

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

IV-30

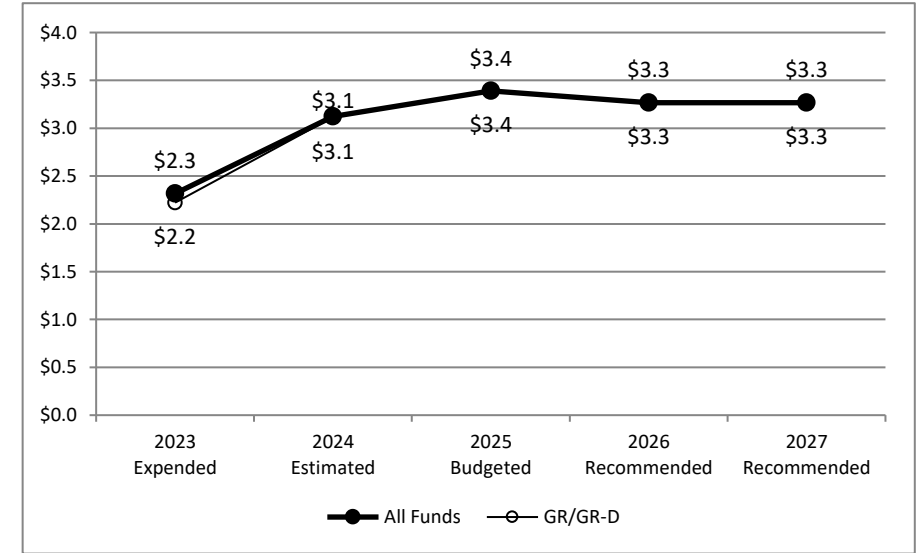
Benjamin Wolff, Executive Director

Jordan Parr, LBB Analyst

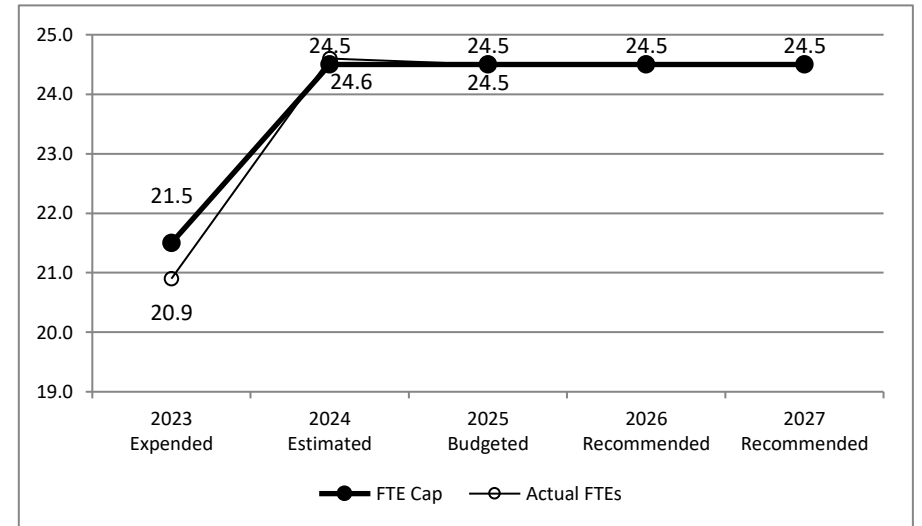
Method of Financing	2024-25 Base	2026-27 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$131,433	\$6,533,353	\$6,401,920	4,870.9%
GR Dedicated Funds	\$6,375,034	\$0	(\$6,375,034)	(100.0%)
<i>Total GR-Related Funds</i>	<i>\$6,506,467</i>	<i>\$6,533,353</i>	<i>\$26,886</i>	<i>0.4%</i>
Federal Funds	\$6,730	\$0	(\$6,730)	(100.0%)
Other	\$0	\$0	\$0	0.0%
All Funds	\$6,513,197	\$6,533,353	\$20,156	0.3%

	FY 2025 Budgeted	FY 2027 Recommended	Biennial Change	Percent Change
FTEs	24.5	24.5	0.0	0.0%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2026-27 Recommended) represents an estimated 100.0% of the agency's estimated total available funds for the 2026-27 biennium.

