Court of Criminal Appeals
Summary of Budget Recommendations -Senate

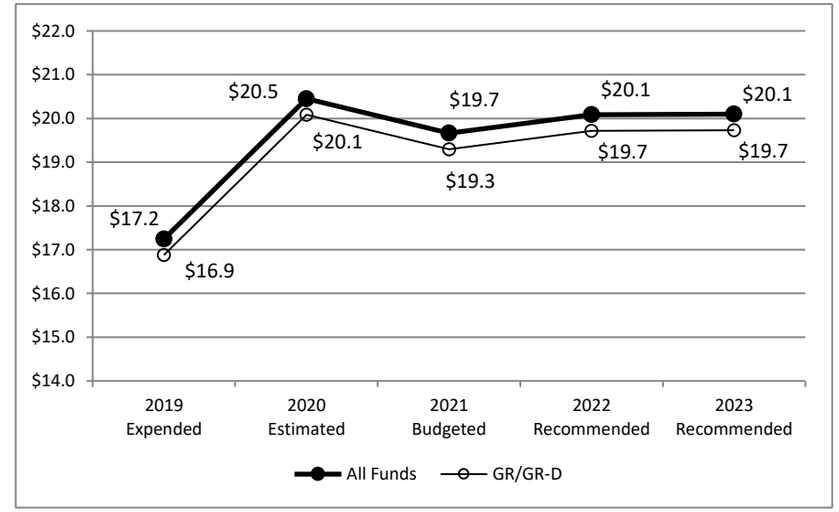
Page IV-4
The Honorable Sharon Keller, Presiding Judge
Bryan Hadley, LBB Analyst

Method of Financing	2020-21 Base	2022-23 Recommended	Biennial Change ($)	Biennial Change (%)
General Revenue Funds	$14,004,516	$14,074,023	$69,507	0.5%
GR Dedicated Funds	$25,375,656	$25,375,656	$0	0.0%
Total GR-Related Funds	*$39,380,172*	*$39,449,679*	*$69,507*	*0.2%*
Federal Funds	$0	$0	$0	0.0%
Other	$735,502	$735,502	$0	0.0%
All Funds	**$40,115,674**	**$40,185,181**	**$69,507**	**0.2%**

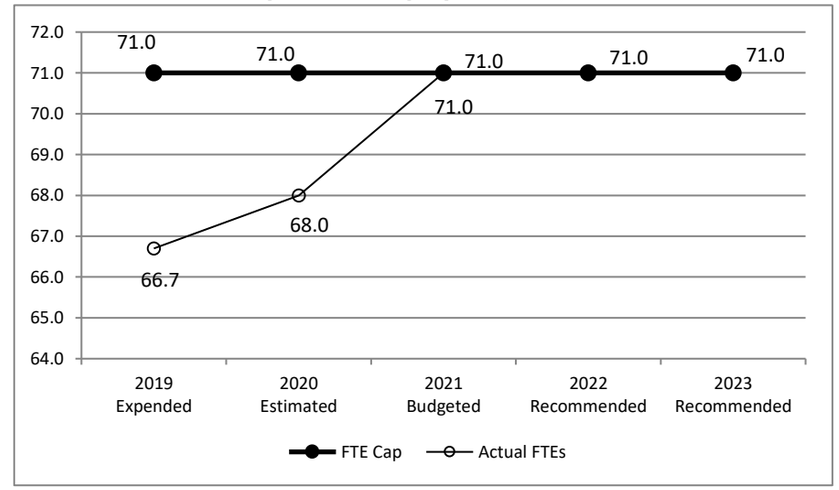
	FY 2021 Budgeted	FY 2023 Recommended	Biennial Change	Percent Change
FTEs	71.0	71.0	0.0	0.0%

The Court of Criminal Appeals was exempt from the 5 percent reduction for the 2020-21 biennium.

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2022-23 Recommended) represents an estimated 100.0% of the agency's estimated total available funds for the 2022-23 biennium.

