

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

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Method of Financing	2020-21 Base	2022-23 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$223,154,891	\$225,925,121	\$2,770,230	1.2%
GR Dedicated Funds	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$223,154,891</i>	<i>\$225,925,121</i>	<i>\$2,770,230</i>	<i>1.2%</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$126,249,811	\$128,845,231	\$2,595,420	2.1%
All Funds	\$349,404,702	\$354,770,352	\$5,365,650	1.5%

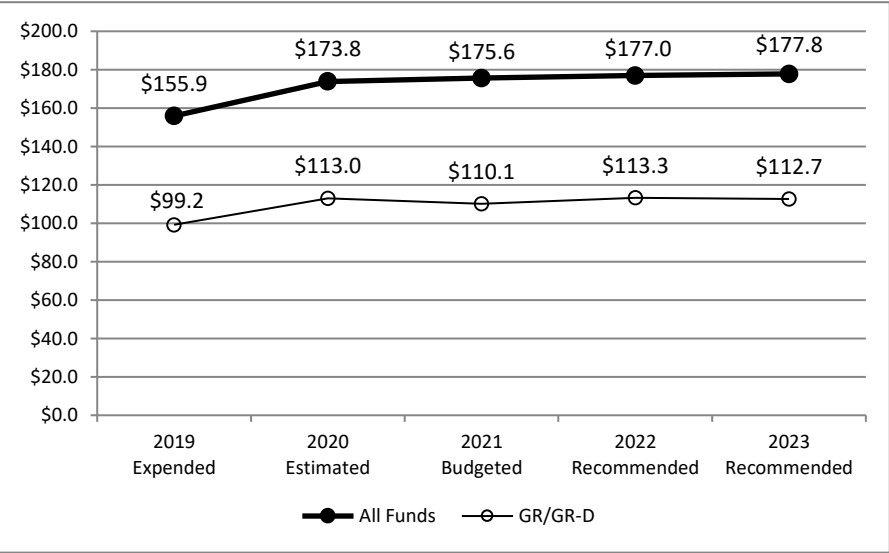
	FY 2021 Budgeted	FY 2023 Recommended	Biennial Change	Percent Change
FTEs	643.9	645.2	1.3	0.2%

Agency Budget and Policy Issues and/or Highlights

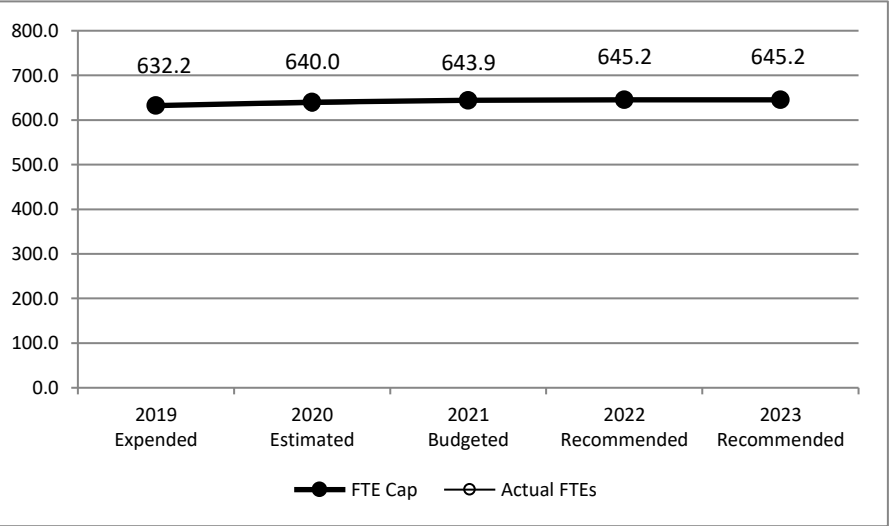
The Judiciary Section, Comptroller's Department was exempt from the 5 percent reduction for the 2020-21 biennium.

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.

