

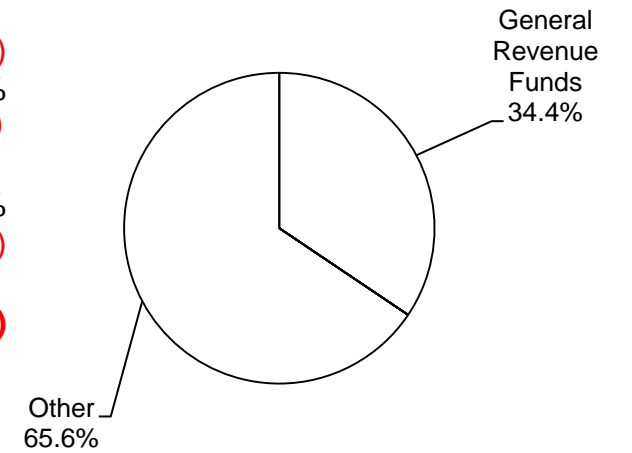
**Court of Criminal Appeals  
Summary of Recommendations - Senate**

Page IV-4  
The Honorable Sharon Keller, Presiding Judge

Jeff Pool, LBB Analyst

<b>Method of Financing</b>	<b>2010-11 Appropriations</b>	<b>2010-11 Base</b>	<b>2012-13 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>
General Revenue Funds	\$9,747,524	\$9,451,476	\$9,341,754	(\$109,722)	(1.2%)
GR Dedicated Funds	\$0	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$9,747,524</i>	<i>\$9,451,476</i>	<i>\$9,341,754</i>	<i>(\$109,722)</i>	<i>(1.2%)</i>
Federal Funds	\$0	\$0	\$0	\$0	0.0%
Other	\$20,715,092	\$20,715,092	\$17,792,870	(\$2,922,222)	(14.1%)
<b>All Funds</b>	<b>\$30,462,616</b>	<b>\$30,166,568</b>	<b>\$27,134,624</b>	<b>(\$3,031,944)</b>	<b>(10.1%)</b>

RECOMMENDED FUNDING  
BY METHOD OF FINANCING



	<b>FY 2011 Appropriations</b>	<b>FY 2011 Budgeted</b>	<b>FY 2013 Recommended</b>	<b>Biennial Change</b>	<b>% Change</b>
<b>FTEs</b>	72.0	70.0	68.0	(2.0)	(2.9%)

The bill pattern for this Court (2012-13 Recommended) represents an estimated 100% of the Court's estimated total available funds for the 2012-13 biennium.

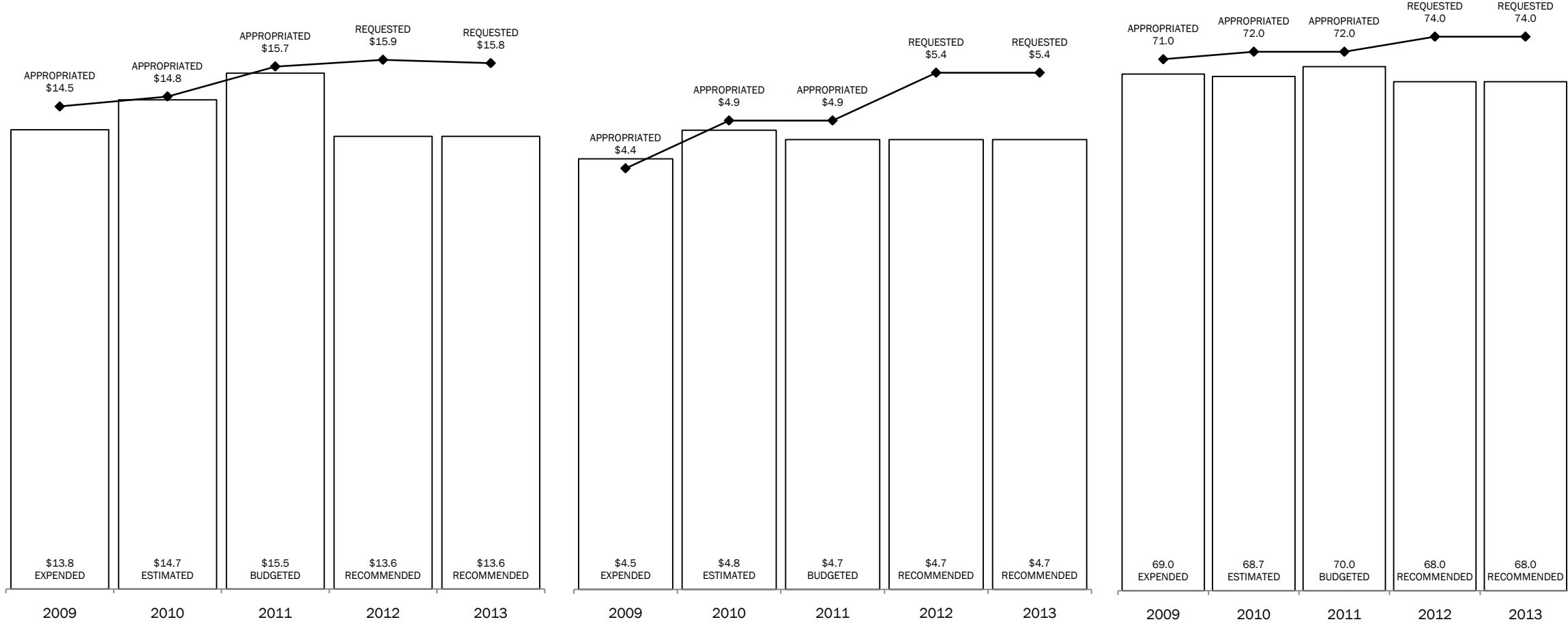
**Court of Criminal Appeals**  
**2012-2013 BIENNIUM**  
 IN MILLIONS