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

	Funding Changes and Recommendations for the 2026-27 Biennium compared to the 2024-25 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 a method of finance swap to address appropriation shortfalls in General Revenue - Dedicated Fair Defense Account No. 5073. (See also, Selected Fiscal and Policy Issue #1.)	\$6.5	(\$6.5)	\$0.0	\$0.0	\$0.0	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)	Increase in funding to biennialize the statewide salary adjustments included in the 2024-25 appropriations.	\$0.0	\$0.2	\$0.0	\$0.0	\$0.2	A.1.1
C)	Removal of one-time funding for costs associated with moving the agency into a larger office space.	(\$0.1)	\$0.0	\$0.0	\$0.0	(\$0.1)	A.1.1
TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions)		\$6.4	(\$6.3)	\$0.0	\$0.0	\$0.1	As Listed
<i>SIGNIFICANT & OTHER Funding Increases</i>		\$6.5	\$0.2	\$0.0	\$0.0	\$0.2	As Listed
<i>SIGNIFICANT & OTHER Funding Decreases</i>		(\$0.1)	(\$6.5)	\$0.0	\$0.0	(\$0.1)	As Listed

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

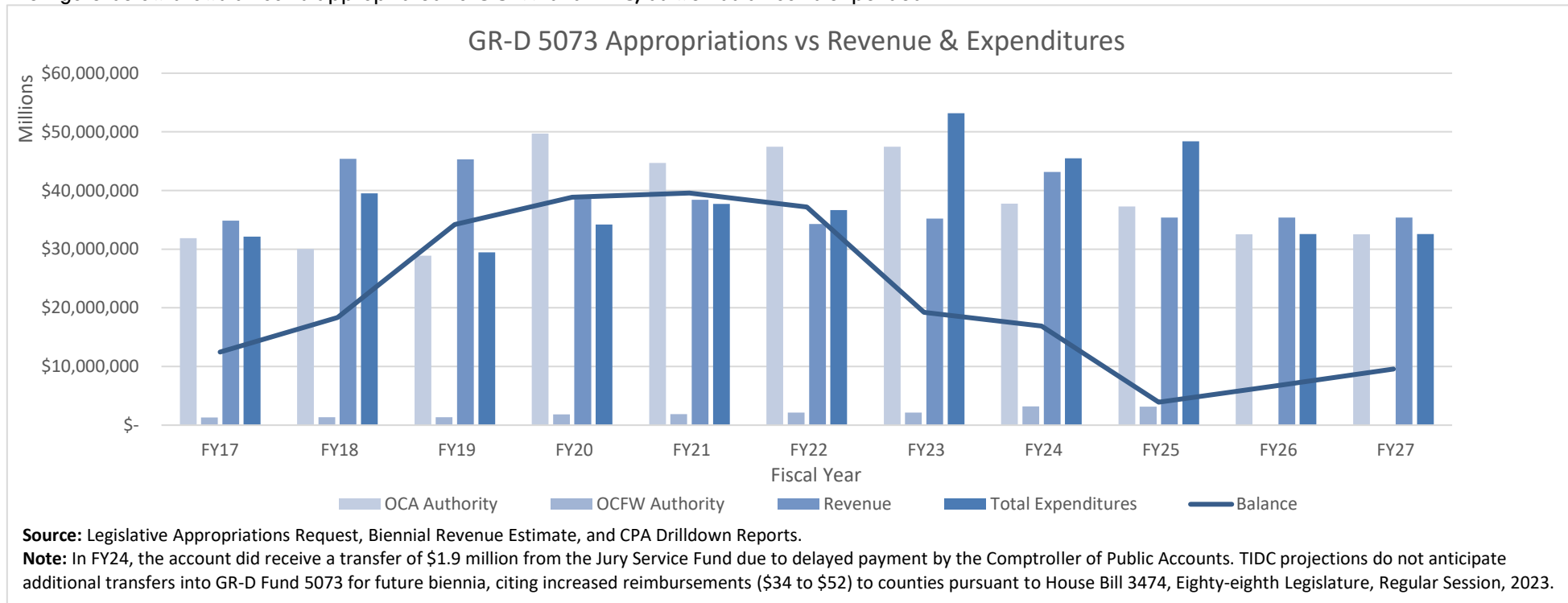
- Method of Finance Swap.** Recommendations include restructuring the appropriation of funds from General Revenue – Dedicated Fair Defense Account No. 5073 (GR-D Fund 5073) so that the Office of Capital and Forensic Writs (OCFW) receives the entirety of its appropriations through the General Revenue Fund. The method of finance swap totals \$7.7 million, including \$6.5 million for agency salaries and operations and an estimated \$1.2 million in benefits costs. (See also, OCA Selected Fiscal and Policy Issue #2).

