

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

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Method of Financing	2022-23 Base	2024-25 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$0	\$131,433	\$131,433	100.0%
GR Dedicated Funds	\$4,301,420	\$4,583,826	\$282,406	6.6%
Total GR-Related Funds	\$4,301,420	\$4,715,259	\$413,839	9.6%
Federal Funds	\$200,000	\$0	(\$200,000)	(100.0%)
Other	\$0	\$0	\$0	0.0%
All Funds	\$4,501,420	\$4,715,259	\$213,839	4.8%

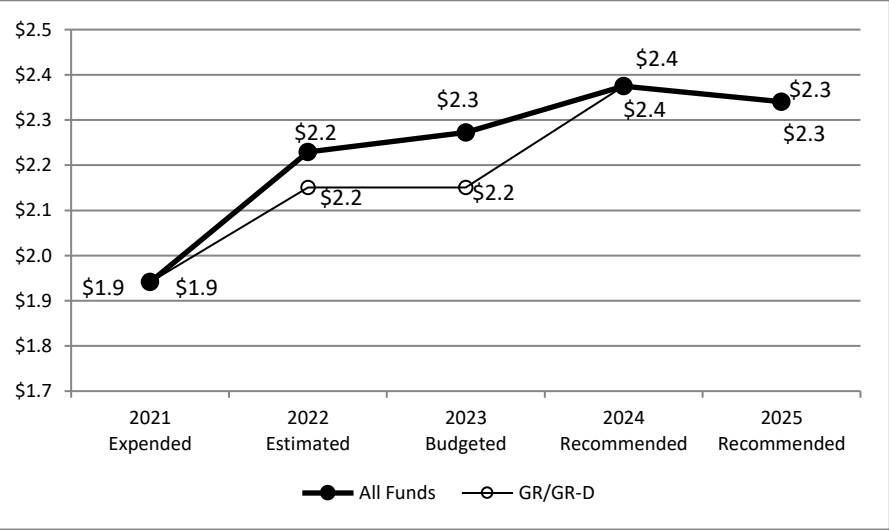
	FY 2023 Budgeted	FY 2025 Recommended	Biennial Change	Percent Change
FTEs	23.0	20.5	(2.5)	(10.9%)

Agency Budget and Policy Issues and/or Highlights

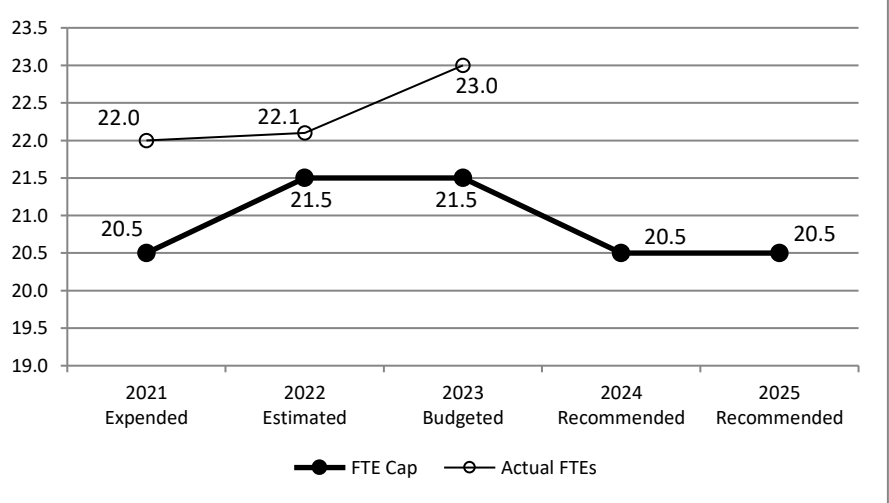
The Office of Capital and Forensic Writs' budgeted FTEs in fiscal years 2022-23 exceeded the cap by 0.5 FTEs in 2022 and 1.5 FTEs in 2023 under authority of Article IX, Section 6.10(a)(1)(B). Additionally, 1.0 additional FTE was added each year of the 2022-23 biennium with one-time funding in Federal Coronavirus Relief Funds provided through Senate Bill 8, Eighty-seventh Legislature, Third Called Session, 2021, to address court case backlogs related to the pandemic. Recommendations reduce 2024-25 FTEs to amounts appropriated in Senate Bill 1, Eighty-seventh Legislature, Regular Session, 2021, in alignment with the agency's request.

The bill pattern for this agency (2024-25 Recommended) represents an estimated 100.0% of the agency's estimated total available funds for the 2024-25 biennium.

