

**Office of the State Prosecuting Attorney
Summary of Recommendations - Senate**

Page IV-29
Lisa McMinn, State Prosecuting Attorney

Jeff Pool, LBB Analyst

Method of Financing	2010-11 Appropriations	2010-11 Base	2012-13 Recommended	Biennial Change	% Change
General Revenue Funds	\$851,004	\$808,454	\$0	(\$808,454)	(100.0%)
GR Dedicated Funds	\$0	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$851,004</i>	<i>\$808,454</i>	<i>\$0</i>	<i>(\$808,454)</i>	<i>(100.0%)</i>
Federal Funds	\$0	\$0	\$0	\$0	0.0%
Other	\$68,900	\$68,900	\$0	(\$68,900)	(100.0%)
All Funds	\$919,904	\$877,354	\$0	(\$877,354)	(100.0%)

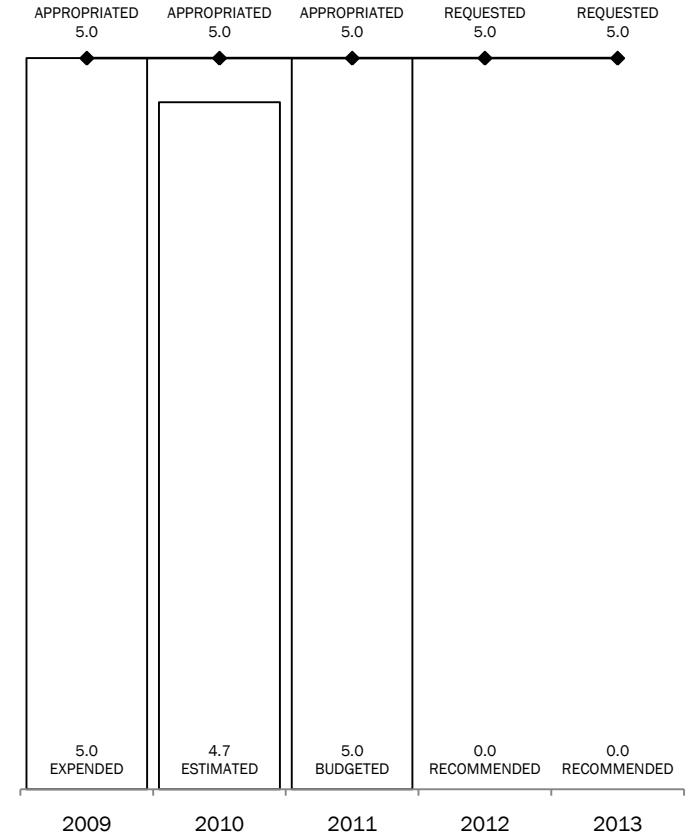
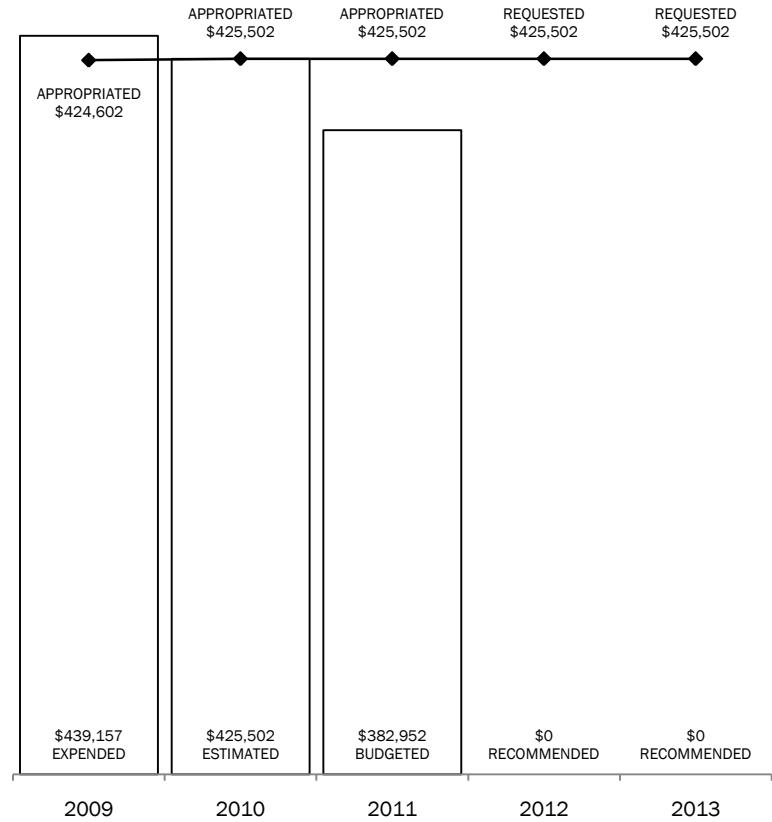
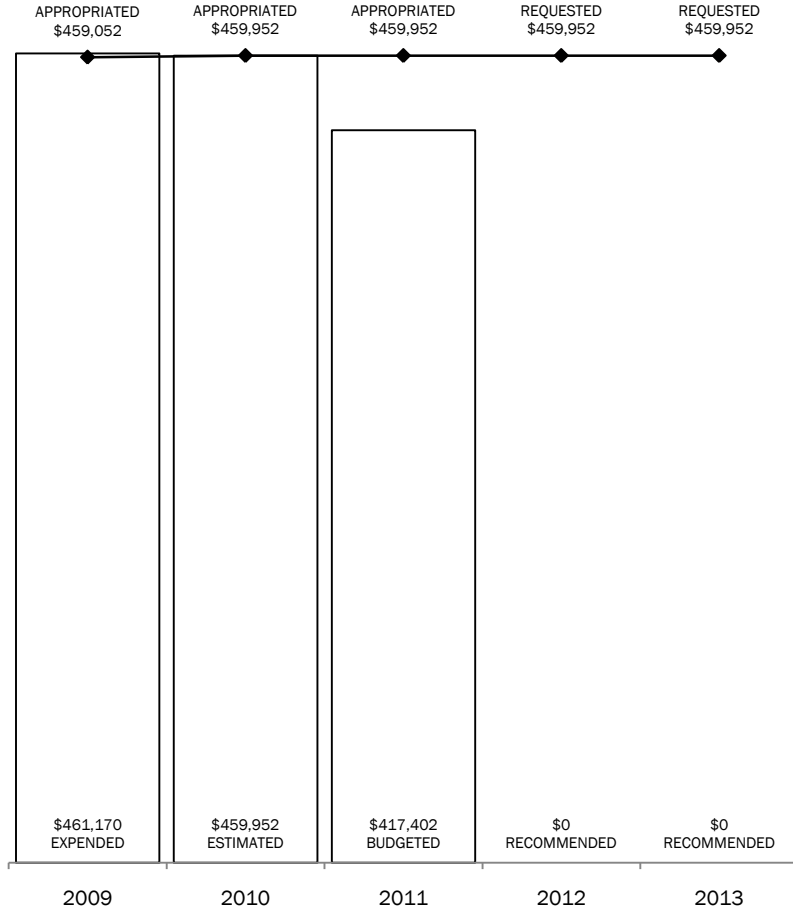
	FY 2011 Appropriations	FY 2011 Budgeted	FY 2013 Recommended	Biennial Change	% Change
FTEs	5.0	5.0	0.0	(5.0)	(100.0%)