Revenues from GR-D Fund 5073 also fund the operation of the Texas Indigent Defense Commission (TIDC) including Administration; Formula Grants, which provides grants to all Texas counties for indigent defense; Discretionary Grants, which provides competitive grants to counties for programs that improve indigent defense; Cost Containment Initiative; and Innocence Projects at six law schools.

GR-D Fund 5073 revenues include 17.8857 percent of the court costs paid by people convicted of an offense; one-third of each \$15 fee paid by a surety posting a bail bond; 50.0 percent of State Bar membership fees; and unexpended balances exceeding \$10.0 million in the Jury Service Fund No. 328.

The Office of Court Administration estimates that collected revenues and available fund balances for GR-D Fund 5073 will total \$71.9 million, a decrease of \$10.8 million from the 2024-25 biennium spending levels.

The figure below shows amounts appropriated to OCFW and TIDC, as well as amounts expended.



FY24 revenues for GR-D Fund 5073 increased 22.0 percent from amounts collected in FY23, reflecting a restoration to pre-pandemic collections. Senate Bill 346, Eighty-sixth Legislature, Regular Session, 2021, restructured the Consolidated Court cost paid by defendants convicted under certain sections of the Penal Code and redirected juror pay revenues to a newly created Jury Service Fund. The bill required amounts exceeding \$10.0 million in the Jury Service Fund to be transferred into GR-D Fund 5073. To date, GR-D 5073 has not received any transfers resulting in a decline in revenue of approximately \$6.0 million per fiscal year.

By funding the Office of Capital and Forensic Writs with General Revenue, approximately \$7.7 million in GR-D Fund 5073 will be available each biennium to address its recurrent shortfalls in court cost fee revenues and fund balance stability.

2. **Article-Wide 6.0 Percent Salary Increase for Non-Judicial Staff.** Recommendations do not include \$9.8 million in All Funds, including \$9.6 million in General Revenue and \$0.2 million in Other Funds, requested by all Article IV agencies to provide a 6.0 percent salary increase for non-judicial staff.

The total portion of this request for OCFW totals \$0.3 million in General Revenue funding for the 2026-27 biennium (See also, Items Not Included in Recommendations Item #2).

3. **Staff Funding and Agency Organization.** The Eighty-eighth Legislature, Regular Session, 2023, appropriated an additional \$1.7 million to fund salary increases, in addition to the 10.0 percent increase provided in the 2024-25 biennium, for 12.0 attorney positions, 2.0 accountant positions, and 6.0 mitigation specialist positions, as well as 3.0 new legal assistant positions, 1.0 new mitigation specialist position, and for increased operating expenses.

According to the agency, while the effects of increased staff and funding have reduced historically high turnover rates experienced by the agency, it still struggles to attract attorneys and mitigation specialists due to industry competition and an absence of administrative support.

According to the agency, the mean salary of its attorney positions is \$135,269 and the mean salary of its mitigation specialist positions is \$93,125, which are below other regional public defender offices. Another factor impacting the agency's recruitment and retention relates to the job duties of these positions, including timekeeping records. Attorneys and mitigation specialists spend 20.0 percent of their time performing paralegal and administrative tasks. Its accountants spend 25.0 percent of their time performing HR tasks, resolving IT equipment issues, maintaining inventory/office supplies, advertising jobs, and purchasing.