Court of Criminal Appeals
Summary of Funding Changes and Recommendations - Senate

	Funding Changes and Recommendations for the 2022-23 Biennium compared to the 2020-21 Base Spending Level (in millions)	General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):							
A)	Increase in strategy A.1.2, Appellate Judge Salaries, due to increases for the salaries of from two judges under the judicial compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)	$69,507.0	$0.0	$0.0	$0.0	$69,507.0	A.1.2
TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions)		**$69,507.0**	**$0.0**	**$0.0**	**$0.0**	**$69,507.0**	As Listed
SIGNIFICANT & OTHER Funding Increases		**$69,507.0**	**$0.0**	**$0.0**	**$0.0**	**$69,507.0**	As Listed
SIGNIFICANT & OTHER Funding Decreases		$0.0	$0.0	$0.0	$0.0	$0.0	As Listed

NOTE: Totals may not sum due to rounding.

Court of Criminal Appeals
Selected Fiscal and Policy Issues - Senate

1. **New Judicial Salary Strategy.** Recommendations include $3.7 million in estimated General Revenue funding for judicial compensation and include an additional $69,507 for anticipated judge salary increases due to increased tenure. Enactment of House Bill 2384, Eighty-sixth Legislature, 2019, adjusted the compensation structure for certain judges and prosecutors by creating tiers of compensation based on years of service. State salary and salary supplements for these positions remain linked to a district judge's base salary of $140,000 as set in the General Appropriations Act. Justices and prosecutors with four to eight years of service receive compensation at 110% of a district judge's base salary, or $154,000, and 120% of a district judge's base salary, or $168,000, for eight or more years of service.

   The Eighty-sixth Legislature, 2019, modified the General Appropriations Act for the 2020–21 biennium due to the enactment of this legislation by creating individual, estimated and non-transferrable strategies within the bill patterns of the 16 appellate courts and the Office of State Prosecuting Attorney to isolate required compensation-related appropriations. The estimated appropriation authority provides the flexibility to adjust funding levels to meet unanticipated changes in compensation obligations resulting from tenure changes and elections or appointment of persons with years of service credits differing from the previous position holder.

2. **Court Funding.** Recommendations continue General Revenue appropriations at 2020-21 levels to address its mandatory caseload of direct appeals of cases in which the death penalty has been imposed and post-conviction applications for writs of habeus corpus, which includes addressing a backlog of cases resulting from the COVID-19 pandemic. Recommendations do not include an additional $46,470 in General Revenue funding related to a pay raise for Clerks and Executive Assistants during the 2020-21 biennium. The agency expressed that the portion of the pay raises funded in 2021 is underfunded in the calculation of the agency's 2022-23 General Revenue Limit and requests the funds be added to its base to cover the costs of the pay raises in subsequent bienniums. (See also, Items Not Included in Recommendations - Senate #1)

3. **Recording of Oral Argument.** Recommendations continue General Revenue funding amounts of $96,000 for ongoing costs associated with recording the court's oral arguments. These amounts have been continued in the Court's budget since the 2018-19 biennium. HB 214, 85th Legislature, Regular Session, 2017, required the agency to make visual and audio recordings of each of the court's oral arguments and public meetings, and to post them on the court's website. The recording services are provided by the Office of Court Administration via an Interagency Contract.

4. **Mental and Behavioral Health Funding.** Recommendations continue $1.1 million in General Revenue which includes (1) $0.4 million in General Revenue funds to contract with statewide professional associations and other entities whose purposes include continuing legal education for judges and court staff on mental health issues and pre-trial diversion; (2) $0.5 million in General Revenue funds to train, educate, and inform judges and their staff of mental about mental health care resources available in Texas; and (3) $0.3 million in GR-Dedicated Judicial and Court Personnel Training Fund 540 funds to contract with statewide entities whose purpose includes providing judicial education services and training on indigent defendants and mental health.

5. **GR-Dedicated Judicial and Court Personnel Training Fund 540.** SB 346, 86th Legislature, Regular Session, 2019 changed the distribution of consolidated court cost revenue to General Revenue- Dedicated account 540, Judicial Court Personnel Training Fund, from 4.862 percent to 3.3224 percent. The agency estimates the fund will experience a reduction of 12.3 percent from the 2020-21 biennium. The agency reports a $2.0 million estimated revenue shortfall attributable to the COVID-19 pandemic in the last two quarters of fiscal year 2020 and a decrease of $0.9 million in the first quarter of fiscal year 2021. The Comptroller's Biennial Revenue Estimate includes revenue collections totaling $12.3 million in 2021, $12.6 million in 2022, and $12.3 million in 2023. Recommendations continue funding from GR-D 540 Judicial Court Personnel Training Fund at 2020-21 spending levels with estimated appropriation authority to allow for any additional revenues received to be spent for the same purpose. Recommendations do not include $1.9 million in General Revenue to make up shortfall in court fee revenue to the account. (See also, Items Not Included in Recommendations - Senate #2)

Court of Criminal Appeals
Rider Highlights - Senate

Modification of Existing Riders

2. **Judicial Education**. Recommendations revise this rider to include the provisions of rider 3, Judicial Education: Appropriations for Certain Types of Legal Education; rider 5, Judicial and Court Personnel Training Report; rider 6, Judicial Education: Alternatives to Inpatient Mental Health Treatment for Forensic Cases; rider 7, Judicial Education: Mental Health; and rider 9, Judicial Training Program.