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

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.

**Office of the State Prosecuting Attorney
Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS**

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
REPRESENTATION BEFORE CCA A.1.1	\$877,354	\$0	(\$877,354)	(100.0%)	<p>The Introduced Bill administratively consolidates the Office of the State Prosecuting Attorney (OSPA) with the Office of Court Administration (OCA). Funding for OSPA is found in OCA's bill pattern in Strategy D.1.1, Representation Before CCA.</p> <p>The Introduced Bill reduces General Revenue funding by \$90,000 (\$45,000 per year) due to the elimination of a staff services officer (see Selected Fiscal and Policy Issue No. 1). The Introduced Bill also reduces Interagency Contract funds by \$23,900 (\$11,950 per year) to conform with funding recommendations for multi-county prosecutor office apportionment payments at the Comptroller's Judiciary Section (see Selected Fiscal and Policy Issue No. 2).</p>
Total, Goal A, REPRESENTATION BEFORE CCA	\$877,354	\$0	(\$877,354)	(100.0%)	
Grand Total, All Strategies	\$877,354	\$0	(\$877,354)	(100.0%)	

Section 3

Office of the State Prosecuting Attorney Selected Fiscal and Policy Issues

1. **Administrative Consolidation with Office of Court Administration.** The Bill as Introduced provides for reduced funding at the Office of the State Prosecuting Attorney (OSPA) due to a recommended administrative consolidation with the Office of Court Administration (OCA). The Introduced Bill has \$718,454 in General Revenue and \$763,454 in All Funds along with 4.0 FTEs included at the Office of Court Administration, Strategy D.1.1, Representation Before Court of Criminal Appeals. Administrative consolidation would allow OSPA to be reduced by one FTE, a staff services officer, saving \$90,000 (\$45,000 per year) in General Revenue. OCA would provide the office administrative assistance such as budget, planning and purchasing. This would free the remaining staff (3 attorneys and 1 legal secretary) to concentrate on the Office's core function of representing the State before the Court of Criminal Appeals and aiding local prosecutors that ask OSPA for assistance. Current statutory requirements governing the appointment of the State Prosecuting Attorney are found in Chapter 42, Government Code. The Court of Criminal Appeals is required to appoint a State Prosecuting Attorney to represent the State in all proceedings before that court. Additionally, the State Prosecuting Attorney's salary is statutorily tied to that of a district judge (\$125,000) and is included in the list of professional prosecutors found in Chapter 46, Government Code.
2. **Conforming Change – Office Apportionment recommendations at Comptroller's Judiciary Section.** The Introduced Bill reduces Interagency Contract funding for a multi-county prosecutor office apportionment from \$34,450 per year to the statutorily required minimum payment of \$22,500 per year found in Sec. 46.004, Government Code. Interagency contract funding for OSPA is consistent with the reduced amounts in the Introduced Bill for all multi-county prosecutors receiving an office apportionment from the Comptroller's Judiciary (see Comptroller's Judiciary Section, Strategy B.1.6, Felony Prosecutors: Reimbursements for Expenses of Office).

Section 3

**Office of the State Prosecuting Attorney
FTE Highlights**

Full-Time-Equivalent Positions	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
Cap	5.0	5.0	5.0	0.0	0.0
Actual/Budgeted	5.0	4.7	5.0	NA	NA
Schedule of Exempt Positions (Cap)					
State Prosecuting Attorney	\$125,000	\$125,000	\$125,000	\$0	\$0

Note: Bill as Introduced includes recommendations of 4.0 FTEs per year at the Office of Court Administration, and the State Prosecuting Attorney salary of \$125,000.

Section 3

**Office of the State Prosecuting Attorney
Performance Measure Highlights**

	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
• <i>Petitions for Discretionary Review Granted by the Court of Criminal Appeals</i>	17	9	17	0	0

Note: Bill as Introduced includes recommended amounts of 17 in Strategy D.1.1 at the Office of Court Administration.

Office of State Prosecuting Attorney (SPA)
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
---------------------------	------------------	-----------------	--------------	-----------	------------------------------------	--------------------------------

NO RELATED RECOMMENDATIONS

Section 5

**Office of the State Prosecuting Attorney
Rider Highlights**

None.

Section 6

**Office of the State Prosecuting Attorney
Items not Included in Recommendations**

	2012-13 Biennial Total	
	GR & GR-Dedicated	All Funds
1. Remain Stand Alone Agency and restore funding to 2012-13 Baseline Limit		
a) \$90,000 (\$45,000 per year) GR - Retain staff services officer (1.0 FTE)	\$ 90,000	\$ 113,900
b) \$23,900 (\$11,950 per year) Interagency Contracts - Multi-county prosecutor office apportionment		
2. Interagency Contract with Office of Court Administration	\$ -	\$ -
In the event item 1 is not funded, agency request is to remain stand alone agency with duties currently performed by Staff Services Officer performed by OCA through Interagency Contract. (Agency reports that this would require no additional funding above the amounts in the introduced bill.)		
Total, Items Not Included in the Recommendations	\$ 90,000	\$ 113,900

Note: Introduced Bill has \$718,454 in GR and \$763,454 in All Funds along with 4.0 FTEs included at the Office of Court Administration, Strategy D.1.1, Representation Before Court of Criminal Appeals.