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



Judiciary Section, Comptroller's Department
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)	Continue \$8.9 million in General Revenue to maintain \$322.3 million in All Funds for all estimated strategies at 2020-21 spending levels.	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	A.1.1, A.1.4, A.1.7, B.1.1, B.1.2, B.1.3, C.1.1, C.1.2, D.1.1, D.1.2, D.1.3, D.1.5, D.1.7, D.1.8
B)	Increase in General Revenue for estimated increases in judge and prosecutor compensation obligations due to enactment of House Bill 2384, Eighty-sixth Legislature, 2019.	\$4.6	\$0.0	\$0.0	\$0.0	\$4.6	A.1.1, B.1.1, B.1.2, B.1.3
C)	Increase in General Revenue for biennialization of court and prosecutor changes due to enactment of Senate Bill 891, Eighty-sixth Legislature, 2019 that includes four new district courts, three new statutory county courts, and adding one criminal district attorney to the Professional Prosecutors List.	\$1.4	\$0.0	\$0.0	\$0.0	\$1.4	A.1.1, B.1.2, C.1.1
D)	Decrease in General Revenue for funding included in the agency's five percent base request reduction for certain sum certain strategies.	(\$0.6)	\$0.0	\$0.0	\$0.0	(\$0.6)	A.1.2, A.1.3, A.1.5, A.1.6, B.1.4, B.1.5, D.1.6, D.1.9
E)	Increase in General Revenue for Assistant Prosecutor Longevity Pay to offset anticipated revenue decreases to Assistant Prosecutor Supplement Fund No. 303.	\$0.6	\$0.0	\$0.0	(\$0.6)	\$0.0	D.1.1
F)	Decrease of \$3.2 million in one-time General Revenue funds used in 2020-21 to cover revenue shortfalls in Jury Service Fund No. 238 during the 2020-21 biennium not anticipated to continue offset by anticipated increases in Jury Service Fund No. 238 of a like amount for the 2022-23 biennium.	(\$3.2)	\$0.0	\$0.0	\$3.2	\$0.0	D.1.7
TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions)		\$2.8	\$0.0	\$0.0	\$2.6	\$5.4	As Listed
<i>SIGNIFICANT & OTHER Funding Increases</i>		\$6.6	\$0.0	\$0.0	\$3.2	\$6.0	As Listed
<i>SIGNIFICANT & OTHER Funding Decreases</i>		(\$3.8)	\$0.0	\$0.0	(\$0.6)	(\$0.6)	As Listed

NOTE: Totals may not sum due to rounding.

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

1. **Continue Funding at 2020–21 Spending Levels for Estimated Strategies.** Recommendations continue \$8.9 million in General Revenue to maintain \$322.3 million in All Funds for all estimated strategies at 2020–21 spending levels and maintain estimated appropriation authority for all judge and prosecutor compensation strategies, assistant prosecutor longevity pay, county attorney salary supplements, witness expenses, death penalty representation, juror pay, and indigent inmate defense.
2. **Judge and Prosecutor Compensation Due to Enactment of House Bill 2384, Eighty-sixth Legislature, 2019.** 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, reduced the years of service required for longevity pay for judges or justices from 16 to 12 years of service, and increased the monthly compensation of longevity pay from 3.1 to 5 percent of the judge or justice's monthly salary (see also Rider Highlights - Senate #6).

Recommendations continue \$24.0 million in General Revenue appropriated to the Judiciary Section in the 2020–21 biennium to fund the bill's provisions and also provide \$4.6 million in General Revenue to meet state compensation obligations anticipated by the Judiciary Section for the 2022–23 biennium due to current elected judges and prosecutors transitioning into higher compensation tiers. The below table shows state salary and salary supplement amounts by tier for each elected judge or prosecutor impacted by the bill.

Judge / Prosecutor	Court / Judicial District	State Salary (0–4 years)	Tier 1 (4–8 years)	Tier 2 (8+ years)
Chief Justice	Supreme Court	\$170,500	\$187,300	\$204,100
Presiding Judge	Court of Criminal Appeals			
Justice	Supreme Court	\$168,000	\$184,800	\$201,600
Judge	Court of Criminal Appeals			
Chief Justice	14 Courts of Appeals	\$156,500	\$171,900	\$187,300
Justice	14 Courts of Appeals	\$154,000	\$169,400	\$184,800
District Judge ¹	District Court	\$140,000	\$154,000	\$168,000
State Prosecuting Attorney	Office of the State Prosecuting Attorney	\$140,000	\$154,000	\$168,000
Professional Prosecutors	Judicial Districts	\$140,000	\$154,000	\$168,000
District Attorneys	Judicial Districts	\$112,000	\$123,200	\$134,400
County Prosecutors ²	Constitutional County Court	\$23,334 to \$70,000	\$25,667 to \$77,000	\$28,001 to \$84,000

¹The state base salary of a district judge as established in the General Appropriations Act 2020-21.

