

**Office of Capital Writs
Summary of Recommendations - Senate**

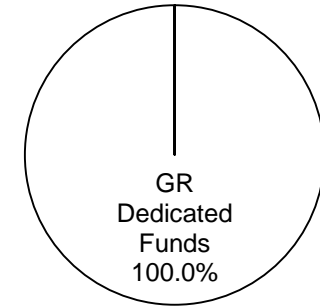
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Brad Levenson, Executive Director

Tina Beck, LBB Analyst

Method of Financing	2010-11 Appropriations	2010-11 Base	2012-13 Recommended	Biennial Change	% Change
General Revenue Funds	\$494,520	\$469,794	\$0	(\$469,794)	(100.0%)
GR Dedicated Funds	\$548,914	\$521,468	\$1,784,271	\$1,262,803	242.2%
<i>Total GR-Related Funds</i>	<i>\$1,043,434</i>	<i>\$991,262</i>	<i>\$1,784,271</i>	<i>\$793,009</i>	<i>80.0%</i>
Federal Funds	\$0	\$0	\$0	\$0	0.0%
Other	\$0	\$0	\$0	\$0	0.0%
All Funds	\$1,043,434	\$991,262	\$1,784,271	\$793,009	80.0%

RECOMMENDED FUNDING
BY METHOD OF FINANCING



	FY 2011 Appropriations	FY 2011 Budgeted	FY 2013 Recommended	Biennial Change	% Change
FTEs	3.3	3.3	8.1	4.8	145.5%

The Office of Capital Writs is a new judicial agency established by Senate Bill 1091, Eighty-first Legislature. The legislation created the agency effective September 1, 2010; accordingly, only one year of funding for fiscal year 2011 is reflected in the 2010-11 GAA. Recommendations provide for two years of funding.

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.

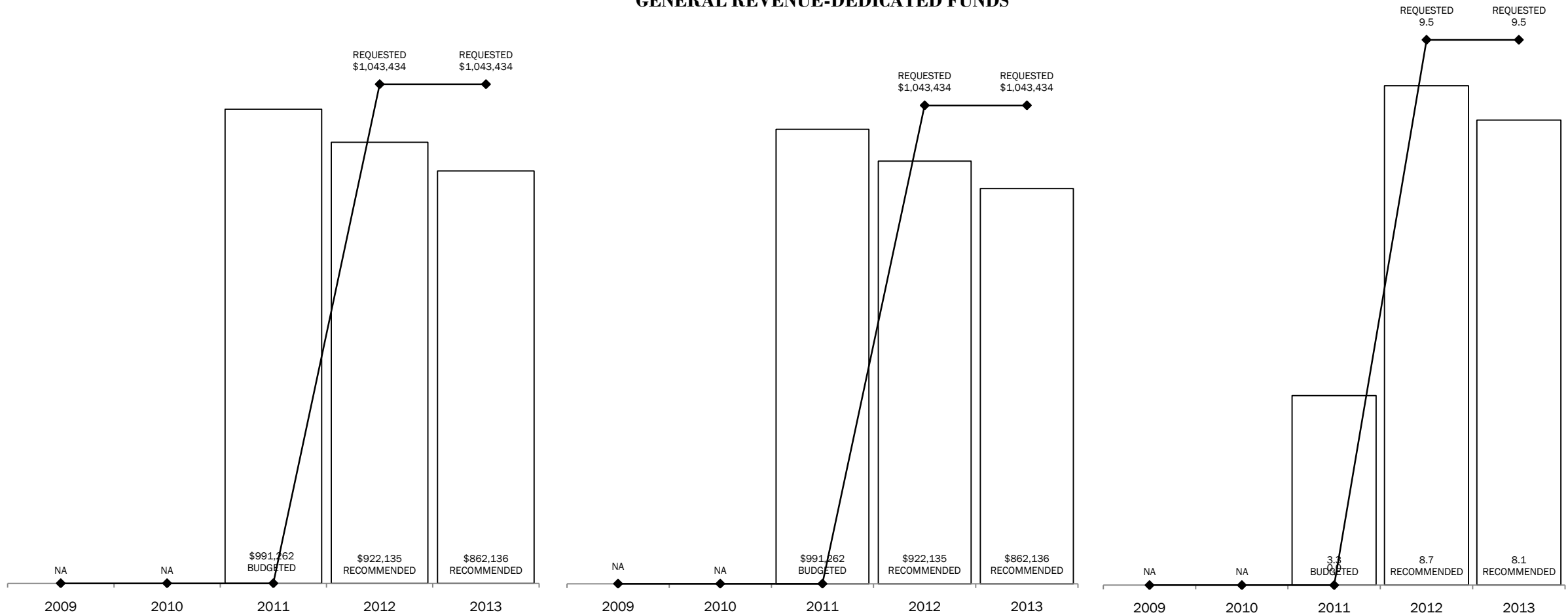
Section 1
Office of Capital Writs
 2012-2013 BIENNIUM

