

**Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate**

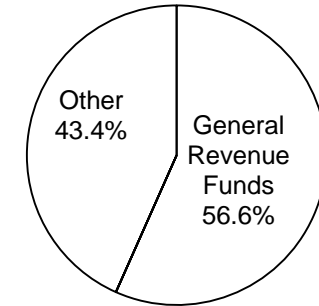
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Martin Hubert, Deputy Comptroller

Tina Beck, LBB Analyst

Method of Financing	2010-11 Appropriations	2010-11 Base	2012-13 Recommended	Biennial Change	% Change
General Revenue Funds	\$177,453,756	\$167,761,471	\$159,472,108	(\$8,289,363)	(4.9%)
GR Dedicated Funds	\$0	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$177,453,756</i>	<i>\$167,761,471</i>	<i>\$159,472,108</i>	<i>(\$8,289,363)</i>	<i>(4.9%)</i>
Federal Funds	\$0	\$0	\$0	\$0	0.0%
Other	\$112,418,533	\$122,886,375	\$122,065,844	(\$820,531)	(0.7%)
All Funds	\$289,872,289	\$290,647,846	\$281,537,952	(\$9,109,894)	(3.1%)

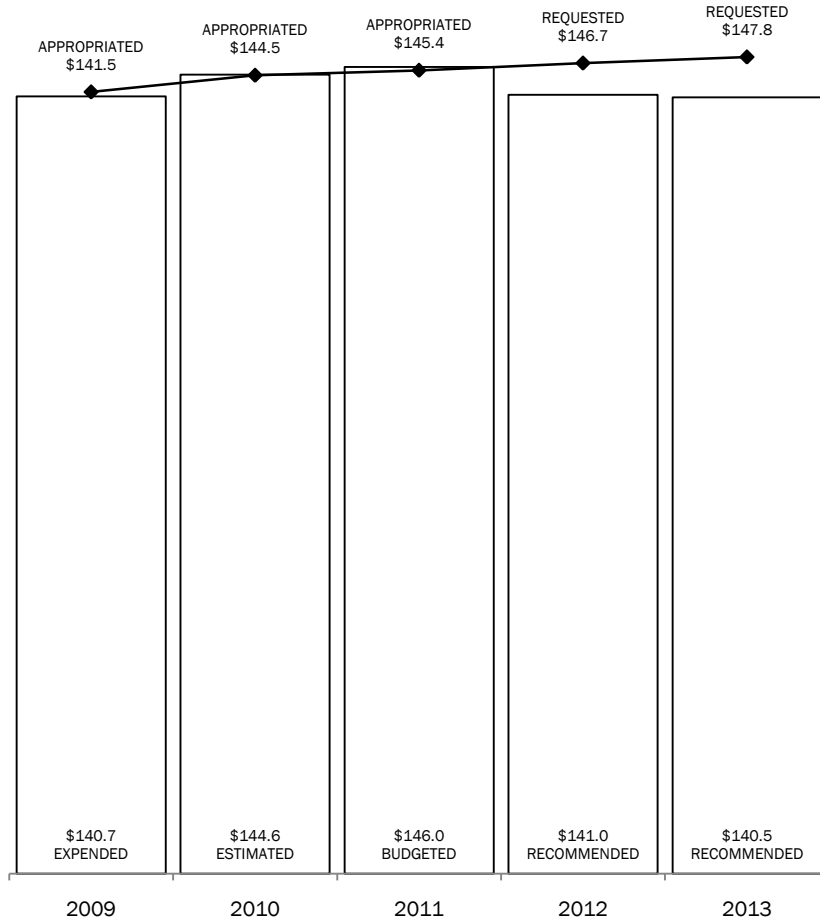
RECOMMENDED FUNDING
BY METHOD OF FINANCING



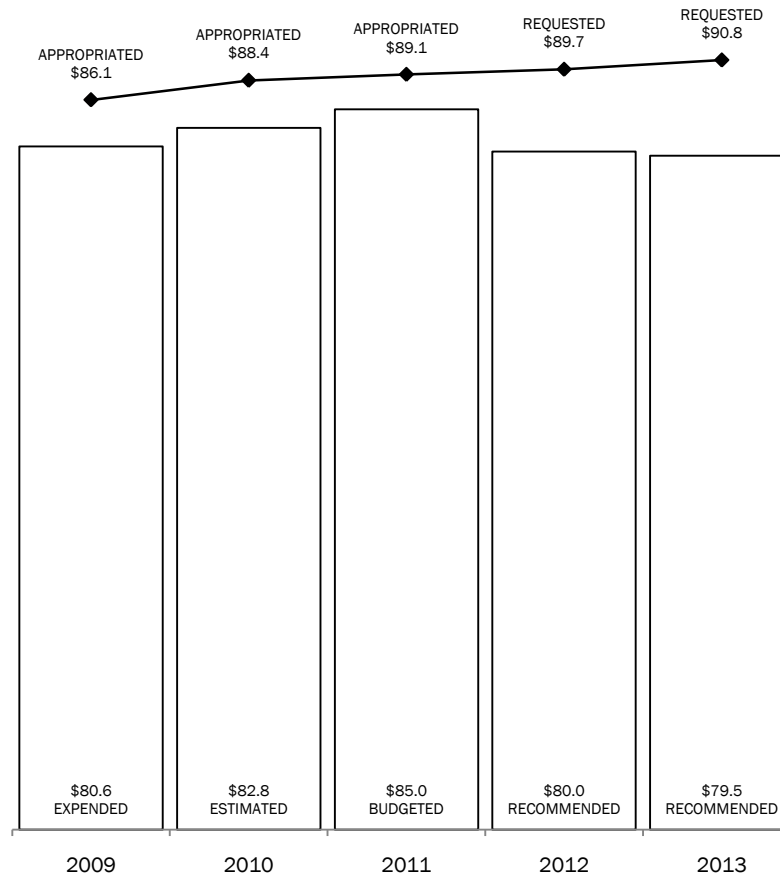
	FY 2011 Appropriations	FY 2011 Budgeted	FY 2013 Recommended	Biennial Change	% Change
FTEs	613.0	615.0	613.0	(2.0)	(0.3%)

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.