²Government Code §46.0031 entitles a county prosecutor to a state supplemental salary equal to between one-sixth and one-half of the state base salary of a district judge with comparable years of service dependent on the number of counties served by the county prosecutor. The maximum amount assumes one county served.

3. **Biennialize Funding for Court and Prosecutor Changes Due to Enactment of Senate Bill 891, Eighty-sixth Legislature, 2019.** Recommendations biennialize funding for the following:
 - A. **District Courts:** an increase of \$0.9 million in General Revenue to biennialize costs for four new district courts that were established during the 2020–21 biennium (the 455th in Travis County, the 456th in Guadalupe County, the 466th in Comal County, and the 467th in Denton County).
 - B. **Statutory County Judge Salary Supplements:** an increase of \$0.2 million in General Revenue to biennialize costs for three new statutory county courts that were established during the 2020–21 biennium (Chambers County Court at Law, Gillespie County Court at Law, and County Court at Law #3 in Ellis County).
 - C. **Professional Prosecutors:** an increase of \$0.2 million in General Revenue to biennialize costs for adding the Medina County Criminal District Attorney to the Professional Prosecutors List.
4. **Judicial Fund No. 573.** Recommendations continue \$12.8 million in General Revenue drawn down by the Judiciary Section in the 2020–21 biennium to replace unavailable Judicial Fund No. 573 revenues and fund balances for statutorily required compensation to trial judges and local prosecutors and for juror pay through its estimated appropriation authority. Although recommendations in 2022–23 anticipate Judicial Fund collections being sufficient to cover related payroll costs, the Judiciary Section will continue to need estimated appropriation authority from General Revenue to cover any possible shortfall (see also #6 below).
5. **Assistant State Prosecutor Fund.** Recommendations provide \$9.3 million in All Funds for longevity pay for eligible assistant district attorneys. This includes an increase of \$0.6 million in General Revenue from 2020–21 spending levels to offset anticipated revenue decreases of a like amount to Assistant Prosecutor Supplement Fund No. 303 (Fund No. 303) for the 2022–23 biennium. Pursuant to Government Code, Chapter 41, every full-time assistant prosecutor is entitled to monthly longevity pay from the state of \$20 per year of service starting in the 5th year with a cap of \$5,000 (which would require 21 years of service).

Strategy D.1.1, Assistant Prosecutor Longevity Pay, is funded through a mix of General Revenue and Fund No. 303 revenues drawn from a \$15 fee assessed on every surety bond with a maximum of \$30 per individuals with multiple bonds. Two-thirds of this revenue is deposited to the credit of Fund No. 303 and the remaining one-third is deposited to the credit of General Revenue–Dedicated Fair Defense Account No. 5073. According to the Biennial Revenue Estimate, revenues being deposited to the credit of this account are estimated to be \$3.0 million each fiscal year or \$6.0 million for the 2022–23 biennium.
6. **Senate Bill 346 and Jury Service Fund.** Enactment of Senate Bill 346, Eighty-sixth Legislature, 2019, increased the consolidated court cost charged for Felony, Class A, and B misdemeanors and made several changes to the revenue distribution of this court cost by changing the percentage distribution of revenue for existing purposes and adding additional purposes to which revenues are directed. These changes impact two funds that are appropriated to the Judiciary Section:
 - A. Judicial Fund No. 573 was added to the list of accounts receiving a portion of the Consolidated Court Cost with a distribution of 12.2667 percent (see also, #4 above). The Judiciary Section estimates \$104.6 million in revenues from this court cost for the 2022–23 biennium deposited to the credit of the Judicial Fund.
 - B. Recommendations provide an estimated \$12.7 million in fiscal year 2022 and \$13.8 million in fiscal year 2023 from Jury Service Fund No. 328 (Jury Service Fund) established through enactment of Senate Bill 346 and provided in Strategy D.1.7, Juror Pay. This includes an additional \$3.2 million in Jury Service Fund revenues anticipated by the Judiciary Section for the 2022–23 biennium that replaces a like amount of General Revenue drawn down by the Judiciary Section in the 2020–21 biennium through its estimated appropriation authority to replace unavailable Jury Service Fund revenues. The Biennial Revenue Estimate anticipates Consolidated Court Cost revenues deposited to the credit of the Jury Service Fund to increase for the 2022–23 biennium. However, recommendations continue estimated appropriation authority to provide the Judiciary Section with necessary flexibility to meet statutory obligations for state funding of juror pay.

