Legislative Appropriations Request
For Fiscal Years 2018 and 2019

Submitted to the
Governor's Office of Budget, Planning and Policy
and the Legislative Budget Board

by the

Texas Indigent Defense Commission, Texas Judicial Council

August 5, 2016

FY 2018-19 LEGISLATIVE APPROPRIATIONS REQUEST
Texas Indigent Defense Commission, Texas Judicial Council

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ADMINISTRATOR'S STATEMENT

Overview

The mission of the Texas Indigent Defense Commission (Commission) is to provide financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. Central to the Commission's approach is its commitment to respect local control, providing support where needed, while ensuring that counties understand that with autonomy comes responsibility.

This year marks the 15th Anniversary of the signing of The Fair Defense Act of 2001—the original blueprint for indigent defense developed by the Texas legislature that created the Commission. While the Commission remains administratively attached to the Office of Court Administration (OCA), the 82nd Legislature directed the Commission to submit its legislative appropriation request separate from OCA.

The Commission has developed and refined formula and discretionary grant programs to ensure that indigent defense funds are distributed fairly across the entire state while also promoting compliance with state law and encouraging the development of more effective indigent defense services. The Commission disbursed $23.9 million in formula grants to 253 Texas counties in FY15. The Commission also disbursed $4.7 million in discretionary grants in FY15 for programs serving 201 Texas counties. Discretionary grants are used to implement innovative programs, to remedy issues of non-compliance with state law requirements, and to assist counties that demonstrate overwhelming hardship in delivering services.

The total number of indigent persons being provided constitutionally guaranteed assistance of counsel in Texas has increased from 324,000 in FY02 to more than 460,000 in FY15, a 42 percent increase. Since the passage of the Fair Defense Act of 2001, spending for indigent defense in Texas has increased approximately 160%. This increase is largely driven by the implementation of better systems for ensuring that Constitutional requirements are met and qualified defendants have access to lawyers. Counties report that indigent defense is one of the major uncontrollable costs in their budgets because they have no control over the number of defendants who must be represented at a level of quality that meets the minimum standards imposed by the law.

The Commission is currently composed of the following 12 members:

- Court of Criminal Appeals Presiding Judge **Sharon Keller** of Austin—***Chair***
- 2nd Admin. Judicial Region Presiding Judge **Olen Underwood** of Conroe—***Vice Chair***
- Supreme Court Chief Justice **Nathan Hecht** of Dallas
- State Senator **Brandon Creighton** of Conroe
- State Senator **John Whitmire** of Houston
- State Representative **Abel Herrero** of Corpus Christi
- State Representative **Andrew Murr** of Junction
- Chief Justice of the Texas First Court of Appeals **Sherry Radack** of Houston
- Bell County Judge **Jon Burrows** of Temple
- Hays County Court at Law Number Two Judge **Linda Rodriguez** of San Marcos
- Mr. **Anthony Odiorne**, of Georgetown
- Mr. **Don Hase** of Arlington

Significant Changes in Policy and Services Provided

The right to counsel is guaranteed to all defendants, including those unable to afford a reasonable attorney fee, in the U.S. and Texas Constitutions. The government, whether it is the state or the county, must pay these costs. Without adequate funding for the defense of those too poor to hire counsel, Texas counties and the State of Texas may be put in greater jeopardy of lawsuits related to indigent defense. In recent years both Gillespie and Williamson Counties have faced major lawsuits related to indigent defense. In *Rothgery v. Gillespie County*, 554 U.S. 191 (2008), the United States Supreme Court held that Gillespie County had erred by delaying appointment of counsel. It also held that the right to counsel attaches at the article 15.17 hearing under the Texas Code of Criminal Procedure. In another case, on June 8, 2012 the Texas Supreme Court unanimously ruled that a putative class of indigent misdemeanor defendants can proceed in its Section 1983 lawsuit alleging violations of the right to counsel in Williamson County, Texas. The plaintiffs in that case, *Heckman v. Williamson County*, 369 S.W.3d 137 (Tex. 2012), claimed that the county and its judges provided defendants inaccurate information about the right to counsel, failed to make timely rulings on requests for counsel, and denied appointed counsel to financially eligible defendants. In reversing an intermediate court of appeals decision dismissing the lawsuit, the Texas Supreme Court recognized that, "A criminal defendant's right to counsel--enshrined in both the United States and Texas Constitutions--ranks among the most

important and fundamental rights in a free society." In the settlement of the lawsuit, Williamson County agreed to changes in its procedures as well as independent monitoring.

Similar litigation in New York prompted its current legislature to pass legislation with unanimous support from both parties switching from a county-funded to a state-funded system. The bill has been sent to Governor Cuomo and he has until the end of the year to decide what action to take. Like Texas, New York has historically required the counties to pay for indigent defense services. Under the proposed New York legislation, the state would reimburse its counties and New York City for ALL indigent defense costs phased in over seven years, starting at 25% in 2017 and providing full reimbursement beginning in 2023. This legislation was in response to a class action lawsuit alleging a systemic denial of counsel in five upstate New York counties. The *Hurrell-Harring* case was settled in 2014 and the legislation notes, “While the settlement agreement pertains to only five counties, its criteria establish a standard for providing indigent legal services that should apply statewide.” It also noted that the state is constitutionally required to provide public defense services, and recognized that the current system “imposes a significant uncontrollable financial burden on counties dependent on real property taxes to fund needed services, and subject to a state imposed tax cap.”

In 2015, local governments in New York spent nearly $389 million for indigent defense and this amount is expected to increase substantially as the state takes over funding. Although Texas has nearly eight million more residents than New York, Texas and its counties spent only $238 million last year. Meaningful state funding coupled with technical support provided by the Commission and its staff is necessary to assist counties in meeting their constitutional obligations, thus making such costly lawsuits less likely.

Commissioners Courts in five of the state’s largest counties (Bexar, Dallas, El Paso, Harris, Travis) have recently passed resolutions requesting the state to fully fund indigent defense services as more than half the states currently do. All 254 counties have also requested full state funding through resolutions adopted through the County Judges and Commissioners Association of Texas.

Exceptional Items

1. Restoration of 4 Percent Reduction in Funding

DESCRIPTION/JUSTIFICATION:

The Commission respectfully requests restoration of the 4% reduction because the program is already underfunded at current levels. Indigent defense representation is not a discretionary expense, but rather a requirement by the U.S. and Texas Constitutions and an important part of operating a fair criminal justice system. State financial assistance to counties for indigent defense has driven much needed improvements in access to counsel. The reduction in state grants to counties to support indigent defense will need to be absorbed by Texas Counties, who will be forced to make up the difference.

EXTERNAL/INTERNAL FACTORS:

Texas counties are already struggling to fund approximately 88% of indigent defense costs and these costs continue to rise at a rate of approximately $10 million per year. An additional cut of $2.85 million will further hamper the ability of county governments to operate effective indigent defense systems that are an essential element of a fair adversarial justice system. Using FY15 data, a 4% cut of $2.85 million equates to over 13,000 appointed misdemeanor cases or over 4,000 appointed felony cases. This impacts counties adversely and will increase the risk of noncompliance with constitutional requirements and state law due to mounting budget pressures on local governments.

2. Support 50/50 State-County Funding for Statewide Regional Public Defender Office for Capital Cases

DESCRIPTION / JUSTIFICATION:

In the most serious criminal cases where the death penalty is a possibility, the State has a unique interest in ensuring that appropriate defense representation is provided consistent with Constitutional standards and professional standards promulgated by the State Bar of Texas. In many parts of the state it can be difficult to find attorneys qualified to handle death penalty cases, as this type of representation is the most complex, time consuming, and challenging areas of defense practice.