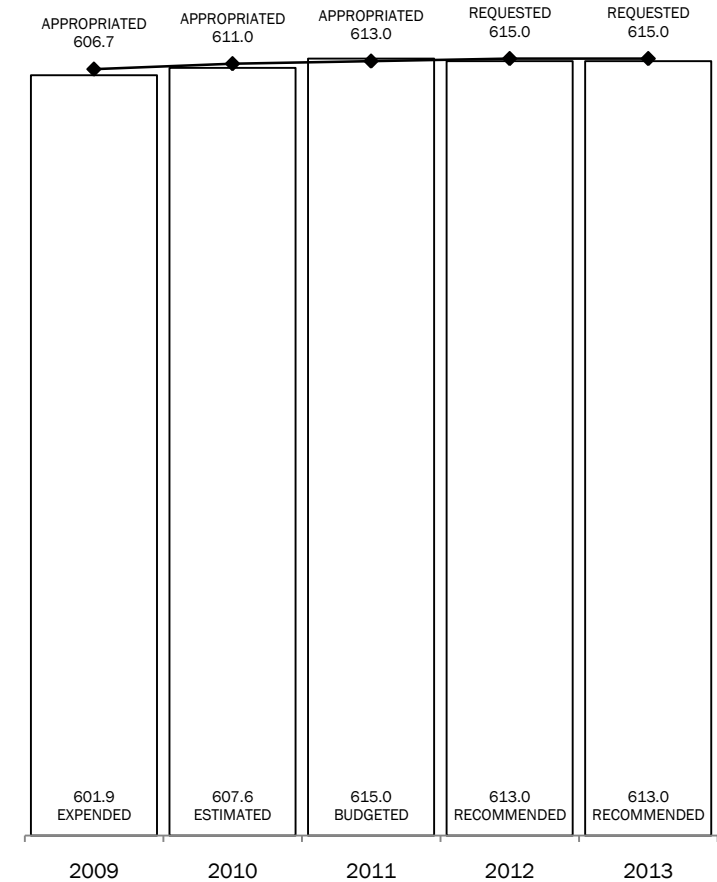
ALL FUNDS



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



FULL-TIME-EQUIVALENT POSITIONS



Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
DISTRICT JUDGES A.1.1	\$112,857,515	\$115,609,842	\$2,752,327	2.4%	The Introduced Bill reflects a net increase of \$2.8 million in General Revenue to fund 456 district courts currently authorized in statute (an increase of \$13.6 million in General Revenue, offset by a decrease of \$10.9 million in the Judicial Fund No. 573 - Other Funds) for a method-of-financing ratio of 60 percent General Revenue to 40 percent Judicial Fund No. 573 for judicial salaries.
VISITING JUDGES - REGIONS A.1.2	\$10,399,895	\$9,344,381	(\$1,055,514)	(10.1%)	The Introduced Bill includes a decrease of \$1,055,514 in General Revenue to reflect an approximate 10 percent reduction to this program, for a total 15 percent reduction from 2010-11 appropriated levels.
VISITING JUDGES - APPELLATE A.1.3	\$723,174	\$650,857	(\$72,317)	(10.0%)	The Introduced Bill includes a decrease of \$72,317 in General Revenue to reflect a 10 percent reduction to this program, for a total 15 percent reduction from 2010-11 appropriated levels.
LOCAL ADMIN. JUDGE SUPPLEMENT A.1.4	\$150,000	\$150,000	\$0	0.0%	Salary supplement to local administrative presiding judges maintained at statutory levels.
DISTRICT JUDGES: TRAVEL A.1.5	\$712,000	\$676,400	(\$35,600)	(5.0%)	The Introduced Bill includes a decrease of \$35,600 in General Revenue to reflect a 5 percent reduction to this program.
JUDICIAL SALARY PER DIEM A.1.6	\$404,000	\$383,800	(\$20,200)	(5.0%)	The Introduced Bill includes a decrease of \$20,200 in General Revenue to reflect a 5 percent reduction in salary per diem for trial court judges assigned to cases outside the judge's district or county (\$25 per day).
MDL SALARY AND BENEFITS A.1.7	\$316,000	\$316,000	\$0	0.0%	Compensation to multi-district litigation judges hearing asbestos-related cases (\$125,000) and silica-related cases (\$33,000) maintained at 2010-11 levels.
Total, Goal A, JUDICIAL SALARIES AND PAYMENTS	\$125,562,584	\$127,131,280	\$1,568,696	1.2%	
DISTRICT ATTORNEYS: SALARIES B.1.1	\$2,611,140	\$1,103,454	(\$1,507,686)	(57.7%)	The Introduced Bill includes a decrease of \$1,542,298 in General Revenue, offset by an increase of \$34,612 in the Judicial Fund No. 573 to shift costs for approximately 6 prosecutors to Strategy B.1.2, Professional Prosecutors that had inadvertently been reflected in this strategy in the 2010-11 biennium, and to maintain prosecutor salaries at statutory levels and at a 60 percent funding ratio from General Revenue. See Selected Fiscal and Policy Issue Nos. 1(a) and 2(d).

Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
PROFESSIONAL PROSECUTORS: SALARIES B.1.2	\$35,528,540	\$37,036,224	\$1,507,684	4.2%	The Introduced Bill includes a decrease of \$6,796,898 in General Revenue, offset by an increase of \$8,304,582 in the Judicial Fund No. 573 to reflect costs for approximately 6 prosecutors inadvertently reflected in Strategy B.1.1, District Attorney Salaries in the 2010-11 biennium, and to maintain prosecutor salaries at statutory levels and at a 60 percent ratio from General Revenue. See Selected Fiscal and Policy Issue Nos. 1(a) and 2(d).
FELONY PROSECUTORS: SALARIES B.1.3	\$543,000	\$543,000	\$0	0.0%	The Introduced Bill includes a decrease of \$106,446 in General Revenue, offset by a corresponding increase in the Judicial Fund No. 573 to maintain prosecutor salaries at statutory levels and at a 60 percent ratio from General Revenue. See Selected Fiscal and Policy Issue Nos. 1(a) and 2(d).
PROSECUTORS: SUBCHAPTER C B.1.4	\$272,046	\$272,046	\$0	0.0%	The Introduced Bill maintains the statutorily-based annual \$136,023 salary supplement to the Harris County District Attorney. Pay is not linked to the salary of a district judge, and instead is population based. The Harris County DA does not receive an office apportionment.
FELONY PROSECUTORS: TRAVEL B.1.5	\$420,000	\$357,000	(\$63,000)	(15.0%)	The Introduced Bill includes a decrease of \$63,000 in General Revenue to reflect a 15 percent reduction to this program. See Selected Fiscal and Policy Issue No.
FELONY PROSECUTORS: EXPENSES B.1.6	\$10,676,460	\$7,110,000	(\$3,566,460)	(33.4%)	The Introduced Bill includes a decrease of \$3,566,460 in General Revenue to fund office expenses for felony prosecutors (157) and the State Prosecuting Attorney at annual statutory levels of \$22,500 per office (see Government Code §46.004). All but 4 district attorneys were receiving \$34,450 per office annually in the 2010-11 biennium. See Selected Fiscal and Policy Issue No. 1(b).
TRAVIS CO. ASST. DA SUPPLEMENTS B.1.7	\$11,232	\$0	(\$11,232)	(100.0%)	The Introduced Bill includes a decrease of \$11,232 in General Revenue for two annual salary supplements of \$2,808 each to Travis County Assistant District Attorneys, and authorized under Government Code § 43.132. See Selected Fiscal and Policy Issue No. 1(l).
Total, Goal B, PROSECUTOR SALARIES AND PAYMENTS	\$50,062,418	\$46,421,724	(\$3,640,694)	(7.3%)	
CONST. CO. JUDGE GR/573 SUPPLEMENT C.1.1	\$4,230,000	\$4,230,000	\$0	0.0%	Salary supplement to 215 constitutional county judges maintained at statutory levels, for those judges whose functions are at least 40 percent judicial functions.
CONST. CO. JUDGE 573 SUPPLEMENT C.1.2	\$3,173,390	\$3,173,390	\$0	0.0%	
STATUTORY CO. JUDGE GR SUPPLEMENT C.1.3	\$0	\$0	\$0	0.0%	

Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate, By Method of Finance -- ALL FUNDS

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
STATUTORY CO. JUDGE 573 SUPPLEMENT C.1.4	\$34,694,842	\$34,694,842	\$0	0.0%	
STATUTORY PROBATE JUDGE SUPPLEMENT C.1.5	\$3,174,000	\$3,174,000	\$0	0.0%	
Total, Goal C, CO.-LEVEL JUDGES SALARY SUPPLEMENTS	\$45,272,232	\$45,272,232	\$0	0.0%	
ASST. PROSECUTOR LONGEVITY PAY D.1.1	\$7,518,000	\$7,142,100	(\$375,900)	(5.0%)	The Introduced Bill includes a decrease of \$375,900 in the Assistant Prosecutor Supplement Fund No. 303 (Other Funds) to reflect a 5 percent reduction for this program. See Selected Fiscal and Policy Issue No. 2(a).
COUNTY ATTORNEY SUPPLEMENT D.1.2	\$10,791,694	\$10,791,694	\$0	0.0%	The Introduced Bill includes a decrease of \$2,388,022 in General Revenue, offset by a corresponding increase in the Judicial Fund No. 573 to maintain prosecutor salaries at statutory levels and with a 60 percent funding ratio from General Revenue. See Selected Policy Issue Nos. 1(a) and 2(d).
WITNESS EXPENSES D.1.3	\$2,950,000	\$2,802,500	(\$147,500)	(5.0%)	The Introduced Bill includes a decrease of \$147,500 in General Revenue to reflect a 5 percent reduction for this program. See Selected Fiscal and Policy Issue No. 1(k).
PUBLIC INTEGRITY UNIT, TRAVIS CO. D.1.4	\$7,562,359	\$6,737,368	(\$824,991)	(10.9%)	The Introduced Bill includes a decrease of \$286,993 in General Revenue to reflect a 10 percent reduction to the General State Division, for a total 15 percent reduction from 2010-11 appropriated levels. Also included is a decrease of \$384,633 from the self-leveling General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees Account No. 8042 to reflect a 15 percent reduction from 2010-11 appropriated levels for the Insurance Fraud Division; and, a decrease of \$153,365 from the State Highway Fund No. 6 (Other Funds) for lease payments formerly budgeted for commercial office space, but now owned by Travis County. See Selected Fiscal and Policy Issues Nos. 1(f), 2(b) and 3.
SPECIAL PROSECUTION UNIT, WALKER CO D.1.5	\$10,538,731	\$9,495,856	(\$1,042,875)	(9.9%)	The Introduced Bill includes a decrease of \$828,755 in General Revenue to reflect a 11 percent reduction in funding for the Criminal, Civil, and Juvenile Divisions, including a decrease for one-time lump sum compensatory payments to staff in the Criminal Division (\$76,403); and a decrease of \$150,760 from Criminal Justice Division Grants to reflect a 5 percent reduction from this method of finance for the Criminal Division. See Selected Fiscal and Policy Issues Nos. 1(e), 2(c) and 3.

