585	165,735
8th	3	1	2.8	149,421		72,500		45,654	18,067	13,200	149,421
10th	3	1	2.8	203,965		91,375		46,733	22,588	43,269	203,965
11th	3	1	2.8	155,478		72,500		48,000	20,000	14,978	155,478
12th	3	1	2.8	144,679				69,199	7,424	68,056	144,679
TOTAL:	80	15.5									
FUNDING TOTAL (IN MILLIONS):			\$69.0	\$3.8	\$0.6	\$0.7	\$0.2	\$1.5	\$0.4	\$0.6	\$3.8

SOURCES: Legislative Budget Board; Office of Court Administration.

compensated at 100 percent of the salary of an active appellate justice.

DOCKET EQUALIZATION

The Supreme Court of Texas is authorized to transfer cases between the courts of appeals to equalize the dockets and promote efficiency in the use of court resources. The docket equalization program was initiated in the 2000–01 biennium by the Seventy-sixth Legislature to reduce disparities in the number of new cases filed per justice among the courts of appeals. In practice, the appellate justices hearing transferred cases apply the law as it exists in the transferring court's appellate district. This practice avoids creating disparate impacts on litigants and defendants in the cases' original jurisdiction. The Supreme Court issues quarterly orders that transfer cases from those courts with larger new case filing rates to courts with smaller new case filing rates. For fiscal year 2010, the statewide average number of new filings per justice was 122 cases prior to any transfers. The number of new cases filed per justice ranged from 75 cases in the Eighth Court of Appeals (El Paso) to 160 cases in the Twelfth Court of Appeals (Tyler). The average percentage difference of the 14 courts from the statewide average was 17.3 percent.⁴

A total of 504 cases were transferred among the intermediate appellate courts in fiscal year 2010 to equalize workloads. As a result, the average percentage difference of the 14 courts from the statewide average was 4.4 percent, which is better than the 10 percent goal established by the legislature in the

General Appropriations Act.⁵ See **Figure 16** for a comparison of new filings per justice by court.

LOCAL FUNDS

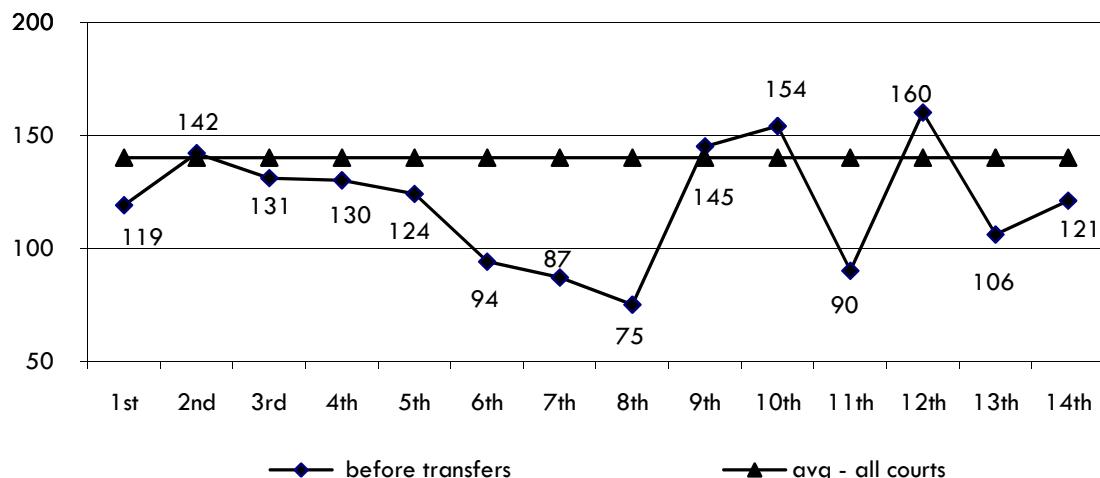
Chapter 22 of the Government Code provides collections for supporting “appellate judicial systems” at twelve of the fourteen courts through operating expenses, contract personnel, and capital equipment. The twelve courts currently authorized by statute to receive these funds include the First and Fourteenth Courts of Appeals in Houston; the Second Court of Appeals in Fort Worth; the Third Court of Appeals in Austin; the Fourth Court of Appeals in San Antonio; the Fifth Court of Appeals in Dallas; the Sixth Court of Appeals in Texarkana; the Seventh Court of Appeals in Amarillo; the Ninth Court of Appeals in Beaumont; the Eleventh Court of Appeals in Eastland; the Twelfth Court of Appeals in Tyler; and the Thirteenth Court of Appeals in Corpus Christi–Edinburg. The Eighty-first Legislature authorized the Texarkana, Amarillo, and Tyler Courts to create appellate judicial systems in 2009, leaving El Paso and Waco as the two remaining courts without local funds.

The revenue source for these funds is a \$5 fee for civil cases filed in county, statutory county, probate, or district courts located in the appellate court's jurisdiction. The court clerk collects the fee in each county, and the county treasurer deposits the receipts into a separate appellate judicial district fund. The commissioners' court regularly (annually or monthly, depending on the court) forwards the funds

⁴Senate Bill 1, Eighty-first Legislature, 2009, Rider 3, IV-3.

⁵Ibid, pp. 32-33.

FIGURE 16
NEW FILINGS PER JUSTICE—COURTS OF APPEALS
FISCAL YEAR 2010



SOURCE: Office of Court Administration.

collected to the appellate court for expenditure. The chief justice may manage the fund with the approval and consent of the commissioners' court, or the county commissioners may vest management of the fund solely in the chief justice. The fiscal year 2009 collections are indicated per court in **Figure 17**.

LOCAL SALARY SUPPLEMENT

Chapter 31 of the Government Code authorizes the counties in each court of appeals district to pay each justice of the court of appeals for that district an amount not to exceed \$15,000 per year for judicial and administrative services rendered. However, Section 650.012 of the Government Code limits the total salary for a justice of a court of appeals to a combined sum from state and county sources of \$5,000 less than the state salary paid to a justice of the Texas Supreme Court, or \$145,000. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$2,500 less than the state salary paid to justices of the Supreme Court, or \$147,500. To stay within the salary limit, the maximum additional compensation a justice may receive is \$7,500. If the additional compensation exceeds this amount, the state portion of the salary is reduced. The salary supplement for each of the 14 courts of appeals is shown in **Figure 17**.

APPELLATE COURT PERFORMANCE

The average clearance rate for the appellate courts in fiscal year 2010 was 102.2 percent. During the 10 year period ending in fiscal year 2010, the average clearance rate for the appellate courts ranged from a high of 112.3 percent in fiscal year 2001 to a low of 95.9 percent in fiscal year 2008 (see **Figure 18**). During the 10-year period ending in fiscal year 2010, total pending cases at the appellate courts declined from 8,294 to 7,509, a decrease of 9.5 percent.

A clearance rate measures, at the end of a reporting period, the number of cases disposed during that time period as a percent of filings. A clearance rate of 100 percent indicates that the court disposed of the same number of cases during the year as were added during the year, resulting in no change to the court's case backlog.

LONGEVITY PAY

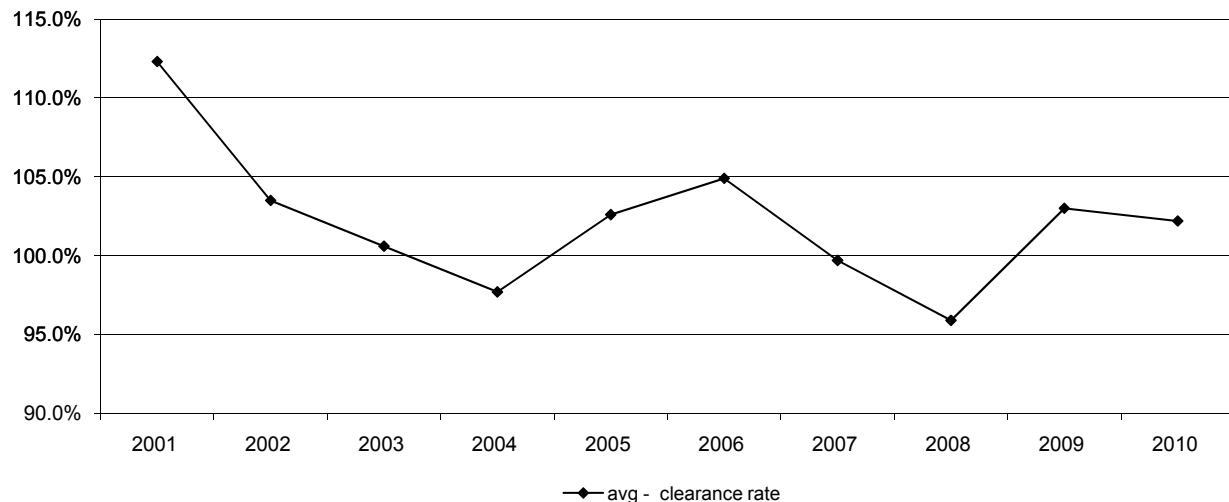
The Eightieth Legislature, 2007, enacted Senate Bill 1519 entitling active judges and justices to longevity pay. Judges enrolled in Judicial System Retirement Plan I or II accumulate \$20 per month for each year of service, calculated and payable only after 16 years of service. Eligible judges receive \$3,840 annually in longevity pay once they reach 16 years of service and continue to collect the longevity pay each year thereafter. According to the Judiciary Section, Comptroller's Department, there are currently 100 judges and justices statewide eligible for longevity pay, 17 of which sit on one of the appellate courts.

FIGURE 17
APPELLATE COURTS
ANNUAL COLLECTIONS AND SALARY SUPPLEMENTS, FISCAL YEAR 2009

	NUMBER OF JUDGES	CHAPTER 22 COLLECTIONS FY 2009	COLLECTIONS PER JUDGE	LOCAL SALARY SUPPLEMENT PER JUDGE
First Court of Appeals, Houston	9	\$272,541	\$30,282	\$7,500
Second Court of Appeals, Fort Worth	7	\$166,736	\$23,819	\$7,500
Third Court of Appeals, Austin	6	\$277,246	\$46,208	\$7,500
Fourth Court of Appeals, San Antonio	7	\$247,929	\$35,418	\$7,500
Fifth Court of Appeals, Dallas	13	\$314,266	\$24,174	\$7,500
Sixth Court of Appeals, Texarkana	3	n/a	n/a	\$7,500
Seventh Court of Appeals, Amarillo	4	n/a	n/a	\$7,500
Eighth Court of Appeals, El Paso	3	n/a	n/a	\$7,500
Ninth Court of Appeals, Beaumont	4	\$101,873	\$25,468	\$7,500
Tenth Court of Appeals, Waco	3	n/a	n/a	\$7,500
Eleventh Court of Appeals, Eastland	3	\$65,301	\$21,767	\$7,500
Twelfth Court of Appeals, Tyler	3	n/a	n/a	\$7,500
Thirteenth Court of Appeals, Corpus Christi–Edinburg	6	\$194,919	\$32,487	\$7,500
Fourteenth Court of Appeals, Houston	9	\$356,492	\$39,610	\$7,500

SOURCES: Legislative Budget Board, Office of Court Administration.

FIGURE 18
AVERAGE CLEARANCE RATE FOR 14 COURTS OF APPEALS
10-YEAR HISTORY



SOURCE: Office of Court Administration.

STATE FUNDING FOR TRIAL COURTS

Trial courts are courts in which witnesses are heard, testimony is received, exhibits are offered into evidence, and a verdict is rendered. The trial court structure in Texas has several different levels, each level handling different types of cases, with some overlap. The state trial court of general jurisdiction is known as the district court. The county-level courts consist of the constitutional county courts, the statutory county courts, and the statutory probate courts. In addition, there is at least one justice court located in each county, and there are municipal courts located in each incorporated city.

The state of Texas funds the base salary for district court judges; travel expenses for those district judges with jurisdiction in more than one county; salary supplements for constitutional county, statutory county, and statutory probate judges; and salaries for child support and child protection court associate judges. The Eighty-first Legislature, 2009, appropriated \$188.5 million in the General Appropriations Act for the 2010–11 biennium to support trial courts (see **Figures 19 and 20** for appropriations).

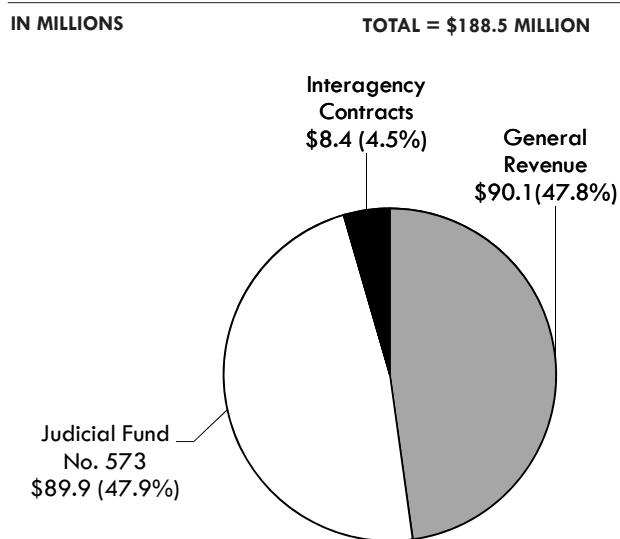
The state salary for district and county-level judges and various salary supplements funded by state appropriations are summarized in **Figure 21**. District and county-level judges also receive local salaries, which are described in **Figure 22**. Under statute, a district judge may receive a local supplement up to \$15,000, for a total of \$140,000 in salary from state and local sources.

Also, some district judges may receive a total of \$173,000 in salary from state and local sources. The Texas Judicial Council sets the local compensation of an active presiding judge of one of the administrative judicial regions in an amount not to exceed \$33,000 per year. Judges handling multi-district litigation (MDL) cases involving asbestos or silica are also given an annual state-paid supplement up to \$33,000, as determined by the Texas Judicial Council.

DISTRICT COURTS

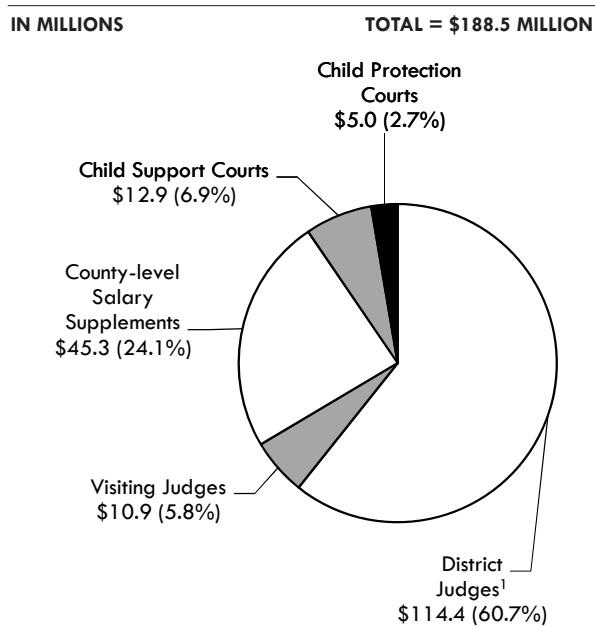
District courts have original jurisdiction in all felony criminal cases, divorce cases, cases involving title to land, election contest cases, civil matters in which the amount in controversy (the amount of money or damages involved) is \$200 or more, and any matters in which jurisdiction is not placed in another trial court. While most district courts try both

**FIGURE 19
2010–11 APPROPRIATIONS FOR TRIAL COURTS
BY METHOD OF FINANCE**



SOURCE: Legislative Budget Board.

**FIGURE 20
2010–11 APPROPRIATIONS FOR TRIAL COURTS
BY PROGRAM**



SOURCE: Legislative Budget Board.

FIGURE 21
TRIAL COURT JUDICIAL SALARY SUPPLEMENTS AND PAYMENTS
STATE-FUNDED SUPPLEMENTS

STATE SALARY/SALARY SUPPLEMENT	EXPLANATION – STATUTORY REFERENCE	ANNUAL AMOUNT
District Judge	State salary	\$125,000
District Judge Travel	Travel expenses for district judges with multi-county jurisdictions. Reimbursement may not exceed \$1,500 per county. (Government Code 24.019)	varies
Judicial Salary Per Diem	A per diem received when a trial court judge (district, statutory probate, constitutional, or statutory county court judge) is assigned to a case outside their district or county. (Government Code 74.003(c), 74.061)	\$25 per day
District Judge or Retired Judge Presiding Over Multidistrict Litigation	A district judge or retired district judge who presides over multidistrict litigation involving claims for asbestos- or silica-related injuries receives a salary supplement equal to the maximum supplement received by an active district judge serving as a Presiding Judge of an Administrative Judicial Region. (Government Code 659.0125)	\$33,000
Local Administrative Judge Supplement	A judge who serves as an administrative district judge in a county with more than 6 district courts receives a salary that is \$5,000 greater than the state salary for a district judge (i.e., \$130,000). (Government Code 659.012(d))	\$5,000
Constitutional County Judge	A county judge receives a salary supplement if at least 40 percent of the functions performed by the judge are judicial functions. Currently, 210 county judges receive the supplement. (Government Code 26.006)	\$15,000
Statutory County Judge	A supplement received by each statutory county judge that does not engage in private practice. (Government Code 25.0015)	\$75,000
Statutory Probate Judge	A supplement received by each statutory probate judge in the county from Judicial Fund No. 573 (Government Code 25.00211)	\$40,000

SOURCE: Legislative Budget Board.

FIGURE 22
TRIAL COURT SALARY SUPPLEMENTS AND PAYMENTS FROM LOCAL SOURCES/FUNDS

LOCAL SALARY/SALARY SUPPLEMENT	EXPLANATION – STATUTORY REFERENCE	ANNUAL AMOUNT
Presiding Judge of the Administrative Judicial Region (Active District Judge)	Annual compensation for an active judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region [Government Code 74.051(b)]	Not to exceed \$33,000
Presiding Judge of the Administrative Judicial Region (Retired or Former District Judge)	Annual compensation for a retired or former judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region [Government Code 74.051(c)]	\$35,000 to \$50,000
District Judges	Maximum supplement from county sources (Government Code 659.012)	Up to \$15,000
County-level Judges	varies	varies

SOURCE: Legislative Budget Board.

criminal and civil cases, in the more densely populated counties the courts may specialize in civil, criminal, juvenile, or family law matters.

The geographical area served by each court is established by the legislature, but each county must be served by at least one district court. In sparsely populated areas of the state, several counties may be served by a single district court, while an urban county may be served by many district courts. The courts are organized into nine administrative judicial regions,

with a single presiding judge over each region appointed by the Governor.

During each legislative session, the legislature routinely creates new district courts. House Bill 4833, the Eighty-first Legislature, Regular Session, 2009, created 5 new district courts. The total number of district courts that will be in operation as of August 31, 2011 is 454.

STATE FUNDING FOR DISTRICT COURT OPERATIONS

435TH JUDICIAL DISTRICT, MONTGOMERY COUNTY

The Eightieth Legislature, 2007, passed Senate Bill 1951, which created the 435th District Court in Montgomery County with special jurisdiction over civil commitment proceedings of sexually violent predators and criminal offenses for persons failing to follow commitment requirements. As such, the court mainly hears civil commitments filed by the Special Prosecution Unit (see page 26 in Chapter 5). The legislation also provided that the state pay the salaries of a court reporter and a court coordinator and other expenses for the new court. In the 2010-11 biennium, the appropriation for this purpose was \$177,000 each fiscal year.

MULTIDISTRICT LITIGATION

The Eighty-first Legislature, 2009, enacted Senate Bill 2298, which amended the Government Code to entitle a retired judge appointed to a multidistrict litigation (MDL) pretrial court to receive the same compensation and benefits as a district judge serving as a MDL judge. Retired judges serving on assignment receive a salary ranging from \$125,000 to \$140,000 in state compensation (depending on the county in which the retired judge serves), and an MDL judge serving in asbestos- or silica-related cases is entitled to another \$33,000 salary supplement for a total ranging from \$158,000 to \$173,000 in compensation. In 2010, the Supreme Court provided the MDL pretrial court hearing asbestos cases with \$211,500 funding for the salaries of a court reporter, court coordinator, and other expenses including judicial compensation through the Judiciary Section, Comptroller's Department.

DISTRICT COURT PERFORMANCE

The Seventy-seventh Legislature, 2001, required the Office of Court Administration (OCA) to report clearance rates on a countywide basis for the district courts. A clearance rate measures, at the end of a reporting period, the number of cases disposed during that time period as a percent of filings. A clearance rate of 100 percent indicates that the court disposed of the same number of cases during the year as were added during the year, resulting in no change to the court's case backlog.

According to the National Center for State Courts, "a backlog index is the number of cases pending at the beginning of the year divided by the total number of cases disposed during the

year. For example, if a court had 1,000 pending felony cases at the beginning of the year and disposed of 2,000 felony cases that year, it would have a backlog index of 0.5, which is a good backlog index for most courts. This [means] that the court "turned over" or disposed the equivalent of the pending caseload within six months. A backlog index of 1.0 means that the court disposed of the equivalent of the pending caseload in one year. A court should have a minimum goal of achieving a civil backlog index of 1.0 or less. On average, criminal cases should be disposed more quickly than civil cases, so courts should maintain a lower backlog index for criminal cases than civil cases."¹ The clearance rates and backlog indices for the state's district courts are listed by county in Appendix A.

DISTRICT COURT WEIGHTED CASELOAD STUDY

The Seventy-ninth Legislature, 2005, enacted Senate Bill 729, which called for a weighted caseload study to analyze the need for creating new district courts. To measure judicial workload, it is assumed that a more complex case takes more time to process. A weighted caseload study assigns case weights by case type, such as serious felonies, less serious felonies, contract, or divorce. Case weights are based upon the amount of time judicial officers (district judges, associate judges, masters, magistrates, and referees) surveyed report spending on each type of case. The results of the 18-month study were published in June 2008 and found that an estimated 650 judicial officers (i.e., district court judges, magistrates, OCA and county-employed associate judges, etc.) are needed in Texas to resolve the number of cases filed in and handled by the district courts.² As of October 2007, Texas had approximately 601 judicial officers available to handle district court cases.