The Regional Public Defender Office for Capital Cases (RPDO) is operated by Lubbock County and now serves 179 counties spanning all nine administrative judicial regions. Under current policy most counties are eligible to participate by paying membership dues. In

exchange for paying dues, when a member county has a capital murder case, a qualified defense team is provided by the program at no additional cost. The costs associated with a capital murder case have the potential to decimate the budgets of smaller counties. Member dues are determined by county population and capital case frequency. The Lubbock RPDO provides a way for counties to have greater budget predictability and mitigate the dramatic impact a capital case can have and help ensure that these most serious cases are tried effectively the first time.

Based on the statewide impact and critical services that the office provides across the entire State, the Commission requests General Revenue equal to one-half of the office's operating budget, with the balance funded through membership dues of participating counties. In the FY16/17 biennium, $2.6 million in GR was appropriated for the RPDO, which is approximately 24% of the program cost. An additional appropriation of $2.9 million will provide for a sustainable 50/50 cost sharing arrangement with participating counties and ensure that the program remains affordable and accessible to all eligible counties throughout Texas that wish to participate.

EXTERNAL/INTERNAL FACTORS:

The Commission provided start-up funding through its discretionary grant program for each judicial region in the state which has helped make membership more affordable for counties. This additional GR would help ensure the long-term stability of the program as the Commission's start-up grants come to a close in 2017. As those grants close out, counties will be forced to make up the difference through higher membership dues. Many of those counties that have not joined the program cited cost as the primary obstacle. Because of the many budget pressures on county government, the more membership costs rise, the greater the risk that counties will drop out of the program, which could undermine its long-term viability.

Texas counties are already burdened by the increased costs associated with their compliance with the Fair Defense Act. By devoting GR to support this critical indigent defense service for counties, the State will take a significant step toward funding the underfunded indigent defense mandates. In addition, this GR investment will better ensure consistency and fairness in handling the state's most serious criminal cases.

The RPDO is an award winning program with a proven track record of effectiveness that provides genuine value to Texas counties. The National Association of Counties (NACO) presented Lubbock County with an Achievement Award for pioneering the Regional Public Defender Office. NACO presents Achievement Awards to recognize unique, innovative county programs. Applications for the awards are judged in part by how they modernize county government and increase services to county residents. The Texas Association of Counties Leadership Foundation also awarded Lubbock its Best Practices award for the Regional Public Defender Office.

3. Support Statewide Funding for Early Identification and Representation of Defendants with Mental Illness

DESCRIPTION/JUSTIFICATION:

The Commission requests $10 Million in General Revenue over the biennium to provide early identification and specialized representation for defendants with mental illness and incentivize statewide implementation of Articles 16.22 and 17.032, Code of Criminal Procedure.

Over the FY14/15 biennium, specialized mental health public defender programs in seven counties disposed of approximately 12,400 cases at a cost of $10 million. Additional state funding of $10 million over the biennium would provide targeted grants to enhance existing defender programs and establish specialized defenders in counties currently without these programs. Articles 16.22 and 17.032, CCP, provide for the early identification and release on a personal recognizance bond of arrestees with mental illness if an evaluation and treatment plan is in place. Creating and enhancing defender programs to assist with implementation of Articles 16.22 and 17.032 statewide would provide access to specialized counsel and mental health professionals shortly after arrest, resulting in fewer jail days and earlier case resolution for arrestees.

EXTERNAL/INTERNAL FACTORS:

According to research from the Meadows Foundation, Texas spends over $650 million in local justice system costs each year due to inadequately treated mental illness and substance abuse disorders. These costs are disproportionately allocated to "super-utilizers" cycling through the system largely because of unaddressed mental health needs. “In Texas, there are 22,000 people in poverty who suffer from mental illness and repeatedly use jails, ERs, crisis services, EMS, and hospitals. Another 14,000 are more deeply involved in the criminal justice system."

Specialized mental health indigent defense programs can improve defendant outcomes and reduce recidivism by providing assistance that may help stabilize people and connect them with support that may address some of the causes of the behaviors that have placed them in the criminal justice system. By providing representation at the very earliest stage in the case, these programs can identify and divert eligible non-violent defendants from jail to appropriate treatment programs and community based services that focus on long-term stabilization.

4. Increase State Support for Texas Counties to Share Indigent Defense Costs More Equally

DESCRIPTION/JUSTIFICATION:

The Commission requests $103.6 million in FY18 and $108.6 million in FY19 for a total of approximately $212.2 million over the biennium. This funding will allow the Commission to provide relief to counties through an increase in state indigent defense grants in order to share indigent defense costs more equally with counties. Moreover, the funding would offset decreasing receipts in the GR-Dedicated Fair Defense Account and keep pace with increasing costs.

Since the passage of the Fair Defense Act of 2001 (FDA) state grants have only defrayed a small percentage of the counties' substantial increased indigent defense costs. Since 2001 spending for indigent defense in Texas has increased approximately 160%, going from $91.4 million to $238 million annually. The FDA provided more explicit guidance on how to comply with constitutional requirements. This increase in costs is largely driven by the implementation of better systems for ensuring that Constitutional requirements are met and qualified defendants have access to lawyers. Indigent defense costs are projected to continue to increase at approximately $10 million per year.

All 254 counties have requested the state to fully fund indigent defense services through resolutions adopted through the County Judges and Commissioners Association of Texas.

EXTERNAL/INTERNAL FACTORS:

