

Office of Capital and Forensic Writs Summary of Budget Recommendations - Senate

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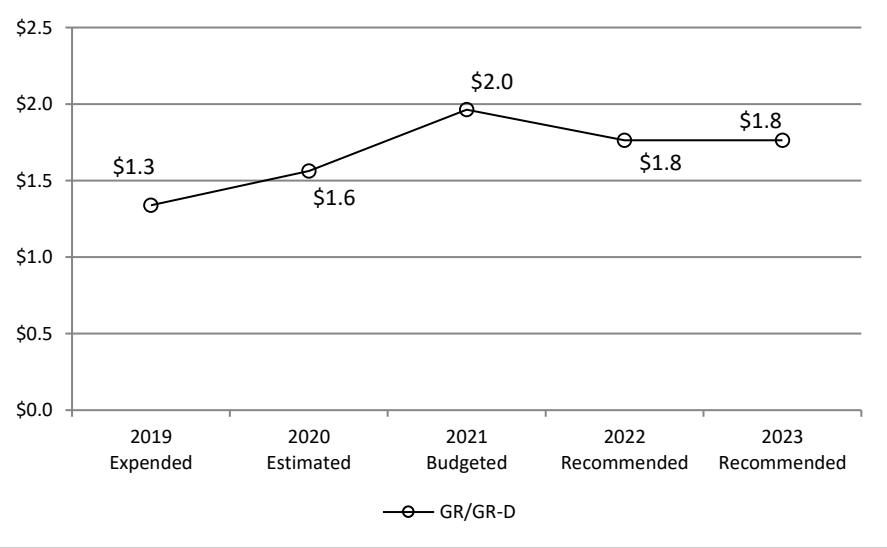
Benjamin Wolff, Director

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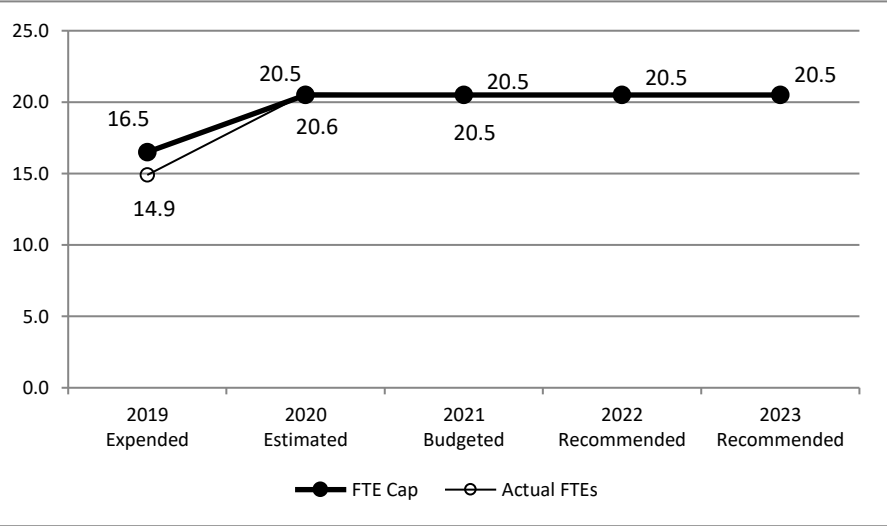
Method of Financing	2020-21 Base	2022-23 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$0	\$0	\$0	0.0%
GR Dedicated Funds	\$3,525,156	\$3,525,156	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$3,525,156</i>	<i>\$3,525,156</i>	<i>\$0</i>	<i>0.0%</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$0	\$0	\$0	0.0%
All Funds	\$3,525,156	\$3,525,156	\$0	0.0%

	FY 2021 Budgeted	FY 2023 Recommended	Biennial Change	Percent Change
FTEs	20.5	20.5	0.0	0.0%

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.

Office of Capital and Forensic Writs
Summary of Funding Changes and Recommendations - Senate

Section 2

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
<i>SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</i>							
A)	None	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	-
<i>OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):</i>							
F)	None	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	-
TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions)		\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	
<i>SIGNIFICANT & OTHER Funding Increases</i>		\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	
<i>SIGNIFICANT & OTHER Funding Decreases</i>		\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	

NOTE: Totals may not sum due to rounding.

**Office of Capital and Forensic Writs
Selected Fiscal and Policy Issues - Senate**

1. **General Revenue-Dedicated Fair Defense Account No. 5073: Fair Defense Account.** Recommendations continue 2020-21 spending levels of \$3.5 million in General Revenue-Dedicated Fair Defense Account No. 5073 (GR-D Fund 5073) funding with authority for 20.5 FTEs to provide capital post-conviction representation and representation of persons serving sentences of non-capital crimes where questionable forensic science may have tainted their conviction.

