Legislative Appropriations Request

FOR FISCAL YEARS 2016 and 2017

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

by

TEXAS INDIGENT DEFENSE COMMISSION

Submitted
August 4, 2014

FY 2016-17 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.

The Commission applies evidence-based research to its strategies as part of its commitment to local control. By deploying an evidence-based practice strategy, the Commission is able to provide local and state officials with reliable information to make informed decisions about indigent defense services, resulting in a better indigent defense delivery system that meets the needs of the local jurisdictions while fulfilling the requirements of state and constitutional law.

The Commission is composed of the following 13 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 **John Whitmire** of Houston
- State Senator **Royce West** of Dallas
- State Representative **Roberto Alonzo** of Dallas
- State Representative **Abel Herrero** of Corpus Christi
- Chief Justice of the Texas First Court of Appeals **Sherry Radack** of Houston
- Tarrant County Judge **B. Glen Whitley** of Hurst
- 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

Prior to 2001, Texas had no coordinated system for providing defense services to poor people accused of crimes. The Fair Defense Act of 2001—the original blueprint for indigent defense developed by the Texas legislature over a decade ago—has served Texas well and provides necessary structure and guidance to local officials charged with carrying out the responsibilities of the law. A law passed during the 82nd Legislative Session, HB 1754, renamed the Task Force on Indigent Defense (Task Force) the Texas Indigent Defense Commission and made it more independent.

While the Commission remains administratively attached to the Office of Court Administration (OCA), the legislature directed the Commission to submit its legislative appropriation request separate from OCA. This change benefits OCA, the Commission, and the state. OCA can seek the funding it needs to effectively serve the courts and administer its statutory responsibilities, and the Commission can present its case for indigent defense funding without having to compete directly with OCA for funding. This year's LAR is the second submitted separate from OCA. The primary purpose of the Commission is to provide funding to counties through grants and to offer technical assistance to local officials to improve or sustain effective indigent defense practices that protect the constitutional rights of the indigent accused.

The Commission has developed and refined a state grant program that ensures funds appropriated for indigent defense are fairly distributed across the entire state while also promoting compliance and encouraging the development of more effective indigent defense services. One grant program—which has benefitted all counties—provides formula-based grants based on a county's population and indigent defense costs. The other offers discretionary grants to implement innovative programs, to remedy issues of non-compliance, and to assist counties that demonstrate an overwhelming economic hardship beyond the county's control related to the delivery of indigent defense services.

To receive a grant under either program, a county must demonstrate its commitment to compliance with the requirements of state law related to indigent defense. Last year, the Commission dispersed 249 formula grants of approximately $19.9 million and 24 discretionary grants of approximately $7.5 million. In total, the Commission distributed $27.4 million to Texas counties to provide indigent services compared to the counties' contribution of $189.7 million.

The total number of indigent persons being provided constitutionally guaranteed assistance of counsel in Texas has increased from 324,000 in FY2002 to more than 471,000 in FY2013, a 45 percent increase. During this same period, overall spending has increased by 137 percent. 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.

Indigent defense is not a discretionary program. The right to counsel is guaranteed in the Texas Constitution and the United States Constitution. The government, whether it is the state or the county, must pay these costs. Without adequate funding for indigent defense 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 *Rothergy 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. 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 *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. State funding and the technical support provided by the Commission supports counties to better meet their constitutional obligations, thus making such costly lawsuits less likely.

Purpose of New Funding

Exceptional Items

1. Support Statewide Regional Public Defender Program for Capital Cases (RPDO)—The Commission requests a new appropriation of $3.1 million annually from GR and one FTE to continue the development and provide ongoing support for an existing program, the RPDO, founded in 2009 through a discretionary grant from the Commission to Lubbock County. Based upon the program's success in the 7th and 9th administrative judicial regions, Lubbock sought additional discretionary grants to serve the other

seven administrative judicial regions in the less populous counties in Texas. The discretionary grants that have supported the expansion of this program are set to expire in 2017. This GR investment would provide greater stability to those counties already participating and make the program more economically viable to those counties that initially chose not to participate because of funding considerations. The new GR would be part of a state/county cost sharing agreement to ensure consistent and qualified representation in the most serious 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 one of the most complex and challenging areas of practice.