Judiciary Section, Comptroller's Department
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 D.1.6	\$323,000	\$50,000	(\$273,000)	(84.5%)	The Introduced Bill includes a decrease of \$273,000 in General Revenue to retain appropriations for death penalty representation in the event the new Office of Capital Writs is unable to represent a defendant due to a conflict of interest.
NATIONAL CENTER FOR STATE COURTS D.1.7	\$776,060	\$388,030	(\$388,030)	(50.0%)	The Introduced Bill includes a decrease of \$776,060 in General Revenue to suspend the state's subscription to this organization in 2012-13. See Selected Fiscal and Policy Issue No. 1(h).
JUROR PAY D.1.8	\$21,604,000	\$18,363,400	(\$3,240,600)	(15.0%)	The Introduced Bill includes a decrease of \$3,240,600 in General Revenue to reflect a 15 percent reduction to this program. This reduction may require a statutory change. See Selected Fiscal and Policy Issue No. 1(c).
SEX OFFENDER TREATMT. & SUPERVISION D.1.9	\$6,891,768	\$6,891,768	\$0	0.0%	The Introduced Bill includes no further reductions to this program, which took a 5 percent reduction in the 2010-11 biennium and sustained it into 2012-13. See Selected Fiscal and Policy Issue No. 5.
INDIGENT INMATE DEFENSE D.1.10	\$441,000	\$50,000	(\$391,000)	(88.7%)	The Introduced Bill includes a decrease of \$391,000 in General Revenue for this program, to fund appropriations for indigent inmate defense at 50 percent of the 2010-11 appropriated funding level. See Selected Fiscal and Policy Issue No. 1(g).
MONTGOMERY CO - 435TH DIST CT STAFF D.1.11	\$354,000	\$0	(\$354,000)	(100.0%)	The Introduced Bill includes a decrease of \$354,000 in General Revenue to suspend appropriations for a court coordinator and court reporter, as well as operating expenses to assist the district court with special jurisdiction over civil commitments of sex offenders. See Selected Fiscal and Policy Issue No. 1(i).
Total, Goal D, SPECIAL PROGRAMS	\$69,750,612	\$62,712,716	(\$7,037,896)	(10.1%)	
Grand Total, All Strategies	\$290,647,846	\$281,537,952	(\$9,109,894)	(3.1%)	

Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate, By Method of Finance -- 1 - General Revenue Fund