3. **Judicial Education: Appropriations for Certain Types of Legal Education.** Recommendations combine this rider with rider 2, Judicial Education.

5. **Judicial and Court Personnel Training Report.** Recommendations combine this rider with rider 2, Judicial Education.

6. **Judicial Education: Alternatives to Inpatient Mental Health Treatment for Forensic Cases.** Recommendations combine this rider with rider 2, Judicial Education.

7. **Judicial Education: Mental Health.** Recommendations combine this rider with rider 2, Judicial Education.

9. **Judicial Training Program.** Recommendations combine this rider with rider 2, Judicial Education.

Court of Criminal Appeals
Items Not Included in Recommendations - Senate

		2022-23 Biennial Total					
		GR & GR-D	All Funds	FTEs	Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2024-25
Agency Exceptional Items Not Included (in agency priority order)							
1)	General Revenue for funding part of a 2020-21 staff salary increase in the agency's base for subsequent bienniums. (See also, Selected Fiscal and Policy Issues - Senate #2)	$46,470	$46,470	0.0	No	No	$46,470
2)	General Revenue to make up a shortfall in court cost revenue to GR-Dedicated Judicial and Court Personnel Training Fund 540. (See also, Selected Fiscal and Policy Issues - Senate #5)	$1,900,000	$1,900,000	0.0	No	No	$0
TOTAL Items Not Included in Recommendations		**$1,946,470**	**$1,946,470**	**$0**			**$46,470**

Court of Criminal Appeals
Appendices - Senate

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* Appendix is not included - no significant information to report

Court of Criminal Appeals
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
APPELLATE COURT OPERATIONS A.1.1	$11,142,943	$11,142,943	$0	0.0%	
APPELLATE JUDGE SALARIES A.1.2	$3,597,075	$3,666,582	$69,507	1.9%	Recommendations increase funding in strategy A.1.2, Appellate Judge Salaries, resulting from a change in the judicial compensation tiers created by HB 2384 during the Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #1)
Total, Goal A, APPELLATE COURT OPERATIONS	**$14,740,018**	**$14,809,525**	**$69,507**	**0.5%**	
JUDICIAL EDUCATION B.1.1	$25,375,656	$25,375,656	$0	0.0%	
Total, Goal B, JUDICIAL EDUCATION	**$25,375,656**	**$25,375,656**	**$0**	**0.0%**	
Grand Total, All Strategies	**$40,115,674**	**$40,185,181**	**$69,507**	**0.2%**	

Court of Criminal Appeals
FTE Highlights - Senate

Full-Time-Equivalent Positions	Expended 2019	Estimated 2020	Budgeted 2021	Recommended 2022	Recommended 2023
Cap	71.0	71.0	71.0	71.0	71.0
Actual/Budgeted	66.7	68.0	71.0	NA	NA

Schedule of Exempt Positions (Cap)					
Presiding Judge (1)	$170,500	$170,500	$170,500	$170,500	$170,500
Judge (8)	$168,000	$168,000	$168,000	$168,000	$168,000

Notes:

a) The Court of Criminal Appeals s is exempted from Article IX, Section 6.10, which limits the number of FTEs paid from appropriated funds to the amounts specified in the General Appropriations Act.

b) House Bill 2384, Eighty-sixth Legislature, Regular Session, 2019, created compensation tiers based on years of service for the Presiding Judge and Judges of the Court of Criminal Appeals and continued to link the salaries to a district judge's base salary of $140,000 as set in the General Appropriations Act. Justices with four to eight years of service receive compensation at 110% of a district judge's base salary, or $154,000, and 120% of a district judge's base salary, or $168,000, for eight or more years of service.

c) State Auditor's Office is the source for the fiscal year 2019 and fiscal year 2020 annual average (actual) FTE levels.