Budget constraints prevented OCA from extending the study to include the statutory county courts exercising civil or family law jurisdiction concurrent with district courts. Although such judges were asked to participate in the time study, low participation prevented them from being included in the model.

¹Daniel C. Steelman, et al, *Caseflow Management: The Heart of Court Management in the New Millennium* (National Center for State Courts, 2000), 133-34.

²Study results can be found at <http://www.courts.state.tx.us/oca/jnas/pdf/WeightedCaseloadStudy.pdf>

VISITING JUDGES

The presiding judges of the nine administrative judicial regions assign visiting judges at the trial court level. Civil litigants have a one-time prerogative to remove a visiting judge assigned to their case. There is no similar provision in criminal cases.

Among the reasons trial courts seek visiting judges is to adjudicate complex multi-district civil cases and to manage the regular caseload of trial judges who are involved in high-profile capital cases. **Figure 23** lists the primary reasons district courts request a visiting judge.

The Eighty-first Legislature, 2009, appropriated \$10.9 million for each year of the 2010–11 biennium for visiting judge salaries and expenses. Actual expenditures in fiscal year 2009 for visiting judges across all nine administrative regions totaled \$4.4 million. Visiting judge expenditures varied by each administrative region, with those regions that have the most trial courts experiencing the highest utilization rate (days of visiting judge service) and therefore incurring the highest expenditures. (See **Figure 5** on page 4 for a map of administrative judicial regions.)

Figure 24 lists the number of days of visiting judge service by region as well as the actual costs of those services. Administrative Judicial Region 2 (Conroe) had the highest utilization (2,206 days) and expenditures (more than \$1.1 million). Region 7 (Midland) had the lowest utilization (292.5 days) and the lowest expenditures (\$144,432).

FIGURE 23
REASONS FOR REQUESTING A VISITING JUDGE
ALL DISTRICT COURTS STATEWIDE
FISCAL YEAR 2009

REASON FOR REQUEST	PERCENTAGE OF ALL REQUESTS
Assist with heavy docket	21.2
Recusal	21.2
Vacation	15.9
Continuing education	7.7
Illness	6.7
Disqualification	2.0
Personal emergency	1.4
Election contest	0.2
Attorney contempt	0.1
Other	23.5

SOURCES: Legislative Budget Board; Office of Court Administration.

Costs of visiting judges are often considered when determining whether a need exists for creating a new trial court. When a new district court is created, the state costs for salary and benefits of each new district court judge totals \$158,500 annually. (Local governments are responsible for funding all other costs related to creating and maintaining a district court, and these costs vary across the state.) With the enactment of House Bill 3135, Eightieth Legislature, 2007, compensation to visiting judges serving a district court increased from 85 percent to 100 percent of a district judge's salary (the same as the percentage of salary for visiting judges serving in an appellate court). According to the Comptroller

FIGURE 24
VISITING JUDGES ACTUAL DAYS OF SERVICE
FISCAL YEAR 2009

ADMINISTRATIVE JUDICIAL REGION	FISCAL YEAR 2009 ACTUAL EXPENDITURE	FISCAL YEAR 2009 ACTUAL TOTAL DAYS	TOTAL COURTS IN REGION USING VISITING JUDGES
Region 1: Dallas	\$979,537	1,859.0	77
Region 2: Conroe	1,167,343	2,206.0	100
Region 3: Seguin	440,221	840.0	47
Region 4: San Antonio	439,062	850.0	38
Region 5: Brownsville	201,317	388.5	20
Region 6: Kerrville	339,742	629.0	20
Region 7: Midland	144,432	292.5	26
Region 8: Fort Worth	448,541	378.0	48
Region 9: Brownfield	191,531	379.5	25
TOTAL	\$4,351,726	8,322.5	401

SOURCE: Comptroller of Public Accounts.

of Public Accounts, most visiting judges are retired judges whose average compensation is \$140,100, or 88 percent of the salary and benefits of a district judge. **Figure 25** presents caseload data and expenditures for visiting judges from fiscal year 2001 through fiscal year 2010.

CONSTITUTIONAL COUNTY COURTS

As provided in the Texas Constitution, each of the 254 counties of the state has a single county court presided over by a county judge. These courts have concurrent jurisdiction with justice of the peace and district courts in civil cases in which the amount in controversy is between \$200 and \$10,000. Jurisdiction is said to be concurrent when two levels of courts have authority to try the same type of case.

The constitutional county courts generally hear the probate cases filed in the county. They have original jurisdiction over all Class A and Class B misdemeanor criminal cases, which are the more serious minor offenses. These courts usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts, except in counties where county courts at law have been established. Unless the appeal is one from a designated municipal court of record (trial proceedings are recorded by a court reporter), the appeal takes the form of a trial de novo (a completely new trial).

COUNTY COURTS AT LAW

In addition to performing judicial functions, the county judge serves as the administrative head of the county government. In the more populated counties, the administrative duties occupy most of the time of the county judge; therefore the legislature has created statutory county courts, also known as county courts at law, and statutory probate courts to relieve the county judge of most, and in some cases all, of the judicial duties usually performed by that office.

The legal jurisdiction of the statutory county courts varies considerably and is established by the statute that creates the particular court. The jurisdiction of statutorily-created county courts is sometimes concurrent in certain civil and criminal matters with the jurisdiction of the county and district courts in the county.

The civil jurisdiction of most county courts at law varies, but is usually more than that of the justice of the peace courts and less than that of the district courts. County courts at law usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts.

The Eighty-first Legislature, 2009, enacted House Bill 4833 which established 8 new statutory county courts bringing the total to 250.

STATUTORY PROBATE COURTS

The Texas Constitution grants the legislature the authority to determine which Texas courts have jurisdiction over probate matters. Statutory probate courts are located in 10 of the state's 15 largest metropolitan areas and have original and exclusive jurisdiction over each county's probate matters, guardianship cases, and mental health commitments. In most counties, the constitutional county court has original probate jurisdiction. In some counties, the legislature has authorized certain statutorily created county courts to share this original jurisdiction so that a county court at law will have concurrent jurisdiction over probate matters with the constitutional county court.

The original probate jurisdiction of district courts is limited to those situations in which a contested probate matter is transferred from a constitutional county court and when the legislature has granted the district court original control and jurisdiction over personal representatives.

SPECIALTY COURTS FUNDED THROUGH THE OFFICE OF COURT ADMINISTRATION

Since 1993, the Office of Court Administration (OCA) has been authorized to employ associate judges to hear Child Support enforcement cases under expedited time frames set by federal requirements. The agency contracts with the Office of Attorney General (OAG) to obtain federal funds (an estimated \$8.4 million for the 2010–11 biennium) under Title IV-D of the Social Security Act to pay associate judge salaries and program operating costs. Total appropriations for the Child Support Courts Program are \$12.9 million for the 2010–11 biennium for 43 courts.

The OCA also maintains 17 Child Protection Courts whose primary costs are the salaries of associate judges and assistants. The Child Protection Courts Program is designed to reduce the time children spend in temporary foster care by expediting the judicial administration of child abuse, neglect, and adoption cases. Total appropriations for the Child Protection Courts Program is \$5.0 million for the 2010–11 biennium.

FIGURE 25
DISTRICT COURT CASELOAD DATA AND VISITING JUDGE FUNDING LEVELS
10-YEAR HISTORY

CATEGORY	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Number of District Courts	418	418	418	424	425	432	438	448	449	454
Visiting Judge Expenditures	8,096,417	7,582,061	7,716,486	3,124,997	3,322,353	3,577,881	5,096,610	4,612,695	4,351,726	5,429,445
Annual Percentage Change	20.0	(6.4)	1.8	(59.5)	6.3	7.7	42.4	(9.5)	(5.7)	24.8
Cases Added	754,081	789,024	841,794	823,254	914,146	963,792	906,040	870,690	870,925	887,825
Annual Percentage Change	1.0	4.6	6.7	(2.2)	11.0	5.4	(6.0)	(3.9)	0.0	1.9
Cases Disposed	739,027	743,342	792,254	788,328	840,670	844,878	860,860	846,606	860,342	856,070
Annual Percentage Change	1.9	0.6	6.6	(0.5)	6.6	0.5	1.9	(1.7)	1.6	(0.5)
Cases Pending (as of 8/31)	794,936	824,384	868,035	799,969	913,640	991,823	903,288	901,224	905,801	936,478
Annual Percentage Change	1.7	3.7	5.3	(7.8)	14.2	8.6	(8.9)	(0.2)	0.5	3.4
Cases Pending per Elected Judge	1,902	1,972	2,077	1,887	2,150	2,296	2,062	2,012	2,017	2,063
Annual Percentage Change	(0.4)	3.7	5.3	(9.1)	13.9	6.8	(10.2)	(2.4)	0.2	2.3

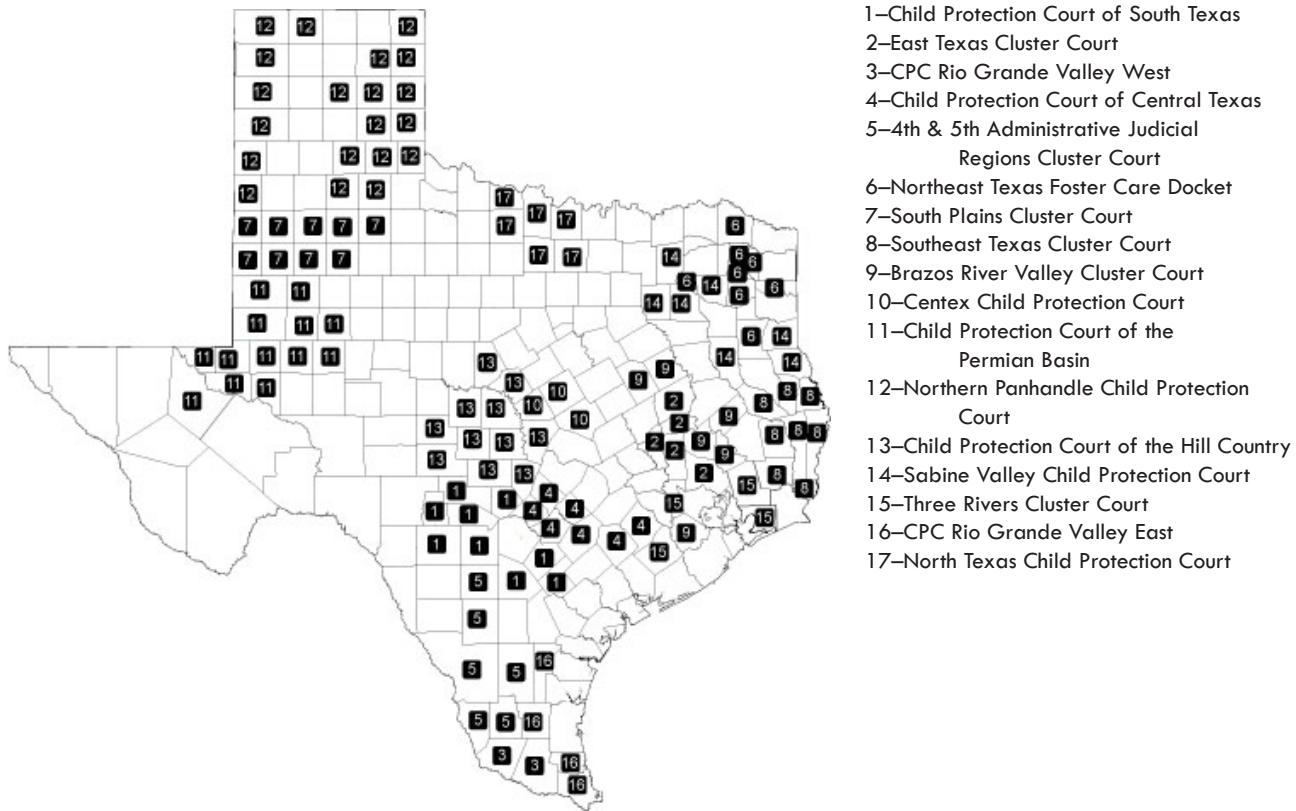
NOTES:

- (1) Expenditure data for fiscal years 2001–10 was extrapolated from Comptroller's Department, Judiciary Section, Strategy A.1.1, District Judge Salaries, which prior to fiscal year 2002 included visiting judge payments for former judges. Estimates assume no vacancies in district judge positions.
- (2) Expenditures of \$2.9 million authorized under House Bill 3296, Seventy-seventh Legislature, 2001, for retired statutory county judges serving in county-level courts was excluded from the 2002–03 biennium.
- (3) Docket adjustments between pending cases reported at the end of the fiscal year (8/31), and pending cases reported at the beginning of the fiscal year (9/1) are not shown on this chart.

Sources: Legislative Budget Board; Comptroller of Public Accounts; Office of Court of Administration.

Figure 26 identifies the locations of the child protection courts.

FIGURE 26
CHILD PROTECTION COURTS
(AS OF FEB. 9, 2010)



SOURCE: Office of Court Administration.

STATE FUNDING FOR PROSECUTOR SALARIES AND PAYMENTS

The state funds the salaries and certain expenses of felony prosecutors and longevity pay for assistant district attorneys and assistant county prosecutors. District attorneys, criminal district attorneys, and county attorneys are all prosecutors who represent the state in criminal cases pending in the district and county-level courts of a county or counties. The state also funds the operations of the Public Integrity Unit in the Travis County District Attorney's Office and the Special Prosecution Unit headquartered in Walker County. The Eighty-first Legislature, 2009, appropriated \$86.9 million in the General Appropriations Act for the 2010–11 biennium to support prosecutors. (See **Figure 27** and **Figure 28** for appropriations by method of finance and by programs.)

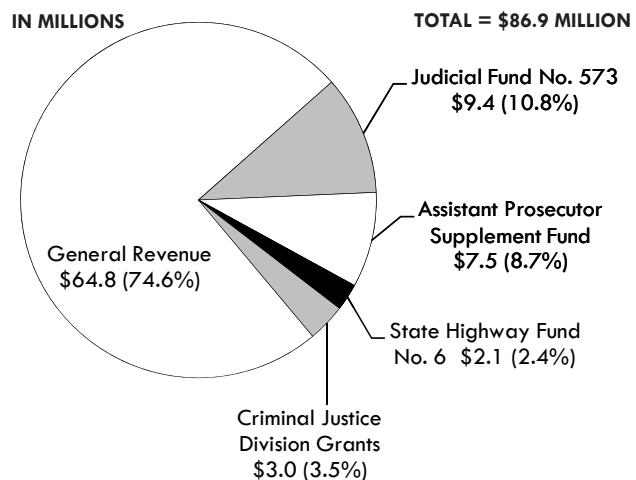
PROFESSIONAL PROSECUTORS

The state pays the salaries of district attorneys, criminal district attorneys, and county attorneys each of whom are prohibited from the private practice of law under Government Code, Chapter 46, also known as the "Professional Prosecutors Act." The prosecutors operate in jurisdictions in which state felony cases generate enough workload to occupy the prosecutor full time. Professional prosecutors receive 100 percent of the compensation paid a district judge (currently \$125,000), as adjusted from time to time. A commissioners court may add a county supplement to the prosecutor's state salary as long as the supplement is equal to the county supplement paid to the county's highest paid district judge. There were 149 such prosecutors in the state in fiscal year 2010. Separate statutes establish the salary for prosecutors not prohibited from the private practice of law at a level lower than the salary of a district judge. Also, another statute provides an apportionment of state funds for certain counties with district attorneys that do not receive a state salary (see below).

DISTRICT ATTORNEYS

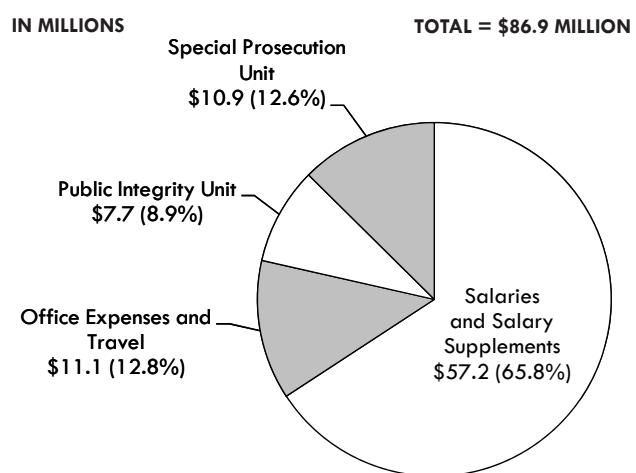
District attorneys compensated under Government Code §41.013 are permitted to engage in the private practice of law. They receive 80 percent of the compensation paid a district judge (currently \$100,000), as adjusted from time to time. There were 5 such prosecutors in the state in fiscal year 2010.

FIGURE 27
APPROPRIATIONS FOR PROSECUTORS
BY METHOD OF FINANCE
2010–11 BIENNIMUM



SOURCE: Legislative Budget Board.

FIGURE 28
APPROPRIATIONS FOR PROSECUTORS
BY PROGRAM
2010–11 BIENNIMUM



SOURCE: Legislative Budget Board.

FELONY PROSECUTORS

The state pays the salaries of the Jackson County Criminal District Attorney, the Fayette County Attorney, and the Oldham County Attorney. The Fayette and Oldham county attorneys perform the duties of a district attorney. These

prosecutors are permitted to engage in the private practice of law. The Jackson County and Fayette County prosecutors receive 80 percent of the compensation paid a district judge (currently \$100,000), as adjusted from time to time. Under Government Code §45.280, the Oldham County Attorney's state salary is \$28,500 less than district attorneys receiving 80 percent of a district judge's salary (currently \$71,500).

HARRIS COUNTY DISTRICT ATTORNEY

Under Government Code, Chapter 41, the state makes an apportionment of state funds for prosecution in certain eligible counties where there is a district attorney not receiving a state salary. In practice, only the Harris County District Attorney is eligible for the apportionment. The Comptroller of Public Accounts deposits the apportionment to the county officers' salary fund on a quarterly basis. The amount deposited annually is based on the population of Harris County and cannot exceed 4 cents per capita under Government Code §41.203. The amount apportioned to Harris County is \$136,023 per year during the 2010–11 biennium. Like other professional prosecutors, the Harris County District Attorney is not authorized to engage in the private practice of law.

PROSECUTOR TRAVEL AND EXPENSES OF OFFICE

Under Government Code, Chapter 43, prosecuting attorneys engaged in official duties in a county other than the prosecutor's county of residence are entitled to travel and other necessary expenses in accordance with travel limits for general state employees. In practice, amounts reimbursed have been limited to an amount not to exceed \$1,750 per county for prosecutors in multi-county districts.

Chapter 46 also provides that a professional prosecutor is entitled to reimbursement from the state for other expenses incurred in the discharge of official duties. Historically, the legislature has provided funding for these and other expenses of felony prosecutors in the General Appropriations Act. Authorized expenses include salaries of assistant district attorneys, investigators, and/or secretarial help, supplies, and expenses. Annual amounts authorized are not to exceed \$34,450 per district for both multi-county districts and single-county districts served by professional prosecutors. Annual amounts for all other single-county districts served by felony prosecutors are limited to \$17,050 per year. Reimbursement limits are not set in statute, but are set in Rider 7 of the bill pattern for the Judiciary Section,

Comptroller's Department in the 2010–11 General Appropriations Act. Appropriations for prosecutor office apportionments total \$10.7 million in the 2010–11 biennium.

TRAVIS COUNTY ASSISTANT DISTRICT ATTORNEYS

Historically, the legislature has provided an annual salary supplement of \$2,808 to two Travis County Assistant District Attorneys. The salary supplements are authorized by Government Code §43.132 and amounts paid are set in the bill pattern of the Judiciary Section, Comptroller's Department. In practice, these salary supplements have been paid to Travis County prosecutors employed by the Public Integrity Unit of Travis County.

COUNTY ATTORNEY SUPPLEMENT

Under Government Code, Chapter 46, the state funds a salary supplement to constitutional county attorneys who do not have general felony jurisdiction and who are not state prosecutors under the Professional Prosecutors Act. County attorneys are entitled to receive a supplement equal to one-half of the salary of a district judge (\$125,000/2 = \$62,500) divided by the total number of counties served by the state prosecutor serving in the county, unless that formula would result in an amount less than one-sixth of a district judge's salary (\$125,000/6 = \$20,833), in which case the county attorney is entitled to receive one-sixth of the district judge's salary.

If the county attorney serves a county with more than one state prosecutor, the county attorney's supplemental salary compensation is computed by (1) determining the amount of compensation that would have been provided in relation to each state prosecutor as if that state prosecutor was the only state prosecutor serving the county; (2) adding the amounts of compensation determined under (1); and (3) setting the compensation at the lesser of the sum of those amounts or \$62,500.

ASSISTANT PROSECUTOR LONGEVITY PAY

The state provides longevity pay in the amount of \$20 per month for each year of lifetime service credit for assistant prosecutors up to \$5,000 annually. Assistant prosecutors receiving longevity pay may not engage in the private practice of law if the prosecutor's salary from all sources is equal to or exceeds 80 percent of the state salary paid a district judge (80 percent of \$125,000 = \$100,000). The funding source for

the longevity pay is derived from a \$15 surety bond fee, two-thirds of which is deposited to the Assistant Prosecutor Supplement Fund No. 303 (Other Funds) and one-third of which is deposited to the General Revenue-Dedicated Fair Defense Account No. 5073.

Figure 29 lists all prosecutor salaries and payments.

PUBLIC INTEGRITY UNIT

State funding for the Public Integrity Unit (PIU) of the Travis County District Attorney's Office totals \$7.7 million for the 2010–11 biennium. The PIU has three divisions responsible for the investigation and prosecution of (1) criminal offenses related to state government; (2) fraud and other crimes committed by people or companies in the insurance business; and (3) fraud related to the state tax on motor fuels.