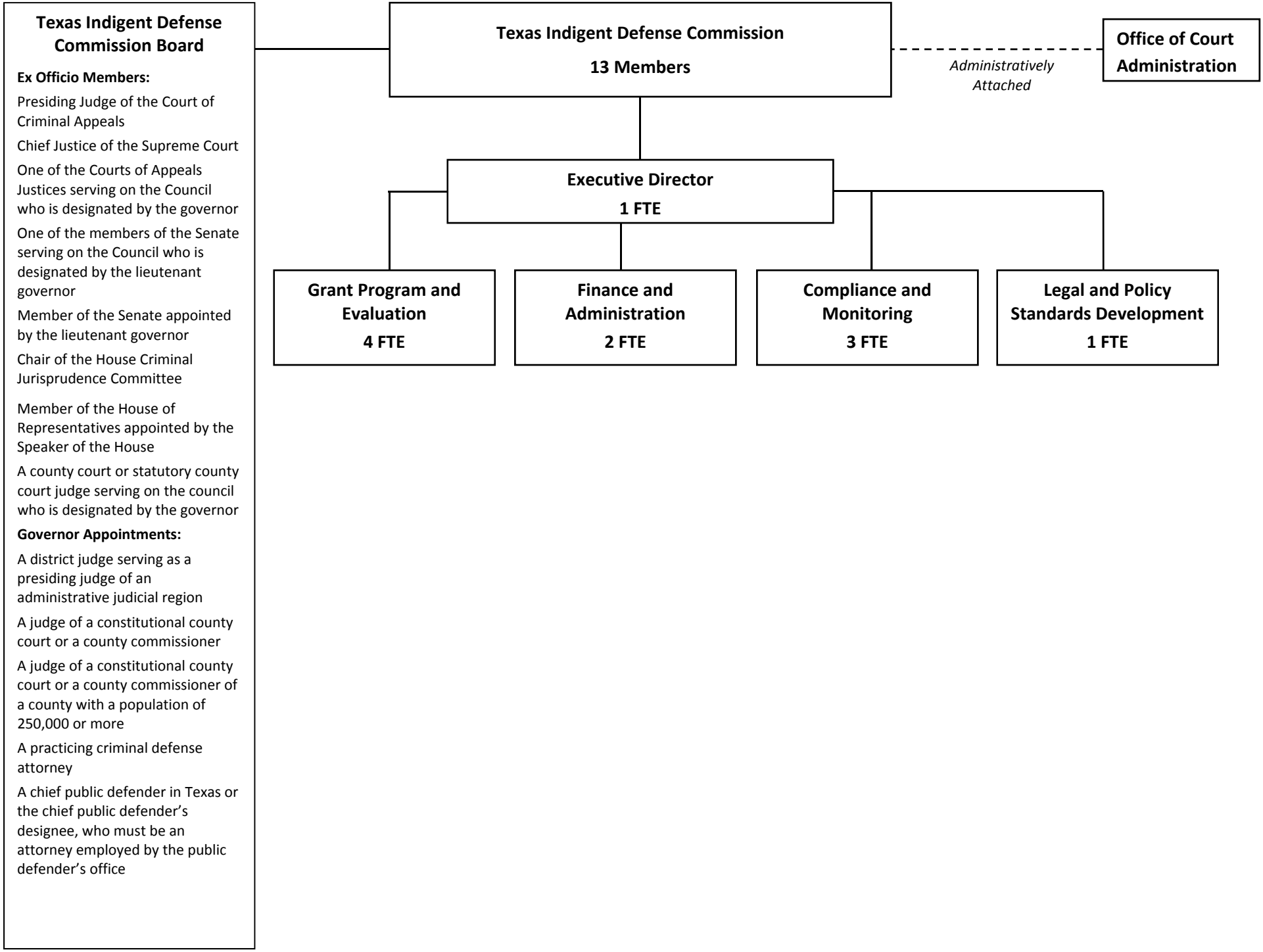
This strategy is funded primarily from the Fair Defense Account, a dedicated account in General Revenue. This principle funding stream for indigent defense is derived from dedicated court costs and fees. Deposits to the Fair Defense Account have substantially decreased in recent years, primarily due to a decrease in filed cases. This decrease has occurred as indigent defense costs continue to rise.

For the first time, the FY16/17 budget included an appropriation of General Revenue for indigent defense. With statewide indigent defense costs increasing at approximately $10 million/year and GR-Dedicated funds decreasing, the $7.5 million of GR appropriated to close the indigent defense funding gap for the current biennium only partially mitigated those budget pressures. Counties continue to bear the vast majority of the financial burden in meeting this constitutional mandate, with state grants only covering approximately 12%. This exceptional item request is proffered to share more equally in the funding of this government responsibility and close the gap of the currently underfunded State mandate.

Conclusion

Since 2001, the Commission has provided some funding to encourage and promote a better justice system across Texas. As a result, many jurisdictions have implemented more effective indigent defense delivery systems and thousands more people now have their right to appointed counsel honored. The right to counsel is guaranteed in both the Texas Constitution and the United States Constitution. Indigent defense is not a discretionary program. Texas counties currently bear the overwhelming burden of funding indigent defense. The funding requested here will continue the development, maintenance, and expansion of effective programs that fulfill a constitutional duty. The Commission respectfully requests that the state recognize the additional burden counties have assumed since the passage of the Fair Defense Act and appropriate additional GR to continue the development of outstanding programs and offset those additional costs counties have incurred.

Respectfully Submitted,
James Bethke
Executive Director
Texas Indigent Defense Commission


Texas Indigent Defense Commission Board
Ex Officio Members:
Presiding Judge of the Court of Criminal Appeals
Chief Justice of the Supreme Court
One of the Courts of Appeals Justices serving on the Council who is designated by the governor
One of the members of the Senate serving on the Council who is designated by the lieutenant governor
Member of the Senate appointed by the lieutenant governor
Chair of the House Criminal Jurisprudence Committee
Member of the House of Representatives appointed by the Speaker of the House
A county court or statutory county court judge serving on the council who is designated by the governor
Governor Appointments:
A district judge serving as a presiding judge of an administrative judicial region
A judge of a constitutional county court or a county commissioner
A judge of a constitutional county court or a county commissioner of a county with a population of 250,000 or more
A practicing criminal defense attorney
A chief public defender in Texas or the chief public defender's designee, who must be an attorney employed by the public defender's office
Texas Indigent Defense Commission
13 Members
Administratively Attached
Office of Court Administration
Executive Director
1 FTE
Grant Program and Evaluation
4 FTE
Finance and Administration
2 FTE
Compliance and Monitoring
3 FTE
Legal and Policy Standards Development
1 FTE

2.A. SUMMARY OF BASE REQUEST BY STRATEGY

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

Goal/Objective/**STRATEGY**	**Exp 2015**	**Est 2016**	**Bud 2017**	**Req 2018**	**Req 2019**
4 Improve Indigent Defense Practices and Procedures					
1 *Improve Indigent Defense Practices and Procedures*					
1 INDIGENT DEFENSE	$32,126,325	$36,196,849	$35,629,857	$34,428,838	$34,428,838
TOTAL, GOAL 4	**$32,126,325**	**$36,196,849**	**$35,629,857**	**$34,428,838**	**$34,428,838**
TOTAL, STRATEGY REQUEST	**$32,126,325**	**$36,196,849**	**$35,629,857**	**$34,428,838**	**$34,428,838**
METHOD OF FINANCING					
General Revenue Funds:					
0001	$0	$3,750,000	$3,750,000	$3,750,000	$3,750,000
SUBTOTAL	$0	$3,750,000	$3,750,000	$3,750,000	$3,750,000
Interagency Contract - CJG					
444	$0	$99,960	$0	$0	$0
SUBTOTAL	$0	$99,960	$0	$0	$0
General Revenue Dedicated Funds:					
5073 Fair Defense	$32,126,325	$32,346,889	$31,879,857	$30,678,838	$30,678,838
SUBTOTAL	**$32,126,325**	**$32,346,889**	**$31,879,857**	**$30,678,838**	**$30,678,838**
TOTAL, METHOD OF FINANCING	**$32,126,325**	**$36,196,849**	**$35,629,857**	**$34,428,838**	**$34,428,838**