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
DISTRICT JUDGES A.1.1	\$55,384,615	\$68,998,568	\$13,613,953	24.6%	See comments for Summary of Recommendations - All Funds.
VISITING JUDGES - REGIONS A.1.2	\$9,985,895	\$8,930,381	(\$1,055,514)	(10.6%)	
VISITING JUDGES - APPELLATE A.1.3	\$723,174	\$650,857	(\$72,317)	(10.0%)	
LOCAL ADMIN. JUDGE SUPPLEMENT A.1.4	\$150,000	\$150,000	\$0	0.0%	
DISTRICT JUDGES: TRAVEL A.1.5	\$712,000	\$676,400	(\$35,600)	(5.0%)	
JUDICIAL SALARY PER DIEM A.1.6	\$404,000	\$383,800	(\$20,200)	(5.0%)	
MDL SALARY AND BENEFITS A.1.7	\$194,158	\$316,000	\$121,842	62.8%	
Total, Goal A, JUDICIAL SALARIES AND PAYMENTS	\$67,553,842	\$80,106,006	\$12,552,164	18.6%	
DISTRICT ATTORNEYS: SALARIES B.1.1	\$2,201,060	\$658,566	(\$1,542,494)	(70.1%)	
PROFESSIONAL PROSECUTORS: SALARIES B.1.2	\$28,907,524	\$22,104,056	(\$6,803,468)	(23.5%)	
FELONY PROSECUTORS: SALARIES B.1.3	\$431,160	\$324,074	(\$107,086)	(24.8%)	
PROSECUTORS: SUBCHAPTER C B.1.4	\$272,046	\$272,046	\$0	0.0%	
FELONY PROSECUTORS: TRAVEL B.1.5	\$420,000	\$357,000	(\$63,000)	(15.0%)	
FELONY PROSECUTORS: EXPENSES B.1.6	\$10,676,460	\$7,110,000	(\$3,566,460)	(33.4%)	
TRAVIS CO. ASST. DA SUPPLEMENTS B.1.7	\$11,232	\$0	(\$11,232)	(100.0%)	
Total, Goal B, PROSECUTOR SALARIES AND PAYMENTS	\$42,919,482	\$30,825,742	(\$12,093,740)	(28.2%)	
CONST. CO. JUDGE GR/573 SUPPLEMENT C.1.1	\$2,160,000	\$2,160,000	\$0	0.0%	
CONST. CO. JUDGE 573 SUPPLEMENT C.1.2	\$0	\$0	\$0	0.0%	
STATUTORY CO. JUDGE GR SUPPLEMENT C.1.3	\$0	\$0	\$0	0.0%	
STATUTORY CO. JUDGE 573 SUPPLEMENT C.1.4	\$0	\$0	\$0	0.0%	
STATUTORY PROBATE JUDGE SUPPLEMENT C.1.5	\$0	\$0	\$0	0.0%	
Total, Goal C, CO.-LEVEL JUDGES SALARY SUPPLEMENTS	\$2,160,000	\$2,160,000	\$0	0.0%	
ASST. PROSECUTOR LONGEVITY PAY D.1.1	\$0	\$0	\$0	0.0%	
COUNTY ATTORNEY SUPPLEMENT D.1.2	\$8,830,644	\$6,440,728	(\$2,389,916)	(27.1%)	
WITNESS EXPENSES D.1.3	\$2,950,000	\$2,802,500	(\$147,500)	(5.0%)	
PUBLIC INTEGRITY UNIT, TRAVIS CO. D.1.4	\$2,869,937	\$2,582,944	(\$286,993)	(10.0%)	
SPECIAL PROSECUTION UNIT, WALKER CO D.1.5	\$7,523,517	\$6,631,402	(\$892,115)	(11.9%)	
DEATH PENALTY REPRESENTATION D.1.6	\$323,000	\$50,000	(\$273,000)	(84.5%)	
NATIONAL CENTER FOR STATE COURTS D.1.7	\$776,060	\$388,030	(\$388,030)	(50.0%)	
JUROR PAY D.1.8	\$21,604,000	\$18,363,400	(\$3,240,600)	(15.0%)	

Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate, By Method of Finance -- 1 - General Revenue Fund

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
SEX OFFENDER TREATMT. & SUPERVISION D.1.9	\$6,891,768	\$6,891,768	\$0	0.0%	See comments for Summary of Recommendations - All Funds.
INDIGENT INMATE DEFENSE D.1.10	\$441,000	\$50,000	(\$391,000)	(88.7%)	
MONTGOMERY CO - 435TH DIST CT STAFF D.1.11	\$354,000	\$0	(\$354,000)	(100.0%)	
Total, Goal D, SPECIAL PROGRAMS	\$52,563,926	\$44,200,772	(\$8,363,154)	(15.9%)	
Grand Total, All Strategies	\$165,197,250	\$157,292,520	(\$7,904,730)	(4.8%)	

Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate, By Method of Finance -- 573 - Judicial Fund

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
DISTRICT JUDGES A.1.1	\$57,472,900	\$46,611,274	(\$10,861,626)	(18.9%)	The Introduced Bill includes the smoothing out of available receipts from the Judicial Fund No. 573 for all officials linked to district judge pay for a method-of-financing ratio of 60 percent from General Revenue and 40 percent from the Judicial Fund No. 573.
VISITING JUDGES - REGIONS A.1.2	\$0	\$0	\$0	0.0%	
VISITING JUDGES - APPELLATE A.1.3	\$0	\$0	\$0	0.0%	
LOCAL ADMIN. JUDGE SUPPLEMENT A.1.4	\$0	\$0	\$0	0.0%	
DISTRICT JUDGES: TRAVEL A.1.5	\$0	\$0	\$0	0.0%	
JUDICIAL SALARY PER DIEM A.1.6	\$0	\$0	\$0	0.0%	
MDL SALARY AND BENEFITS A.1.7	\$0	\$0	\$0	0.0%	
Total, Goal A, JUDICIAL SALARIES AND PAYMENTS	\$57,472,900	\$46,611,274	(\$10,861,626)	(18.9%)	
DISTRICT ATTORNEYS: SALARIES B.1.1	\$410,080	\$444,888	\$34,808	8.5%	
PROFESSIONAL PROSECUTORS: SALARIES B.1.2	\$6,621,016	\$14,932,168	\$8,311,152	125.5%	
FELONY PROSECUTORS: SALARIES B.1.3	\$111,840	\$218,926	\$107,086	95.7%	
PROSECUTORS: SUBCHAPTER C B.1.4	\$0	\$0	\$0	0.0%	
FELONY PROSECUTORS: TRAVEL B.1.5	\$0	\$0	\$0	0.0%	
FELONY PROSECUTORS: EXPENSES B.1.6	\$0	\$0	\$0	0.0%	
TRAVIS CO. ASST. DA SUPPLEMENTS B.1.7	\$0	\$0	\$0	0.0%	
Total, Goal B, PROSECUTOR SALARIES AND PAYMENTS	\$7,142,936	\$15,595,982	\$8,453,046	118.3%	
CONST. CO. JUDGE GR/573 SUPPLEMENT C.1.1	\$2,070,000	\$2,070,000	\$0	0.0%	
CONST. CO. JUDGE 573 SUPPLEMENT C.1.2	\$3,173,390	\$3,173,390	\$0	0.0%	
STATUTORY CO. JUDGE GR SUPPLEMENT C.1.3	\$0	\$0	\$0	0.0%	
STATUTORY CO. JUDGE 573 SUPPLEMENT C.1.4	\$34,694,842	\$34,694,842	\$0	0.0%	
STATUTORY PROBATE JUDGE SUPPLEMENT C.1.5	\$3,174,000	\$3,174,000	\$0	0.0%	
Total, Goal C, CO.-LEVEL JUDGES SALARY SUPPLEMENTS	\$43,112,232	\$43,112,232	\$0	0.0%	
ASST. PROSECUTOR LONGEVITY PAY D.1.1	\$0	\$0	\$0	0.0%	
COUNTY ATTORNEY SUPPLEMENT D.1.2	\$1,961,050	\$4,350,966	\$2,389,916	121.9%	
WITNESS EXPENSES D.1.3	\$0	\$0	\$0	0.0%	
PUBLIC INTEGRITY UNIT, TRAVIS CO. D.1.4	\$0	\$0	\$0	0.0%	