Recommendations do not include the agency's request for \$0.4 million in General Revenue for 3.0 FTE positions to assist with paralegal and administrative support and \$0.2 million for 1.0 mitigation specialist to assist in the creation of a mitigation specialist fellowship program. (See also, Items not Included in Recommendations Item 1).

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

Deleted Riders

1. Recommendations include deletion of Rider 2, Relocation Funding, 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**

		2026-27 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2028-29
		GR & GR-D	All Funds	FTEs			
Agency Exceptional Items Not Included (in agency priority order)							
1)	Administrative and Additional Paralegal Support For More Efficient and Effective Work. General Revenue funding for 3.0 FTEs to provide paralegal and administrative support. (See also, Selected Fiscal and Policy Issue #3).	\$421,142	\$421,142	3.0	No	No	\$421,142
2)	6% Judiciary-Wide Inflation Relief and Staff Retention and Recruitment. General Revenue funding to provide a 6.0 percent salary increase for non-judicial staff (See also, Selected Fiscal and Policy Issue #2).	\$315,214	\$315,214	0.0	No	No	\$315,214
3)	Mitigation Specialist Pipeline Fellowship. General Revenue funding to improve retention of mitigation specialist positions through the creation of a mitigation specialist fellowship program.	\$150,000	\$150,000	1.0	No	No	\$150,000
TOTAL Items Not Included in Recommendations		\$886,356	\$886,356	4.0			\$886,356

**Office of Capital and Forensic Writs
Appendices - Senate**

Table of Contents		
Appendix	Appendix Title	Page
A	Funding Changes and Recommendations by Strategy	8
B	Summary of Federal Funds	*
C	FTE Highlights	9

* 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	2024-25 Base	2026-27 Recommended	Biennial Change	% Change	Comments
CAPITAL REPRESENTATION A.1.1	\$5,750,460	\$5,760,025	\$9,565	0.2%	<p>Recommendations reflect a net increase of \$9,565 in All Funds including:</p> <p>An increase of \$158,577 in General Revenue - Dedicated Fund 5073, Fair Defense, to biennialize the statewide salary adjustments included in the 2024-25 appropriations;</p> <p>A decrease of \$118,290 in General Revenue funds for a one-time appropriation for a onetime appropriation for office renovations and moving;</p> <p>A decrease of \$23,992 in General Revenue - Dedicated Fund 5073, Fair Defense, for office renovations and moving; and</p> <p>A decrease of \$6,730 in Federal Funds from the American Rescue Plan Act not anticipated to be available in the 2026-27 biennium.</p>
NON-CAPITAL REPRESENTATION A.1.2	\$762,737	\$773,328	\$10,591	1.4%	<p>Recommendations reflect a net increase of \$10,591 in All Funds including:</p> <p>An increase of \$26,400 in General Revenue - Dedicated 5073, Fair Defense, to biennialize the statewide salary adjustments included in the 2024-25;</p> <p>A decrease of \$13,143 in General Revenue funds for one-time appropriations for office renovations and moving; and</p> <p>A decrease of \$2,666 in General Revenue - Dedicated Fund 5073, Fair Defense, for office renovations and moving.</p>
Total, Goal A, POST-CONVICTION REPRESENTATION	\$6,513,197	\$6,533,353	\$20,156	0.3%	
Grand Total, All Strategies	\$6,513,197	\$6,533,353	\$20,156	0.3%	

**Office of Capital and Forensic Writs
FTE Highlights - Senate**

Full-Time-Equivalent Positions	Expended 2023	Expended 2024	Budgeted 2025	Recommended 2026	Recommended 2027
Cap	21.5	24.5	24.5	24.5	24.5
Actual/Budgeted	20.9	24.6	24.5	NA	NA

Schedule of Exempt Positions (Cap)					
Executive Director, Group 5	\$148,510	\$185,000	\$185,000	\$185,000	\$185,000

Notes:

- a) The Eighty-eighth Legislature, Regular Session, 2023, changed the exempt salary classification group for the Executive Director from Group 4 to Group 5.
- b) State Auditor's Office is the source for the fiscal year 2023 and 2024 annual average (actual) FTE level.