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

METHOD OF FINANCE	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
GENERAL REVENUE FUND					
0001 General Revenue					
REGULAR APPROPRIATIONS:					
Regular Appropriations from MOF Table (2016-17 GAA)	$0	$3,750,000	$3,750,000	$0	$0
Regular Appropriations from MOF Table (2018-19 GAA)	$0	$0	$0	$3,750,000	$3,750,000
TOTAL General Revenue Fund - 0001	**$0**	**$3,750,000**	**$3,750,000**	**$3,750,000**	**$3,750,000**
GENERAL REVENUE FUND - DEDICATED					
5073 GR Dedicated - Fair Defense Account No. 5073					
REGULAR APPROPRIATIONS:					
Regular Appropriations from MOF Table (2014-15 GAA)	$30,546,228	$0	$0		
Regular Appropriations from MOF Table (2016-17 GAA)	$0	$31,777,573	$31,859,376		
Regular Appropriations from MOF Table (2018-19 GAA)				$30,678,838	$30,678,838
RIDER APPROPRIATION:					
Art. IV, OCA Rider 8, Adjust Revenue Estimate (2014-15 GAA)	$6,873,557	$0	$0		
Art. IV, OCA Rider 8, Adjust Revenue Estimate (2016-17 GAA)	$0	$3,070,826	($1,509,183)		
TRANSFERS:					
Art. IX, Sec. 17.06 Salary Increase for General State Employees (2014-15 GAA)	$17,545	$0	$0		
Art. IX, Sec. 17.06 Salary Increase for General State Employees (2016-17 GAA)	$0	$20,481	$20,481		
LAPSED APPROPRIATIONS:					
Regular Appropriations from MOF Table (2014-15 GAA)	($5,311,005)	$0	$0	$0	$0
UNEXPENDED BALANCES AUTHORITY:					
Strategy D.1.1, Indigent Defense (2016-17 GAA)	$0	($2,521,991)	$2,521,991	$0	$0
Strategy D.1.1, Indigent Defense (2016-17 GAA)	$0	$0	($1,012,808)	$0	$0
TOTAL GR Dedicated - Fair Defense Account No. 5073	**$32,126,325**	**$32,346,889**	**$31,879,857**	**$30,678,838**	**$30,678,838**
OTHER FUNDS					
444 Interagency Contracts - CJG					
REGULAR APPROPRIATIONS:					
Regular Appropriations from MOF Table (2016-17 GAA)	$0	$99,960	$0	$0	$0
TOTAL Interagency Contracts - CJG	**$0**	**$99,960**	**$0**	**$0**	**$0**
GRAND TOTAL	**$32,126,325**	**$36,196,849**	**$35,629,857**	**$34,428,838**	**$34,428,838**

2.C. SUMMARY OF BASE REQUEST BY OBJECT OF EXPENSE

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
1001 Salaries & Wages	$729,955	$834,281	$839,285	$839,285	$839,285
1002 Other Personnel Costs	$24,563	$17,191	$18,109	$20,116	$21,556
2001 Professional Fees & Services	$461	$228	$228	$228	$228
2003 Consumables	$1,528	$1,638	$3,000	$3,000	$3,000
2004 Utilities	$3,978	$3,316	$3,600	$3,600	$3,600
2005 Travel	$35,169	$31,763	$32,000	$32,000	$32,000
2006 Rent- Building	$120	$1,361	$120	$120	$120
2007 Rent-Machine & Other	$2,137	$2,547	$2,400	$2,400	$2,400
2009 Other Operating Expense	$620,359	$974,254	$836,246	$836,246	$836,246
4000 Grants	$30,708,055	$34,330,270	$33,894,869	$32,691,843	$32,690,403
OOE Total (Excluding Riders)	$32,126,325	$36,196,849	$35,629,857	$34,428,838	$34,428,838
Grand Total	$32,126,325	$36,196,849	$35,629,857	$34,428,838	$34,428,838

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

		2018			2019			Biennium	
Priority	Item	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	TIDC - Restore 4%	$1,434,535	$1,434,535		$1,434,535	$1,434,535		$2,869,070	$2,869,070
2	Regional Public Defender Office	$1,450,000	$1,450,000		$1,450,000	$1,450,000		$2,900,000	$2,900,000
3	Representing the Mentally Ill	$5,000,000	$5,000,000		$5,000,000	$5,000,000		$10,000,000	$10,000,000
4	Increase Support for Countie	$103,600,000	$103,600,000		$108,600,000	$108,600,000		$212,200,000	$212,200,000
Total, Exceptional Items Request		$111,484,535	$111,484,535	0.0	$116,484,535	$116,484,535	0.0	$227,969,070	$227,969,070
Method of Financing									
	General Revenue	$110,050,000	$110,050,000		$115,050,000	$115,050,000		$225,100,000	$225,100,000
	General Revenue -Dedicated	$1,434,535	$1,434,535		$1,434,535	$1,434,535		$2,869,070	$2,869,070
		$111,484,535	$111,484,535		$116,484,535	$116,484,535		$227,969,070	$227,969,070
Full Time Equivalent Positions				0.0			0.0		
Number of 100% Federally Funded FTEs				0.0			0.0		

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

Goal/Objective/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
4 Improve Indigent Defense Practices and Procedures						
1 *Improve Indigent Defense Practices and Procedures*						
1 INDIGENT DEFENSE	$34,428,838	$34,428,838	$111,484,535	$116,484,535	$145,913,373	$150,913,373
TOTAL, GOAL 4	**$34,428,838**	**$34,428,838**	**$111,484,535**	**$116,484,535**	**$145,913,373**	**$150,913,373**
TOTAL, STRATEGY REQUEST	**$34,428,838**	**$34,428,838**	**$111,484,535**	**$116,484,535**	**$145,913,373**	**$150,913,373**
General Revenue Funds:						
1 General Revenue Fund	$3,750,000	$3,750,000	$110,050,000	$115,050,000	$113,800,000	$118,800,000
	$3,750,000	**$3,750,000**	**$110,050,000**	**$115,050,000**	**$113,800,000**	**$118,800,000**
General Revenue Dedicated Funds:						
5073 Fair Defense	$30,678,838	$30,678,838	$1,434,535	$1,434,535	$32,113,373	$32,113,373
	$30,678,838	**$30,678,838**	**$1,434,535**	**$1,434,535**	**$32,113,373**	**$32,113,373**
TOTAL, METHOD OF FINANCING	**$34,428,838**	**$34,428,838**	**$111,484,535**	**$116,484,535**	**$145,913,373**	**$150,913,373**
FULL TIME EQUIVALENT POSITIONS	**11.0**	**11.0**	**0.0**	**0.0**	**11.0**	**11.0**

212 Office of Court Administration, Texas Judicial Council

GOAL: 4 Improve Indigent Defense Practices and Procedures

OBJECTIVE: 1 Improve Indigent Defense Practices and Procedures — Service Categories:

STRATEGY: 1 Improve Indigent Defense Practices and Procedures — Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
Output Measures:						
KEY 1	# Monitoring Visits, Technical Support Visits, & Trainings Conducted	102.00	105.00	105.00	80.00	80.00
KEY 2	Percentage of Counties Receiving State Funds for Indigent Defense	100.00 %	94.00 %	94.00 %	98.00 %	98.00 %
Objects of Expense:						
1001	SALARIES AND WAGES	$729,955	$834,281	$839,285	$839,285	$839,285
1002	OTHER PERSONNEL COSTS	$24,563	$17,191	$18,109	$20,116	$21,556
2001	PROFESSIONAL FEES AND SERVICES	$461	$228	$228	$228	$228
2003	CONSUMABLE SUPPLIES	$1,528	$1,638	$3,000	$3,000	$3,000
2004	UTILITIES	$3,978	$3,316	$3,600	$3,600	$3,600
2005	TRAVEL	$35,169	$31,763	$32,000	$32,000	$32,000
2006	RENT - BUILDING	$120	$1,361	$120	$120	$120
2007	RENT - MACHINE AND OTHER	$2,137	$2,547	$2,400	$2,400	$2,400
2009	OTHER OPERATING EXPENSE	$620,359	$974,254	$836,246	$836,246	$836,246
4000	GRANTS	$30,708,055	$34,330,270	$33,894,869	$32,691,843	$32,690,403
TOTAL, OBJECT OF EXPENSE		**$32,126,325**	**$36,196,849**	**$35,629,857**	**$34,428,838**	**$34,428,838**

Method of Financing:

212 Office of Court Administration, Texas Judicial Council

GOAL: 4 Improve Indigent Defense Practices and Procedures

OBJECTIVE: 1 Improve Indigent Defense Practices and Procedures

STRATEGY: 1 Improve Indigent Defense Practices and Procedures

Service Categories:

Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1	General Revenue Fund	$0	$3,750,000	$3,750,000	$3,750,000	$3,750,000
	SUBTOTAL, MOF (GENERAL REVENUE FUNDS)	**$0**	**$3,750,000**	**$3,750,000**	**$3,750,000**	**$3,750,000**
	Method of Financing:					
5073	Fair Defense	$32,126,325	$32,346,889	$31,879,857	$30,678,838	$30,678,838
	SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)	**$32,126,325**	**$32,346,889**	**$31,879,857**	**$30,678,838**	**$30,678,838**
	Method of Financing:					
444	Interagency Contracts - CJG	$0	$99,960	$0	$0	$0
	SUBTOTAL, MOF (OTHER FUNDS)	**$0**	**$99,960**	**$0**	**$0**	**$0**
	TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)				**$34,428,838**	**$34,428,838**
	TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)	**$32,126,325**	**$36,196,849**	**$35,629,857**	**$34,428,838**	**$34,428,838**
	FULL TIME EQUIVALENT POSITIONS:	**10.4**	**10.9**	**11.0**	**11.0**	**11.0**

STRATEGY DESCRIPTION AND JUSTIFICATION:

212 Office of Court Administration, Texas Judicial Council

GOAL:	4	Improve Indigent Defense Practices and Procedures			
OBJECTIVE:	1	Improve Indigent Defense Practices and Procedures	Service Categories:		
STRATEGY:	1	Improve Indigent Defense Practices and Procedures	Service: 07	Income: NA	Age: NA

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019

The Texas Indigent Defense Commission provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. The Commission administers a statewide grant program, a fiscal and policy monitoring program, a technical support program, and develops policies and standards. The Commission receives all statewide indigent defense information reported by counties and provides reports and analysis to the state leadership, legislature, and the public. OCA provides administrative support to the Commission.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

This strategy is funded primarily from the Fair Defense Account, a dedicated account in General Revenue. This principle funding stream for indigent defense is derived from dedicated court costs and fees. Deposits to the Fair Defense Account have substantially decreased in recent years, primarily due to a decrease in filed cases. This decrease has occured as indigent defense costs continue to rise. Since the passage of the Fair Defense Act of 2001, spending for indigent defense in Texas has increased approximately 160%, going from $91.4 million to $238 million annually. This increase is largely driven by the implementation of better systems for ensuring that Constitutional requirements are met and qualified defendants have access to lawyers. For the first time, the FY16/17 budget included an appropriation of General Revenue for indigent defense. With statewide indigent defense costs increasing at approximately $10 million/year and GR-Dedicated funds decreasing, the $7.5 million of GR for the current biennium only partially mitigated those budget pressures. Counties continue to bear the overwhelming majority of indigent defense costs, with state grants only covering approximately 12%.

212 Office of Court Administration, Texas Judicial Council

GOAL: 4 Improve Indigent Defense Practices and Procedures

OBJECTIVE: 1 Improve Indigent Defense Practices and Procedures

STRATEGY: 1 Improve Indigent Defense Practices and Procedures

Service Categories:

Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

STRATEGY BIENNIAL TOTAL - ALL FUNDS		BIENNIAL	EXPLANATION OF BIENNIAL CHANGE	
Base Spending (Est 2016 + Bud 2017)	Baseline Request (BL 2018 + BL 2019)	CHANGE	$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
$71,826,706	$68,857,676	$(2,969,030)	$(2,869,070)	Decrease is attributable to the mandated 4% budget reduction.
			$(99,960)	Interagency Contract-CJG, not included in base for 18-19.
			$(2,969,030)	**Total of Explanation of Biennial Change**

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code:	Agency Name:	Prepared by:	Date:	Request Level:
212	Office of Court Administration	Sharon Whitfield	08/05/2016	Baseline

Current Rider Number	Page Number in 2016-17 GAA	Proposed Rider Language
1	IV-25	**Performance Measure Targets.** The following is a listing of the key performance target levels for the Office of Court Administration, Texas Judicial Council. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Office of Court Administration, Texas Judicial Council. In order to achieve the objectives and service standards established by this Act, the Office of Court Administration, Texas Judicial Council shall make every effort to attain the following designated key performance target levels associated with each item of appropriation. ~~2016~~ 2018 ~~2017~~ 2019 **D. Goal:** INDIGENT DEFENSE D.1.1. Strategy: TX INDIGENT DEFENSE COMM **Output (Volume):** Number of Monitoring, Technical Support Visits and Training Conducted ~~105~~ 80 ~~105~~ 80 Percentage of Counties Receiving State Funds ~~94~~ 98% ~~94~~ 98% *Updating measures for 2018-2019 projections.*

8	IV-26	**Texas Indigent Defense Commission (TIDC).**[5] ~~Amounts appropriated above from the General Revenue-Dedicated Fair Defense Account No. 5073 in Strategy D.1.1., Texas Indigent Defense Commission, includes $1,064,988 and 11.00 FTEs in fiscal year 2016 and $1,064,988 and 11.0 FTEs in fiscal year 2017 for the administration of the Commission.~~ Except as otherwise provided relating to appropriations for the Office of Capital and Forensic Writs and all necessary amounts to cover payroll related benefit costs, all balances and amounts deposited into the General Revenue-Dedicated Fair Defense Account No. 5073 are appropriated above in Strategy D.1.1., Texas Indigent Defense Commission, for all uses authorized by Government Code, Chapter 79. All balances and amounts deposited (estimated to be $30,678,838 ~~in excess of $33,700,000~~ in fiscal year 2016 and $30,678,838 ~~$33,700,000~~ in fiscal year 2017) are appropriated to the TIDC for the same purpose. Included in these estimates are amounts collected from court costs pursuant to Code of Criminal Procedure, Art. 102.0045, Fee for Jury Reimbursement to Counties (estimated to be ~~$7,500,000~~ $6,600,000 in fiscal year ~~2016~~ 2018 and ~~$7,500,000~~ $6,600,000 in fiscal year ~~2017~~ 2019). The TIDC shall make grants to counties from the General Revenue-Dedicated Fair Defense Account No. 5073, with funds being disbursed by the Comptroller. No portion of the appropriation made by this section shall be used to offset the Office of Court Administration's administrative support provided to the TIDC except by mutual agreement of the TIDC and the Office of Court Administration. *The TIDC requests removal of the informational language related to administration of the Commission. Staffing levels and administrative costs are subject to approval by the Committee. While informational, it could hinder the Commission's ability to effectively manage the program by limiting staff levels and operating costs. The TIDC also requests replacing the current "in excess of $37,500,000" language with estimated deposited amounts to ensure the TIDC has access to all funds in the account not allocated to the Office of Capital and Forensic Writs. As currently written, the TIDC would not have access to additional revenues until it hits a higher threshold ($33,700,000) than the appropriated amount ($30,678,838 after the 4% reduction). The Fee for Jury Reimbursement to Counties revenue estimate has been updated to reflect historical trends.*

