

**Court of Criminal Appeals
Summary of Recommendations - Senate**

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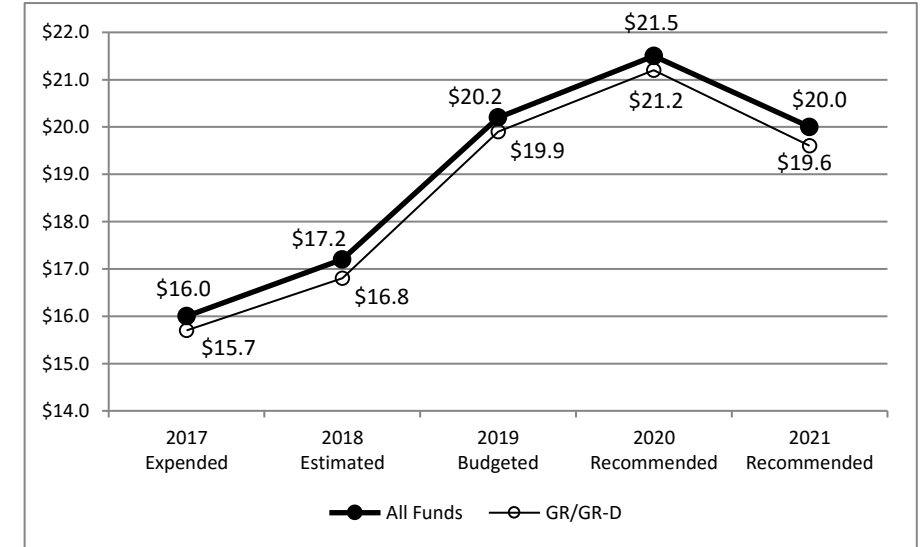
The Honorable Sharon Keller, Presiding Judge

Darren Albrecht, LBB Analyst

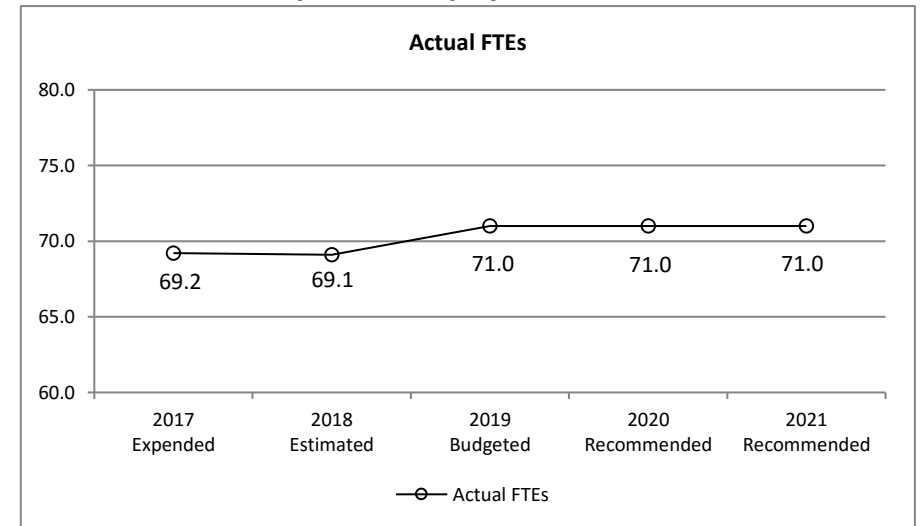
Method of Financing	2018-19 Base	2020-21 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$12,821,361	\$12,571,361	(\$250,000)	(1.9%)
GR Dedicated Funds	\$23,878,485	\$28,196,899	\$4,318,414	18.1%
<i>Total GR-Related Funds</i>	<i>\$36,699,846</i>	<i>\$40,768,260</i>	<i>\$4,068,414</i>	<i>11.1%</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$735,502	\$735,502	\$0	0.0%
All Funds	\$37,435,348	\$41,503,762	\$4,068,414	10.9%

	FY 2019 Budgeted	FY 2021 Recommended	Biennial Change	Percent Change
FTEs	71.0	71.0	0.0	0.0%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this Court (2020-21 Recommended) represents an estimated 100% of the Court's estimated total available funds for the 2020-21 biennium.