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



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

Funding Changes and Recommendations for the 2024-25 Biennium compared to the 2022-23 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)	Recommendations include \$131,433 in General Revenue funds for one-time costs associated with moving the agency into larger office space in the Stephen F. Austin building. (See also, Selected Fiscal and Policy Issue #4.)	\$0.1	\$0.0	\$0.0	\$0.0	\$0.1	A.1.1, A.1.2
<i>OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):</i>							
B)	Recommendations reduce \$200,000 in Federal Coronavirus Relief Funds and 1.0 FTE provided through SB 8, Eighty-seventh Legislature, Third Called Session, 2021, for the purpose of addressing the backlog in court cases and paying costs related to the coronavirus disease pandemic. The funds are not anticipated to be available in 2024-25.	\$0.0	\$0.0	(\$0.2)	\$0.0	(\$0.2)	A.1.1
C)	General Revenue-Dedicated increase for salary adjustments.	\$0.0	\$0.3	\$0.0	\$0.0	\$0.3	A.1.1, B.1.1
TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions)		\$0.1	\$0.3	(\$0.2)	\$0.0	\$0.2	As Listed
<i>SIGNIFICANT & OTHER Funding Increases</i>		\$0.1	\$0.3	\$0.0	\$0.0	\$0.4	As Listed
<i>SIGNIFICANT & OTHER Funding Decreases</i>		\$0.0	\$0.0	(\$0.2)	\$0.0	(\$0.2)	As Listed

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 provide \$4.6 million in General Revenue-Dedicated Fair Defense Account No. 5073 (GR-D Fund 5073) funding, an increase of \$0.3 million or 6.6 percent over 2022-23 spending levels, 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.

The agency used authority granted by Art IX, Sec. 6.10 (a)(1)(B) to provide an additional 0.5 FTE in 2022 and 1.5 FTE in 2023. The agency split the cost of the salaries for these FTEs with a law school that paid the FTEs fellowships. The agency's share of the salaries was paid with repurposed GR-D Fund 5073 funds budgeted for travel and professional services in the 2022-23 biennium. The agency's baseline request reduces its FTEs to 2022-23 appropriated levels and re-allocates funds back to travel and professional services.

Appropriations from 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 benefit costs for both agencies. The fund's revenues include 17.8857 percent of court costs paid by people convicted of an offense; bail bond surety fees; and unexpended balances exceeding \$10.0 million in Jury Service Fund No. 328. The Comptroller's Biennial Revenue Estimate anticipates revenues and available fund balances will total \$116.5 million for the 2024-25 biennium. Recommended funding from GR-D Fund 5073 for OCFW and TIDC totals \$88.3 million.

2. **Staff Funding.** Recommendations do not include \$0.8 million requested by the agency to provide targeted pay raises to attorney, mitigation specialist, and accountant positions nor \$0.9 million for additional FTEs and increased travel and operating expenses related to capital cases. (See Also, Items Not Included in Recommendations #2 and #3).
3. **Exempt Position Salary.** Recommendations include an increase of \$4,712 in 2024 and \$9,423 in 2025 in GR-D Fund 5073 funding to increase the Executive Director's annual exempt salary from \$148,510 to \$153,222 in fiscal year 2024 and \$157,933 in fiscal year 2025 within Group 4, which is the SAO-determined market average for the position.

Recommendations do not include an agency request to increase in the Executive Director's salary classification group from Group 4 to Group 5 and \$60,014 in GR-D Fund 5073 funding to increase the Executive Director's salary to \$185,000, the lowest end of the range paid to the Executive Director of the Regional Public Defender for Capital Cases. (See also, Items Not Included In Recommendations #1 and FTE Highlights, Appendix C.)

4. **Office Move.** Recommendations include \$0.1 million in General Revenue funds to provide for one-time costs associated with moving the agency into larger office space in the Stephen F. Austin building. The Texas Facilities Commission (TFC) found that due to space constraints in OCFW's current location, the agency has had to house multiple staff members within a former conference room and group multiple other staff within a singular office. TFC recommends that OCFW be moved to the 8th floor within the Stephen F. Austin building, whose space and layout will better support their business needs.

Recommendations do not include \$26,658 from GR-D Fund 5073 requested by the agency for unanticipated costs to connect the 8th Floor of the Stephen F. Austin Building to the 4th Floor via fiber optic cable and install a new network switch, additional networking jacks, and wifi. (See also, Items Not Included In Recommendations #4.)

5. **Unexpended Balance Authority.** Recommendations continue the agency's Unexpended Balance authority but remove the strategy-level designation in the bill pattern and include a new Special Provisions – Judiciary rider providing the same authority for all Article IV courts and agencies.

Office of Capital and Forensic Writs
Rider Highlights – Senate

New Riders

2. **Relocation Funding.** Recommendations include a new rider identifying amounts included in recommendations for one-time costs associated with moving the agency into larger office space in the Stephen F. Austin building.