The Jury Service Fund was established as an Other Fund through enactment of Senate Bill 346 to provide juror reimbursements to counties and was added to the list of accounts receiving a portion of the Consolidated Court Cost with a distribution of 6.4090 percent. The 2020–21 General Appropriations Act (GAA) appropriated an estimated \$9.5 million in fiscal year 2020 and \$13.7 million in fiscal year 2021 in contingency funding from the Jury Service Fund associated with the bill's enactment and General Revenue appropriations to the Judiciary Section were also reduced by a like amount.

7. **Special Prosecution Unit (SPU):** Recommendations continue \$10.9 million for the Special Prosecution Unit, Walker County which maintains appropriations at the 2020-21 appropriated level. Recommendations do not include a \$0.1 million request for General Revenue funding to cover increases in health insurance costs and other related benefits costs by Walker County that is not included in the Judiciary Section's requests. (See also, Items Not Included in Recommendations - Senate #8)
8. **Professional Prosecutor Office Apportionment.** Recommendations provide \$8.3 million in General Revenue to fund office expenses for professional prosecutors and the State Prosecuting Attorney at the 2020–21 spending level. Government Code §46.004 entitles state prosecutors to receive at least \$22,500 each fiscal year in state funding to help defray office expenses. Amounts above the statutory minimum are provided to certain judicial districts based on criteria identified in Rider 4. Felony Prosecutors: Expenses that takes into consideration judicial district population. Based on information provided by the Judiciary Section, 161 county and district attorneys and the State Prosecuting Attorney received the supplement in fiscal year 2020 of which 94 received \$27,500 and the remaining 68 received \$22,500.

Judiciary Section, Comptroller's Department
Rider Highlights - Senate

Modification of Existing Riders

6. **Longevity Pay.** Recommendations modify the rider to reflect amounts provided for district judge longevity pay resulting from increases in total longevity payout due to enactment of House Bill 2384, Eighty-sixth Legislature, 2019. (See also, Selected Fiscal and Policy Issues - Senate #2)

Judiciary Section, Comptroller's Department
Items Not Included in Recommendations - Senate

Section 5

	2022-23 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2024-25
	GR & GR-D	All Funds	FTEs			
Note: The Judiciary Section, Comptroller's Department does not prioritize exceptional items and defers to the will of the Legislature on all decisions.						

Agency Exceptional Items Not Included

1)	<u>Visiting Judges - Regions (Strategy A.1.2)</u> : Restore 5 percent reduction to this program for salary payments to retired and former judges called to duty as visiting judges for district courts.	\$477,094	\$477,094	0.0	No	No	\$477,094
2)	<u>Visiting Judges - Appellate (Strategy A.1.3)</u> : Restore 5 percent reduction to this program for salary payments to retired and former appellate judges called to duty as visiting judges for appellate courts.	\$34,218	\$34,218	0.0	No	No	\$34,218
3)	<u>District Judges: Travel (Strategy A.1.5)</u> : Restore 5 percent reduction to this program for the payment of district judge expenses while engaged in the performance of their duties when the judicial district is composed of more than one county.	\$31,750	\$31,750	0.0	No	No	\$31,750
4)	<u>Judicial Salary Per Diem (Strategy A.1.6)</u> : Restore 5 percent reduction to this program for the payment of per diem for active, retired, and former district judges and statutory county court at law judges serving on assignment; and the per diem and expenses for active and retired justices and judges of the Supreme Court, Court of Criminal Appeals, or a Court of Appeals when holding court out of their district or county when assigned.	\$17,196	\$17,196	0.0	No	No	\$17,196
5)	<u>Prosecutors: Subchapter C (Strategy B.1.4)</u> : Restore 5 percent reduction to this program for payment of the apportionment made payable to the County Officers Salary Fund in counties where there is a district attorney not receiving a state salary (Harris County).	\$12,770	\$12,770	0.0	No	No	\$12,770
6)	<u>Felony Prosecutors: Travel (Strategy B.1.5)</u> : Restore 5 percent reduction to this program for the payment of felony prosecutor travel expenses while engaged in the actual performance of their duties.	\$16,758	\$16,758	0.0	No	No	\$16,758
7)	<u>National Center for State Courts (Strategy D.1.6)</u> : Restore 5 percent reduction to this program for payment of a membership assessment with the National Center for State Courts on behalf of the Texas Judiciary.	\$42,752	\$42,752	0.0	No	No	\$42,752