TOTAL= \$27.2 MILLION

**ALL FUNDS**

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

**FULL-TIME-EQUIVALENT POSITIONS**



Note: Expended amounts exceed appropriated amounts in fiscal year 2009 due to unexpended balance authority within the biennium.

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

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
APPELLATE COURT OPERATIONS A.1.1	\$10,186,978	\$10,077,256	(\$109,722)	(1.1%)	The Introduced Bill funds the Court's Appellate Court Operations strategy at 95% of 2010-11 appropriated levels in General Revenue, or at the Court's 2012-13 GR limit, plus an additional \$81,606 for legal reference materials previously purchased by the State Law Library (see Selected Fiscal and Policy Issue No. 3). Across the board reductions in 2010-11 only affect the Court's Appellate Court Operations strategy because Judicial Education is funded entirely by Other Funds (Judicial Education Fund No. 540).
<b>Total, Goal A, APPELLATE COURT OPERATIONS</b>	<b>\$10,186,978</b>	<b>\$10,077,256</b>	<b>(\$109,722)</b>	<b>(1.1%)</b>	
JUDICIAL EDUCATION B.1.1	\$19,979,590	\$17,057,368	(\$2,922,222)	(14.6%)	The Bill as Introduced reduces Judicial Education grants by 15% to be consistent with recommendations for other grant programs in Article IV, i.e., Indigent Defense grants budgeted at OCA. In addition, if funds consolidation legislation converting Judicial Education Fund No. 540 to a General Revenue-Dedicated account is adopted, the available balance in this account including the unexpended balance as of 8/31/2011 and any revenues in excess of appropriations would potentially be available for certification purposes (see Rider 12 in CCA bill pattern). This gain is not reflected in the Introduced Bill.
<b>Total, Goal B, JUDICIAL EDUCATION</b>	<b>\$19,979,590</b>	<b>\$17,057,368</b>	<b>(\$2,922,222)</b>	<b>(14.6%)</b>	
<b>Grand Total, All Strategies</b>	<b>\$30,166,568</b>	<b>\$27,134,624</b>	<b>(\$3,031,944)</b>	<b>(10.1%)</b>	