Judiciary Section, Comptroller's Department
Summary of Recommendations - Senate, By Method of Finance -- 573 - Judicial Fund

Strategy/Goal	2010-11 Base	2012-13 Recommended	Biennial Change	% Change	Comments (Optional)
SPECIAL PROSECUTION UNIT, WALKER CO D.1.5	\$0	\$0	\$0	0.0%	
DEATH PENALTY REPRESENTATION D.1.6	\$0	\$0	\$0	0.0%	
NATIONAL CENTER FOR STATE COURTS D.1.7	\$0	\$0	\$0	0.0%	
JUROR PAY D.1.8	\$0	\$0	\$0	0.0%	
SEX OFFENDER TREATMT. & SUPERVISION D.1.9	\$0	\$0	\$0	0.0%	
INDIGENT INMATE DEFENSE D.1.10	\$0	\$0	\$0	0.0%	
MONTGOMERY CO - 435TH DIST CT STAFF D.1.11	\$0	\$0	\$0	0.0%	
Total, Goal D, SPECIAL PROGRAMS	\$1,961,050	\$4,350,966	\$2,389,916	121.9%	
Grand Total, All Strategies	\$109,689,118	\$109,670,454	(\$18,664)	(0.0%)	

Section 3

Judiciary Section, Comptroller's Department Selected Fiscal and Policy Issues

Recommended funding in the Introduced Bill begins with the agency's 2010-11 estimated and budgeted amounts and incorporates the following adjustments:

1. Decrease General Revenue by \$8,289,363, which includes:
 - a. A net increase of \$2,752,327 in General Revenue related to restoring the 5 percent reduction to elected official salaries, including salaries for the 456 district courts currently authorized in statute, and smoothing out Judicial Fund No. 573 appropriations for all officials linked to district judge pay by the following funding ratio: General Revenue (60 percent) and Judicial Fund No. 573 (40 percent). In September 2010, the Judiciary Section reported that additional receipts in the Judicial Fund No. 573 were sufficient to supplant \$4 million per year in General Revenue for fiscal years 2010-13, with an additional \$1 million (for a total of \$5 million) being available in fiscal year 2010. Rider 1 in the Judiciary Section's bill pattern authorizes the Comptroller's Office to make this method of finance change. See Strategy A.1.1, District Judge Salaries, Strategies B.1.1-3, for prosecutor salaries, and Strategy D.1.2, County Attorney Supplement.
 - b. A decrease of \$3,566,460 to fund office expenses for felony prosecutors (157) and the State Prosecuting Attorney at annual statutory levels of \$22,500 per office (see Government Code §46.004). All but 4 district attorneys were receiving \$34,450 per office annually in the 2010-11 biennium, and recommended amounts reflect a reduction of over 33 percent to this program.
 - c. A decrease of \$3,240,600 to pay jurors, who under statute receive \$40 per day after the first day of service (\$34 from the state and \$6 from the county). The 15 percent reduction to this program may require a statutory change, e.g., a 15 percent decrease in state payments from \$34 to \$28.90 per day. Without a statutory change, reimbursements to counties may be insufficient to cover the \$34-per-day costs, and the fund balances in excess of \$10 million in the account that are transferred to the General Revenue-Dedicated Fair Defense Account No. 5073 would increase, contributing to that fund's unappropriated balances.
 - d. A decrease of \$1,127,831 to the visiting judge programs serving the judicial regions (\$1,055,514) and the appellate courts (\$72,317) to reflect an additional 10 percent reduction to these programs, or an overall 15 percent reduction from 2010-11 appropriated levels.
 - e. A decrease of \$892,115 to the Special Prosecution Unit (SPU) to reflect a reduction to General Revenue as a Method of Finance for the Criminal, Civil and Juvenile Divisions, including a decrease for one-time lump sum compensatory payments to staff in the Criminal Division (\$76,403) and a decrease for lease payments to Walker and Anderson Counties in the Juvenile Division (\$63,360) for an overall 17 percent reduction from 2010-11 appropriated levels.