**Court of Criminal Appeals
Summary of Funding Changes and Recommendations - Senate**

Funding Changes and Recommendations for the 2020-21 Biennium compared to the 2018-19 Base Spending Level (in millions)	General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
<i>Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</i>						
A) Removed one-time 2018-19 funding for the purchase and intallation of equipment to record the proceedings of the Court of Criminal Appeals due to the enactment of House Bill 214, Eighty-fifth Legislature, Regular Session.	(\$0.3)	\$0.0	\$0.0	\$0.0	(\$0.3)	A.1.1
B) Increase in General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540 funding due to an anticipated increase in revenue resulting from the enactment of Senate Bill 42, Eighty-fifth Legislature, Regular Session, that created a \$5 civil filing fee on the filing of any civil action or proceeding.	\$0.0	\$4.3	\$0.0	\$0.0	\$4.3	B.1.1
TOTAL Funding Changes and Recommendations (in millions)	(\$0.3)	\$4.3	\$0.0	\$0.0	\$4.1	As Listed
<i>Funding Increases</i>	\$0.0	\$4.3	\$0.0	\$0.0	\$4.3	As Listed
<i>Funding Decreases</i>	(\$0.3)	\$0.0	\$0.0	\$0.0	(\$0.3)	As Listed

**Court of Criminal Appeals
Selected Fiscal and Policy Issues - Senate**

1. **Judicial Compensation.** The Judiciary Section, Comptroller's Department Legislative Appropriations Request includes a 15 percent increase in district judge salaries (\$140,000 to \$161,000) and for the salaries of all judicial and prosecutor positions that are statutorily linked to a district judge's state salary. This includes the Presiding Judge and Judges of the Court of Criminal Appeals. A judge of the Court of Criminal Appeals receives an annual state salary that is 120 percent of the salary of a district judge and the Presiding Judge is entitled to an additional \$2,500 more than the salary of the other justices of the court. A judge's salary would increase from \$168,000 to \$193,200 and the Presiding Judges' salary would increase from \$170,500 to \$195,700.

The total state cost of a 15 percent increase in a district judge's salary is approximately \$57.9 million which includes salary and salary supplement increases of \$17.0 million for benefits costs for both payroll contributions and increased liabilities due to a higher actuarially sound contribution rate. This does not include an additional \$1.7 million that would be needed to maintain visiting judge appointment rates at 2018–19 levels due to statutory requirements linking visiting judge compensation to judicial salaries. The most recent judicial salary adjustment was a 12 percent increase in the 2014-15 biennium for judge and prosecutor positions linked to district judge pay totaling \$34.8 million.

2. **Removal of One-Time Expenditures.** Recommendations remove one-time expenditures totaling \$250,000 in General Revenue for the purchase and installation of recording equipment to record the proceedings of the Court of Criminal Appeals due to the enactment of House Bill 214, Eighty-fifth, Regular Session. The Court was also appropriated an additional \$96,000 in General Revenue funding for maintenance costs associated with the new recording equipment in 2018-19. Recommendations continue this amount in 2020-21 for ongoing personnel and maintenance costs. The Court is requesting to keep the \$250,000 in its baseline request to provide funding for the development of the Judicial Civics and Education Center proposed in the Supreme Court of Texas' Legislative Appropriations Request which totals \$2.5 million (See also, Items Not Included in Recommendations – Senate #1).
3. **Judicial Education.** Recommendations provide an estimated appropriation of \$28.2 million in General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540 (GR-D Fund 540) for Judicial Education which is an increase of \$4.3 million above 2018-19 spending levels and the baseline request from the Court. The enactment of Senate Bill 42, Eighty-fifth Legislature, Regular Session, created a \$5 civil filing fee on the filing of any civil action or proceeding requiring a filing fee and directed that the fee be deposited to the credit of GR-D Fund 540. The bill authorized the Court of Criminal Appeals to grant legal funds to statewide professional associations and other entities that provide training to individuals responsible for providing court security. The creation of the \$5 civil filing fee was intended to provide additional revenue to GR-D Fund 540 to offset a decline in court cost revenue and to provide additional training for court security. GR-D Fund 540 is a General-Revenue Dedicated Account that is not used for certification.

**Court of Criminal Appeals
Rider Highlights - Senate**

Modification of Existing Riders

2. **Judicial Education.** Recommendations relocate subsection (a) to the Special Provisions of Article IV. This subsection allows the Court to assign the Office of Court Administration or any other agency of the Judicial Branch the necessary administrative and accounting functions for GR-D Fund 540 appropriations to be performed under the direction of the Court. This may include the transfer of the appropriations as directed by the Court.

Recommendations delete subsection (c). All agencies are required to follow competitive bidding procedures for expenditures of \$5,000 or more, which addresses the concern of the rider subsection.