**Court of Criminal Appeals**  
**Summary of Recommendations - Senate, By Method of Finance -- GR & GR DEDICATED FUNDS**

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
APPELLATE COURT OPERATIONS A.1.1	\$9,451,476	\$9,341,754	(\$109,722)	(1.2%)	The Introduced Bill funds the Court's Appellate Court Operations strategy at 95% of 2010-11 appropriated levels in General Revenue, or at the Court's 2012-13 GR limit, plus an additional \$81,606 for legal reference materials previously purchased by the State Law Library (see Selected Fiscal and Policy Issue No. 3). The 2012-13 GR Limit is lower than the 2010-11 base, due to an exemption of \$191,328 in the 2010-11 biennium.
<b>Total, Goal A, APPELLATE COURT OPERATIONS</b>	<b>\$9,451,476</b>	<b>\$9,341,754</b>	<b>(\$109,722)</b>	<b>(1.2%)</b>	
JUDICIAL EDUCATION B.1.1	\$0	\$0	\$0	0.0%	
<b>Total, Goal B, JUDICIAL EDUCATION</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	
<b>Grand Total, All Strategies</b>	<b>\$9,451,476</b>	<b>\$9,341,754</b>	<b>(\$109,722)</b>	<b>(1.2%)</b>	

## Section 3

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

1. **Judicial Education Grants.** The Introduced Bill reduces judicial education grants by 15%, or \$2.9 million, to be consistent with recommendations reducing Indigent Defense grants elsewhere in Article IV. The Introduced Bill also adds a legislative intent rider noting that grant funds should be used primarily for direct continuing legal education training and that the Court should seek to minimize administrative costs and reimbursement of participant travel. The rationale for the rider being that while overall grant funds are reduced, the Court could seek to maintain the current number of individuals served by directing its grantees to decrease administrative and travel reimbursement costs (see Rider 11 in CCA bill pattern).
2. **Method of Finance Swap: Reclassify Judicial and Court Personnel Training Fund No. 540 as a GR-D Account.** Fund 540 is currently classified as an Other Fund and any unspent balances in that account, if consolidated into the General Revenue Fund (GR), may be available for certification purposes. The Court of Criminal Appeals is the only agency with access to Fund 540 and it is used solely to fund judicial education grants. In the Comptroller's Biennial Revenue Estimate the estimate of the 2011 ending balance is \$1.1 million. The Introduced Bill also reduces judicial education grant funding by 15% (\$2.9 million), similarly to the reductions in Indigent Defense grants funded out of GR-Dedicated Fair Defense Account No. 5073 budgeted at OCA and administered by the Task Force on Indigent Defense. If the fund is moved to GR, reductions and the unspent balance in the fund could result in an estimated certification credit of approximately \$5.3 million, which is not reflected in the Introduced Bill. The fund reclassification would require a statutory change to Chapter 56 of the Government Code (see Rider 12 in CCA bill pattern). Additionally, there may be some concern that legislation reclassifying Fund 540 to a General Revenue account may face a constitutional challenge.
3. **Legal Reference Materials for the Supreme Court and Court of Criminal Appeals.** The Bill as Introduced maintains \$192,144 (\$96,072 per year) in GR funding to continue purchases of legal reference materials for the Supreme Court and Court of Criminal Appeals. The Law Library has historically purchased legal reference materials for both of the State's top two appellate courts. The Introduced Bill funds legal reference materials at the amount the Law Library expended in 2010 (\$55,269 for the Supreme Court and \$40,803 at the Court of Criminal Appeals). Funds are appropriated in each court's Appellate Court Operations Strategy and the funding is restricted by rider for legal reference purposes (see Rider 13 in CCA bill pattern).

Section 3

**Court of Criminal Appeals  
FTE Highlights**

Full-Time-Equivalent Positions	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
Cap	71.0	72.0	72.0	68.0	68.0
Actual/Budgeted	69.0	68.7	70.0	NA	NA
Note: Two staff attorney positions kept vacant to meet the 5% reduction in 2010-11; and an additional 2 positions to meet 5% reduction in 2012-13.					
Schedule of Exempt Positions (Cap)					
Presiding Judge	\$152,500	\$152,500	\$152,500	\$152,500	\$152,500
Judge (8)	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000