Judiciary Section, Comptroller's Department
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			
Note: The Judiciary Section, Comptroller's Department does not prioritize exceptional items and defers to the will of the Legislature on all decisions.							
8)	<u>Special Prosecution Unit, Walker County (Strategy D.1.4):</u> Request for General Revenue funding to cover increases in health insurance costs and other related benefits costs by Walker County that is not included in the Judiciary Section's LAR. The request was submitted by the SPU separately. See also, Selected Fiscal and Policy Issues - Senate #7	\$112,174	\$112,174	0.0	No	No	\$112,174
9)	<u>Docket Equalization (Strategy D.1.9):</u> Restore 5 percent reduction to this program for for travel expenses incurred by appellate justices and their staff who travel to hear cases transferred to them for disposition.	\$470	\$470	0.0	No	No	\$470
TOTAL Items Not Included in Recommendations		\$745,182	\$745,182	0.0			\$745,182

Judiciary Section, Comptroller's Department
Appendices - Senate

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C	FTE Highlights	*

* Appendix is not included - no significant information to report

Dist Cts-Compt Jud Sec
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
DISTRICT JUDGES A.1.1	\$154,289,577	\$158,572,159	\$4,282,582	2.8%	Recommendations reflect: 1. a \$3,374,669 increase in General Revenue for estimated increases in judicial compensation obligations (see also, Selected Fiscal and Policy Issues - Senate #2) 2. a \$907,913 increase in General Revenue for biennialization of district courts created through enactment of Senate Bill 891, Eighty-sixth Legislature, 2019 (see also, Selected Fiscal and Policy Issues - Senate #3)
VISITING JUDGES - REGIONS A.1.2	\$10,577,706	\$10,100,612	(\$477,094)	(4.5%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
VISITING JUDGES - APPELLATE A.1.3	\$728,958	\$694,740	(\$34,218)	(4.7%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
LOCAL ADMIN. JUDGE SUPPLEMENT A.1.4	\$161,490	\$161,490	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1
DISTRICT JUDGES: TRAVEL A.1.5	\$676,400	\$644,650	(\$31,750)	(4.7%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
JUDICIAL SALARY PER DIEM A.1.6	\$366,312	\$349,116	(\$17,196)	(4.7%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
MDL SALARY AND BENEFITS A.1.7	\$349,320	\$349,320	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1
Total, Goal A, JUDICIAL SALARIES AND PAYMENTS	\$167,149,763	\$170,872,087	\$3,722,324	2.2%	
DISTRICT ATTORNEYS: SALARIES B.1.1	\$1,656,121	\$1,706,989	\$50,868	3.1%	Recommendations reflect an increase in General Revenue for estimated prosecutor compensation obligations in the 2022-23 biennium (see also, Selected Fiscal and Policy Issues - Senate #2) See Selected Fiscal and Policy Issue - Senate #1