FIGURE 29
PROSECUTOR SALARIES AND PAYMENTS

PROSECUTOR	STATUTORY AUTHORITY	SALARY/PAYMENT
Professional Prosecutor	State Salary Government Code §46.002 and §46.003	\$125,000
District Attorneys	State Salary Government Code, §41.013	\$100,000
Felony Prosecutors:		
Jackson County Criminal District Attorney	State Salary	\$100,000
Fayette County Attorney	Government Code §44.220; §45.175;	\$100,000
Oldham County Attorney	and §45.280	\$71,500
Harris County District Attorney	State Apportionment Government Code §41.201, §41.203, §43.180 and Local Government Code §154.008	\$136,023
Felony Prosecutor Travel	Travel expenses for prosecutors in multi-county districts Government Code §43.004	An annual amount of \$1,750 per county in multi-county districts
Felony Prosecutor Expenses	Office expenses Amounts set in Rider 6, Page IV-36 of the 2010–11 General Appropriations Act	An annual amount of \$34,450 per district in multi-county districts; \$17,050 per district in single-county districts An annual amount of \$34,450 for both multi-county and single-county districts for professional prosecutors under Government Code, §46.004
Travis County Assistant District Attorneys	Salary Supplement Government Code §43.132	Two annual salary supplements provided at \$2,808 each
County Attorney Supplement	Salary supplement to 254 constitutional county attorneys	If county is served by one state prosecutor, then salary supplement equals \$62,500 divided by the number of counties served by the local state prosecutor or \$20,833, whichever is greater If county is served by two or more state prosecutors, then salary supplement equals sum of compensation the county attorney would have received if the county was served by only one state prosecutor or \$62,500, whichever is less
Assistant Prosecutor Longevity Pay	Longevity Pay	\$20 per month for each year of lifetime service credit, not to exceed \$5,000 annually

SOURCE: Legislative Budget Board.

The General Investigations Division of the PIU reviews, investigates, and when appropriate prosecutes allegations of criminal activity relating to state government. The type of illegal conduct investigated varies widely and can include offenses committed by state employees in the course of their employment or by private citizens that interact with state government. Criminal complaints referred to the division commonly involve theft of state money or property, state tax fraud, falsification of government records, and election code and financial reporting violations. Venue for prosecution of criminal cases generally lies in the county where all or part of the offense occurs. The Travis County District Attorney's Office has responsibility for a disproportionate share of offenses relating to state government because the seat of state government, Austin, is located within the county. Statutes in a few specific areas uniquely related to state government, including most state tax fraud, place venue in Travis County regardless of where the offense occurred. The General Investigations Division is funded from General Revenue.

In fiscal year 2010, the General Investigations Division of PIU received nearly 300 new complaints. PIU reports that as of August 2010, there were more than 400 active investigations and indicted cases pending on the dockets of the Travis County District Courts. PIU reports that since 1989 the General Investigations Division has obtained convictions in approximately 550 cases, which have resulted in over \$8 million in court-ordered restitution.

The PIU also has statewide responsibilities in the areas of insurance fraud and motor fuels tax fraud. The legislature chose the PIU as the appropriate entity to handle these cases in 1989 when fraud threatened to undermine both the insurance and motor fuels industries. Special venue statutes permit offenses involving the Insurance Code and the motor fuel tax provisions in the Tax Code to be prosecuted in Travis County regardless of where they are committed in the state. These laws also make the Travis County District Attorney's Office the exclusive agency with authority and jurisdiction to prosecute statewide in both of these areas.

The Insurance Fraud Division of the PIU was created in 1989, after legislative hearings involving the State Board of Insurance highlighted numerous allegations of systemic looting of many insurance companies by company officials in Texas. PIU reports that since 1989 there have been 415 prosecutions and convictions resulting in nearly \$21 million in court-ordered restitution and fines. The division handles cases involving fraud that affects the solvency of insurance companies, cases that have statewide impact on the insurance

industry, and cases involving the selling of fraudulent insurance plans and policies. Additional priority cases involve financial fraud by company officials, large embezzlements by officials and employees, claims-fraud rings, widespread schemes with multiple consumer victims, and health care fraud. PIU reports that as of August 2010 there were over 80 active investigations and indicted cases pending. The Insurance Fraud Division is funded from the self-leveling General Revenue Account for Insurance Companies Maintenance Tax and Insurance Department Fees.

The Motor Fuels Tax Fraud Division of the PIU was created in 1989 after the Comptroller estimated the state was losing millions of dollars annually in fuels tax revenue through fraudulent schemes and evasion of taxes. The division works closely with the Comptroller to identify and prosecute persons involved in the motor fuels industry who systematically defraud the state of fuels taxes on a large scale. The PIU reports since 1990 this effort has resulted in more than 245 convictions with more than \$12 million in court-ordered restitution. The PIU reports that motor fuels tax fraud cases are often more difficult to prove than most white-collar crime cases. Motor fuels tax fraud may be perpetrated anywhere along the distribution chain of suppliers, transporters, distributors, dealers, licensees, and blenders. Most of the tax evaders conduct business on a cash basis, and paperwork is intentionally avoided to avoid leaving a paper trail. Cases must be proved through collateral sources and the number of individuals involved magnifies the complexity of these cases. The Motor Fuels Tax Fraud Division is funded from State Highway Fund No. 6.

SPECIAL PROSECUTION UNIT

State funding for the Special Prosecution Unit (SPU) totals \$10.9 million for the 2010–11 biennium. The SPU is a governmental entity charged with prosecuting crimes that occur within the Texas Department of Criminal Justice (TDCJ) and also with initiating civil commitment proceedings against sexually violent predators that have been released from TDCJ by either discharge of sentence or by release on mandatory supervision. Also, the Eightieth Legislature, 2007, enacted legislation that requires SPU to prosecute offenses or delinquent conduct committed in Texas Youth Commission (TYC) facilities.

The SPU is divided into three divisions: the Criminal Prison Prosecution Division, the Civil Commitment Division, and the new Juvenile Division. All three divisions are

headquartered in Huntsville and operate under the direction of an Executive Director.

The SPU is governed by an executive board of 11 district attorneys who are selected by those district attorneys who have prisons or TYC facilities in their districts. The Executive Board establishes policies and procedures for SPU, approves expenditures, and reviews progress reports. The Board also appoints the SPU's Executive Director.

The Criminal Division primarily investigates and prosecutes violent crime within the Texas prison system. In addition, the division prosecutes other crimes that occur within the prison system such as weapons offenses, drug offenses, bribery, theft, civil rights violations, and other criminal offenses. The Criminal Division prosecutes not only inmates but also TDCJ officials, employees, or civilians who commit crimes while on property owned, operated, or controlled by TDCJ. The division receives grant funding from the Criminal Justice Division of the Governor's Office and from the General Revenue Fund.

The SPU was created by a group of district attorneys in 1984. Since then, the prison population has grown from 38,000 to more than 155,000 inmates in more than 100 private and public units around the state. In fiscal year 2010, the Criminal Division disposed of 511 cases, including murder, possession of contraband, aggravated assault on a public servant, sexual assault, bribery, and possession of a deadly weapon in a penal institution.

Because many prison units are located in rural areas, prison caseloads may overburden limited resources of local prosecutors. The Criminal Division provides a service in providing prosecution assistance to local offices with prison caseloads. When the Criminal Division's services are used, the prosecutor and investigator assigned to the geographical area coordinate the prosecution with the local district attorney. The Criminal Division bridges the gap between the investigative work done by investigators within the Office of the Inspector General (OIG) for TDCJ, the local law enforcement agencies as well as the district attorney. Personnel from the Criminal Division work closely with the OIG, advising them on criminal law and assisting in investigations and prosecutions. Additionally, the Criminal Division handles the appellate work that often results from a successful prosecution.

The Criminal Division also works closely with TDCJ and OIG to implement the Texas Safe Prisons Act and the federal Prison Rape Elimination Act, which strive to reduce the

number of sexual assaults in prison through prosecution of those who commit such sexual assaults. Because venue in these cases lies in the county in which the offense occurs, the Criminal Division maintains offices in seven areas of the state. The main office is located in Huntsville, and satellite offices are located in Amarillo, Angleton, Beeville, Bonham, Lampasas, and Palestine. The locations of these offices allow for closer cooperation with various personnel of TDCJ, OIG and district attorneys in those regions and allow the Criminal Division to work more closely with prison units across the state.

The Civil Division of the SPU was created by the Seventy-sixth Legislature, 1999, and is responsible for initiating and pursuing civil commitment proceedings against sexually violent predators. Sexually violent predators are defined as persons with a behavioral abnormality that makes the person more likely to engage in a predatory act of violence if the person is unsupervised. The division receives funding from the General Revenue Fund.

Under the enacting statute for civil commitments, TDCJ must notify the SPU upon the anticipated release of a person serving a sentence for a sexually violent offense after determining that the person fits the criteria for a sexually violent predator. Thereafter, the SPU must file a petition alleging predator status, and a trial date is set within 60 days for a judge or jury to make an independent determination of the person's predator status. Due to the SPU's Huntsville location, civil commitment proceedings are held in the 435th District Court in Montgomery County. (See page 17 for an additional description of the court.) If the person is found to be a predator, the presiding judge must commit the person for outpatient treatment and supervision, which may include supervised housing. Persons committed to supervision are entitled to a biennial review of the person's predator status before a judge or jury. If the state cannot prove beyond a reasonable doubt that the person is likely to engage in a predatory act of sexual violence, the person can be released from supervision.

FIGURE 30
CIVIL DIVISION PERFORMANCE MEASURES

PERFORMANCE MEASURE	EXP 2007	EXP 2008	EXP 2009	EXP 2010	BUD 2011
Number of Civil Commitments Filed	15	25	50	50	50
Number of Civil Commitments Disposed	10	38	50	43	50
Number of Civil Commitments Pending as of 8/31	9	17	15	76	NA
Number of Individuals Civilly Committed (Cumulative)	84	94	122	177	227

SOURCE: Special Prosecution Unit.

As of August 2010, the SPU reports that since fiscal year 2000, the Civil Division has civilly committed 177 individuals and 26 cases are pending.

The Juvenile Division was created by the Eightieth Legislature, 2007, through Senate Bill 103, to prosecute crimes that occur in the Texas Youth Commission (TYC). The legislation restructured operations of the Texas Youth Commission. The division's duties include prosecuting juveniles, as well as employees and civilians committing crimes on TYC facilities. The division's caseload primarily falls in Corsicana, Edinburg, Beaumont and Brownwood, based upon facility location. The Juvenile Division expects to file 80 Juvenile Petitions and dispose of 100 criminal cases in fiscal year 2011.

STATE FUNDING FOR OTHER JUDICIARY PROGRAMS

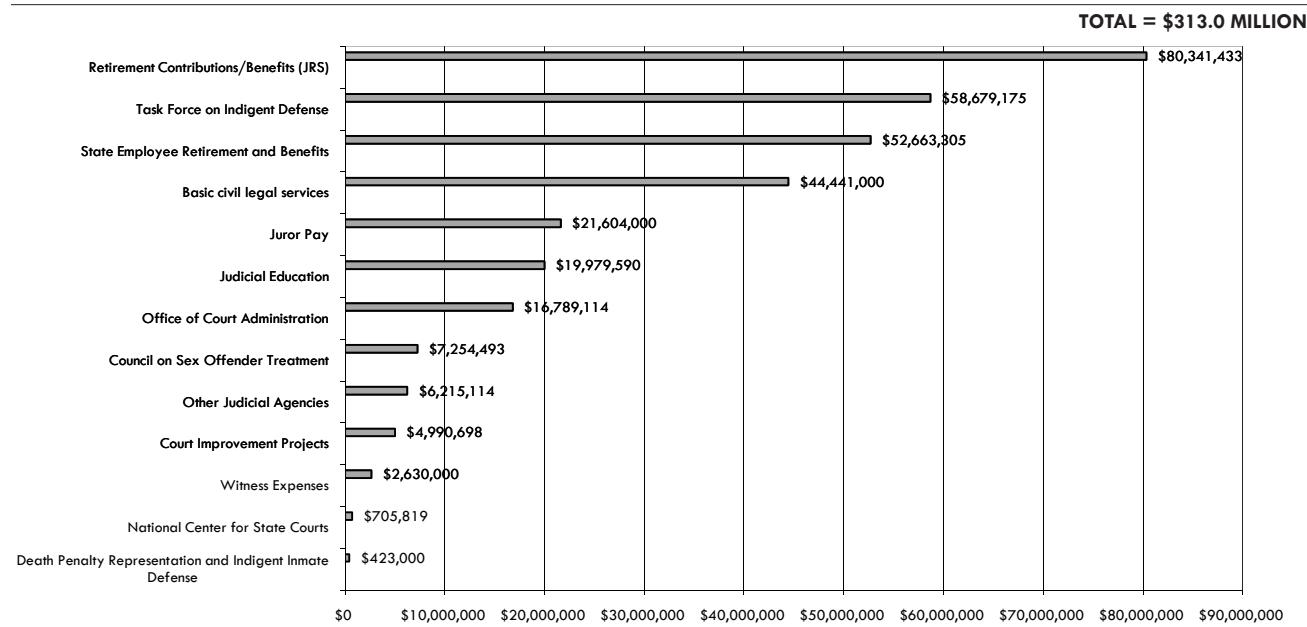
In addition to salaries and operating costs for appellate courts; salaries for district judges, visiting judges, felony prosecutors, associate judges, and court assistants for child support and protection courts, and salary supplements for county court judges and assistant prosecutors, the legislature funds other programs in the judiciary:

- five judicial agencies—the Office of Court Administration (which includes the Court Reporters Certification Board); and, the Office of the State Prosecuting Attorney, the State Commission on Judicial Conduct, the State Law Library, and the Office of Capital Writs (combined into Other Judicial Agencies in **Figure 31**);
- the Task Force on Indigent Defense, which is administratively attached to the Office of Court Administration;
- retirement benefits for current and former state judges and justices through the pay-as-you-go Judicial Retirement System I (JRS I) and the actuarially funded Judicial Retirement System II (JRS II);

- health insurance, social security and retirement benefits for non-judges employed by the judiciary and judicial agencies (State Employee & Retirement Benefits);
- basic civil legal services for the indigent;
- judicial education;
- court improvement projects;
- witness expenses;
- death penalty representation and indigent inmate defense;
- the National Center for State Courts;
- juror pay; and
- the Council on Sex Offender Treatment.

Figure 31 depicts the 2010–11 appropriations for these agencies and programs.

FIGURE 31
OTHER JUDICIARY PROGRAMS
2010–11 BIENNIUM



SOURCE: Legislative Budget Board.

THE OFFICE OF COURT ADMINISTRATION

The Office of Court Administration (OCA) was established in 1977 and operates under the direction of the Supreme Court of Texas. The OCA provides information and technical assistance to more than 2,600 state and local courts to improve the administration of justice, compile judicial statistics, and staff the Texas Judicial Council. The Texas Judicial Council conducts studies of the judicial system and makes policy recommendations to the Governor, the legislature, and the Supreme Court of Texas for improving the administration of justice in Texas. The council includes members of the judiciary, the public, the legislature, and the State Bar.

The OCA supports the activities of the Judicial Committee on Information Technology (JCIT), which is charged with improving information technology at all judicial levels in Texas. The JCIT's primary activities include implementing electronic reporting of court statistics, developing standards for electronic filing of court documents, providing trial courts with broadband access to the Internet, and helping trial courts acquire surplus state computers. OCA also maintains a computer network, websites, and case management systems for the appellate courts, OCA, and other judicial branch agencies. Appropriations for fiscal years 2010–11 for information technology total \$10.9 million in All Funds. Of this amount, \$4.1 million is dedicated to providing information services to the trial courts.

TASK FORCE ON INDIGENT DEFENSE

OCA provides services to the Task Force on Indigent Defense (TFID), a standing committee of the Texas Judicial Council, which sets standards and awards grants to counties for criminal defense services for indigents. The Eighty-first Legislature, 2009, provided funding for the TFID for the 2010–11 biennium of \$58.7 million. Of this amount, \$57 million is available in grants to eligible counties for improving legal services for indigent criminal defendants. The Legislature also continued providing \$0.8 million to contract with law schools at the University of Houston, The University of Texas, Texas Tech University, and Texas Southern University for innocence projects. The projects involve students reviewing criminal case convictions to attempt to exonerate the wrongfully convicted and to identify reforms to improve criminal defense practices. All appropriations for the TFID come from the Fair Defense Account, a General Revenue–Dedicated Fund account funded by court costs, juror pay collections, surety bond fees, and state bar membership fees.

The Eighty-first Legislature, 2009, enacted House Bill 498, which establishes the temporary 10-member Timothy Cole Advisory Panel on Wrongful Convictions to assist the TFID in conducting a study and preparing a report regarding the prevention of wrongful convictions. The legislation requires TFID to submit study results to the Legislature by January 1, 2011. Study results are to include whether the Legislature should create a permanent innocence commission.

COURT REPORTERS CERTIFICATION BOARD

The Court Reporters Certification Board (CRCB) was created in 1977 and consists of 13 members appointed by the Supreme Court of Texas. The board's primary responsibilities are to license shorthand court reporters and to enforce the rules and regulations governing their activities. Since September 1, 2001, court reporting firms have been required to register with the board. The board is responsible for tracking registered court reporting firms, setting and collecting registration fees, and enforcing the rules and regulations governing these firms. All official court reporters must be certified by the Supreme Court of Texas. As of August 31, 2009, there were 2,632 active certified court reporters and 367 registered court reporting firms in Texas. Appropriations for the 2010–11 biennium total approximately \$0.3 million and provide for 3 full-time-equivalent positions. The board is funded solely by the collection of examination and license fees that are deposited into the General Revenue Fund. The Seventy-eighth Legislature, Regular Session, 2003, incorporated the CRCB appropriations into the OCA budget structure and directed OCA to provide administrative support to the CRCB in fulfilling its statutory responsibilities.

GUARDIANSHIP CERTIFICATION BOARD

The Guardianship Certification Board (GCB) is comprised of eleven members appointed by the Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the Governor. The Seventy-ninth Legislature, 2005, passed Senate Bill 6 which created the GCB to establish a certification process for individuals other than volunteers who act as private professional guardians or provide guardianship services to wards of the Texas Department of Aging and Disability Services or to wards of guardianship programs. The board is administratively attached to OCA. As of August 31, 2009, there were 324 guardians certified. The Eighty-first Legislature, 2009, continued funding of approximately \$79,000 per fiscal year for the 2010–11 biennium.

PROCESS SERVER REVIEW BOARD

The Process Server Review Board consists of nine members who are appointed by the Supreme Court of Texas for a three-year term. The Supreme Court approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure, effective July 1, 2005, governing statewide certification of process servers. The board works to improve the standards for persons authorized to serve process, and to reduce the disparity among Texas civil courts for approving persons to serve process, by making recommendations to the Supreme Court on the certification of individuals and the approval of courses. By direction of the court, the OCA provides administrative assistance to the board. As of August 31, 2009, there were 3,887 process servers certified.

OFFICE OF THE STATE PROSECUTING ATTORNEY

The Office of the State Prosecuting Attorney (OSPA) was created in 1923 and is charged with representing the state in all proceedings before the Court of Criminal Appeals. The State Prosecuting Attorney, appointed by the Court of Criminal Appeals, may also represent the state in criminal cases before the 14 Courts of Appeals or may assist a district or county attorney in representing the state before a court of appeals if the State Prosecuting Attorney considers it necessary for the interest of the state, or if asked by the local prosecutor to do so.

Given its statewide impact, the opinions and decisions of the Court of Criminal Appeals are thoroughly studied by the OSPA. In addition, the OSPA monitors all opinions issued by the 14 Courts of Appeals that reverse a criminal conviction or modify the trial court's judgment. The OSPA focuses on the effect an appellate opinion will have on the state's overall jurisprudence and becomes involved as necessary to advance the state's interests. The OSPA takes a statewide perspective on important issues arising in Texas criminal law and it functions as the primary source of guidance and assistance for many local prosecutors.

State funding for the OSPA in the 2010–11 biennium totals \$0.9 million from General Revenue Funds and \$34,450 per year through an interagency contract with the Judiciary Section, Comptroller's Department (J judiciary Section) for a multi-county office apportionment available to prosecutors throughout the state that serve multiple counties. The Eightieth Legislature, 2007, enacted Senate Bill 497, which links the State Prosecuting Attorney's salary to the Professional Prosecutors Act. Prior to the 2008–09 biennium, the State

Prosecuting Attorney's salary was not tied to that of other professional prosecutors and instead was set as an exempt position in the General Appropriations Act similar to other state agency directors. The State Prosecuting Attorney's salary is now linked with other professional prosecutors at \$125,000.

STATE LAW LIBRARY

The State Law Library was created in 1971 and is directed by statute to maintain a legal reference facility for use by the Supreme Court of Texas, the Court of Criminal Appeals, the Office of the Attorney General, other state agencies, and citizens. The library maintains approximately 124,000 volumes of primary and secondary source material on Texas law, information on Texas legal history, federal primary source materials, major law reviews, treatises and monographs on general law, and selected federal publications. It is authorized to provide an online, computer-based legal research service for state agencies on an interagency contract basis. The library serves as an active disseminator of information and an active participant in cooperative efforts with other libraries, governmental agencies, and state and national organizations. Appropriations for the 2010–11 biennium for the State Law Library total \$2.3 million. Of the appropriated amount, \$2.2 million, or 96 percent, is from General Revenue Funds.