Section 3

**Court of Criminal Appeals  
Performance Measure Highlights**

	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
<ul style="list-style-type: none"> <li>Disposition Rate for Petitions of Discretionary Review Which Are Granted</li> </ul> <p><i>Measure Explanation: This is a measure of the total number of petitions for discretionary review for which opinions were issued during the year in relation to the total number of petitions for discretionary review granted and added at any time during the year.</i></p>	78.0%	164.0%	164.0%	125.0%	125.0%
<ul style="list-style-type: none"> <li>Disposition Rate for Death Penalty Cases</li> </ul> <p><i>Measure Explanation: This is a measure of the number of death penalty cases for which opinions were issued during the year in relation to the number of death penalty cases filed and added under submission with the Court of Criminal Appeals during the year.</i></p>	129.0%	150.0%	172.0%	125.0%	125.0%
<ul style="list-style-type: none"> <li>Average Time (in Days) from the Time PDRs Are Granted until Disposition</li> </ul> <p><i>Measure Explanation: This is a measure of the average time, calculated in days, from the time the court grants a petition for discretionary review, until the time court issues an opinion.</i></p>	332.0	285.0	285.0	290.0	290.0
<ul style="list-style-type: none"> <li>Average Time from Time Filed to Disposition in Death Penalty Cases</li> </ul> <p><i>Measure Explanation: This is a measure of the average time, calculated in days, from the time the first document in a death penalty case is filed with the Court of Criminal Appeals, until the court issues an opinion.</i></p>	741.0	778.8	778.0	825.0	825.0

Section 4

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

Reports & Recommendations	GEER Report Page	Savings/ (Cost)	Gain/ (Loss)	Fund Type	Is included in the Introduced Bill	Action Required During Session
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NO RELATED RECOMMENDATIONS



## Section 5

### Court of Criminal Appeals Rider Highlights

2. **Judicial Education:** Rider amounts changed to equalize funding between fiscal years and reduced to correspond with Fund 540 reductions.
3. **Continuing Education and Technical Assistance for Prosecutors and Criminal Defense Attorneys.** Rider amounts changed to equalize funding between fiscal years and reduced to correspond with Fund 540 reductions.
7. **Judicial and Court Personnel Training.** Rider amount reduced to correspond with Fund 540 reductions.
8. **Actual Innocence Training.** Rider amounts changed to equalize funding between fiscal years and reduced to correspond with Fund 540 reductions.
10. (former) **Court of Criminal Appeals Advisory Committees.** Informational rider deleted.
10. (new) **Public Defender Training.** Rider amounts changed to equalize funding between fiscal years and reduced to correspond with Fund 540 reductions.
11. (new) **Judicial Education Administrative Costs and Travel.** New intent rider encouraging Court to minimize grantee administrative and travel reimbursement costs.
12. (former) **Implementation of State Auditor's Office (SAO) Recommendations.** Rider deleted due to Court no longer being under audit.
12. (new) **Judicial and Court Personnel Training Fund No. 540 Reclassification.** Contingency rider authorizing method of finance change if legislation is enacted making the Judicial and Court Personnel Training Fund No. 540 a General Revenue-related fund.
13. (new) **Legal Reference Materials.** New rider added to restrict that funds added from State Law Library for legal reference materials be used for that purpose.

**Section 6**

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

	2012-13 Biennial Total	
	GR & GR- Dedicated	All Funds
1. Restore 2 vacant staff attorney positions (\$140,000 per year).	\$ 280,000	\$ 280,000
<b>Rider Request</b>		
2. <b>Unexpended Balances Between Biennia.</b> The Court is requesting unexpended balance authority between biennia (from fiscal year 2011 to fiscal year 2012) for Strategy A.1.1, Appellate Court Operations. Amount shown is LBB estimate of cost of UB authority, based on fiscal year 2009 lapse of \$3,836. Past lapses at the end of the biennium have substantially exceeded this amount.	\$ 4,000	\$ 4,000
3. <b>(Delete Rider 12) Judicial and Court Personnel Training Fund Reclassification.</b> Deleting the rider would not result in a cost to the GAA, nor would it prohibit the introduction of legislation moving Fund 540 to General Revenue. FYI such a reclassification, if enacted by the Legislature, could result in a certification credit estimated to be \$5.3 million.	\$ -	\$ -
4. <b>(Delete Rider 11) Judicial and Court Personnel Training Administrative and Travel Costs.</b> Court is requesting deletion of the intent rider directing the Court make reductions to administration and travel rather than training participants served where possible.	\$ -	\$ -
<b>Total, Items Not Included in the Recommendations</b>	<b>\$ 284,000</b>	<b>\$ 284,000</b>