11	IV-26	**Innocence Projects.** Out of amounts appropriated above in Strategy D.1.1., Texas Indigent Defense Commission, $~~400,000~~600,000 in each year of the biennium from the General Revenue-Dedicated Fair Defense Account No. 5073 shall be used by the Commission to contract with law schools at the University of Houston, the University of Texas, Texas Tech University, Texas Southern University, University of North Texas and Texas A&M University ~~for innocence projects~~to support innocence project screening, investigation and litigation activities regarding claims of actual innocence in non-capital cases in Texas and associated expenses necessary to conduct those activities. The intent of this funding is to provide direct assistance to investigate actual innocence cases post-conviction and pursue relief for defendants with credible claims of actual innocence. While providing this funding to law schools provides opportunities for student involvement in innocence work, this funding is not intended for legal clinic expenses, teaching and student supervision. The amount of each contract with each university shall be $100,000. Any unobligated and unexpended balances remaining from the ~~$400,000~~600,000 in funds designated for innocence projects as of August 31, ~~2016~~2018 are appropriated to Strategy D.1.1., Texas Indigent Defense Commission, for the same purpose for the fiscal year beginning September 1, ~~2016~~2018. *Updating rider to correctly identify the actual total dollar amount of contracts allocated to the six law schools following the addition of two newly eligible public law schools by the 84th Legislature. Also clarifying that the primary purpose of the funding is to support necessary substantive assistance for wrongfully convicted persons rather than the supporting law clinic teaching.*

18	IV-27	**Regional Public Defender Office for Capital Cases.** a. Amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, include an amount not to exceed $250,000 in fiscal year ~~2016~~2018 and $250,000 in fiscal year ~~2017~~2019 in General Revenue that shall be used by the Commission as a grant ~~to a~~ for administration and operation of the Regional Public Defender ~~Program~~Office for Capital Cases, that.is limited to a county that: (1) Possesses a population as defined in Government Code §312.011(20) of fewer than 300,000; or (2) (A) Possesses a population as defined in Government Code §312.011(20) of fewer than 800,000;-and (B) Shares a border with the Republic of Mexico *This rider is being revised to clarify the specific program that is being supported and to reflect the fact that Cameron County has decided not to proceed with a public defender program for capital cases.*

Agency code: **212** Agency name:

Office of Court Administration, Texas Judicial Council

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Restoration of the 4% Reduction in Funding		
	Item Priority: 1		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	Involve Contracts > $50,000: No		
	Includes Funding for the Following Strategy or Strategies: 04-01-01 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	1,434,535	1,434,535
	TOTAL, OBJECT OF EXPENSE	**$1,434,535**	**$1,434,535**
METHOD OF FINANCING:			
5073	Fair Defense	1,434,535	1,434,535
	TOTAL, METHOD OF FINANCING	**$1,434,535**	**$1,434,535**

DESCRIPTION / JUSTIFICATION:

The Commission respectfully requests restoration of the 4% reduction because the program is underfunded at current levels. Indigent defense representation is not a discretionary expense, but rather a requirement by the U.S. and Texas Constitutions and an important part of operating a fair criminal justice system. State financial assistance to counties for indigent defense has driven much needed improvements in access to counsel. The reduction in state grants to counties to support indigent defense will need to be absorbed by Texas Counties, who will be forced to make up the difference.

EXTERNAL/INTERNAL FACTORS:

Texas counties are already struggling to fund approximately 88% of indigent defense costs and these costs continue to rise at a rate of approximately $10 million per year. An additional cut of $2.85 million will further hamper the ability of county governments to operate effective indigent defense systems that are an essential element of a fair adversarial justice system. Using FY15 data, a 4% cut of $2.86 million equates to over 13,000 appointed misdemeanor cases or over 4,000 appointed felony cases. This impacts counties adversely and will increase the risk of noncompliance with constitutional requirements and state law due to mounting budget pressures on local governments.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Restoration of the reduced funding would continue to be available for grants in the out years.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
$1,434,535	$1,434,535	$1,434,535

Agency code: 212 Agency name: Office of Court Administration, Texas Judicial Council

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Support 50/50 State-County Funding for Statewide Regional Public Defender Office for Capital Cases		
	Item Priority: 2		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	Involve Contracts > $50,000: No		
	Includes Funding for the Following Strategy or Strategies: 04-01-01 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	1,450,000	1,450,000
	TOTAL, OBJECT OF EXPENSE	**$1,450,000**	**$1,450,000**
METHOD OF FINANCING:			
1	General Revenue Fund	1,450,000	1,450,000
	TOTAL, METHOD OF FINANCING	**$1,450,000**	**$1,450,000**

DESCRIPTION / JUSTIFICATION:

In the most serious criminal cases where the death penalty is a possibility, the State has a unique interest in ensuring that appropriate defense representation is provided consistent with Constitutional standards and professional standards promulgated by the State Bar of Texas. In many parts of the state it can be difficult to find attorneys qualified to handle death penalty cases, as this type of representation is one of the most complex and challenging areas of practice.

The Regional Public Defender Office for Capital Cases (RPDO) is operated by Lubbock County and now serves 179 counties spanning all nine administrative judicial regions. Under current policy most counties are eligible to participate by paying membership dues. In exchange for paying dues, when a member county has a capital murder case, a qualified defense team is provided by the program at no additional cost. The costs associated with a capital murder case have the potential to decimate the budgets of smaller counties. Member dues are determined by county population and capital case frequency. The Lubbock RPDO provides a way for counties to have greater budget predictability and mitigate the dramatic impact a capital case can have and help ensure that these most serious cases are tried effectively the first time.

Based on the statewide impact and critical services that the office provides across the entire State, the Commission requests General Revenue equal to one-half of the office's operating budget, with the balance funded through membership dues of participating counties. In the FY16/17 biennium, $2.6 million in GR was appropriated for the RPDO, which is approximately 24% of the program cost. An additional appropriation of $2.9 million will provide for a sustainable 50/50 cost sharing arrangement with participating counties and ensure that the program remains affordable and accessible to all eligible counties throughout Texas that wish to participate.

EXTERNAL/INTERNAL FACTORS:

The Commission provided start-up funding through its discretionary grant program for each judicial region in the state which has helped make membership more affordable for counties. This additional GR would help ensure the long-term stability of the program as the Commission's start-up grants come to a close in 2017. As those grants close out, counties will be forced to make up the difference through higher membership dues. Many of those counties that have not joined the program cited cost as the primary

obstacle. Because of the many budget pressures on county government, the more membership costs rise, the greater the risk that counties will drop out of the program, which could undermine its long-term viability.

Texas counties are burdened by the increased costs associated with their compliance with the Fair Defense Act. By devoting GR to support this critical indigent defense service for counties, the State will take a significant step toward funding the underfunded indigent defense mandates. In addition, this GR investment will better ensure consistency and fairness in handling the state's most serious criminal cases.

The RPDO is an award winning program with a proven track record of effectiveness that provides genuine value to Texas counties. The National Association of Counties (NACO) presented Lubbock County with an Achievement Award for pioneering the Regional Public Defender Office. NACO presents Achievement Awards to recognize unique, innovative county programs. Applications for the awards are judged in part by how they modernize county government and increase services to county residents. The Texas Association of Counties Leadership Foundation also awarded Lubbock its Best Practices award for the Regional Public Defender Office.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

If appropriated, funding provided for the Regional Public Defender Office would be available in TIDC's base budget and available for continuance of the program.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
$1,450,000	$1,450,000	$1,450,000

Agency code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Support Statewide Funding for Early Identification and Representation of Defendants with Mental Illness		
	Item Priority: 3		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	Involve Contracts > $50,000: No		
	Includes Funding for the Following Strategy or Strategies: 04-01-01 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	5,000,000	5,000,000
	TOTAL, OBJECT OF EXPENSE	**$5,000,000**	**$5,000,000**
METHOD OF FINANCING:			
1	General Revenue Fund	5,000,000	5,000,000
	TOTAL, METHOD OF FINANCING	**$5,000,000**	**$5,000,000**

DESCRIPTION / JUSTIFICATION:

The Commission requests $10 Million in General Revenue over the biennium to provide early identification and specialized representation for defendants with mental illness and incentivize statewide implementation of Articles 16.22 and 17.032, Code of Criminal Procedure.