Section 3

- f. A decrease of \$658,806 to the Public Integrity Unit from the General Revenue Fund (\$286,993) and from the self-leveling General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees Account No. 8042 (384,633) to reflect an additional 10 percent reduction, for an overall 15 percent reduction from 2010-11 appropriated levels.
- g. A decrease of \$391,000 for indigent inmate defense. This program was originally funded at \$100,000 for the 2010-11 biennium and provided estimated appropriation authority. The program incurred an unanticipated 2010 increase of \$341,000 for the defense of two Huntsville prisoners who in September 2007 stole a truck while fleeing work detail, fatally striking a mounted corrections officer, who died shortly thereafter of her injuries. The \$50,000 provided in the 2012-13 biennium provides for two such defenses at \$25,000 per case, based upon the former Code of Criminal Procedure statutory allocation of \$25,000 per case for death penalty convictions on appeal. Under current law, the Code of Criminal Procedure §26.05 allows local county-level and district court judges hearing criminal cases to set agreed upon fee schedules for indigent defense.
- h. A decrease of \$388,030 to fund at 50 percent the state's estimated subscription to the National Center for State Courts (NCSC) in the 2012-13 biennium. The NCSC is a nonprofit organization that offers state judiciaries research, consulting services, publication, and national educational programs to enhance state court operations. The Chief Justice of the Supreme Court of Texas serves as chairman of the NCSC through 2012. For additional budget flexibility, unexpended balance authority within the biennium was added to this strategy (D.1.7).
- i. A decrease of \$354,000 to suspend payments for a court coordinator and court reporter, as well as operating expenses to assist the 435th District Court with special jurisdiction over civil commitments of sex offenders. In fiscal year 2010, the 435th District Court disposed of 43 civil commitments; however, court staff report that civil commitments represent only 65 to 70 percent of the court's docket, as the court handles other case filings for Montgomery County.
- j. A decrease of \$273,000 for death penalty representation, to provide \$50,000 in the 2012-13 biennium for two defenses at \$25,000 per case, for those cases in which the Office of Capital Writs (OCW) cannot represent the defendant due to a conflict of interest. A typical conflict case would occur in which an offense has one or more defendants, who must have different counsel to protect each defendant's interest.
- k. A net decrease of \$266,300 for witness expenses (\$147,500), district judge travel (\$35,600), and judicial salary per diem (\$20,200) to apply the 5 percent reduction to these programs, and for a 15 percent reduction to felony prosecutor travel (\$63,000)
- l. A decrease of \$11,232 for two annual salary supplements provided at \$2,808 each to two Travis County District Attorneys (authorized but not required under Government Code §43.132). See related deletion of Strategy B.1.7, Travis County Assistant District Attorney Salary Supplements and corresponding reduction of 2 FTEs. Historically, these payments have been made to 2 assistant district attorneys in the Public Integrity Unit of Travis County (Strategy B.1.7).

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- m. An increase of \$121,842 in General Revenue to offset decreases in Interagency Contracts (Other Funds) by an equal amount to fund compensation to multi-litigation judges hearing asbestos-related cases (\$125,000) and silica-related cases (\$33,000) at 2010-11 levels.

Remove Estimated Appropriation Authority. To enforce reductions in appropriations, the following strategies for which the Judiciary Section currently has estimated appropriation authority are modified to sum certain appropriations: Strategy A.1.1, District Judge Salaries, Strategy A.1.4, Local Administrative Judge Supplement, Strategy A.1.6, Judicial Salary Per Diem, Strategy B.1.4, Prosecutors, Subchapter C (the Harris County District Attorney), Strategy C.1.1, Constitutional County Judge GR/573 Supplement, Strategy D.1.1, Assistant Prosecutor Longevity Pay, Strategy D.1.2, County Attorney Supplement, Strategy D.1.3, Witness Expenses, Strategy D.1.6, Death Penalty Representation, Strategy D.1.7, National Center for State Courts, Strategy D.1.8, Juror Pay, and Strategy D.1.10, Indigent Inmate Defense.

- 2. Decrease Other Funds by \$820,531, which includes:
 - a. A decrease of \$375,900 from the Assistant Prosecutor Supplement Fund No. 303 to reflect the 5 percent reduction in longevity pay for assistant prosecutors statewide.
 - b. A decrease of \$153,365 from the State Highway Fund No. 6 to reflect the 5 percent reduction for the Motor Fuels Tax Fraud Division of the Public Integrity Unit.
 - c. A decrease of \$150,760 in Criminal Justice Division Grants to reflect the 5 percent reduction for the Criminal Division of the Special Prosecution Unit.
 - d. A decrease of \$18,664 from the Judicial Fund No. 573, primarily to reflect the smoothing out of available General Revenue for all officials linked to district judge pay to 60 percent from General Revenue and 40 percent from the Judicial Fund No. 573.
- 3. **County Lease Payments.** In June 2010, the Public Integrity Unit (PIU) reported Travis County had assumed ownership of the private building in which the PIU was leasing office space, and the PIU was suspending lease payments to recognize savings in 2010-11. While some Travis County commissioners initially wanted to continue charging the PIU for lease payments under an interpretation that the Travis County District Attorney's office, which includes the PIU, is different than other Travis County entities, the issue was resolved when Travis County found alternative office space for the PIU in a different county building.

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The Introduced Bill includes reductions in funding for lease payments paid by county-level entities that are located in county-owned buildings. Figure 1 reflects 2010-11 amounts budgeted for lease payments by the PIU and Special Prosecution Unit (SPU).