STATE COMMISSION ON JUDICIAL CONDUCT

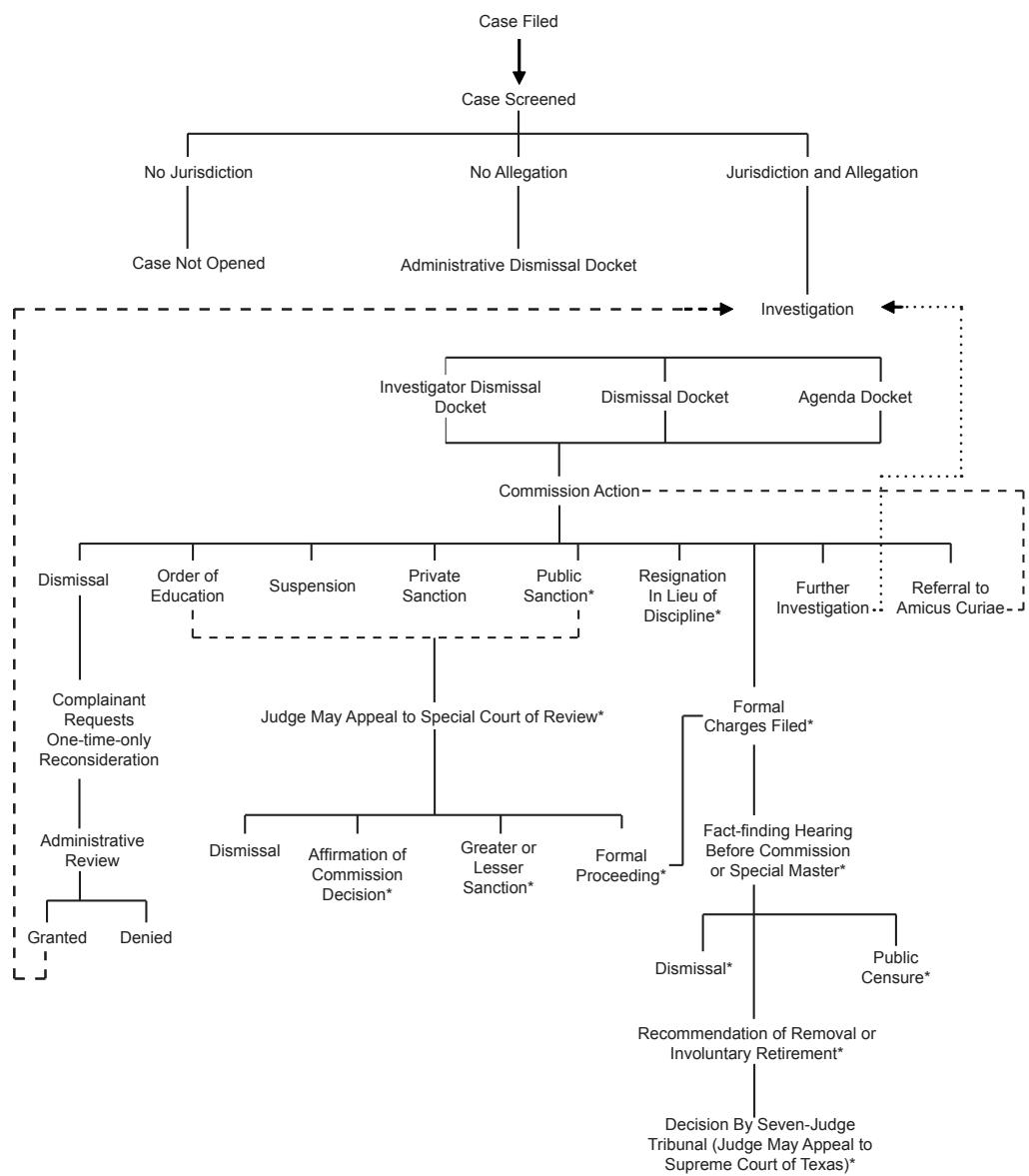
The State Commission on Judicial Conduct (SCJC) was created by constitutional amendment in 1965 and consists of 13 members appointed by the Supreme Court of Texas, the State Bar of Texas, and the Governor. The agency's constitutional mandate is to investigate, and when it finds judicial misconduct or judicial incapacity, to take appropriate action, including discipline, education, censure, or the filing of formal procedures that could result in removal from office. There are approximately 3,780 judges and judicial officers under the jurisdiction of the SCJC.

The agency is governed by the Texas Constitution, the Texas Government Code, and the Procedural Rules for the Removal or Retirement of Judges promulgated by the Supreme Court of Texas. After an investigation SCJC can dismiss the complaint, issue an order of additional education, suspension, private or public sanction, or the judge may resign in lieu of disciplinary action. Any of the above decisions may be appealed by the judge to a panel of three appellate judges, known as a special court of review, which will preside over a

trial de novo that is open to the public. Additionally, during informal proceedings SCJC may choose to initiate formal proceedings by filing formal charges against the judge. In the event of formal proceedings all filings and proceedings in the case become public. Following the notice of formal charges a fact-finding hearing is conducted either before the commission or a special master appointed by the Supreme Court of Texas. Following a public trial or formal hearing, the commission or special master will report findings of fact

to the Commission, which will then vote for dismissal or public censure, or recommend removal or involuntary retirement to the Supreme Court of Texas. The judge who receives a public censure can appeal this decision to a special court of review. A recommendation for removal or involuntary retirement is reviewed by a seven-judge tribunal whose ruling may then be appealed to the Supreme Court of Texas. (See **Figure 32** for a flow chart of the complaint process.)

FIGURE 32
COMMISSION ON JUDICIAL CONDUCT COMPLAINT PROCESS, FISCAL YEAR 2009



*Indicates Public Action, Not Confidential.

SOURCE: State Commission on Judicial Conduct.

The Eighty-first Legislature, 2009, enacted Senate Bill 1436 to allow judges that receive a censure from the SCJC to appeal their case to a special court of review. Appropriations for the 2010–11 biennium total \$2.0 million, and the agency is funded entirely with General Revenue Funds.

THE OFFICE OF CAPITAL WRITS

The Eighty-first Legislature, 2009, enacted Senate Bill 1091, which established a state Office of Capital Writs (OCW) to ensure quality legal representation for death row inmates appealing convictions. Appropriations for the 2010–11 Biennium total \$1 million in fiscal year 2011, and provide for 3.3 FTE positions for OCW. This appropriation includes the following funding:

- \$171,520 in additional General Revenue Funds; and
- the transfer of existing General Revenue Funds and General Revenue-Dedicated Funds for legal representation of criminal defendants, including death row appeals, from the following sources:
 - \$323,000 in General Revenue Funds appropriated to the Judiciary Section, Comptroller's Department for Death Penalty Representation (payments to private attorneys for appeals), and
 - \$548,914 in General Revenue-Dedicated Funds, appropriated out of the Fair Defense Account that would otherwise be used by the TFID for grants to provide criminal defense services in indigent defendants.

The legislation requires OCA to provide OCW with administrative support to maintain an appointments list of eligible criminal defense attorneys, and obligates the TFID to provide the OCW funding from the Fair Defense Account to cover any expenses not provided for by the General Appropriations Act.

JUDICIAL RETIREMENT SYSTEMS (JRS) I AND II

JRS I is a closed, pay-as-you-go retirement plan for state judges and justices who held office before September 1985. No trust fund exists for JRS I, and all benefits are paid by direct appropriations. The 2010–11 appropriations for JRS I total \$57.8 million.

To reduce the long-term liabilities associated with a pay-as-you-go retirement plan, this plan was replaced by the actuarially funded JRS II in 1985. State judges and justices

who took office after August 31, 1985 belong to this system. The state retirement contribution is 16.83 percent of salary for contributing members for each fiscal year. The member's or judge's contribution is 6 percent of salary. The 2010–11 appropriations for JRS II total \$22.5 million.

The retirement eligibility requirements for JRS I and JRS II are listed in **Figure 33**, along with the method for calculating the retirement benefit.

BASIC CIVIL LEGAL SERVICES FOR THE INDIGENT

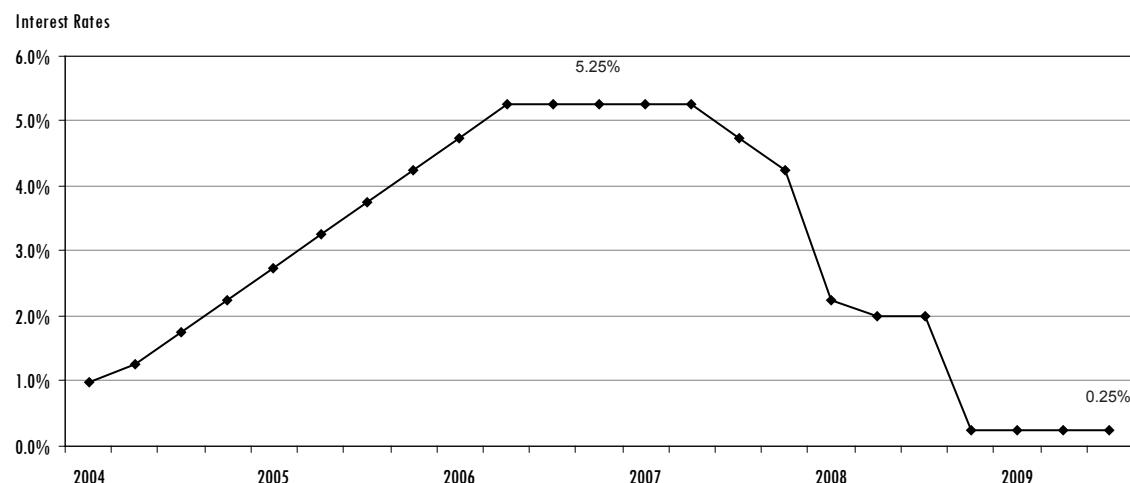
The Seventy-fifth Legislature, 1997, established a Basic Civil Legal Services (BCLS) Account in the Judicial Fund No. 573. The legislation, Senate Bill 1534, enacted increases in civil court filing fees to fund the account; and funds are in turn distributed to nonprofit organizations that provide basic civil legal services to the indigent. Based on the bill, 5 percent of revenue produced by the fees is retained by counties as payment for collecting and remitting fees to the Comptroller of Public Accounts. The Supreme Court established the criteria for eligibility for the fund and appointed the Texas Access to Justice Foundation (TAJF) in 1984 to administer the program. The Foundation receives 3.5 percent of funds received by the program as a service fee. Using all sources of funding, Texas legal aid organizations dispose of approximately 33,000 cases each year. To qualify for basic civil legal services aid, an individual cannot have an income of more than \$13,000 per year. However, certain victims of crime seeking civil legal services in relation to a specific injury may earn up to \$19,500 per year.

State BCLS funding is only one component of total funds available for indigent civil legal services in Texas. On behalf of the Supreme Court, TAJF manages both state BCLS grants and additional funding collected through the Texas Interest on Lawyers' Trust Accounts (IOLTA) program. The program generates revenue for legal aid by collecting interest earned on trust accounts. These accounts are comprised of retainers, filing and expert witness fees, deposits, settlements, or any receipts belonging to the client, rather than the attorney. Due to low interest rates, the Texas IOLTA program was forecasted to raise less revenue in the 2010–11 biennium than in past years. As shown in **Figure 34** the interest rate earned on lawyers' trust accounts reached a high of 5.25 percent in 2006, but began declining in 2007, reaching an historic low of 0.25 percent in December 2008. Interest rates in calendar year 2009 held steady at 0.25 percent. Rates continued to average 0.25 percent as of August 31, 2010.

FIGURE 33**JRS I AND JRS II RETIREMENT ELIGIBILITY REQUIREMENTS**

JUDICIAL RETIREMENT SYSTEM (JRS) I	JUDICIAL RETIREMENT SYSTEM (JRS) II
FULL BENEFIT	FULL BENEFIT
<ul style="list-style-type: none"> At age 65 with 10 years of service and currently holding a judicial office At age 65 with 12 years of service, whether or not currently holding a judicial office At any age with 20 years of service, whether or not currently holding a judicial office At any age with at least 12 years on an appellate court and the rule of 70 met (sum of age and years of service equals or exceeds 70), whether or not currently holding a judicial office 	<ul style="list-style-type: none"> At age 65 with 10 years of service and currently holding a judicial office At age 65 with 12 years of service, whether or not currently holding a judicial office At any age with 20 years of service, whether or not currently holding a judicial office At any age with at least 12 years on an appellate court and the rule of 70 met (sum of age and years of service equals or exceeds 70), whether or not currently holding a judicial office
REDUCED BENEFIT	REDUCED BENEFIT
<ul style="list-style-type: none"> Age 60 with 10 years of service and currently holding a judicial office Age 60 with 12 years of service, whether or not currently holding a judicial office 	<ul style="list-style-type: none"> Age 60 with 10 years of service and currently holding a judicial office Age 60 with 12 years of service, whether or not currently holding a judicial office
BENEFIT CALCULATION	BENEFIT CALCULATION
<ul style="list-style-type: none"> 50 percent of current state salary for judge of court of the same classification on which last served An additional 10 percent if retiree has not been out of office for more than one year at the time of retirement or retiree will accept assignment as a visiting judge Monthly retirement annuities are automatically adjusted each time judicial salaries change. 	<ul style="list-style-type: none"> 50 percent of the judge's final state salary An additional 10 percent if retiree has not been out of office for more than one year at the time of retirement or retiree will accept assignment as a visiting judge Monthly retirement annuities must be adjusted through legislation.

SOURCE: Legislative Budget Board.

FIGURE 34**TEXAS INTEREST ON LAWYERS TRUST ACCOUNTS (IOLTA) PROGRAM
TARGET INTEREST RATES, CALENDAR YEARS 2004 TO 2009**

NOTE: Interest rates are quarterly Federal Funds Target Rates, by rule the benchmark rate of return for lawyer trust accounts in Texas.

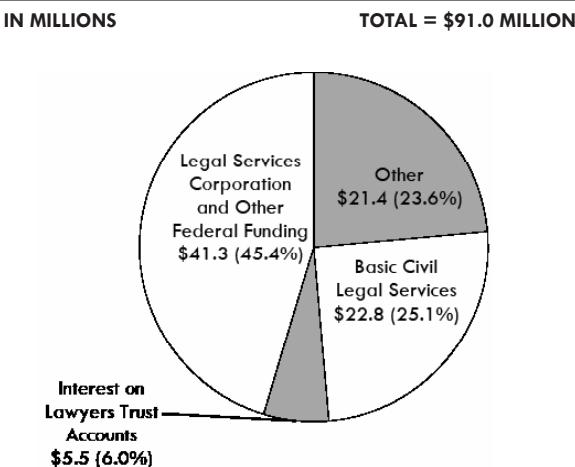
SOURCE: Texas Access to Justice Foundation.

Based on Supreme Court rules, these trust accounts may not earn less than the Federal Funds Target Interest Rate.

As a one-time funding measure to offset the anticipated revenue loss to the Texas IOLTA program, the Eighty-first Legislature, 2009, provided an additional \$20 million in General Revenue Funds, as well as \$2 million in General Revenue-Dedicated Sexual Assault Program Funds, contingent upon the outcome of litigation, above 2008–09 expenditure levels. The balance of the \$44.4 million in total appropriations for 2010–11 includes \$14.4 million from fees deposited into Judicial Fund No. 573 and \$5.0 million from an interagency contract with the Office of the Attorney General for a Crime Victims Civil Legal Services program. The interagency contract with the Office of the Attorney General represents funding from the Compensation to the Victims of Crime Fund No. 469, and is intended to provide civil legal services for indigent victims of crime or indigent immediate family of indigent victims of crime. Legal services include protective orders, housing and/or disability benefit claims. Revenue from all sources received by the TAJF in calendar year 2009 totaled \$91 million (see **Figure 35**).

The Eighty-first Legislature, 2009, enacted House Bill 3637 to raise additional revenue for basic civil legal services. The legislation increases filing fees for any civil action or proceeding from \$2 to \$6 in justice courts and from \$5 to \$10 in district, county, or small claims court. The fee increase is estimated to generate additional revenues for basic civil legal services of \$1 million in 2010 and by \$1.6 million each

FIGURE 35
CIVIL LEGAL SERVICES FOR LOW-INCOME TEXANS
ALL REVENUE SOURCES
CALENDAR YEAR 2009



SOURCE: Texas Access to Justice Foundation.

year thereafter. The court is appropriated all fee revenues collected for basic civil legal services (refer to Rider 2 in the court's bill pattern in the 2010–11 General Appropriations Act, Eighty-first Legislature, 2009).

JUDICIAL EDUCATION

The Court of Criminal Appeals supervises grant programs for judicial and court personnel training, which are funded primarily through the collection of court costs in criminal case convictions. The 2010–11 appropriations from the Judicial and Court Personnel Training Fund No. 540 total \$20.0 million for that purpose.

Regular grantees for the judicial and court personnel training program include the following organizations:

- The Texas Center for the Judiciary, providing training for judges and clerks serving in statutory county, district, and appellate courts;
- The Texas Association of Counties, providing training for judges and clerks serving in constitutional county courts, wherein the functions performed by the judge are at least 40 percent judicial functions;
- The Texas Municipal Courts Education Center, providing training for judges and clerks serving municipal courts;
- The Texas Justice Court Training Center, providing training for justices of the peace, clerks, and constables serving justice of the peace courts;
- The Texas District and County Attorneys Association, providing training for prosecutors, investigators, and other personnel representing the government in district and county level trial courts;
- The Texas Criminal Defense Lawyers Association, providing training for criminal defense attorneys regularly representing indigent defendants in criminal matters; and
- The Center for American and International Law, providing training for judges, prosecutors, and criminal defense attorneys.

During fiscal year 2009, grant expenditures totaled \$8.7 million and 15,521 persons attended training.

The Eightieth Legislature, 2007, enacted Senate Bill 496 authorizing the Court of Criminal Appeals to use more than 3 percent of its annual appropriation from the Judicial and

Court Personnel Training Fund No. 540 to administer judicial education programs if the legislature appropriates additional funding for that purpose. Senate Bill 496 also authorizes the use of funds from Judicial and Court Personnel Training Fund No. 540 for programs that provide law enforcement officers, law students, and other participants with actual innocence training.

COURT IMPROVEMENT PROJECTS AND CHILDREN'S JUSTICE GRANTS TO STATES

In November 2007 the Supreme Court established the Permanent Commission on Children, Youth, and Families. The Commission seeks to strengthen the courts for children, youth, and families in Texas' child-protection system. Courts play an important role in determining the future of children in the child-protection system because once law suits alleging abuse or neglect are filed, courts become the ultimate arbiter of what happens to these children.

The Commission oversees the administration and disbursement of federal funds awarded to the Supreme Court of Texas for the Court Improvement Program (CIP). CIP Grants are available to state court systems to conduct assessments of their foster care and adoption laws and judicial processes and to develop and implement plans for system improvement. Appropriations for CIP Projects in the 2010–11 Biennium totaled \$5.0 million. In fiscal year 2009, the Commission awarded grants to improve youth legal representation in the protective services and correctional systems, to address needs for youth leaving long-term foster care, case management improvements, judicial and attorney training, and a web-based interactive bench book for judges handling child protection cases.

In addition, federal Children's Justice Act (CJA) funds are awarded to the states on a formula basis. The Governor designated the nonprofit Texas Center for the Judiciary (TCJ) to administer the funds effective September 2005. Estimated funds for CJA projects in the 2010–11 Biennium total \$1.4 million. The TCJ reports it disbursed funds to projects including local Children's Advocacy Centers and Court Appointed Special Advocates programs. Because CJA funds are held outside the treasury by the TCJ, these amounts are not reflected in **Figure 31**.

WITNESS EXPENSES

The Code of Criminal Procedure, Articles 24.28 and 35.27 provides for the reimbursement of travel expenses for witnesses called in criminal proceedings who reside outside

of the county where the trial is held. The 2010–11 appropriations for witness expenses total \$2.6 million.

DEATH PENALTY REPRESENTATION

The Code of Criminal Procedure, Article 11.071 requires that the state provide compensation for counsel representing death row inmates. The 2010–11 appropriations for Death Penalty Representation total \$0.3 million.

INDIGENT INMATE DEFENSE

The Code of Criminal Procedure, Article 26.051(i) provides that the state reimburse a county for the defense of indigent inmates charged with an offense committed while in the custody of a correctional facility, if it is determined that representation by the Texas Department of Criminal Justice's State Counsel for Offenders would cause a conflict of interest. The 2010–11 appropriations for indigent inmate defense total \$0.1 million.

NATIONAL CENTER FOR STATE COURTS

The legislature appropriates funds to pay for the Texas judiciary's membership in this national organization. The 2010–11 appropriations for the membership total \$0.7 million.

JUROR PAY

Senate Bill 1704, Seventy-ninth Legislature, 2005, increased the minimum amount counties pay jurors from \$6 to \$40 per day after the first day of service. The bill created a new \$4 court cost upon conviction of any offense, other than an offense relating to a pedestrian or parking, to fund the increase in juror pay. Counties forward revenue collections to the Comptroller of Public Accounts, who uses collections to reimburse the counties for the higher juror pay costs on a quarterly basis. In the event unexpended balances in collections for juror pay exceed \$10 million, the Comptroller must deposit such excess amounts to the General Revenue-Dedicated Fair Defense Account No. 5073 for the Task Force on Indigent Defense to provide additional grants to counties for criminal defense services. Beginning in fiscal year 2009, the Comptroller began transferring an estimated \$6 to \$7 million per fiscal year from the Juror Pay sub-account within the General Revenue Fund to the General Revenue-Dedicated Fair Defense Account No. 5073. The 2010–11 appropriations for juror pay total \$21.6 million.

COUNCIL ON SEX OFFENDER TREATMENT

The Council on Sex Offender Treatment (CSOT) was created in 1983 and consists of seven members appointed by the Governor: three members of the public and four members registered as providers of sex offender treatment. The CSOT's primary responsibilities are to administer the civil commitment program of sexually violent predators referred by the Special Prosecution Unit (SPU) and to establish regulations and provide educational materials regarding the treatment of sex offenders.

The Eightieth Legislature, 2007, transferred funding for the treatment and supervision of sex offenders who have been civilly committed from the Department of State Health Services (DSHS) to the Judiciary Section, Comptroller's Department. Appropriations to the Judiciary Section for this purpose for the 2010–11 biennium total \$7.3 million in General Revenue Funds and provide for 14.5 full-time-equivalent positions. DSHS continues to provide direct services for persons under civil commitment as sex offenders through an interagency contract with the Judiciary Section.