TOTAL= \$1,784,271

ALL FUNDS

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

FULL-TIME-EQUIVALENT POSITIONS



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Office of Capital Writs
Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
DEATH PENALTY REPRESENTATION A.1.1	\$991,262	\$1,784,271	\$793,009	80.0%	The Introduced Bill includes annualizing fiscal year 2011 appropriations for the new agency and applying an additional 10 percent reduction, for a cumulative 15 percent reduction to the annual appropriated amount times two. Reductions in funding and FTEs between fiscal years 2012 and 2013 reflect the proposed reductions in the agency's 10 Percent Biennial Base Reduction Options schedule. Also, recommendations reflect a \$845,630 transfer from the General Revenue-Dedicated Fair Defense Account No. 5073 (see Strategy A.2.1, Indigent Defense in the OCA bill pattern) to replace an equal amount of General Revenue. As a result, all 2012-13 recommended funding for this office is out of the General Revenue-Dedicated Fair Defense Account No. 5073.
Total, Goal A, DEATH PENALTY REPRESENTATION	\$991,262	\$1,784,271	\$793,009	80.0%	
Grand Total, All Strategies	\$991,262	\$1,784,271	\$793,009	80.0%	

Section 3

**Office of Capital Writs
FTE Highlights**

Full-Time-Equivalent Positions	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
Cap	NA	NA	3.3	8.7	8.1
Actual/Budgeted	NA	NA	3.3*	NA	NA
*Note the agency submitted a September 2010 request to increase its fiscal year 2011 FTE cap from 3.3 to 9.5 FTEs.					
Schedule of Exempt Positions (Cap)					
Executive Director, Group 3	NA	NA	\$130,000	\$130,000	\$130,000

Note that FTE reductions from 8.7 FTEs in fiscal year 2012 to 8.1 FTEs in fiscal year 2013 reflect the application of agency-identified reductions in the agency's schedule for 10 Percent Biennial Base Reduction Options. Also, in 2011 no salary cap was set for the Executive Director of the Office of Capital Writs. Amounts in fiscal years 2011-13 reflect the salary level at which the Executive Director was hired by the Court of Criminal Appeals.

Section 3

**Office of Capital Writs
Performance Measure Highlights**

	Expended 2009	Actual 2010	Budgeted 2011	Recommended 2012	Recommended 2013
<ul style="list-style-type: none"> <i>Number of Writ Applications for Which Evidentiary Hearings are Granted by the Trial Court</i> <p><i>Measure Explanation: Based upon actual convictions in fiscal years 2007 through 2009, an estimated 12 death penalty convictions will be referred to the Office of Capital Writs (OCW) each year. From these referrals, the OCW estimates it will file its first Writ Application for which an evidentiary hearing is granted in fiscal year 2012, with three additional filings in fiscal year 2013.</i></p>	NA	NA	0	1	3
<ul style="list-style-type: none"> <i>Percentage of Writs Filed on a Timely Basis</i> <p><i>Measure Explanation: This measure is the percentage of post-conviction applications for writs of habeas corpus filed timely under statutory guidelines. The recommended target for this measure is kept at 100 percent, despite decreased funding levels.</i></p>	NA	NA	100%	100%	100%
<ul style="list-style-type: none"> <i>Number of Writ Applications Filed</i> <p><i>Measure Explanation: This measure tracks the Number of Writ Applications Filed with the trial court, regardless of whether the trial court grants an evidentiary hearing.</i></p>	NA	NA	0	3	9

The measures shown above are all measures established for the Office of Capital Writs during the 2010 strategic planning process.

Section 4

**Office of Capital Writs (OCW)
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

**Office of Capital Writs
Rider Highlights**

NONE.

Section 6

**Office of Capital Writs
Items not Included in Recommendations-House**

	2012-13 Biennial Total	
	GR & GR- Dedicated	All Funds
1. The bill as introduced sets the FTE cap for the agency at 8.7 in 2012 and 8.1 in 2013. The agency requests that the cap be adjusted to 9 FTEs in both years of the 2012-13 biennium, which will be funded within levels provided in the introduced bill.	\$ -	\$ -
Total, Items Not Included in the Recommendations	\$ -	\$ -