Figure 1

Lease Payments for County-Owned Buildings	2010-11 Biennium	Total 2012-13 Baseline Reductions
Public Integrity Unit	\$ 549,371	\$ (824,991)
Method of Finance		
General Revenue	\$ 222,037	\$ (286,993)
General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees	\$ 73,968	\$ (384,633)
State Highway Fund 006	\$ 153,366	\$ (153,365)
	\$ 549,371	\$ (824,991)
Special Prosecution Unit	\$ 154,080	\$ (1,042,875)
Method of Finance		
General Revenue	\$ 123,840	\$ (892,115)
Criminal Justice Division Grants	\$ 30,240	\$ (150,760)
	\$ 154,080	\$ (1,042,875)

Figure 1 also reflects total 2012-13 baseline reductions made to each unit. While the PIU did include lease savings as part of its 5 percent reduction, the SPU did not and retained funding for lease payments to Walker and Anderson counties in the unit's baseline funding request. See PIU and SUP Rider Nos. 3 and 4, respectively, which reflect LBB recommendations.

- Felony Prosecutor Travel.** In the 2010-11 biennium, amounts budgeted in Strategy B.1.1, Felony Prosecutor Travel were capped at an annual amount of \$1,750 per county for prosecutors with multi-county districts in the strategy description. On occasion, felony prosecutors in single-county districts serve as the district attorney pro tem in another district, e.g., when a local prosecutor has been disqualified to act or the office is otherwise vacant. Because Government Code §43.004 does not restrict payments to prosecutors in multi-county districts, this cap has been lifted to allow the prosecutors more flexibility in managing appropriations for prosecutor travel statewide.

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5. **Sex Offender Treatment and Supervision.** The Council on Sex Offender Treatment and Supervision (CSOT) at the Department of State Health Services (DSHS) monitors sexually violent predators (SVPs) under civil commitment. The CSOT has submitted a \$1.8 million exceptional item for exponential caseload growth of SVPs under its supervision. At this time, a \$160,969 discrepancy in amounts reported by the CSOT in the DSHS budget request (see Strategy D.1.7, Sex Offender Treatment and Supervision), compared to the corresponding budget request in the Judiciary Section, Strategy D.1.9, Sex Offender Treatment and Supervision is for fiscal year 2009 is nearly resolved, with DSHS planning to remit the amount to the Judiciary Section.

Judiciary Section, Comptroller's Department
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

Judiciary Section, Comptroller's Department Rider Highlights

1. **Appropriation Source.** Rider modified to allow the agency to use excess receipts from the Judicial Fund No. 573 to generate General Revenue savings for both district judge and prosecutor salaries.
3. **Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting.** Rider modified to reflect recommended funding levels and to incorporate reimbursement requirements under Rider 10, Public Integrity Unit. Also, provision added to restrict payments for lease space in county-owned buildings.
4. **Special Prosecution Unit: Appropriation Source, Unexpended Balances, and Performance Reporting.** Rider modified to reflect recommended funding levels. Also, provision added to restrict payments for lease space in county-owned buildings.
6. **Felony Prosecutors: Expenses.** Rider modified to reflect recommended funding levels of \$22,500 per professional prosecutor (see Government Code §46.004).
8. **Interagency Contract for Sex Offender Treatment and Supervision.** Rider modified to reflect recommended funding levels.
9. **Longevity pay.** Rider modified to reflect recommended funding levels.
10. **(former) Public Integrity Unit.** Rider deleted and reimbursement requirements moved to Rider 3, Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting.

Section 6

**Judiciary Section, Comptroller's Department
Items not Included in Recommendations**

		2012-13 Biennial Total	
		GR & GR- Dedicated	All Funds
1. Visiting Judges - Regions (Strategy A.1.2): Partially restore additional 10 percent reductions (\$1,055,514) to this program.	\$	400,000	\$ 400,000
2. Felony Prosecutors - Expenses of Office (Strategy B.1.6): Partially restore reductions to this program for 79 felony prosecutors serving rural jurisdictions with populations of less than 43,000 from the \$22,500 per year statutory minimum to \$32,500 per year (includes restoration of a rider provision).	\$	1,580,000	\$ 1,580,000
3. Assistant Prosecutor Longevity Pay (Strategy D.1.1): Restore 5 percent funding reductions for longevity pay from the Assistant Prosecutor Supplement Fund No. 303 (Other Funds).	\$	-	\$ 375,900
4. Public Integrity Unit, Travis County (Strategy D.1.4): A request for additional funding to preserve a key staff position in the General State Government Investigations Division (\$86,041 from General Revenue) and a key staff position in the Insurance Fraud Division (\$68,624 from General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees).	\$	154,665	\$ 154,665
5. Special Prosecution Unit, Walker County (Strategy D.1.5): Reallocate \$76,403 from General Revenue each fiscal year from the Civil Division to the Criminal Division within funding levels in the introduced bill (Rider revision).	\$	-	\$ -
6. Sex Offender Treatment & Supervision (Strategy D.1.9): Additional funding in 2012 (\$532,049 and 2.25 FTEs) and 2013 (\$1,231,572 and 6.25 FTEs) to treat and monitor the 25 additional sex offenders per year that would be under the supervision of the program, provided that the Special Prosecution Unit continues to process 50 civil commitment trials per year. Fringe benefits costs included in the Interagency Contract would be an additional \$552,580 for the biennium.	\$	2,316,201	\$ 2,316,201
7. Montgomery County Staff for the 435th District Court (Strategy D.1.11): Restore funding for a court reporter, court coordinator, and other operating expenses to assist the district court with special jurisdiction over civil commitments of sex offenders (\$354,000) and provide additional funding for the same purposes (\$118,805).	\$	472,805	\$ 472,805
Total, Items Not Included in the Recommendations	\$	4,923,671	\$ 5,299,571

Note: Funding items for each requesting entity shown in bill pattern order.