According to the SPU, 172 individuals have been civilly committed since the program's inception in fiscal year 2000. However, as of August 2010, the CSOT reports that it provided services to a total of 102 persons under civil commitment, due to the high rate of recidivism for this population (see **Figure 36**).

Recidivism includes reincarceration for technical violations or other non sex-crimes. For additional information on the Civil Division of the SPU, refer to pages 27-28.

FIGURE 36
**NUMBER OF SEX OFFENDERS COMMITTED AND PROVIDED
TREATMENT AND SUPERVISION**

PERFORMANCE MEASURE	EXP 2008	EXP 2009	EXP 2010	BUD 2011
Number of New Civil Commitments	28	41	50	50
Number of Sex Offenders Provided Treatment and Supervision	51	71	102	138

SOURCES: Legislative Budget Board; Council on Sex Offender Treatment, Special Prosecution Unit.

COURT-GENERATED STATE REVENUE SOURCES

The courts collect state revenue from both civil cases filed and criminal cases disposed in the court system. The state's judicial system is comprised of appellate courts and local trial courts. Local trial courts include municipal courts, justice courts, small claims courts, county-level courts, and district courts, all with differing levels of jurisdiction. An estimated \$852.1 million will be collected during the 2010–11 biennium from criminal and civil court costs and fees (see **Figure 40**). Statewide, there are a greater number of criminal cases disposed than civil cases filed. Accordingly, most state revenue is collected at the trial-court level in the disposition of criminal cases (see **Figure 40**). The state uses revenue generated from criminal case dispositions for many purposes, with an estimated 17.3 percent of collections deposited to the General Revenue-Dedicated Compensation to the Victims of Crime Fund No. 469. The states' appellate courts do not collect additional court costs from criminal cases on appeal.

Revenue related to the filing of civil cases is collected mostly by county-level and district trial courts. A smaller amount for civil cases is collected by the 14 Courts of Appeals, which have regional jurisdiction over civil cases, and by the Supreme Court of Texas, which has final statewide jurisdiction. The state uses revenue from civil cases to fund a portion of judicial salaries, to provide salary supplements for county-level judges, and to fund programs providing basic civil legal services to the indigent.

APPELLATE COURT-GENERATED REVENUE

The Supreme Court and the courts of appeals charge different types of filing fees for civil cases on appeal.

The Supreme Court charges the following fees:

- | | |
|---|-------|
| (1) petition for review* | \$75 |
| (2) additional fee if petition for review is granted* | \$75 |
| (3) original proceeding | \$75 |
| (4) additional fee if original proceeding is granted* | \$75 |
| (5) direct appeals to the Supreme Court* | \$125 |
| (6) any other proceeding filed in the Supreme Court | \$100 |

- | | |
|---|------|
| (7) additional filing fee deposited to the Supreme Court Account in the Judicial Fund | \$50 |
|---|------|

(*Amounts include a Basic Civil Legal Services Fee of \$25.)

The Supreme Court clerk also collects a fee of \$10 for the issuance of an attorney's license or certificate affixed with a seal. The Court uses the fee for the preparation and issuance of the license or certificate, and for ceremonies to induct newly licensed attorneys. The Court reports amounts collected in fiscal year 2009 from civil fees, attorney license fees, and copies of court records was \$0.06 million.

The 14 Courts of Appeals charge the following fees for civil proceedings:

- | | |
|---|-------|
| (1) appeals to the court of appeals from the district and county courts | \$175 |
| (2) original proceeding | \$125 |
| (3) motion to file or to extend time to file record on appeal from district or county court | \$10 |
| (4) additional filing fee deposited to the Supreme Court Account in the Judicial Fund | \$50 |

The Supreme Court, the Court of Criminal Appeals and the 14 Courts of Appeals also assess fees for the publication or sale of copies of court records to publishers and the public. The courts are appropriated collection amounts under Article IX provisions regarding reimbursements, and report the amount collected from this source in fiscal year 2009 was \$0.2 million.

COURT-GENERATED STATE REVENUE

A variety of court costs and fees can be imposed by trial courts for criminal offenses and both trial and appellate courts in civil cases.

During the 2010–11 biennium, state criminal court costs and fees are expected to generate \$852.1 million in all funds revenue. This figure includes revenues from approximately 19 unique court costs and fees that are deposited to 18 different funds. **Figure 37** shows how fiscal year 2010 actual receipts are allocated among fund types.

FIGURE 37
COURT COST AND FEE REVENUE ALLOCATION BY FUND AND COURT COST OR FEE, FISCAL YEAR 2010

FUND	COST OR FEE BY TYPE	REVENUE CODE	REVENUE	PERCENT OF REVENUE
GENERAL REVENUE (0001)				
<i>Criminal Court Cost or Fee</i>				
	Consolidated Court Cost	n/a	\$17,408	0.0%
	Drug Court Program	3704	1,902,704	0.4%
	Failure to Appear	3793	11,352,202	2.6%
	Juror Reimbursement Fees	3704	18,014,422	4.2%
	Juvenile Probation Diversion	3704	126,790	0.0%
	Moving Violations	3704	97,301	0.0%
	Peace Officer Services	3706	1,309,510	0.3%
	Seat Belt/Child Safety	3704	1,082	0.0%
	State Traffic Fine (67%)	3710	64,698,147	15.0%
	Time Payment	3801	11,470,390	2.7%
<i>Civil Court Cost or Fee</i>				
	Non Disclosure Fee	3704	115,239	0.0%
Total, General Revenue			\$109,105,194	
GENERAL REVENUE-DEDICATED				
<i>Criminal Court Cost or Fee</i>				
Operator's and Chauffeur's License (0099)	Consolidated Court Cost	3704	\$22,137,457	5.1%
Comprehensive Rehabilitation (0107)	Consolidated Court Cost	3713	10,543,466	2.4%
Law Enforc. Officer Standards & Educ. (0116)	Consolidated Court Cost	3712	9,927,049	2.3%
Criminal Justice Planning (0421)	Consolidated Court Cost	3713	24,955,096	5.8%
Criminal Justice Planning (0421)	DNA Testing (65%)	3704	126,330	0.0%
Crime Victims' Compensation (0469)	Consolidated Court Cost	3713	74,673,606	17.3%
Crime Victims' Compensation (0469)	Restitution Installment Fee	3801	9,559	0.0%
Bill Blackwood LE Mgmt Institute (0581)	Consolidated Court Cost	3712	4,292,114	1.0%
Crime Stoppers Assistance (5012)	Consolidated Court Cost	3721	620,148	0.1%
Breath Alcohol Testing (5013)	Consolidated Court Cost	3704	1,094,756	0.3%
Fugitive Apprehension (5028)	Consolidated Court Cost	3704	23,821,678	5.5%
Center/Study of Juvenile Crime (5029)	Consolidated Court Cost	3704	2,369,885	0.5%
Fair Defense (5073)	Consolidated Court Cost	3713	15,612,722	3.6%
Fair Defense (5073)	Indigent Defense	3704	8,316,501	1.9%
Correctional Management Institute (5083)	Consolidated Court Cost	3704	2,356,393	0.5%
EMS, Trauma Facilities, Trauma Care (5108)	EMS Trauma	3704	4,006,396	0.9%
Trauma Facility & EMS (5111)	State Traffic Fine (33%)	3710	31,866,252	7.4%
Total, General Revenue-Dedicated Funds			\$236,729,407	

FIGURE 37 (CONTINUED)**COURT COST AND FEE REVENUE ALLOCATION BY FUND AND COURT COST OR FEE, FISCAL YEAR 2010**

FUND	COST OR FEE BY TYPE	REVENUE CODE	REVENUE	PERCENT OF REVENUE
OTHER				
<i>Criminal Court Cost or Fee</i>				
State Highway Fund (0006)	DNA Testing (35%)	3710	\$68,024	0.0%
Judicial & Court Personnel Training Fund (0540)	Consolidated Court Cost	3712	9,550,619	2.2%
Judicial Fund (0573)	Judicial Fund Fee	3704	2,707,574	0.6%
Judicial Fund (0573)	Judicial Support	3704	25,720,005	6.0%
<i>Civil Court Cost or Fee</i>				
Judicial Fund (0573)	District Court Filing Fee	3709	12,619,761	2.9%
Judicial Fund (0573)	Indigent Legal Services	3704	7,812,478	1.8%
Judicial Fund (0573)	Judicial Fund Fee	3704	7,863,922	1.8%
Judicial Fund (0573)	Judicial Support	3704	19,616,099	4.5%
Total, Other Funds			\$85,958,482	
GENERAL REVENUE				
GENERAL REVENUE—DEDICATED				
OTHER				
FEDERAL				
GRAND TOTAL, ALL FUNDS				
			\$431,793,084	100.0%

SOURCES: Legislative Budget Board; Comptroller of Public Accounts.

CRIMINAL OFFENSES

State revenue from trial level courts—municipal, justice, county, and district—includes a variety of court costs and fees charged to convicted offenders. **Figure 38** lists state court costs and fees and shows which court type can assess the fee or cost. (See Appendix D for more details.)

CIVIL FILING FEES

Most of the state revenue from civil cases is collected by county-level and district courts. **Figure 39** lists state court costs and fees and shows which court type can assess the cost or fee.

FIGURE 38
DESCRIPTION OF STATE COURT COSTS AND FEES CHARGED BY TRIAL COURTS

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST OR FEE			
			MUNICIPAL	JUSTICE	COUNTY	DISTRICT
Consolidated Court Cost	\$40 – Class C \$83 – Class A/B \$133 – Felony	Consolidates a group of previous court costs into one cost. State receives 90% of fee.	X	X	X	X
DNA Testing	\$34 – Community supervision \$50 – Misdemeanor \$250 – Felony	Applied to specific offenses. State receives 90% of court cost; 35% deposited to state highway system fund and 65% deposited to criminal justice planning fund.			X	X
Driving Record Fee	\$10	Optional fee for obtaining a copy of a defendant's driving record. State receives 100% of fee.	X	X	X	X

FIGURE 38 (CONTINUED)
DESCRIPTION OF STATE COURT COSTS AND FEES CHARGED BY TRIAL COURTS

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST OR FEE			
			MUNICIPAL	JUSTICE	COUNTY	DISTRICT
Drug Court Program Fee	\$60	To provide support for court-administered drug court programs. State receives 90% of fee when county does not have an established drug court program.			X	X
EMS Trauma Fund	\$100	Used for emergency medical services and trauma facilities. State receives 90% of court cost.			X	X
Failure to Pay/Appear/Satisfy Judgment Fee	\$30	State receives \$20 from fee.	X	X	X	X
Indigent Defense	\$2	To provide support for indigent defendants. State receives 90% of fee.	X	X	X	X
Judicial Support Fee	\$6	Provides court-related support. State receives 90% of fee.	X	X	X	X
Jury Reimbursement Fee	\$4	Reimburses cost for jurors. State receives 90% of fee.	X	X	X	X
Juvenile Probation Diversion Fund Court Cost	\$20	Charged per disposition hearing. State receives 90% of fee.			X	X
Moving Violation Fee	\$0.10	For moving violations; 90% of fee is remitted to the state for the Civil Justice Repository Fund.	X	X	X	
Peace Officer Services	\$5 – Arrest \$5 – Notice to Appear \$50 – Warrant	Payment for peace officer services; state receives 20% when performed by state personnel.	X	X	X	X
Restitution Installment Fee	\$12	Optional one-time fee charged when a defendant is required to make restitution in specified installments. State receives 50% of fee, which is deposited to the Crime Victims' Compensation Fund.	X	X	X	X
Securing a Child Passenger in a Motor Vehicle Fee	\$0.15	Court cost added for failing to secure a child passenger; 90% of fee is remitted to the state.	X	X		
State Traffic Fine	\$30	Designated for state trauma facilities and emergency care. State receives 95% of remitted fine.	X	X	X	X
Statutory County Courts Salary Supplement	\$15	State receives 100% to pay annual salary supplements to county-level judges.			X	
Texas Online Fee	\$2	Charged for using Texas Online to obtain a copy of a driving record electronically from Texas Online. State receives 100% of the fee.	X	X	X	X
Time Payment Fee	\$25	Paid when a defendant cannot pay costs in full within the 31st day after judgment. State receives 50% of fee.	X	X	X	X

NOTE: The state receives 90% of most fees because local jurisdictions are permitted to retain 10% of most state court costs and fees as a service fee if those fees are remitted in a timely manner to the Comptroller.

SOURCES: Legislative Budget Board; Comptroller of Public Accounts; Office of Court Administration.

FIGURE 39
DESCRIPTION OF STATE CIVIL FILING FEES CHARGED BY TRIAL COURTS

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST/FEE	
			COUNTY	DISTRICT
State Consolidated Fee	\$50 – Non Family Law Cases \$45 – Family Law Cases	100% of fee deposited to the state Judicial Fund for the support of the judiciary and to the Basic Civil Legal Services Account.	X	
Indigent Legal Services Fee	\$10 – Non Family Law Cases \$5 – Family Law Cases	State receives 95% of fee for programs providing basic civil legal services to an indigent.	X	
Judicial Support Fee	\$42	100% of fee deposited to the state Judicial Fund for judicial compensation.	X	X
Bureau of Vital Statistics Adoption Registry Fee	\$15 – Cases requesting adoption of a child	State receives 100% of fee to administer a central adoption file and registry.	X	X
Petition for Non-Disclosure Fee	\$28 – Cases requesting non-disclosure of criminal case history	State receives 100% of petition fee from persons placed on deferred adjudication community supervision, who subsequently receive a discharge and dismissal, and who then petition the court for an order of non-disclosure of criminal case proceedings.	X	X
County Level Court Salary Supplements	\$40	State receives 100% of fee to pay annual salary supplements to county-level judges.	X	
Appellate Judicial System Fees	\$5	Retained locally but used by counties within the appellate region of a court of appeals for the support of court operations. Ten of the 14 Courts of Appeals have local appellate judicial system funding.	X	X

SOURCE: Legislative Budget Board.

LEGISLATIVE CHANGES DURING THE EIGHTY-FIRST LEGISLATURE

The Eighty-first Legislature, 2009, enacted several bills that affect state revenue from criminal court costs civil filing fees:

- House Bill 666, under the Code of Criminal Procedure, Section 102.0178(a), increased a \$50 drug court fee to \$60 which is used to support drug court programs;
- House Bill 3389, which created a new \$0.10 fee under to the Code of Criminal Procedure, Section 102.022 for convictions of moving violations in a justice, county, or municipal court. These funds are to be remitted the Comptroller and deposited to the Civil Justice Repository Fund and used only by the Commission on Law Enforcement Standards and Education;
- House Bill 3637 amended Section 133.153(a) of the Local Government Code to increase the additional filing fee for civil legal services for the indigent in statutory and constitutional county courts from \$5

to \$10 and in justice of the peace courts from \$2 to \$6;

- Senate Bill 61, relating to the age of child passenger and child safety seats. Under Transportation Code Section 545.512, this bill adds a \$0.15 court cost upon conviction for failing to secure a child passenger; and
- Senate Bill 727, relating to the DNA database system, under the Code of Criminal Procedure Section 102.020, requires a \$34 fee if a person is placed on probation and is required to submit a DNA sample under Articles 42.12, Section 11(j) of the Code of Criminal Procedure or a juvenile required to submit DNA under the Family Code, Chapter 54. The bill also requires the child, parent or guardian to pay a \$50 fee for a juvenile court disposition if the disposition of the case involves a commitment to a Texas Youth Commission (TYC) facility.

Due to the changes implemented through these bills, there are additional revenues expected for the 2010–11 biennium.

With these changes, criminal and civil caseloads at the trial court level are expected to generate a total of \$852.1 million in revenue to the state, including revenues in the 2010–11 Biennial Revenue Estimate (BRE). **Figure 40** shows the allocation of the revenues, which is mostly generated from criminal cases.

Previously existing revenue estimates of \$847.0 million from the BRE have not been adjusted for actual 2010 receipts. The collected revenues for the items listed in **Figure 40** total \$431.8 million for fiscal year 2010.

FIGURE 40
**TOTAL PROJECTED STATE REVENUES FROM CRIMINAL CASES
2010–11 BIENNIAL**

REVENUE SOURCE	AMOUNT
Previously existing revenue (Estimated)	\$846,953,000
House Bill 666	457,000
House Bill 3389	412,873
House Bill 3637	2,594,547
Senate Bill 61	0
Senate Bill 727	1,728,000
Total Revenue, 2010–11	\$852,145,420

SOURCES: Legislative Budget Board; Comptroller of Public Accounts.

CASE EXAMPLES FOR CRIMINAL OFFENSES

To understand the total charges that may apply to a conviction, it is helpful to examine case examples. Detailed tables of state and local courts are provided in **Appendix D**.

To illustrate the impact of court costs and fees on offenders, six criminal offenses of different levels were analyzed to calculate the total amount of court costs and fees that can be imposed on an offender. **Figure 41** summarizes the total costs for each sample offense. Please note that these totals do not include the charges for fines, probation, restitution, or other court-ordered obligations. The case examples listed in **Figure 41** include both required state and local court costs plus some optional costs.

In each of these examples, additional amounts may be charged, depending on court policy. Additional explanation of the case examples mentioned above can be found in **Appendix E**.

FIGURE 41
CASE EXAMPLES SUMMARY

OFFENSE	OFFENSE LEVEL	TOTAL COST TO OFFENDER
Dog Leash Violation	Municipal Ordinance	\$57.00
Passing a Stopped School Bus	Class C Misdemeanor	\$159.10
Speeding Outside of a School Zone	Class C Misdemeanor	\$135.10
False Report to a Peace Officer	Class B Misdemeanor	\$208.00
Driving While Intoxicated, 2nd	Class A Misdemeanor	\$388.00
Indecent Exposure with a Child	Felony, 3rd Degree	\$672.00

SOURCES: Legislative Budget Board; Office of Court Administration.

OVERVIEW OF THE COLLECTION IMPROVEMENT PROGRAM

The Collection Improvement Program, administered by the Office of Court Administration (OCA), helps trial level courts design efficient collection programs.

In February 1993, Dallas County courts sought to address the problem of low collection rates on court costs, fees, and fines by creating a formalized court collection program. The OCA piloted this program model in 1996 by helping Brazoria County launch a collections program for its courts.

The state-run program helps local court jurisdictions improve collection processes for criminal court costs and fees. Since its inception, the OCA Collection Improvement Program has worked with many court jurisdictions to set up a formal collections process that includes providing up-front information to offenders about total payment costs. A detailed financial application is also included for those offenders who request a payment plan. The Collection Improvement Program has two major benefits: it encourages personal responsibility through compliance with court orders and it increases revenue for both local jurisdictions and the state. Most of the funds collected are retained locally. A portion of the amounts collected is remitted to the state to fund various programs, such as the Crime Victims' Compensation Program. By September 2005, OCA assisted with the development and implementation of voluntary collection programs in 50 counties and 17 cities. As of January 2011, all mandated county or city jurisdictions have implemented full or partial programs.

KEY ELEMENTS OF A COLLECTION IMPROVEMENT PROGRAM

As described by the Office of Court Administration, these are the ten key elements of the Collection Improvement Program:

- Staff or staff time is dedicated to collection activities.
- Expectation that all court costs, fees, and fines are generally due at the time of assessment (sentencing or judgment imposed date).
- Defendants unable to pay in full on the day of assessment are required to complete an application for extension of time to pay.
- Application information is verified and evaluated to establish an appropriate payment plan for the defendant.
- Payment terms are usually strict.
- Alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan.
- Defendants are closely monitored for compliance, and action is taken promptly for non-compliance.
- Telephone contact, letter notification, and possible issuance of an arrest warrant.
- Possible application of statutorily-permitted collection remedies, such as programs for non-renewal of driver's license or vehicle registration.
- A county or city may contract with a private attorney or a public or private vendor to provide collection services on delinquent cases (61+ days) after in-house collection efforts are exhausted.

OCA has two types of Collection Improvement Programs: municipal, which is one program that serves all municipal court judges, and county, which includes coverage of the three county court levels (district, county, and justice). Programs can be structured in four ways:

- a centralized collections office to serve all the district courts, county-level courts, and justice courts in the county;
- a court-level structure in which a separate collections office serves each level of court;

- a decentralized program where, for example, there is a separate program for the district courts, a separate program for the county-level courts, and a separate program for each justice court; or
- a bifurcated program in which the county and the Community Supervision and Corrections Department (CSCD) have separate collection programs. The CSCD will collect from those offenders placed on community supervision, while the appropriate county program will collect from those offenders not placed on community supervision.

OVERVIEW AND IMPLEMENTATION OF SENATE BILL 1863

During the Seventy-ninth Legislature, 2005, Senate Bill 1863, Article 10, expanded the scope of the Collection Improvement Program. This bill required mandatory participation in the Collection Improvement Program by Texas cities with a population of 100,000 or greater and counties with a population of 50,000 or greater. At the time Senate Bill 1863 became effective, OCA identified 78 Texas cities and counties that fit the population criteria for having a mandatory program.

Criminal courts at any level (municipal, county, district, and justice of the peace courts) may implement a collections program. For mandatory programs, each county and city is counted as only one program, even though in the case of counties, county, district, or justice courts may be involved. Voluntary programs may have multiple programs within a single county. In a handful of cases, several counties have separate juvenile court collections programs. As of January 2011, there are 136 active programs. Of these programs, 78 programs are mandated by Senate Bill 1863, Seventy-ninth Legislature, 2005 and 58 programs are voluntary.

As of January 2011, all 78 cities and counties subject to the mandate set by Senate Bill 1863 have implemented full or partial Collection Improvement Programs. Of these jurisdictions, 77 of them have fully implemented programs and one jurisdiction has a partially implemented program. A program classified as having partial implementation either has not yet implemented all of the components of the program or does not have at least 90 percent court participation. Harris County has been granted a waiver for partial implementation where the district courts and county courts have a program but the justice courts do not. A list of

jurisdictions meeting the criteria for a mandatory Collection Improvement Program is provided in **Figure 42**.