3. **Judicial Education: Appropriations for Certain Types of Legal Education.** Recommendations modify expended amounts in subsection a(1), a(2), and a(3) to align with the use of funds statute in Government Code, Sec. 56.003.
7. **Judicial Education: Mental Health.** Recommendations modify the rider to include associations who represent “prosecuting attorneys and criminal defense attorneys” to the list of entities eligible to receive funding to provide legal education and training on mental health issues and pre-trial diversion. Recommendations modify the rider to include information for judges and staff on mental health care resources available in a court’s geographic region.

**Court of Criminal Appeals
Items Not Included in Recommendations - Senate**

		2020-21 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
		GR & GR-D	All Funds	FTEs			
Court Exceptional Items Not Included (in Court priority order)							
1)	General Revenue funding for the development of a Judicial Civics and Education Center proposed by the Supreme Court of Texas (See also, Selected Fiscal and Policy Issues - Senate #2).	\$250,000	\$250,000	0.0	Yes	No	\$0
2)	General Revenue funding increase to salaries for 27 attorney positions from an average of \$107,739 to \$122,224 each year (\$793,945), 23 clerk positions from an average of \$50,156 to \$58,948 each year (\$410,488), and 10 executive assistant positions from an average of \$46,079 to \$58,000 each year (\$242,003) to align with salaries at the Supreme Court and other State appellate courts.	\$1,446,436	\$1,446,436	0.0	No	No	\$1,446,436
TOTAL Items Not Included in Recommendations		\$1,696,436	\$1,696,436	0.0			\$1,446,436

**Court of Criminal Appeals
Appendices - Senate**

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* Appendix is not included - no significant information to report

** Information is included in the presentation section of the packet

Court of Criminal Appeals
Funding Changes and Recommendations - Senate, by Strategy -- ALL FUNDS

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	Comments
APPELLATE COURT OPERATIONS A.1.1	\$13,556,863	\$13,306,863	(\$250,000)	(1.8%)	Recommendations reflect the removal of one-time General Revenue expenditures to purchase and install recording equipment to record proceedings due to the enactment of House Bill 214, Eighty-fifth Legislature, Regular Session.
Total, Goal A, APPELLATE COURT OPERATIONS	\$13,556,863	\$13,306,863	(\$250,000)	(1.8%)	
JUDICIAL EDUCATION B.1.1	\$23,878,485	\$28,196,899	\$4,318,414	18.1%	Recommendations reflect an increase in General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540 funding primarily due to the enactment of Senate Bill 42, Eighty-fifth Legislature, Regular Session, that created a \$5 civil filing fee on the filing of any civil action or proceeding.
Total, Goal B, JUDICIAL EDUCATION	\$23,878,485	\$28,196,899	\$4,318,414	18.1%	
Grand Total, All Strategies	\$37,435,348	\$41,503,762	\$4,068,414	10.9%	

**Court of Criminal Appeals
FTE Highlights - Senate**

Full-Time-Equivalent Positions	Expended 2017	Estimated 2018	Budgeted 2019	Recommended 2020	Recommended 2021
Cap	71.0	71.0	71.0	71.0	71.0
Actual/Budgeted	69.2	69.1	71.0	NA	NA

Schedule of Exempt Positions (Cap)					
Presiding Judges (1)	\$170,500	\$170,500	\$170,500	\$170,500	\$170,500
Judge (8)	\$168,000	\$168,000	\$168,000	\$168,000	\$168,000

Notes:

a) The Court of Criminal Appeals is exempted from Article IX, Section 6.10, which limits the number of FTEs paid from appropriated funds to the amounts specified in the General Appropriations Act.

**Court of Criminal Appeals
Performance Measure Highlights - Senate**

	Expended 2017	Estimated 2018	Budgeted 2019	Recommended 2020	Recommended 2021
<ul style="list-style-type: none"> • <i>Total Number of Participants Trained in Judicial Education Courses</i> 	21,731	21,332	22,356	22,356	22,356
<p><i>Measure Explanation: This is a measure of the total number of participants trained in judicial education courses.</i></p>					

**Court of Criminal Appeals
Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate**

Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
			GR & GR-D	All Funds	FTEs				
1)	Reduce Salaries and Personnel Costs	Reduce staff salaries by 10 percent (\$1,264,422) and other personnel costs by 6 percent (\$17,714). A reduction in staff salaries would affect the Court's ability to retain experienced staff and impact performance measures.	\$1,282,136	\$1,282,136	0.0	\$0	10%	\$12,821,361	No
TOTAL, 10% Reduction Options			\$1,282,136	\$1,282,136	0.0	\$0			