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

		2024-25 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2026-27
		GR & GR-D	All Funds	FTEs			
Agency Exceptional Items Not Included (in agency priority order)							
1)	Exempt Position Salary increase. Recommendations do not include a request by the agency to increase in the Executive Director’s salary classification group from Group 4 to Group 5 and \$60,014 to increase the Executive Director's salary to \$185,000, the lowest end of the range paid to the Executive Director of the Regional Public Defender for Capital Cases. (See also, Selected Fiscal and Policy Issues #3.)	\$60,014	\$60,014	0.0	No	No	\$60,014
2)	Salary Equity and Parity. General Revenue-Dedicated Account 5073 - Fair Defense funds to increase certain salaries, including: <ul style="list-style-type: none">• \$595,766 to increase average salaries to \$125,000 for 12 attorney FTEs;• \$134,959 to increase average salaries to \$85,000 for 6 mitigation specialist FTEs; and• \$20,917 to increase salaries for 2 accountant FTEs by 5.0 percent. (See also, Selected Fiscal and Policy Issues #2.)	\$751,642	\$751,642	0.0	No	No	\$751,642
3)	Office Enhancements and Efficiencies. General Revenue-Dedicated Account 5073 - Fair Defense funds, including: <ul style="list-style-type: none">• \$373,506 to hire 3.0 FTE legal assistants;• \$172,550 to make a temporary mitigation specialist position (1.0 FTE) permanent; and• \$383,338 to pay increased travel, professional service, and other operating expenses related to capital cases. (See also, Selected Fiscal and Policy Issues #2.)	\$929,394	\$929,394	4.0	No	No	\$929,394
4)	Unanticipated Networking Costs Associated With Office Move. General Revenue-Dedicated Account 5073 - Fair Defense funds for unanticipated costs to connect the 8th Floor of the Stephen F. Austin Building to the 4th Floor via fiber optic cable and install a new network switch, additional networking jacks, and wifi. (See also, Selected Fiscal and Policy Issues #4.)	\$26,658	\$26,658	0.0	Yes	No	\$26,658
TOTAL Items Not Included in Recommendations		\$1,767,708	\$1,767,708	4.0			\$1,767,708

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	2022-23 Base	2024-25 Recommended	Biennial Change	% Change	Comments
CAPITAL REPRESENTATION 1.1.1	\$4,038,160	\$3,970,585	(\$67,575)	(1.7%)	Recommendations reflect an increase of \$118,290 in General Revenue funds for one-time costs associated with moving the agency into larger office space in the Stephen F. Austin building. (See also, Selected Fiscal and Policy Issue #4.) Recommendations also reflect a reduction of \$200,000 in Federal Coronavirus Relief Funds from SB 8, Eighty-seventh Legislature, Third Called Session, 2021 that are not anticipated to be available in 2024-25. Recommendations include \$14,135 for exempt salary adjustments.
NON-CAPITAL REPRESENTATION 1.1.2	\$463,260	\$476,403	\$13,143	2.8%	Recommendations reflect an increase of \$13,143 in General Revenue funds for one-time costs associated with moving the agency into larger office space in the Stephen F. Austin building (See Selected Fiscal and Policy Issue #4.)
Total, Goal 1, POST-CONVICTION REPRESENTATION	\$4,501,420	\$4,446,988	(\$54,432)	(1.2%)	
SALARY ADJUSTMENTS 2.1.1	\$0	\$268,271	\$268,271	100.0%	Recommendations include a new strategy for staff salary adjustments.
Total, Goal 2, SALARY ADJUSTMENTS	\$0	\$268,271	\$268,271	100.0%	
Grand Total, All Strategies	\$4,501,420	\$4,715,259	\$213,839	4.8%	

Office of Capital and Forensic Writs
FTE Highlights - Senate

Full-Time-Equivalent Positions	Expended 2021	Estimated 2022	Budgeted 2023	Recommended 2024	Recommended 2025
Cap	20.5	21.5	21.5	20.5	20.5
Actual/Budgeted	22.0	22.1	23.0	NA	NA

Schedule of Exempt Positions (Cap)					
Executive Director, Group 4	\$148,510	\$148,510	\$148,510	\$153,222	\$157,933

Note:

(a) The agency was provided 1.0 FTE through SB 8, Eighty-seventh Legislature, Third Called Session, 2021 for the purpose of addressing the backlog in court cases and paying costs related to the coronavirus disease pandemic. The agency also used authority granted by Art IX, Sec. 6.10 (a)(1)(B) to provide an additional 0.5 FTE in 2022 and 1.5 FTE in 2023. The agency split the cost of the salaries for these FTEs with a law school that paid the FTEs fellowships. The agency's share of the salaries was paid with repurposed General Revenue-Dedicated Account No. 5073 funds budgeted for travel and professional services in the 2022-23 biennium. The agency's baseline request reduces its FTEs to 2022-23 appropriated levels and re-allocates funds back to travel and professional services.

(b) Recommendations include \$4,712 in 2024 and \$9,423 in 2025 to increase the Executive Director's annual exempt salary from \$148,510 to \$153,222 in fiscal year 2024 and \$157,933 in fiscal year 2025, which is the SAO-determined market average for the position. Recommendations do not include a change in the exempt salary classification group or \$60,014 requested by the agency to increase the Executive Director's salary to \$185,000, the lowest end of the range paid to the Executive Director of the Regional Public Defender for Capital Cases. (See also, Selected Fiscal and Policy Issue #3 and Items Not Included In Recommendations #1.)