In addition to the 78 cities and counties provided in **Figure 42**, OCA anticipates that after the 2010 census is complete 16 additional cities and counties have the potential to meet the population criteria for operating a mandatory Collection Improvement Program. The ten possible cities that may qualify include: Denton, Killeen, Lewisville, McKinney, Midland, Odessa, Richardson, Round Rock, Sugarland and Tyler. The six possible counties that may qualify include: Hardin, Hood, Maverick, Rockwall, Van Zandt, and Wise. Official census data should be available by April 2011.

FIGURE 42
**SENATE BILL 1863 COLLECTION IMPROVEMENT
COMPLIANCE STATUS, JANUARY 2011**

IMPLEMENTED: CITIES

Abilene	Dallas	Lubbock
Amarillo	El Paso	McAllen
Arlington	Fort Worth	Mesquite
Austin	Garland	Pasadena
Beaumont	Grand Prairie	Plano
Brownsville	Houston	San Antonio
Carrollton	Irving	Waco
Corpus Christi	Laredo	Wichita Falls

IMPLEMENTED: COUNTIES

Anderson	Galveston	Nacogdoches
Angelina	Grayson	Nueces
Bastrop	Gregg	Orange
Bell	Guadalupe	Parker
Bexar	Harris*	Potter
Bowie	Harrison	Randall
Brazoria	Hays	San Patricio
Brazos	Henderson	Smith
Cameron	Hidalgo	Starr
Collin	Hunt	Tarrant
Comal	Jefferson	Taylor
Coryell	Johnson	Tom Green
Dallas	Kaufman	Travis
Denton	Liberty	Victoria
Ector	Lubbock	Walker
El Paso	McLennan	Webb
Ellis	Midland	Wichita
Fort Bend	Montgomery	Williamson

*Harris County was granted a waiver for partial implementation.
SOURCES: Legislative Budget Board; Office of Court Administration.

Senate Bill 1863 required both the OCA and the Comptroller of Public Accounts to have a role in the mandatory expansion of the Collection Improvement Program. The OCA continues with the assistance in program implementation and the Comptroller performs audits to check compliance.

As of January 2011, the Comptroller's office has completed 11 compliance audits for post program implementation. The cities of Abilene, Austin, Houston, Lubbock, and Waco and the counties of Liberty, Lubbock, Randall, and Tom Green have passed compliance audits. The city of Corpus Christi and Brazos County failed their initial audit but they have made adjustments and are expected to pass their reinstatement audits.

REVENUE FROM MANDATORY PROGRAMS

According to OCA and the CPA, from fiscal years 2006 to 2010 additional revenue generated by mandatory collection improvement programs generated \$85.2 million for the state and \$255.6 million for local governments. Preliminary estimates indicate that the state will collect \$36 million in revenue as part of these programs for the 2010–11 biennium. **Figure 43** provides a fiscal year view of revenue collections at the state and local levels.

FIGURE 43
**ESTIMATED ADDITIONAL REVENUE GENERATED
BY MANDATORY CIP**

FISCAL YEAR	STATE	LOCAL
2006	\$5,235,455	\$15,706,365
2007	21,150,486	63,451,458
2008	21,332,823	63,998,469
2009	19,834,715	59,504,147
2010	17,652,549	52,957,646
Total	\$85,206,028	\$255,618,085

SOURCES: Office of Court Administration, Comptroller of Public Accounts.

STATUS OF VOLUNTARY COLLECTION**IMPROVEMENT PROGRAMS**

OCA has focused its efforts on Senate Bill 1863 implementation since the start of fiscal year 2006. Due to the focus on mandatory programs during the last several fiscal years as well as staff turnover at the local level, the OCA states that some of the voluntary programs are not functioning as originally designed. As of January 2011, there are 58 active voluntary programs in operation, of which 18 are county programs and 40 are municipal programs. Since these programs do not require the same level of scrutiny as the mandated programs, it is possible that these programs may or may not include all of the key elements of a collection improvement program as outlined by OCA.

APPENDIX A

**DISTRICT COURT PERFORMANCE MEASURES
CLEARANCE RATE AND BACKLOG INDEX FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010
(COUNTIES LISTED IN ALPHABETICAL ORDER)**

COUNTY	2009 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Anderson	57,001	93.1%	2.1	118.4%	0.7	*
Andrews	14,057	107.3%	1.6	93.1%	0.8	*
Angelina	83,675	117.9%	2.5	107.2%	0.5	100.0%
Aransas	24,826	101.5%	1.1	110.8%	0.4	*
Archer	8,912	79.1%	1.3	83.0%	0.6	*
Armstrong	2,065	52.9%	13.6	183.3%	2.8	*
Atascosa	44,633	52.4%	3.2	77.4%	1.2	68.1%
Austin	27,248	147.8%	1.5	99.4%	2.1	*
Bailey	6,273	100.0%	0.6	97.0%	0.7	*
Bandera	20,560	103.0%	1.8	107.4%	1.5	*
Bastrop	74,876	83.2%	2.0	97.6%	1.1	*
Baylor	3,677	127.0%	0.7	228.6%	2.3	*
Bee	32,487	105.8%	1.2	82.2%	1.1	70.7%
Bell	285,787	104.4%	1.0	63.1%	0.7	*
Bexar	1,651,448	99.4%	0.9	99.6%	0.8	82.5%
Blanco	9,198	110.3%	0.9	95.0%	1.1	50.0%
Borden	595	133.3%	22.3	400.0%	2.8	*
Bosque	17,631	90.3%	0.6	88.5%	0.3	250.0%
Bowie	93,964	104.2%	1.0	102.2%	1.2	*
Brazoria	309,208	91.5%	0.9	96.1%	0.8	*
Brazos	179,992	94.5%	0.7	92.5%	1.1	63.7%
Brewster	9,481	67.0%	3.2	31.6%	4.1	*
Briscoe	1,428	69.0%	2.2	20.0%	1.8	*
Brooks	7,377	67.5%	2.4	55.0%	5.0	*
Brown	38,088	94.6%	1.2	95.7%	0.8	*
Burleson	16,570	72.0%	2.3	105.0%	2.3	*
Burnet	45,149	94.2%	1.2	109.2%	1.0	130.0%
Caldwell	37,810	60.4%	2.6	96.7%	1.1	91.8%
Calhoun	20,573	76.7%	1.9	100.5%	1.2	*
Callahan	13,426	106.0%	1.6	109.2%	1.0	*
Cameron	396,371	94.1%	0.7	108.7%	1.1	88.4%
Camp	12,793	119.5%	6.5	58.9%	12.1	166.7%
Carson	6,110	36.6%	1.1	138.2%	0.3	*
Cass	29,203	83.0%	1.3	84.3%	1.2	100.0%
Castro	7,130	104.2%	1.0	94.8%	0.5	*
Chambers	31,431	79.9%	1.5	109.7%	1.5	*

COUNTY	2009 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Cherokee	48,473	75.7%	6.0	117.0%	1.8	81.5%
Childress	7,548	113.6%	1.9	115.5%	1.5	*
Clay	10,893	72.1%	0.8	103.2%	0.6	233.3%
Cochran	2,927	109.7%	2.1	69.6%	2.3	*
Coke	3,311	146.9%	0.9	75.0%	0.4	50.0%
Coleman	8,480	92.0%	1.3	105.4%	1.4	*
Collin	791,631	88.6%	0.7	91.5%	1.0	115.4%
Collingsworth	3,058	115.7%	2.2	115.8%	1.5	*
Colorado	20,650	64.2%	2.4	110.5%	0.9	*
Comal	114,525	86.0%	2.6	109.9%	0.5	109.9%
Comanche	13,559	87.2%	0.6	110.2%	0.4	*
Concho	3,579	183.3%	1.7	103.4%	1.4	100.0%
Cooke	38,650	97.5%	1.5	104.5%	1.2	*
Coryell	72,529	108.4%	0.7	97.7%	0.5	*
Cottle	1,566	31.7%	5.9	90.0%	2.1	*
Crane	4,165	83.1%	5.1	116.1%	4.0	*
Crockett	3,740	106.6%	2.2	84.1%	0.9	*
Crosby	6,109	112.8%	1.0	122.9%	1.0	1,100.0%
Culberson	2,300	96.5%	1.8	206.7%	3.2	*
Dallam	6,293	80.1%	0.8	76.6%	0.8	*
Dallas	2,451,730	78.2%	1.4	96.6%	0.7	97.3%
Dawson	13,657	113.9%	1.8	76.8%	0.8	92.0%
De Witt	19,713	93.5%	1.4	88.6%	0.6	*
Deaf Smith	18,353	97.7%	0.9	105.4%	0.9	*
Delta	5,410	138.3%	1.0	148.2%	1.0	*
Denton	658,616	95.8%	0.8	96.2%	1.0	*
Dickens	2,439	44.2%	18.4	89.7%	2.3	*
Dimmit	9,772	104.0%	2.8	71.3%	2.4	300.0%
Donley	3,664	80.3%	2.1	113.2%	2.0	*
Duval	12,010	94.6%	3.6	117.9%	1.7	100.0%
Eastland	18,167	100.9%	2.7	103.0%	0.6	114.3%
Ector	134,625	112.1%	1.2	85.4%	0.7	*
Edwards	1,863	*	*	50.0%	2.6	*
EI Paso	751,296	97.9%	1.5	96.6%	3.1	93.0%
Ellis	151,737	133.8%	1.4	114.9%	1.8	*
Erath	36,184	92.9%	1.3	98.7%	0.3	*
Falls	16,782	75.5%	4.5	62.2%	1.8	23.8%
Fannin	32,999	111.7%	1.5	104.2%	1.0	107.7%
Fayette	22,891	136.5%	2.5	79.8%	1.6	185.7%
Fisher	3,866	127.3%	3.6	137.9%	0.6	*

COUNTY	2009 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Floyd	6,474	120.5%	1.0	109.4%	0.9	100.0%
Foard	1,334	8.0%	114.5	81.8%	4.1	*
Fort Bend	556,870	87.6%	1.2	103.5%	1.2	*
Franklin	10,841	125.3%	1.2	130.1%	0.8	133.3%
Freestone	19,390	88.4%	3.1	138.8%	1.0	7.7%
Frio	16,156	89.1%	1.7	97.8%	2.2	111.1%
Gaines	15,382	132.0%	1.1	114.1%	1.1	70.6%
Galveston	286,814	83.3%	1.8	103.3%	0.5	105.6%
Garza	4,659	85.2%	1.0	77.6%	0.8	*
Gillespie	24,180	131.4%	1.6	88.6%	1.5	*
Glasscock	1,221	225.0%	1.2	266.7%	0.8	*
Goliad	7,033	36.7%	7.0	128.2%	1.0	*
Gonzales	19,610	84.5%	2.1	107.0%	2.2	110.0%
Gray	22,074	89.4%	1.3	96.8%	2.1	96.5%
Grayson	120,030	68.7%	2.3	95.3%	0.5	142.2%
Gregg	119,637	99.0%	1.2	82.5%	0.8	99.0%
Grimes	26,011	158.1%	1.0	75.9%	1.1	*
Guadalupe	121,432	101.6%	1.0	99.6%	1.2	99.3%
Hale	35,408	80.5%	0.9	87.0%	0.6	96.9%
Hall	3,327	245.8%	1.8	63.0%	4.2	*
Hamilton	8,043	87.4%	0.9	83.1%	0.6	*
Hansford	5,406	86.1%	4.5	111.1%	3.3	100.0%
Hardeman	3,874	66.3%	8.9	81.4%	6.1	*
Hardin	53,424	97.4%	1.4	129.2%	1.2	84.3%
Harris	4,070,989	99.3%	0.9	100.8%	0.8	103.2%
Harrison	64,795	99.9%	0.9	89.6%	0.8	*
Hartley	4,968	73.7%	1.0	87.1%	1.1	*
Haskell	5,002	85.6%	0.7	92.3%	0.5	150.0%
Hays	155,545	88.8%	2.0	96.8%	1.4	*
Hemphill	3,463	64.9%	3.0	78.0%	0.8	*
Henderson	78,921	87.4%	1.0	91.9%	0.5	90.6%
Hidalgo	741,152	51.6%	5.8	95.5%	0.6	116.8%
Hill	35,840	108.6%	1.6	110.6%	0.8	104.5%
Hockley	22,272	111.6%	1.3	100.0%	1.1	*
Hood	51,462	92.5%	0.7	106.3%	0.6	110.0%
Hopkins	34,581	104.3%	1.4	114.7%	0.9	159.1%
Houston	22,363	77.3%	2.0	143.3%	1.0	*
Howard	32,940	127.1%	0.8	111.7%	1.0	*
Hudspeth	3,115	*	*	*	*	*
Hunt	82,831	102.9%	0.7	96.8%	0.7	*

COUNTY	2009 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Hutchinson	21,538	75.3%	2.0	98.0%	0.9	94.7%
Irion	1,741	58.1%	0.7	82.6%	0.1	*
Jack	8,497	68.8%	4.0	68.5%	0.7	*
Jackson	14,274	93.3%	1.2	96.6%	1.7	*
Jasper	34,370	118.9%	1.2	89.3%	2.2	*
Jeff Davis	2,258	196.8%	1.6	9.1%	15.0	*
Jefferson	243,237	102.9%	0.9	101.9%	0.7	107.3%
Jim Hogg	4,997	99.1%	1.9	107.1%	1.2	*
Jim Wells	41,001	113.9%	1.5	91.0%	1.3	*
Johnson	156,997	99.9%	1.0	105.8%	0.8	*
Jones	18,961	103.5%	1.7	108.1%	1.2	*
Karnes	15,029	117.4%	1.4	138.9%	0.1	*
Kaufman	103,038	117.7%	0.6	115.4%	0.7	*
Kendall	34,053	79.6%	1.4	92.7%	1.2	*
Kenedy	369	52.4%	2.3	50.0%	2.1	*
Kent	703	118.8%	5.1	*	2.2	*
Kerr	48,381	92.8%	0.9	87.3%	0.7	*
Kimble	4,539	71.0%	1.4	120.6%	1.0	100.0%
King	286	14.3%	10.0	62.5%	0.4	*
Kinney	3,274	53.2%	3.2	161.1%	2.2	*
Kleberg	30,647	93.7%	0.6	100.4%	1.0	*
Knox	3,322	19.7%	7.4	121.4%	3.5	*
La Salle	5,810	87.9%	4.1	306.8%	1.6	*
Lamar	48,965	94.5%	0.8	103.8%	0.5	166.7%
Lamb	13,162	75.5%	3.2	87.8%	1.3	*
Lampasas	20,915	96.1%	1.3	115.0%	1.0	100.0%
Lavaca	18,539	101.7%	1.0	108.1%	0.7	66.7%
Lee	16,231	103.4%	3.1	88.9%	1.0	79.3%
Leon	16,923	101.2%	1.1	95.7%	0.5	50.0%
Liberty	75,779	106.1%	2.4	109.8%	1.2	*
Limestone	22,287	80.5%	2.1	117.2%	0.6	82.6%
Lipscomb	3,094	97.3%	1.2	93.8%	0.7	100.0%
Live Oak	11,046	45.9%	1.9	114.3%	3.1	62.5%
Llano	18,274	91.6%	0.9	97.5%	1.1	142.9%
Loving	45	87.5%	2.0	*		*
Lubbock	270,550	97.9%	0.8	99.4%	0.9	171.2%
Lynn	5,674	136.6%	0.6	95.8%	0.4	60.0%
Madison	13,333	93.0%	1.2	128.6%	0.9	*
Marion	10,306	73.5%	3.8	89.4%	0.8	84.6%
Martin	4,581	220.5%	1.2	81.6%	2.0	*

COUNTY	2009 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Mason	3,965	94.7%	0.8	135.7%	0.9	*
Matagorda	36,978	115.2%	1.9	100.0%	0.8	152.8%
Maverick	53,203	94.5%	2.4	81.5%	2.0	150.0%
McCulloch	7,980	95.3%	0.8	94.0%	0.7	100.0%
McLennan	233,378	87.1%	1.4	104.0%	0.6	96.9%
McMullen	810	141.4%	1.1	100.0%	0.4	*
Medina	44,728	84.1%	0.9	79.5%	0.8	*
Menard	2,127	40.0%	4.9	69.2%	2.6	140.0%
Midland	132,316	97.9%	0.9	104.1%	0.7	100.0%
Milam	24,628	86.3%	1.4	91.9%	0.7	107.0%
Mills	4,994	117.9%	1.1	94.7%	0.8	*
Mitchell	9,347	92.0%	1.9	89.9%	0.8	*
Montague	19,568	116.4%	1.3	117.7%	0.6	44.4%
Montgomery	447,718	113.6%	0.8	118.8%	0.8	*
Moore	20,736	77.3%	1.1	106.2%	1.0	101.1%
Morris	12,635	120.0%	1.2	107.0%	1.2	100.0%
Motley	1,282	*	1.2	166.7%	1.4	*
Nacogdoches	64,117	92.5%	1.1	107.2%	1.0	87.7%
Navarro	49,440	102.1%	1.0	108.1%	0.8	83.1%
Newton	13,667	77.8%	12.2	44.2%	15.0	*
Nolan	14,917	66.9%	2.5	98.5%	1.1	*
Nueces	323,046	102.5%	0.6	108.0%	0.4	101.9%
Ochiltree	9,791	83.3%	1.2	117.5%	0.9	*
Oldham	2,118	98.1%	2.9	105.3%	1.6	*
Orange	81,816	105.6%	1.5	109.1%	1.4	*
Palo Pinto	27,567	114.9%	0.8	107.8%	0.6	*
Panola	23,310	99.5%	2.7	119.2%	2.4	*
Parker	114,919	100.2%	0.9	100.8%	0.6	93.1%
Parmer	9,290	103.8%	0.5	102.8%	0.5	*
Pecos	16,248	135.9%	2.8	96.8%	1.3	*
Polk	46,530	72.7%	3.1	110.6%	0.9	100.0%
Potter	121,816	80.1%	1.3	106.6%	0.8	*
Presidio	7,470	153.3%	3.4	154.5%	4.6	*
Rains	11,287	115.8%	0.9	124.7%	0.6	150.0%
Randall	116,483	103.3%	0.7	111.7%	0.4	*
Reagan	3,014	152.1%	1.2	105.6%	0.9	*
Real	2,925	59.3%	2.3	126.2%	1.2	*
Red River	12,765	128.3%	1.0	96.8%	1.1	84.6%
Reeves	11,046	117.8%	0.5	93.3%	0.6	*
Refugio	7,225	105.3%	2.7	112.8%	1.4	*

COUNTY	2009 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Roberts	878	103.6%	1.4	200.0%	2.0	*
Robertson	15,706	103.5%	1.0	111.6%	0.6	104.4%
Rockwall	81,391	100.4%	0.6	92.6%	0.9	116.2%
Runnels	10,170	102.8%	0.8	79.5%	0.5	300.0%
Rusk	49,180	107.9%	1.6	98.7%	1.0	*
Sabine	10,208	95.6%	1.6	94.2%	2.8	100.0%
San Augustine	8,574	72.1%	7.2	90.4%	2.2	*
San Jacinto	24,902	96.4%	1.8	104.4%	1.0	85.7%
San Patricio	68,223	89.0%	2.0	113.0%	0.9	*
San Saba	5,871	153.3%	1.7	116.1%	1.3	*
Schleicher	2,731	104.1%	0.8	100.0%	2.0	*
Scurry	16,222	72.9%	1.9	93.4%	0.9	100.0%
Shackelford	3,047	108.8%	2.3	112.5%	1.1	*
Shelby	26,812	96.0%	1.2	83.4%	1.3	63.6%
Sherman	2,913	*	*	*		*
Smith	204,665	95.9%	0.6	114.4%	0.6	*
Somervell	8,031	70.5%	0.8	145.6%	1.0	*
Starr	62,671	73.7%	3.0	100.7%	2.7	*
Stephens	9,632	98.9%	1.1	89.0%	3.0	83.3%
Sterling	1,259	125.0%	1.0	56.5%	1.5	*
Stonewall	1,354	176.0%	3.4	112.5%	0.8	*
Sutton	4,273	120.2%	1.3	102.6%	1.3	*
Swisher	7,424	84.0%	1.2	114.6%	1.3	*
Tarrant	1,789,900	99.3%	0.7	102.7%	0.5	107.1%
Taylor	127,683	96.8%	0.9	93.2%	0.6	126.5%
Terrell	969	82.6%	1.2	75.0%	8.0	100.0%
Terry	12,142	93.8%	0.8	82.9%	0.9	125.0%
Throckmorton	1,593	69.0%	2.8	42.9%	2.3	*
Titus	30,206	101.8%	1.8	101.4%	1.5	100.0%
Tom Green	108,378	77.2%	1.0	105.3%	0.5	209.3%
Travis	1,026,158	100.0%	1.4	105.1%	1.7	108.3%
Trinity	13,897	86.0%	4.5	79.8%	0.9	83.3%
Tyler	20,556	107.4%	1.4	106.4%	0.9	60.0%
Upshur	38,057	92.2%	1.0	104.4%	0.6	31.8%
Upton	3,130	111.8%	1.7	117.2%	1.6	*
Uvalde	26,811	84.4%	1.1	93.5%	0.8	*
Val Verde	48,165	80.6%	1.5	86.1%	2.3	*
Van Zandt	52,005	103.2%	1.8	80.7%	1.3	*
Victoria	87,790	94.5%	0.8	104.5%	0.5	*

COUNTY	2009 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Walker	64,119	101.9%	2.1	80.4%	1.2	*
Waller	36,530	140.9%	1.7	134.2%	1.3	*
Ward	10,528	108.2%	0.4	107.8%	0.4	*
Washington	32,893	102.7%	1.0	97.7%	1.5	*
Webb	241,438	80.4%	0.9	104.6%	1.6	*
Wharton	41,000	95.2%	2.1	90.0%	0.7	112.3%
Wheeler	4,888	113.4%	1.1	158.6%	1.1	*
Wichita	127,616	87.4%	1.4	83.6%	0.6	69.0%
Wilbarger	13,541	98.4%	1.6	86.4%	0.4	100.0%
Willacy	20,395	140.8%	0.5	108.8%	1.1	73.8%
Williamson	410,686	79.3%	1.1	102.2%	0.3	94.9%
Wilson	40,749	87.9%	1.5	107.7%	0.9	84.6%
Winkler	6,772	102.7%	4.5	80.1%	0.8	*
Wise	59,415	87.3%	1.5	86.9%	0.7	103.3%
Wood	43,136	100.3%	0.6	110.1%	0.7	52.2%
Yoakum	7,698	102.6%	0.7	139.3%	1.1	*
Young	17,792	85.7%	1.4	85.8%	1.1	*
Zapata	14,036	87.0%	1.6	104.7%	2.2	140.0%
Zavala	11,585	*	*	*		*
TOTALS		94.5%	1.2	100.0%	0.9	101.3%

*No data reported.