Dist Cts-Compt Jud Sec
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
PROFESSIONAL PROSECUTORS: SALARIES B.1.2	\$48,874,331	\$50,264,281	\$1,389,950	2.8%	Recommendations reflect: 1. a \$1,158,950 increase in General Revenue for estimated increases in prosecutor compensation obligations (see also, Selected Fiscal and Policy Issues - Senate #2) 2. a \$231,000 increase in General Revenue for biennialization of Professional Prosecutor positions created through enactment of Senate Bill 891, Eighty-sixth Legislature, 2019 (see also, Selected Fiscal and Policy Issues - Senate #3) See Selected Fiscal and Policy Issue - Senate #1
FELONY PROSECUTORS: SALARIES B.1.3	\$772,070	\$816,328	\$44,258	5.7%	Recommendations reflect an increase in General Revenue for estimated prosecutor compensation obligations in the 2022-23 biennium (see also, Selected Fiscal and Policy Issues - Senate #2) See Selected Fiscal and Policy Issue - Senate #1
PROSECUTORS: SUBCHAPTER C B.1.4	\$272,046	\$259,276	(\$12,770)	(4.7%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
FELONY PROSECUTORS: TRAVEL B.1.5	\$357,000	\$340,242	(\$16,758)	(4.7%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
FELONY PROSECUTORS: EXPENSES B.1.6	\$8,332,166	\$8,332,166	\$0	0.0%	
Total, Goal B, PROSECUTOR SALARIES AND PAYMENTS	\$60,263,734	\$61,719,282	\$1,455,548	2.4%	

Dist Cts-Compt Jud Sec
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
CONSTITUTIONAL CO. JUDGE SUPPLEMENT C.1.1	\$11,255,594	\$11,486,594	\$231,000	2.1%	Recommendations reflect an increase in General Revenue for biennialization of statutory county courts created through enactment of Senate Bill 891, Eighty-sixth Legislature, 2019 (see also, Selected Fiscal and Policy Issues - Senate #3)
					See Selected Fiscal and Policy Issue - Senate #1
STATUTORY CO. JUDGE 573 SUPPLEMENT C.1.2	\$42,403,490	\$42,403,490	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1
STATUTORY PROBATE JUDGE SUPPLEMENT C.1.3	\$2,739,572	\$2,739,572	\$0	0.0%	
1ST MULTICOUNTY COURT AT LAW C.1.4	\$306,000	\$306,000	\$0	0.0%	
Total, Goal C, CO.-LEVEL JUDGES SALARY SUPPLEMENTS	\$56,704,656	\$56,935,656	\$231,000	0.4%	
ASST. PROSECUTOR LONGEVITY PAY D.1.1	\$9,365,246	\$9,365,246	\$0	0.0%	Recommendations reflect an increase of \$635,580 in General Revenue to offset anticipated decreases in revenues of a like amount to Assistant Prosecutor Supplement Fund No. 303 (Other Funds) for the 2022-23 biennium (see also, Selected Fiscal and Policy Issues - Senate #5)
COUNTY ATTORNEY SUPPLEMENT D.1.2	\$13,550,789	\$13,550,789	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1
WITNESS EXPENSES D.1.3	\$2,802,500	\$2,802,500	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1
SPECIAL PROSECUTION UNIT, WALKER CO D.1.4	\$10,855,663	\$10,855,663	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #7
DEATH PENALTY REPRESENTATION D.1.5	\$50,000	\$50,000	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1
NATIONAL CENTER FOR STATE COURTS D.1.6	\$910,756	\$868,004	(\$42,752)	(4.7%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
JUROR PAY D.1.7	\$27,632,700	\$27,632,700	\$0	0.0%	See Selected Fiscal and Policy Issues - Senate #6
INDIGENT INMATE DEFENSE D.1.8	\$108,895	\$108,895	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1

Dist Cts-Compt Jud Sec					
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS					
Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
COST OF EXTRAORDINARY PROSECUTION 4.1.9	\$0	\$0	\$0	0.0%	See Selected Fiscal and Policy Issue - Senate #1
DOCKET EQUALIZATION D.1.10	\$10,000	\$9,530	(\$470)	(4.7%)	Recommendations reflect a decrease in General Revenue included in the agency's five percent reduction.
Total, Goal D, SPECIAL PROGRAMS	\$65,286,549	\$65,243,327	(\$43,222)	(0.1%)	
Grand Total, All Strategies	\$349,404,702	\$354,770,352	\$5,365,650	1.5%	