Over the FY14/15 biennium, specialized mental health public defender programs in seven counties disposed of approximately 12,400 cases at a cost of $10 million. Additional state funding of $10 million over the biennium would provide targeted grants to enhance existing defender programs and establish specialized defenders in counties currently without these programs. Articles 16.22 and 17.032, CCP, provide for the early identification and release on a personal recognizance bond of arrestees with mental illness if an evaluation and treatment plan is in place. Creating and enhancing defender programs to assist with implementation of Articles 16.22 and 17.032 statewide would provide access to specialized counsel and mental health professionals shortly after arrest, resulting in fewer jail days and earlier case resolution for arrestees.

EXTERNAL/INTERNAL FACTORS:

According to research from the Meadows Foundation, Texas spends over $650 million in local justice system costs each year due to inadequately treated mental illness and substance abuse disorders. These costs are disproportionately allocated to "super-utilizers" cycling through the system largely because of unaddressed mental health needs. "In Texas, there are 22,000 people in poverty who suffer from mental illness and repeatedly use jails, ERs, crisis services, EMS, and hospitals. Another 14,000 are more deeply involved in the criminal justice system."

Specialized mental health indigent defense programs can improve defendant outcomes and reduce recidivism by providing assistance that may help stabilize people and connect them with support that may address some of the causes of the behaviors that have placed them in the criminal justice system. By providing representation at the very earliest stage in the case, these programs can identify and divert eligible non-violent defendants from jail to appropriate treatment programs and community based services that focus on long-term stabilization.

Agency code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

CODE	DESCRIPTION	Excp 2018	Excp 2019

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

If appropriated, funding for representing the mentally ill are anticipated to be available in TIDC's base budget for grants in the out-years.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
$5,000,000	$5,000,000	$5,000,000

Agency code: 212 Agency name: Office of Court Administration, Texas Judicial Council

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Increase State Support for Texas Counties to Share Indigent Defense Costs More Equally		
	Item Priority: 4		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	Involve Contracts > $50,000: No		
	Includes Funding for the Following Strategy or Strategies: 04-01-01 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	103,600,000	108,600,000
	TOTAL, OBJECT OF EXPENSE	**$103,600,000**	**$108,600,000**
METHOD OF FINANCING:			
1	General Revenue Fund	103,600,000	108,600,000
	TOTAL, METHOD OF FINANCING	**$103,600,000**	**$108,600,000**

DESCRIPTION / JUSTIFICATION:

The Commission requests $103.6 million in FY18 and $108.6 million in FY19 for a total of approximately $212.2 million over the biennium. This funding will allow the Commission to provide relief to counties through an increase in state indigent defense grants in order to share indigent defense costs more equally with counties. Moreover, the funding would offset decreasing receipts in the GR-Dedicated Fair Defense Account and keep pace with increasing costs.

Since the passage of the Fair Defense Act of 2001 (FDA) state grants have only defrayed a small percentage of the counties' substantial increased indigent defense costs. Since the passage of the FDA, spending for indigent defense in Texas has increased approximately 160%, going from $91.4 million to $238 million annually. The FDA provided more explicit guidance on how to comply with constitutional requirements. This increase in costs is largely driven by the implementation of better systems for ensuring that Constitutional requirements are met and qualified defendants have access to lawyers. Indigent defense costs are projected to continue to increase at approximately $10 million per year.

Commissioners Courts in five of the state's largest counties (Bexar, Dallas, El Paso, Harris, Travis) have passed resolutions requesting the state to fully fund indigent defense services as more than half the states currently do. All 254 counties have requested the state to fully fund indigent defense services through Resolutions adopted through the County Judges and Commissioners Association of Texas.

EXTERNAL/INTERNAL FACTORS:

This strategy is funded primarily from the Fair Defense Account, a dedicated account in General Revenue. The principle funding stream for indigent defense is derived from dedicated court costs and fees. Deposits to the Fair Defense Account have substantially decreased in recent years, primarily due to a decrease in filed cases. This decrease has occurred as indigent defense costs continue to rise. For the first time, the FY16/17 budget included an appropriation of General Revenue for indigent defense. With statewide indigent defense costs increasing at approximately $10 million/year and GR-Dedicated funds decreasing, the $7.5 million of GR appropriated to close the indigent

Agency code: 212 Agency name: Office of Court Administration, Texas Judicial Council

CODE	DESCRIPTION	Excp 2018	Excp 2019

defense funding gap for the current biennium only partially mitigated those budget pressures. Counties continue to bear the vast majority of the financial burden in meeting this constitutional mandate, with state grants only covering approximately 12%. This exceptional item request is proffered to share more equally in the funding of this government responsibility and close the gap of the currently underfunded State mandate.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Appropriations for closing the funding gap would be available for providing grants in the out-years.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
$113,600,000	$118,600,000	$123,600,000

Agency code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

Code	Description	Excp 2018	Excp 2019
Item Name:	Restoration of the 4% Reduction in Funding		
Allocation to Strategy:	4-1-1 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	1,434,535	1,434,535
TOTAL, OBJECT OF EXPENSE		**$1,434,535**	**$1,434,535**
METHOD OF FINANCING:			
5073	Fair Defense	1,434,535	1,434,535
TOTAL, METHOD OF FINANCING		**$1,434,535**	**$1,434,535**

Agency code: 212 Agency name: **Office of Court Administration, Texas Judicial Council**

Code	Description	Excp 2018	Excp 2019
Item Name:	Support 50/50 State-County Funding for Statewide Regional Public Defender Office for Capital Cases		
Allocation to Strategy:	4-1-1 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	1,450,000	1,450,000
TOTAL, OBJECT OF EXPENSE		**$1,450,000**	**$1,450,000**
METHOD OF FINANCING:			
1	General Revenue Fund	1,450,000	1,450,000
TOTAL, METHOD OF FINANCING		**$1,450,000**	**$1,450,000**

Agency code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

Code	Description	Excp 2018	Excp 2019
Item Name:	Support Statewide Funding for Early Identification and Representation of Defendants with Mental Illness		
Allocation to Strategy:	4-1-1 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	5,000,000	5,000,000
TOTAL, OBJECT OF EXPENSE		**$5,000,000**	**$5,000,000**
METHOD OF FINANCING:			
1	General Revenue Fund	5,000,000	5,000,000
TOTAL, METHOD OF FINANCING		**$5,000,000**	**$5,000,000**

Agency code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

Code	Description	Excp 2018	Excp 2019
Item Name:	Increase State Support for Texas Counties to Share Indigent Defense Costs More Equally		
Allocation to Strategy:	4-1-1 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
4000	GRANTS	103,600,000	108,600,000
TOTAL, OBJECT OF EXPENSE		**$103,600,000**	**$108,600,000**
METHOD OF FINANCING:			
1	General Revenue Fund	103,600,000	108,600,000
TOTAL, METHOD OF FINANCING		**$103,600,000**	**$108,600,000**