APPENDIX A

APPENDIX B

FREQUENTLY ASKED QUESTIONS

Q: How does Texas fund the state and local judiciary?

A: The Eighty-first Legislature, 2009, appropriated \$671.8 million to the Judiciary in the 2010–11 biennium. This amount represents less than 0.5 percent of all state appropriations. Most of the money used to operate the courts within Texas' Judiciary is provided by the counties or cities, with a lesser amount of funds provided by the state.

The state provides full funding for the operations of the Supreme Court, Court of Criminal Appeals, and the state agencies of the Judicial Branch. The state provides an appropriation for the operation of the 14 Courts of Appeals. State appropriations provide the entire salaries for the justices of the Supreme Court as well as the judges on the Court of Criminal Appeals. The State of Texas also provides a basic salary for the justices of the Courts of Appeals and the District Court judges. Local governments are allowed under state statute to supplement the salaries of District Court judges.

Texas' 254 counties provide funding for the daily operations of the district courts, and provide funding including the salaries of the judges for all of the state's Constitutional County Courts, County Courts at Law, and the Justice of the Peace Courts. Many counties also provide supplemental pay to the judges of the Courts of Appeals and the District Courts that reside in the county. City governments provide all of the funding for the operation of the Municipal Courts.

Q: What are the funding sources?

A: The state of Texas funds its judicial operations primarily through General Revenue Fund. Of the total \$671.8 million appropriated to the Judiciary in 2010–11, \$437.8 million (65.2 percent) is General Revenue Funds. Other Funds totaling \$167.5 million make up the next largest portion at 24.9 percent. General Revenue–Dedicated Funds total \$61.5 million or 9.1 percent. Total appropriations for the Judiciary also include \$5.0 million in Federal Funds for the state Court Improvement Program, which funds court programs and pilot projects dealing with child protective services justice issues.

The major fund dedicated by statute for judicial purposes is Judicial Fund No. 573. The Judicial Fund receives one-half of judicial fees collected by the 14 Courts of Appeals and 100

percent of judicial filing fees collected by the Supreme Court under Revenue Code 3711 and filing fees collected by district courts classified under Revenue Code 3709. Money in the fund can be used only for: court-related purposes; support of the judicial branch of the state; child support and court management as provided by §21.007, Government Code; and, basic civil legal services to the indigent as provided by §51.943, Government Code.

One of the major judicial funds is Judicial and Court Personnel Training Fund No. 540. The purpose of the fund is to receive court costs on conviction of certain sections of the Penal Code. Defendants convicted of a felony pay \$133, defendants convicted of a Class A or B misdemeanor pay \$83 and defendants convicted of a non-jailable misdemeanor pay \$40. This account receives 4.8362 percent of the total collections from these court costs. Also 50 percent of the fees collected by the clerks of the courts of appeals under Government Code 51.207 are deposited here. Funds are used to provide continuing legal education to judges and court personnel. The account is accumulative, except that the end of each fiscal year, any unexpended balance in the fund in excess of \$500,000 may be transferred to the General Revenue Fund.

Another major account is the General Revenue–Dedicated Fair Defense Account No. 5073. This is an account in the General Revenue Fund that receives court costs from defendants convicted under certain sections of the Penal Code. Defendants convicted of a felony pay \$133, defendants convicted of a Class A or B misdemeanor pay \$83 and defendants convicted of a non-jailable misdemeanor pay \$40. This account receives 6.0143 percent of the total collections from these court costs. The account is used by the Task Force on Indigent Defense which sets standards and awards grants to counties for criminal defense services for indigents.

Felony Prosecutor Supplement Fund No. 303 is an account established in the Treasury to receive two-thirds of the \$15 cost paid by each surety posting a bail bond, and is not to exceed \$30 for all bonds posted by an individual. It is used to fund longevity supplements for eligible assistant prosecutors. The remaining one-third is deposited into the Fair Defense Account. The account is accumulative, except that at the end of each fiscal year, any unexpended balance in the fund in

excess of \$1.5 million may be transferred to the General Revenue Fund.

Q: How does the state fund drug courts?

A: The Eightieth Legislature, 2007, enacted House Bill 530, which funnels appropriations for drug courts through Trusteed Programs within the Office of the Governor and are then distributed as grants to counties. The Governor's Office was appropriated \$929,000 in fiscal year 2008 and \$2.3 million in fiscal year 2009 relating to the operation and funding of drug court programs.

Q: When was the most recent judicial pay raise?

A: The last judicial pay raise was authorized by House Bill 11, Second-Called Session, Seventy-ninth Legislature, 2005, and provided 23 percent to 33 percent pay raises for judges and professional prosecutors. House Bill 11 increased salaries for judges in the state's appellate, district, and certain constitutional county courts effective December 1, 2005 (fiscal year 2006). Visiting judges' salaries were also increased as their pay is a percentage of the salary paid to active appellate and district court judges. House Bill 11 also provided salary increases for professional prosecutors and district attorneys as well as an increase in the county attorney supplement. In addition, House Bill 11 significantly increased the pay for most statutory county court judges. Many statutes (e.g., Government Code §25.1862 applying to Parker County) dealing with statutory county court judges in certain counties tie the salary of the statutory county court judge to the salary of the district judge in the county. So when the district judge's salary increases, the statutory county court judge's salary follows. The counties, not the state, must fund this increase.

The last judicial pay raise prior to House Bill 11 was enacted by rider in the General Appropriations Act for the 1998–99 Biennium (see Article IV, Special Provisions, Sec. 8, Judicial Salaries). This was a two-fold increase, with the first increase, the equivalent of a 6 percent increase, occurring in fiscal year 1998 (an effective date of September 1, 1997); and a second increase in fiscal year 1999 (an effective date of September 1, 1998), which provided for an overall increase above the 1997 judicial salary levels of 10 percent. The percentage increase for the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals, at 5 percent in fiscal year 1998 and an overall increase of 9 percent above 1997 levels as of September 1, 1998, was slightly less than the amounts provided to appellate and district court judges and prosecutors. Another judicial pay raise was attempted, but

failed to be enacted in the General Appropriations Act for the 2002–03 Biennium.

Q: How was the most recent judicial pay raise funded?

A: To fund the increase in judicial compensation, House Bill 11 created two new fees: a \$4 criminal conviction court cost and a \$37 civil filing fee. The \$37 civil filing fee applies to civil fees filed in district and county-level courts. The \$4 court cost for convictions and deferred adjudications in district, county-level, justice of the peace, and municipal court criminal cases include traffic-related offenses but excludes cases for pedestrian or parking related offenses. The Comptroller of Public Accounts collects \$3.40 of each court cost and the remaining \$0.60 is deposited to the general fund of each municipal or county treasury to be used for local court purposes. Both the \$4 criminal conviction court cost and the \$37 civil filing fee are projected to generate \$62.9 million in revenue for the 2008–09 biennium.

Q: How does the state fund Veteran's Courts?

A: The state does not fund Veteran's Courts. In order to meet the growing population of veterans in Texas, the Eightieth Legislature, Regular Session, 2007, enacted Senate Bill 1940 which established the Fund for the Veteran's Assistance Fund (VAF). The VAF is a special dedicated fund in the state treasury outside the General Revenue Fund and administered by the Texas Veterans Commission. The VAF is comprised of gifts and grants contributed and transferred at the direction of the legislature, and earnings of the fund. The fund may be used to enhance or improve veterans' assistance programs and to make grants to local communities. Current law does not permit the VAF to operate as a non-profit organization, thus it is not eligible to receive private donations.

APPENDIX C

GLOSSARY

Actual Innocence Projects – The first Texas-based Innocence Project was founded in 2000 at The University of Houston Law Center. The state of Texas funds four law school innocence projects at the University of Houston, the University of Texas at Austin, Texas Tech University, and Texas Southern University. Through the Office of Court Administration and the Task Force on Indigent Defense, each of these projects is eligible for up to \$100,000 per year in funding. Innocence projects have been formed to identify and assist people who have been convicted of crimes they did not commit. Innocence Projects typically involve law students working under the supervision of professors or attorneys in the community. Where investigations reveal potentially provable cases of actual innocence, the students then work with attorneys to pursue remedies for the inmate through the courts or clemency procedures. Thus far, 32 individuals have been exonerated by DNA testing, and several more have had their wrongful convictions overturned on other grounds.

Administrative Judicial Region – To aid in the administration of justice, the state's trial courts are divided into nine administrative judicial regions (§74.042, Government Code). The presiding judge of each region is designated by the Governor. The duties of a presiding judge include: promulgating and implementing regional rules of administration; advising local judges on judicial management; recommending administrative improvements to the Supreme Court; acting for local administrative judges in their absence; assigning visiting judges; and convening an annual conference of district and statutory county court judges in the region to adopt regional rules of administration.

Appellate Judicial System – This is a funding mechanism whereby appellate courts are provided dedicated county funding for appellate operating expenses. The revenue source for these funds is a \$5 fee for civil cases filed in county, statutory county, probate, or district courts located in the appellate court's jurisdiction. At present, two of the fourteen appellate courts—the Eighth Court of Appeals in El Paso, and the Tenth Court of Appeals in Waco—are not authorized to be appellate judicial systems.

Civil filing fees – a fee charged for the filing of a civil lawsuit and for the filing of certain other documents in the case.

Collection Improvement Program – The Office of Court Administration's Collection Improvement Program is a formalized court collections program that helps improve the collections of court costs, fees, and fines. The state run Collection Improvement Program focuses on helping local court jurisdictions improve their collection rate for criminal court costs and fees.

Conviction – a judgment of guilt against a criminal defendant.

Court Costs – Court costs are fees charged to convicted offenders for court administration. Where court costs differ specifically from court fines is that they are monetary charges that are not for specific instances, but reimbursement costs to the court for its general administration of the case. Defendants convicted of a felony pay a \$133 court cost, while those convicted of a Class A or B Misdemeanor must pay \$83.

Court fine – Court fines are monetary fines that are assessed against individuals upon conviction for a specific offense.

Deferred Adjudication – This is a special type of community supervision (probation) whereby the defendant enters a plea of guilty but the judge defers the actual finding of guilt against the defendant. Accordingly, the defendant is not convicted of the crime for which they were charged. The defendant will be placed on community supervision for a period of time and, if he or she complies with all conditions, at the conclusion of the period the charge will be dismissed. If the defendant fails to comply with all conditions, a hearing is held, and if the court determines that the defendant did indeed violate a condition of their community supervision, the judge may proceed to find the defendant guilty based on the plea. The judge may also sentence the defendant to an amount of jail time within the full range of punishment for the offense.

Law Clerk/Briefing Attorney – Law clerks or briefing attorneys are typically new law school graduates. They usually work for one year as an employee of an appellate court and are assigned to a specific judge or justice to brief cases and assist in operations of the court.

Metropolitan Courts – A rider in the Supreme Court’s bill pattern, Seventy-sixth Legislature, General Appropriations Act, 2000–01 Biennium, provided \$990,000 in each year of the 2000–01 biennium to be used for the purpose of Metropolitan Court Backlog Reduction. The rider applied to the First, Fifth, and Fourteenth Courts of Appeals. These three courts compose the Dallas court and the two Houston-area courts of appeals and are considered the state’s metropolitan courts.

pro se – A term for one who represents themselves in court.

Writ of Habeas Corpus – A writ ordering a prisoner to be brought before a judge so that the court may determine if the person is being lawfully detained.

Writ of Mandamus – An extraordinary writ commanding an official to perform a ministerial act that the law recognizes as an absolute duty and not a matter for the official’s discretion.

APPENDIX D: COURT COSTS AND FEES

**FIGURE D1
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS, AS APPLICABLE**

OFFENSE/DESCRIPTION	INDIGENT DEFENSE FUND	STATE CONSOLIDATED COURT COST	STATE JURY REIMBURSEMENT FEE	STATE JUDICIAL SUPPORT FEE	STATE TRAFFIC FINE	STATE EMS FUND	STATE TRAUMA FUND	STATE DNA TESTING	DRUG COURT PROGRAM FEE	COURT COSTS AND FEES	MUNICIPAL TRAFFIC FUND	MUNICIPAL CHILD SAFETY	MUNICIPAL COURT FEES	TOTAL MUNICIPAL FEES	TOTAL COURT FEES	TOTAL MUNICIPAL COSTS AND FEES
Municipal Ordinance: Parking authorized by Transportation Code §§542.202 – §§542.203 (Powers of Local Authorities and Limitation on Local Authorities)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Note 1	Note 1	Note 1
Municipal Ordinance: All Other Municipal Offenses (except Pedestrian, for which no court costs/fees are imposed)	\$2.00	\$40.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	N/A	\$52.00	N/A	N/A	N/A	N/A	N/A	\$52.00
Class C Misdemeanor: Education Code §25.093, Parent Contributing to Nonattendance and §25.094, Failure to Attend School	\$2.00	\$40.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	N/A	\$52.00	N/A	N/A	\$20.00	\$20.00	\$20.00	\$72.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian in a School Zone	N/A	N/A	N/A	N/A	\$30.00	N/A	N/A	N/A	\$30.00	\$3.00	N/A	\$30.00	\$3.00	\$25.00	\$28.00	\$58.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian outside a School Zone	N/A	N/A	N/A	N/A	\$30.00	N/A	N/A	N/A	N/A	\$3.00	N/A	\$3.00	N/A	\$3.00	\$3.00	\$33.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – §545.066, Passing a School Bus [Amounts shown reflect Class C Misdemeanor, although this offense can be a Class A if serious bodily injury occurs, or a State Jail Felony if this is a subsequent offense.]	\$2.00	\$40.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	N/A	\$82.00	\$3.00	\$25.00	\$28.00	\$28.00	\$110.00	

FIGURE D1 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS, AS APPLICABLE

OFFENSE/DESCRIPTION	INDIGENT DEFENSE FUND	STATE CONSOLIDATED COURT COST	STATE JURY REIMBURSEMENT FEE	STATE JUDICIAL SUPPORT FEE	STATE TRAFFIC FINE	STATE EMS TRAUMA FUND	STATE DNA TESTING	DRUG COURT PROGRAM FEE	TOTAL STATE COURT FEES	MUNICIPAL TRAFFIC FUND	MUNICIPAL CHILD SAFETY FEE	TOTAL MUNICIPAL COURT FEES	TOTAL COURT COSTS AND FEES
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (In a School Crossing Zone)	\$2.00	\$40.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$82.00	\$3.00	\$25.00	\$28.00	\$110.00
Class C Misdemeanor: Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (Outside a School Crossing Zone)	\$2.00	\$40.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$82.00	\$3.00	N/A	\$3.00	\$85.00
Class C Misdemeanors: All Other Offenses (except handicapped parking violations, for which no costs or fees are applicable)	\$2.00	\$40.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$52.00	N/A	N/A	N/A	\$52.00
Class A or B Misdemeanors: Transportation Code, Title 7, Subtitle C (Rules of the Road) – (In a School Crossing Zone)	\$2.00	\$83.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$125.00	\$3.00	\$25.00	\$28.00	\$153.00
Class A or B Misdemeanors: Transportation Code, Title 7, Subtitle C (Rules of the Road) – (Outside a School Crossing Zone)	\$2.00	\$83.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$125.00	\$3.00	N/A	N/A	\$128.00
Class A or B Misdemeanors: Most Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$2.00	\$83.00	\$4.00	\$6.00	N/A	\$100.00	N/A	*\$60.00	\$255.00	N/A	N/A	N/A	\$255.00
Class A or B Misdemeanors: Health and Safety Code, Chapter 481 Offenses (Controlled Substance Offenses)	\$2.00	\$83.00	\$4.00	\$6.00	N/A	N/A	N/A	*\$60.00	\$155.00	N/A	N/A	N/A	\$155.00
Class A or B Misdemeanors: Penal Code, DNA Testing Offenses	\$2.00	\$83.00	\$4.00	\$6.00	N/A	N/A	N/A	\$50.00	\$145.00	N/A	N/A	N/A	\$145.00
Class A or B Misdemeanors: All Other Offenses	\$2.00	\$83.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	\$95.00	N/A	N/A	N/A	\$95.00
Felonies: Transportation Code, Title 7, Subtitle C (Rules of the Road) – (In a School Crossing Zone)	\$2.00	\$133.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$175.00	\$3.00	\$25.00	\$28.00	\$203.00

FIGURE D1 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS, AS APPLICABLE

OFFENSE/DESCRIPTION	INDIGENT DEFENSE FUND	STATE CONSIDERATION COST	STATE JURY REIMBURSEMENT FEE	STATE SUPPORT FEE	STATE TRAFFIC FINE	STATE EMS FUND	STATE TRAUMA FUND	STATE DNA TESTING	DRUG COURT PROGRAM FEE	TOTAL STATE COURT FEES	MUNICIPAL TRAFFIC FUND	MUNICIPAL CHILD SAFETY	MUNICIPAL CHILD SAFETY FEES	TOTAL MUNICIPAL COURT COSTS AND FEES
Felonies: Transportation Code, Title 7, Subtitle C (Rules of the Road) – (Outside a School Crossing Zone)	\$2.00	\$133.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	N/A	\$175.00	\$3.00	N/A	\$3.00	\$178.00
Felonies: Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$2.00	\$133.00	\$4.00	\$6.00	N/A	\$100.00	N/A	\$60.00	\$295.00	N/A	N/A	N/A	N/A	\$295.00
Felonies: Health and Safety Code, Chapter 481 Offenses (Controlled Substance Offenses)	\$2.00	\$133.00	\$4.00	\$6.00	N/A	N/A	N/A	\$60.00	\$195.00	N/A	N/A	N/A	N/A	\$195.00
Felonies: Penal Code, DNA Testing Offenses	\$2.00	\$133.00	\$4.00	\$6.00	N/A	N/A	\$250.00	N/A	\$395.00	N/A	N/A	N/A	N/A	\$395.00
Felonies: All Other Offenses	\$2.00	\$133.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	\$145.00	N/A	N/A	N/A	N/A	\$145.00

*Applies to Class B or higher misdemeanor.

Note 1: Up to \$5.00 court cost for cities with population < 850,000 that have adopted appropriate ordinance, regulation, or order (optional). From \$2.00 to \$5.00 court cost for cities with population > 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).

SOURCES: Comptroller of Public Accounts; Office of Court Administration.

FIGURE D2
OTHER CRIMINAL COURT COSTS AND FEES IMPOSED (AS APPLICABLE) BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
Arrest Fee: For issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law, or for making an arrest without a warrant. When service is performed by a peace officer employed by the state, 20 percent (\$1.00) is sent to the state.	\$1.00	\$4.00	\$5.00
Warrant Fee: For executing or processing an issued arrest warrant or capias. When service is performed by a peace officer employed by the state, 20 percent (\$10.00) is sent to the state.	\$10.00	\$40.00	\$50.00
Service of a Summons: For a defendant or child's parents	N/A	\$35.00	\$35.00
Summoning a Jury	N/A	\$5.00	\$5.00
Summoning a Witness: Fee for serving a subpoena.	N/A	\$5.00	\$5.00
Other Costs Related to Services of Peace Officers under Code of Criminal Procedure, Art. 102.011: Actual for overtime paid for time spent testifying in the trial of a case or traveling to and from testifying in the trial of a case. (Costs for services other than the preceding listed services vary from \$5.00 to \$10.00 and in some cases include mileage reimbursements.)	Varies	Varies	Varies

FIGURE D2 (CONTINUED)
OTHER CRIMINAL COURT COSTS AND FEES IMPOSED (AS APPLICABLE) BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
Failure to Appear Fee: If a city or county has contracted with the Department of Public Safety (DPS) to provide information necessary for the department to deny renewal of driver's licenses, a fee is charged for (a) each complaint or citation reported to DPS under Transportation Code, Chapter 706, unless the person is acquitted of the charges for which the person failed to appear or (b) failing to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the courts order. The fee is due when (1) the court enters the judgment on the underlying offense reported to the department; (2) the underlying offense is dismissed; or (3) bond or other security is provided.	\$20.00	\$4.00	*\$30.00
Driving Record Fee: Optional fee imposed for obtaining a copy of the defendant's driving record from the Texas Department of Public Safety.	\$10.00	N/A	\$10.00
Texas Online Fee: Optional fee imposed for obtaining a copy of the defendant's driving record electronically via Texas Online.	\$2.00	N/A	\$2.00
Time Payment Fee: Imposed on a person who pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution. One-half (\$12.50) is sent to the state.	\$12.50	\$12.50	\$25.00
Restitution Installment Fee: Imposed when the court requires a defendant to make restitution in specified installments under Code of Criminal Procedure, Article 42.037(g)(1). The state portion goes into the Compensation to Victims of Crime Fund.	\$6.00	\$6.00	\$12.00
Juvenile Case Manager Court Cost: Imposed if governing body has passed required ordinance. Not to exceed \$5.00. (Municipal, Justice, or County Courts only)	N/A	\$5.00	\$5.00
Expungement Fee: Charged for each application filed to expunge the record of an offense (except traffic) involving a minor.	N/A	\$30.00	\$30.00
Moving Violation Fee: Imposed on a conviction of a moving violation in municipal, justice and county courts.	\$0.10	N/A	\$0.10

*DPS contracts with OmniBase for services related to the Failure to Appear program; \$6.00 of the total cost is distributed to OmniBase.
 SOURCES: Comptroller of Public Accounts; Office of Court Administration.