Appropriations from the GR-D Fund 5073 fund the operations of both the Office of Capital and Forensic Writs (OCFW) and the Texas Indigent Defense Commission (TIDC) in addition to the grants provided to the counties for indigent defense services and benefit costs for both agencies. The Comptroller's Biennial Revenue Estimate estimates revenues and available fund balances will total \$109.2 million for the 2022-23 biennium. Revenues deposited to this account are primarily generated from 17.8857 percent of the total collections received through the Consolidated Court Cost that is paid by defendants convicted under certain sections of the Penal Code.

Recommendations do not include \$185,536 from GR-D 5073 to provide for travel and professional fees and services to litigate cases at the 2020-21 appropriated level. The agency reduced spending in 2020-21 by this amount for the same purposes to achieve its required reduction target. The agency reports was able to find this savings in 2020-21 due to the COVID-19 pandemic and that it will further reduce salaries in 2022-23 to pay for these costs if additional funding is not provided. (See also, Items Not Included in Recommendations - Senate #2)

2. **Budget Structure Changes.** The agency's bill pattern includes a new strategy A.1.2, Post-Conviction Non-capital Representation, which has been added to reflect the changes from the enactment of under SB 1743, 84th Legislative Session, 2015. That bill expanded the agency's duties to include representing defendants in actions and proceedings in post-conviction matters related to forensic science. The new strategy includes unexpended balance authority within the biennium and replaces a rider in the 2020-21 bill pattern that governed expenditures for this purpose. (See also, Rider Highlights - Senate #2)
3. **Staff Attorney and Mitigation Specialist Salaries.** Recommendations do not include \$1,181,460 in GR-D 5073 funds to provide parity increases for agency attorneys and mitigation specialists. The agency reports that in 2019, it experienced a 53 percent turnover rate among attorneys and 100 percent among mitigation specialists. The agency seeks to use these funds to increase its average attorney salary from \$75,000 to \$115,000 and its average mitigation specialist salary from \$58,000 to \$75,000. (See also, Items Not Included in Recommendations - Senate #1)

**Office of Capital and Forensic Writs
Rider Highlights – Senate**

Deleted Riders

2. **Noncapital Inmate Representation.** Recommendations delete this rider, which governed funding for the agency’s non-capital work within strategy A.1.1, Post-Conviction Capital Representation. With the addition of the agency’s new strategy A.1.2, Post-Conviction Non-Capital Representation, the rider is unnecessary. (See also, Selected Fiscal & Policy Issues - Senate #2)

Office of Capital and Forensic Writs
Items Not Included in Recommendations - Senate

	2022-23 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2024-25
	GR & GR-D	All Funds	FTEs			

Agency Exceptional Items Not Included (in agency priority order)

1)	Fair Defense Account funding for salary parity for staff attorneys and mitigation specialists reduce turnover. (See also, Selected Fiscal and Policy Issues - Senate #3)	\$1,181,460	\$1,181,460	0.0	No	No	\$1,181,460
2)	Fair Defense Account funding to restore the agency's 5 percent reduction. The agency met its 20-2021 reduction target through reduced travel and professional fees and services expenditures. (See also, Selected Fiscal and Policy Issues - Senate #1)	\$185,535	\$185,535	0.0	No	No	\$185,535

TOTAL Items Not Included in Recommendations		\$1,366,995	\$1,366,995	\$0			\$1,366,995
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Office of Capital and Forensic Writs
Appendices - Senate

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* Appendix is not included - no significant information to report

Office of Capital and Forensic Writs
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
CAPITAL REPRESENTATION 1.1.1	\$3,160,569	\$3,045,836	(\$114,733)	(3.6%)	Recommendations reflect a reduction due to reallocation to Strategy 1.1.2, Non-capital Representation
NON-CAPITAL REPRESENTATION 1.1.2	\$364,587	\$479,320	\$114,733	31.5%	Recommendations reflect an increase due to a reallocation from Strategy 1.1.1, Capital Representation
Total, Goal 1, POST-CONVICTION REPRESENTATION	\$3,525,156	\$3,525,156	\$0	0.0%	
Grand Total, All Strategies	\$3,525,156	\$3,525,156	\$0	0.0%	

Office of Capital and Forensic Writs
FTE Highlights - Senate

Full-Time-Equivalent Positions	Expended 2019	Estimated 2020	Budgeted 2021	Recommended 2022	Recommended 2023
Cap	16.5	20.5	20.5	20.5	20.5
Actual/Budgeted	14.9	20.6	20.5	NA	NA

Schedule of Exempt Positions (Cap)					
Executive Director, Group 4	\$137,274	\$148,510	\$148,510	\$148,510	\$148,510

- Notes:
- a) The State Auditor's Office Report, Executive Compensation at State Agencies (Report 20-706, August 2020), indicates a market average salary of \$157,071 for the Executive Director position at the Office of Capital and Forensic Writs. The report recommends retaining the same salary group.
 - b) State Auditor's Office is the source for the fiscal year 2019 and fiscal year 2020 annual average (actual) FTE levels.