Agency Code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

GOAL: 4 Improve Indigent Defense Practices and Procedures

OBJECTIVE: 1 Improve Indigent Defense Practices and Procedures

STRATEGY: 1 Improve Indigent Defense Practices and Procedures

Service Categories:
Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Excp 2018	Excp 2019
OBJECTS OF EXPENSE:			
4000	GRANTS	111,484,535	116,484,535
	Total, Objects of Expense	**$111,484,535**	**$116,484,535**
METHOD OF FINANCING:			
1	General Revenue Fund	110,050,000	115,050,000
5073	Fair Defense	1,434,535	1,434,535
	Total, Method of Finance	**$111,484,535**	**$116,484,535**

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restoration of the 4% Reduction in Funding

Support 50/50 State-County Funding for Statewide Regional Public Defender Office for Capital Cases

Support Statewide Funding for Early Identification and Representation of Defendants with Mental Illness

Increase State Support for Texas Counties to Share Indigent Defense Costs More Equally

6.E. Estimated Revenue Collections Supporting Schedule
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

FUND/ACCOUNT	Act 2015	Exp 2016	Exp 2017	Bud 2018	Est 2019
5073 Fair Defense					
Beginning Balance (Unencumbered):	$6,245,076	$5.097.021	$2,898,291	$1,121,341	$573,888
Estimated Revenue:					
3195 Additional Legal Services Fee	2,344,127	2,134,695	2,134,695	2,134,695	2,134,695
3704 Court Costs	21,395,820	21,182,320	21,182,320	21,182,320	21,182,320
3725 State Grants Pass-thru Revenue	0	99,960	0	0	0
3858 Bail Bond Surety Fees	2,027,169	2,022,651	2,022,651	2,022,651	2,022,651
3972 Other Cash Transfers Between Funds	6,697,267	6,600,000	6,600,000	6,600,000	6,600,000
Subtotal: Actual/Estimated Revenue	32,464,383	32,039,626	31,939,666	31,939,666	31,939,666
Total Available	**$38,709,459**	**$37,136,647**	**$34,837,957**	**$33,061,007**	**$32,513,554**
DEDUCTIONS:					
Expended/Budgeted/Requester - Baseline - TIDC	(32,126,325)	(32,346,889)	(31,879,857)	(30,678,838)	(30,678,838)
Expended/Budgeted/Requested - Baseline - OCFW	(1,113,882)	(1,438,501)	(1,353,083)	(1,339,960)	(1,339,961)
Transfer - Employee Benefits - TIDC	(183,694)	(232,161)	(232,161)	(232,161)	(232,161)
Transfer - Employee Benefits - OCFW	(188,537)	(236,160)	(236,160)	(236,160)	(236,160)
Total, Deductions	**$(33,612,438)**	**$(34,253,711)**	**$(33,701,261)**	**$(32,487,119)**	**$(32,487,120)**
Ending Fund/Account Balance	**$5,097,021**	**$2,882,936**	**$1,136,696**	**$573,888**	**$26,434**

REVENUE ASSUMPTIONS:

Based on recent historical trends, funding from Court Costs and Bail Bond Surety fees are declining for this program. This fund is also shared with the agency, Office of Capital and Forensic Writs.

CONTACT PERSON:

Sharon Whitfield

6.I. PERCENT BIENNIAL BASE REDUCTION OPTIONS
10% REDUCTION
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

	REVENUE LOSS			REDUCTION AMOUNT			TARGET
Item Priority and Name / Method of Financing	**2018**	**2019**	**Biennial Total**	**2018**	**2019**	**Biennial Total**	
First 5% - Indigent Defense							
Category: Programs - Service Reductions (Contracted)							
Item Comment: A reduction to this strategy would cut existing funding to an already underfunded program. Since passage of the Fair Defense in 2001, total indigent defense expenditures have increased by $107 million, more than a 120 percent increase. This proposed reduction of over $1.7 million per year in grants to counties amounts to the state passing on to counties the costs of representing either approximately 5,500 non-capital felony cases or 17,500 misdemeanor cases.							
Strategy 4-1-1 Improve Indigent Defense Practices and Procedures							
General Revenue							
0001 General Revenue	$0	$0	$0	$187,500	$187,500	$375,000	
General Revenue Total	$0	$0	$0	$187,500	$187,500	$375,000	
GR Dedicated							
5073 GR Dedicated	$0	$0	$0	$1,519,787	$1,519,787	$3,039,574	
GR Dedicated Total	$0	$0	$0	$1,519,787	$1,519,787	$3,039,574	
Item Total	$0	$0	$0	$1,707,287	$1,707,287	$3,414,574	
Second 5% - Indigent Defense							
Category: Programs - Service Reductions (Contracted)							
Item Comment: A reduction to this strategy would cut existing funding to an already underfunded program. Since passage of the Fair Defense in 2001, total indigent defense expenditures have increased by $107 million, more than a 120 percent increase. This proposed reduction of over $1.7 million per year in grants to counties amounts to the state passing on to counties the costs of representing either approximately 5,500 non-capital felony cases or 17,500 misdemeanor cases.							

Strategy 4-1-1 Improve Indigent Defense Practices and Procedures

General Revenue						
0001 General Revenue	$0	$0	$0	$187,500	$187,500	$375,000
General Revenue Total	$0	$0	$0	$187,500	$187,500	$375,000
GR Dedicated						
5073 GR Dedicated	$0	$0	$0	$1,519,787	$1,519,787	$3,039,574
GR Dedicated Total	$0	$0	$0	$1,519,787	$1,519,787	$3,039,574
Item Total	$0	$0	$0	$1,707,287	$1,707,287	$3,414,574
General Revenue Total	$0	$0	$0	$375,000	$375,000	$750,000
GR Dedicated Total	$0	$0	$0	$3,039,574	$3,039,574	$6,079,148
Strategy Total	$0	$0	$0	$3,414,574	$3,414,574	$6,829,148

Agency code: **212** Agency name: **Office of Court Administration, Texas Judicial Council**

Strategy		Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
4-1-1	**Improve Indigent Defense Practices and Procedures**					
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	$729,955	$834,281	$839,285	$839,285	$839,285
1002	OTHER PERSONNEL COSTS	24,563	17,191	18,109	20,116	21,556
2001	PROFESSIONAL FEES AND SERVICES	461	228	228	228	228
2003	CONSUMABLE SUPPLIES	1,528	1,638	3,000	3,000	3,000
2004	UTILITIES	3,978	3,316	3,600	3,600	3,600
2005	TRAVEL	35,169	31,763	32,000	32,000	32,000
2006	RENT - BUILDING	120	1,361	120	120	120
2007	RENT - MACHINE AND OTHER	2,137	2,547	2,400	2,400	2,400
2009	OTHER OPERATING EXPENSE	152,487	154,294	166,246	166,246	166,246
	Total, Objects of Expense	**$950,398**	**$1,046,619**	**$1,064,988**	**$1,066,995**	**$1,068,435**
METHOD OF FINANCING:						
5073	Fair Defense	950,398	1,046,619	1,064,988	1,066,995	1,068,435
	Total, Method of Financing	**$950,398**	**$1,046,619**	**$1,064,988**	**$1,066,995**	**$1,068,435**
FULL-TIME-EQUIVALENT POSITIONS (FTE):		**10.4**	**10.9**	**11.0**	**11.0**	**11.0**

DESCRIPTION

Texas Indigent Defense Commission support staff are centralized within one strategy. Positions supported include the Director, attorneys, accountants, executive assistant, project manager, and program specialists.