FIGURE D3
OTHER CRIMINAL COURT COSTS AND FEES IMPOSED (AS APPLICABLE) BY MUNICIPAL AND JUSTICE COURTS

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
Jury Fee: Imposed per conviction in a justice or municipal court when conviction is by a jury or when a defendant requests a jury trial and withdraws the request within less than 24 hours of the time of the trial.	N/A	\$3.00	\$3.00
Municipal Court Building Security Fee: Imposed if governing body has passed required ordinance.	N/A	\$3.00	\$3.00
Municipal and Justice Court Technology Fee: Imposed for conviction of a misdemeanor offense if governing body has passed required ordinance. Not to exceed \$4.00.	N/A	\$4.00	\$4.00
Justice Court Security Fee: Misdemeanors in justice court.	N/A	\$4.00	\$4.00
Justice Court Technology Fee: Imposed by justice courts for conviction of a misdemeanor offense. Not to exceed \$4.00.	N/A	\$4.00	\$4.00
Administrative Fees: Imposed for dismissing certain charges under the Transportation Code and under the Parks and Wildlife Code. (Some not to exceed \$10.00; some not to exceed \$20.00; some not to exceed the amount of the maximum fine that could be imposed.)	N/A	Varies	Varies
Teen Court Fee: Optional fee to cover the cost of the teen court program. Fee not to exceed \$10.00, except may be up to \$20.00 in courts in the Texas-Louisiana border region.	N/A	\$10.00	\$10.00

FIGURE D3 (CONTINUED)
OTHER CRIMINAL COURT COSTS AND FEES IMPOSED (AS APPLICABLE) BY MUNICIPAL AND JUSTICE COURTS

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
Teen Court Administrative Fee: Optional fee to cover the costs of administering a teen court program (Art. 45.05, Code of Criminal Procedure). Fee not to exceed \$10.00, except may be up to \$20.00 in courts in the Texas-Louisiana border region.	N/A	\$10.00	\$10.00
Special Expense Warrant Fee: Not to exceed \$25.00 per warrant, imposed for failure to appear or violation of promise to appear if the governing body has passed the required ordinance. Also imposed at the conclusion of a deferral period upon dismissal of the charge.	N/A	25	25
Securing a Child Passenger in a Motor Vehicle Fee: Imposed upon conviction of failing to secure a child passenger.	\$0.15	N/A	\$0.15

SOURCES: Comptroller of Public Accounts; Office of Court Administration.

FIGURE D4
OTHER CRIMINAL COURTS COSTS AND FEES IMPOSED BY COUNTY AND DISTRICT COURTS, AS APPLICABLE (COSTS AND FEES ARE COLLECTED BY APPLICABLE COURT CLERK AND PAID TO/RETAINED LOCALLY BY MUNICIPALITY OR COUNTY, AS APPROPRIATE OR AS OTHERWISE NOTED.)

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
Clerk's Fee	N/A	\$40.00	\$40.00
Records Management and Preservation Fee	N/A	\$25.00	\$25.00
Courthouse Security Fee: Misdemeanors in Municipal Court, County Court at Law, or District Court	N/A	\$3.00	\$3.00
Courthouse Security Fee: Misdemeanors in Justice Court	N/A	\$4.00	\$4.00
Courthouse Security Fee: Felonies	N/A	\$5.00	\$5.00
Fee for Services of Prosecutors: Misdemeanors and Gambling Offenses	N/A	\$25.00	\$25.00
Judicial Fund Court Cost: Court cost on conviction of any criminal offense in statutory county courts and constitutional county courts only, including cases in which probation or deferred adjudication is granted. However, convictions arising under any law that regulates pedestrians or the parking of motor vehicles are not included.	\$15.00	N/A	\$15.00
Juvenile Delinquency Prevention and Graffiti Eradication Fee	N/A	\$50.00	\$50.00
Juvenile Probation Diversion Fund Court Cost: Imposed if a disposition hearing is held; collected only if the child, parent, or other person responsible for the child's support is financially able to pay it.	\$18.00	\$2.00	\$20.00
Breath Alcohol Testing Court Cost	N/A	\$22.50	\$22.50
Visual Recording Fee	N/A	\$15.00	\$15.00
Cost of Evaluation Court Cost: Actual cost of evaluation	N/A	Varies	Varies
Transaction Administrative Fee: Transactions related to collection of fines, fees, restitution, or other court costs. May be collected by court clerk, county attorney, sheriff, constable, justice of the peace, or community supervision and corrections department.	N/A	\$2.00	\$2.00
Jury Fee: Imposed per conviction when conviction is by a jury in a county or district court.	N/A	\$20.00	\$20.00
Appealed Cases Deferred Special Expense	N/A	Not to Exceed Assessed Fine	Not to Exceed Assessed Fine
County Child Abuse Prevention Court Cost	N/A	\$100.00	\$100.00

SOURCES: Comptroller of Public Accounts; Office of Court Administration.

APPENDIX E: COURT COSTS AND FEES—CASE EXAMPLES

The case examples below provide a summary of the state and local court costs charged to a convicted person for each offense listed. These examples include a mixture of offense types, offense classes, and court types.

None of the costs and fees listed in these examples includes fines imposed for the offense, restitution amounts, or monthly probation or parole fees paid by the person convicted of the example offenses.

These examples reflect any revenue sharing between state and local for a given court cost when specified in statute and these instances are described in the text of each example. For example, localities are permitted to retain 50 percent of the \$25 time payment fee under the Local Government Code, Section 133.103.

These examples also reflect any of the service fee permitted for most state court costs and fees if a local jurisdiction remits fees in a timely manner to the comptroller. For many state court costs and fees the local jurisdictions are allowed to retain 10 percent of collected state court cost and fee revenues if those collections are remitted in a timely manner. The 10 percent service fee retention is described in multiple sections of code including the Local Government Code, Section 133.058; the Code of Criminal Procedure, Article 102.020(f); and the Code of Criminal Procedure, Article 102.022(f). For the state traffic fine, localities are permitted to keep five percent of the fee if remitted in a timely manner, as outlined in the Transportation Code, Section 545.4031(f). For the purposes of the case examples, it is assumed that a locality will remit the state fees in a timely manner and therefore be permitted to retain any allowable service fee.

EXAMPLE 1 MUNICIPAL ORDINANCE VIOLATION— DOG LEASH LAW MUNICIPAL COURT

The total court costs and fees for violating an ordinance requiring dog owners to keep their pets on a leash would be \$57, which does not include any fine amounts charged. In addition to the state fees, it is assumed that a \$5 arrest fee for the services of a peace officer issuing a written notice to appear in court or for making an arrest without a warrant is charged. Of the total court costs and fees, \$46.80 would be remitted to the state and \$10.20 would be retained locally.

The Local Government Code, Section 133.105 specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally and that local government may not retain any additional percentage as a service fee.

FIGURE E1
**SAMPLE COURT COSTS AND FEES FOR MUNICIPAL PET
LEASH ORDINANCE**
MUNICIPAL COURT

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Jury Reimbursement Fee	4.00
Consolidated Court Cost	40.00
Indigent Defense Fund	2.00
<i>State Fees - Subtotal</i>	<i>51.40</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(4.60)</i>
<i>Final State Fees Received by Comptroller</i>	<i>46.80</i>
Local	
Judicial Support Fee	0.60
Arrest Fee	5.00
<i>Local Fees - Subtotal</i>	<i>5.60</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>4.60</i>
<i>Final Local Fees</i>	<i>10.20</i>
Total Court Costs and Fees	\$57.00

SOURCES: Legislative Budget Board, Office of Court Administration.

EXAMPLE 2 CLASS C MISDEMEANOR PASSING A STOPPED SCHOOL BUS MUNICIPAL COURT

A person who passes a school bus that is stopped and is displaying a visual signal for picking up or dropping off children commits a Class C Misdemeanor. The total court costs and fees imposed would be \$159.10. For this example, it is assumed that the offender does not pay his or her court costs and fines until after the 31st day on which the judgment is imposed, and the court is required to impose a time payment fee of \$25. Of the total court costs and fees, \$99.89

would be remitted to the state and \$59.21 would be retained locally. The Local Government Code, Section 133.105 specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally and that local government may not retain any additional percentage as a service fee. The Local

FIGURE E2
**SAMPLE COURT COSTS AND FEES PASSING A STOPPED
 SCHOOL BUS**
MUNICIPAL COURT

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Jury Reimbursement Fee	4.00
Consolidated Court Cost	40.00
Indigent Defense Fund	2.00
State Traffic Fine	30.00
Moving Violation Fee	0.10
Driving Record and Texas Online Fees	12.00
Time Payment Fee	12.50
<i>State Fees - Subtotal</i>	<u>106.00</u>
<i>Minus Service Fee Retained by Local Government</i>	<u>(6.11)</u>
<i>Final State Fees Received by Comptroller</i>	<u>99.89</u>
Local	
Judicial Support Fee	0.60
Time Payment Fee	12.50
Arrest Fee	5.00
Child Safety Fund Fee	25.00
Local Traffic Fee	3.00
Municipal Court Building Security Fee	3.00
Municipal Court Technology Fund	4.00
<i>Local Fees - Subtotal</i>	<u>53.10</u>
<i>Plus Service Fee Retained by Local Government</i>	<u>6.11</u>
<i>Final Local Fees</i>	<u>59.21</u>
Total Court Costs and Fees	\$159.10

SOURCES: Legislative Budget Board, Office of Court Administration.

Government Code, Section 133.103(b) permits the local government to retain 50 percent of the time payment fee.

EXAMPLE 3
CLASS C MISDEMEANOR
SPEEDING OUTSIDE OF A SCHOOL ZONE
JUSTICE COURT

A person who speeds outside of a school zone commits a Class C Misdemeanor. The total court costs and fees that would be imposed in this example is \$135.10, of which \$98.99 is remitted to the state and \$35.21 is retained locally. An allowable fee applied in this example includes the time payment fee of \$25. The Local Government Code, Section 133.105 specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally and that local government may not

FIGURE E3
**SAMPLE COURT COSTS AND FEES FOR SPEEDING OUTSIDE
 OF A SCHOOL ZONE**
JUSTICE COURT

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Jury Reimbursement Fee	4.00
Consolidated Court Cost	40.00
Indigent Defense Fund	2.00
State Traffic Fine	30.00
Moving Violation Fee	0.10
Driving Record and Texas Online Fees	12.00
Time Payment Fee	12.50
<i>State Fees - Subtotal</i>	<u>106.00</u>
<i>Minus Service Fee Retained by Local Government</i>	<u>(6.11)</u>
<i>Final State Fees Received by Comptroller</i>	<u>99.89</u>
Local	
Judicial Support Fee	0.60
Time Payment Fee	12.50
Arrest Fee	5.00
Justice Court Building Security Fee	4.00
Justice Court Technology Fund	4.00
Local Traffic Fee	3.00
<i>Local Fees - Subtotal</i>	<u>29.10</u>
<i>Plus Service Fee Retained by Local Government</i>	<u>6.11</u>
<i>Final Local Fees</i>	<u>35.21</u>
Total Court Costs and Fees	\$135.10

SOURCES: Legislative Budget Board, Office of Court Adminsitration.

retain any additional percentage as a service fee. The Local Government Code, Section 133.103(b) permits the local government to retain 50 percent of the time payment fee.

EXAMPLE 4

CLASS B MISDEMEANOR

FALSE REPORT TO A PEACE OFFICER OR LAW

ENFORCEMENT EMPLOYEE

COUNTY COURT AT LAW

A person commits a Class B Misdemeanor if he or she makes a False Report to a Peace Officer or Law Enforcement Employee. The total amount of court costs and fees that would be imposed in this example is \$208, of which \$100.50 is remitted to the state and \$107.50 is retained locally. This example includes a \$5 fee for services of a peace officer for issuing a written notice to appear in court or for making an

FIGURE E4

SAMPLE COURT COSTS AND FEES FOR FALSE REPORT TO PEACE OFFICER COUNTY COURT AT LAW

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Jury Reimbursement Fee	4.00
Consolidated Court Cost	83.00
Indigent Defense Fund	2.00
Judicial Fund Court Cost - County Courts	15.00
<i>State Fees - Subtotal</i>	<i>109.40</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(8.90)</i>
<i>Final State Fees Received by Comptroller</i>	<i>100.50</i>
Local	
Judicial Support Fee	0.60
Arrest Fee	5.00
Clerk Fee	40.00
Records Management and Preservation Fee	25.00
Prosecutors' Services Fee	25.00
Courthouse Security Fund	3.00
<i>Local Fees - Subtotal</i>	<i>98.60</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>8.90</i>
<i>Final Local Fees</i>	<i>107.50</i>
Total Court Costs and Fees	\$208.00

SOURCES: Legislative Budget Board, Office of Court Administration.

arrest without a warrant. The Local Government Code, Section 133.105 specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally and that local government may not retain any additional percentage as a service fee.

EXAMPLE 5

CLASS A MISDEMEANOR

SECOND DRIVING WHILE INTOXICATED (DWI) OFFENSE

COUNTY COURT AT LAW IN A COUNTY WHICH HAS ESTABLISHED A DRUG COURT PROGRAM

The total court costs and fees for a person convicted of Class A Misdemeanor, second DWI is \$388, excluding fines, probation or parole fees, and a driver's responsibility

FIGURE E5

SAMPLE COURT COSTS AND FEES FOR SECOND DWI OFFENSE COUNTY COURT AT LAW

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Juror Reimbursement Fee	4.00
Consolidated Court Cost	83.00
Indigent Defense Fund	2.00
Drug Court Program Fee	30.00
State EMS Trauma Fund	100.00
Judicial Fund Court Cost - County Courts	15.00
<i>State Fees - Subtotal</i>	<i>239.40</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(21.90)</i>
<i>Final State Fees Received by Comptroller</i>	<i>217.50</i>
Local	
Judicial Support Fee	0.60
Drug Court Program Fee	30.00
Clerk Fee	40.00
Arrest Fee	5.00
Jury Fee	20.00
Records Management and Preservation Fee	25.00
Prosecutors' Services Fee	25.00
Courthouse Security Fund	3.00
<i>Local Fees - Subtotal</i>	<i>148.60</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>21.90</i>
<i>Final Local Fees</i>	<i>170.50</i>
Total Court Costs and Fees	\$388.00

SOURCES: Legislative Budget Board, Office of Court Administration.

surcharge. Of this amount \$217.50 is remitted to the state and \$170.50 is retained locally. The Local Government Code, Section 133.105 specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally. The Code of Criminal Procedure, Article 102.0178(e) specifies that 50 percent of the \$60 drug court program fee can be retained locally if the county has established a drug court program.

EXAMPLE 6
FELONY—INDECENT EXPOSURE WITH A CHILD (DNA TESTING OFFENSE)
DISTRICT COURT

In this example, total costs for Indecent Exposure with a Child, third degree felony, would be \$672, excluding fine amounts, restitution, driver's surcharge, and monthly probation fees. Of this amount \$361.50 is remitted to the state and \$310.50 is retained locally. The Local Government Code, Section 133.105 specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally. The Code of Criminal Procedure, Article 42.037(g)(1) permits the local government to retain 50 percent of the restitution installment fee.

FIGURE E6
SAMPLE COURT COSTS AND FEES FOR INDECENT EXPOSURE WITH A CHILD
DISTRICT COURT

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Juror Reimbursement Fee	4.00
Consolidated Court Cost	133.00
Indigent Defense Fund	2.00
DNA Testing	250.00
Restitution Installment Fee	6.00
<i>State Fees - Subtotal</i>	<i>400.40</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(38.90)</i>
<i>Final State Fees Received by Comptroller</i>	<i>361.50</i>
Local	
Judicial Support Fee	0.60
Restitution Installment Fee	6.00
County Child Abuse Prevention	100.00
Clerk Fee	40.00
Records Management and Preservation Fee	25.00
Prosecutors' Services Fee	25.00
Courthouse Security Fund	5.00
Jury Fee	20.00
Warrant Fee	50.00
<i>Local Fees - Subtotal</i>	<i>271.60</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>38.90</i>
<i>Final Local Fees</i>	<i>310.50</i>
Total Court Costs and Fees	\$672.00

SOURCES: Legislative Budget Board, Office of Court Administration.

APPENDIX F: JUDICIAL SALARIES

House Bill 3199, Eightieth Legislature, 2007, created the Judicial Compensation Commission, which is made up of nine gubernatorial appointees, and charged with reporting to the legislature before each legislative session, on the proper salaries to be paid by the state for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts. The Commission made its first ever recommendations to the Eighty-first Legislature, in December 2008, and recommended that salaries of the justices and judges of the Supreme Court, the Court of Criminal Appeals, the 14 courts of appeals, and the district judges be established as shown in **Figure F1** for the 2010–11 biennium.

The Commission will make its next recommendations to the Eighty-second Legislature, which convenes in January 2011. The National Center for State Courts (NCSC) regularly compiles information on judicial compensation. According to the NCSC's June 2009 survey,¹ Texas ranks eighth, sixth, and seventh in judicial pay for highest appellate courts, intermediate appellate courts, and trial courts, respectively among the 10 most populous states. **Figure F2** shows judicial salary rankings for each position. However, when salaries are adjusted using a standard cost-of-living index, Texas ranks fifth, third, and third in judicial pay for the respective positions.

The Council for Community and Economic Research is the source of the cost-of-living index used in this analysis. Also, both the Texas intermediate appellate judge salary and the district judge salary includes both state compensation (\$137,500 and \$125,000) and the average county-paid supplement (\$7,500 for both) for a total of \$145,000 and \$132,500 in compensation for the two positions. Texas justice and judges on the Supreme Court and Court of Criminal Appeals do not receive local salary supplements.

¹National Center for State Courts, *Survey of Judicial Salaries*, June 30, 2009.

FIGURE F1
RECOMMENDED JUDICIAL COMPENSATION

JUDGE	STATE SALARY	COUNTY SUPPLEMENTS	TOTAL	% INCREASE ABOVE CURRENT
Supreme Court Chief Justice/Court of Criminal Appeals Presiding Judge	\$168,000	NA	\$168,000	10.2%
Supreme Court Justice/Court of Criminal Appeals Judge	\$163,000	NA	\$163,000	8.7%
Court of Appeals Chief Justice	\$153,000	Up to \$7,500	\$160,500	8.8%
Court of Appeals Justice	\$148,000	Up to \$7,500	\$155,500	7.2%
District Court Judge	\$133,000	Up to \$15,000	\$148,000	5.7%

SOURCE: Judicial Compensation Commission, December 2008.

FIGURE F2
SALARIES FOR APPELLATE AND DISTRICT COURT JUDGES IN THE TEN MOST POPULOUS STATES (JUNE 2009)

POPULATION RANK	STATE/ POPULATION (IN MILLIONS)	UNADJUSTED SALARY	RANK	COST-OF-LIVING INDEX ADJUSTMENT FACTOR	ADJUSTED SALARY	ADJUSTED RANK
Highest Appellate Court						
1	California (36.9)	\$218,237	1	1.3338	\$163,620	6
2	Texas (24.8)	\$150,000	8	0.9063	\$165,508	5
3	New York (19.5)	\$151,200	7	1.2583	\$120,162	10
4	Florida (18.5)	\$157,976	6	1.0221	\$154,560	7
5	Illinois (12.9)	\$201,819	2	0.9652	\$209,096	1
6	Pennsylvania (12.6)	\$186,450	3	1.0084	\$184,897	2
7	Ohio (11.5)	\$141,600	9	0.9321	\$151,915	8
8	Michigan (10.0)	\$164,610	5	0.9687	\$169,929	4
9	Georgia (9.8)	\$167,210	4	0.9073	\$184,294	3
10	North Carolina (9.4)	\$137,249	10	0.9637	\$142,419	9
Intermediate Appellate Court						
1	California (36.9)	\$204,599	1	1.3338	\$153,396	5
2	Texas (24.8)*	\$145,000	6	0.9063	\$159,991	3
3	New York (19.5)	\$144,000	7	1.2583	\$114,440	10
4	Florida (18.5)	\$150,007	5	1.0221	\$146,764	7
5	Illinois (12.9)	\$189,949	2	0.9652	\$196,798	1
6	Pennsylvania (12.6)	\$132,000	9	1.0084	\$130,900	9
7	Ohio (11.5)	\$141,600	8	0.9321	\$151,915	6
8	Michigan (10.0)	\$151,441	4	0.9687	\$156,334	4
9	Georgia (9.8)	\$166,186	3	0.9073	\$183,165	2
10	North Carolina (9.4)	\$131,531	10	0.9637	\$136,485	8
District Court						
1	California (36.9)	\$178,789	1	1.3338	\$134,045	6
2	Texas (24.8)*	\$132,500	7	0.9063	\$146,199	3
3	New York (19.5)	\$136,700	6	1.2583	\$108,639	10
4	Florida (18.5)	\$142,178	4	1.0221	\$139,104	5
5	Illinois (12.9)	\$174,303	2	0.9652	\$180,587	1
6	Pennsylvania (12.6)	\$161,850	3	1.0084	\$160,502	2
7	Ohio (11.5)	\$121,350	9	0.9321	\$130,190	9
8	Michigan (10.0)	\$139,919	5	0.9687	\$144,440	4
9	Georgia (9.8)	\$120,252	10	0.9073	\$132,538	8
10	North Carolina (9.4)	\$127,957	8	0.9637	\$132,777	7

*Includes local salary supplement of \$7,500.

SOURCES: Legislative Budget Board; National Center for State Courts.