The RPDO now serves 159 counties spanning all nine administrative judicial regions. Under current policy 240 counties are eligible to participate by paying membership dues. In exchange for paying dues, when a member county has a capital murder case, a quality 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. The 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 that general revenue equal to one-half of the office's operating budget to service all eligible counties be appropriated, with the balance funded through membership dues of participating counties. Member dues are determined by county population and capital case frequency. The new GR would help ensure the long-term stability of the program as the Commission's start-up grants come to a close in 2017, and also ensure that the program remains affordable and accessible to all eligible counties throughout Texas that wish to participate. In addition, Hidalgo County has requested funding from the Commission to build a stand-alone public defender program to handle its capital caseload. Under current RPDO policy, Hidalgo is not eligible to participate in this existing program based on its population. This GR investment will create a new state/county cost-sharing model which may make it possible for the RPDO to accommodate Hidalgo County, which would provide a more cost-effective alternative to building a stand-alone program.

EXTERNAL/INTERNAL FACTORS

The Commission has 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. As those grants close out, counties will be forced to take on the full cost of the program 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.

This exceptional item will not only benefit the counties participating in the RPDO, but will also benefit all Texas counties by freeing up GR dedicated funds that have been used to support the initiation and expansion of the program, as well as local funds that otherwise would be used to pay the full balance of the costs for the services provided by this office. Moreover, this is an award winning regional program with a proven track record of success and effectiveness that provides genuine value to Texas counties. The National Association of Counties (NACO) presented Lubbock County with an Achievement Award for pioneering the RPDO. NACO presents Achievement Awards to recognize unique, innovative county programs. Applications for the awards are judged—in part—by whether 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 program.

2. Support Multi-County Indigent Defense Technology Grant Program—The Commission requests a new appropriation of $1.5 million annually from general revenue and one FTE to continue the development of an existing program: development and expansion of the multi-county indigent defense technology grant program with the Texas Conference of Urban Counties' (Urban Counties) TechShare program.

DESCRIPTION/JUSTIFICATION

In 2011 the Commission provided a discretionary grant to Bell County to develop a cloud-based electronic process management tool that helps the county administer its indigent defense system and monitor key data regarding compliance with the requirements of state law and local rules. Benefits of the system included:

- Faster processing of requests for counsel and attorney appointments
- Central tracking of data elements needed to assess compliance with the Fair Defense Act
- Automation of the attorney appointment process
- All-electronic attorney fee voucher submission, review and payment process.

Following the successful implementation in Bell County, a number of other counties expressed interest in accessing this new functionality. The Urban Counties TechShare program took over the management and technical development of the Bell County electronic indigent defense system and, with the help of a discretionary grant from the Commission, is implementing the system in eight (8) other counties and maintaining and operating the system across all participating counties. In addition, Urban Counties TechShare is prepared to continue technical development and deployment to approximately twenty to fifty additional counties (depending on participating county size and complexity) over the course of the next biennium and continue its efforts to make the system more cost effective through economies of scale.

EXTERNAL/INTERNAL FACTORS

New GR investment in the continued development and deployment of this program will provide functional enhancements, centralized operation and maintenance, and meet a need not currently being met. The purpose of these technology enhancements is to improve county compliance, transparency, efficiency and consistency in the administration of justice in Texas. Further, GR investment in this project will free up GR-dedicated funds to increase the state's ability to defray increased indigent defense costs incurred by counties since the passage of the Fair Defense Act.

3. Close the Fair Defense Act Funding Gap—The Commission requests a new appropriation of $98.4 million annually from GR to defray the unfunded increased costs associated with the passage of the Fair Defense Act and share more equally in the funding of this government responsibility. Four FTE's are requested to administer additional funding.

DESCRIPTION/JUSTIFICATION

This funding would allow the Commission to increase grant funding to counties in an amount that would close the funding gap on the unfunded portion indigent defense costs counties have shouldered as a result of passage of the Fair Defense Act (FDA). The FDA provided more explicit guidance on how to comply with constitutional requirements, created the Commission (formerly called the Task Force on Indigent Defense) and required each county to submit what it spends on indigent defense services as well as develop

and submit a plan on how it will provide these services. As a result of heightened awareness of the constitutional and legal requirements costs have increased upwards of 137% from $91.4 million 2001 to $217.1 million in 2013. Only a small fraction of this increased expense is covered through the GR dedicated funds collected and distributed through the Commission's grant programs.

EXTERNAL/INTERNAL FACTORS

While 27 states fully fund indigent defense, Texas currently provides only 14 cents on the dollar of overall indigent defense costs. Because indigent defense is not a discretionary expense, counties are forced to make up the difference and continue to bear the vast majority of the financial burden in meeting this constitutional mandate. In FY2012 $28.4 million and in FY2013 $31.2 million in dedicated state funds were available to counties compared to total indigent defense costs in FY2012 $207.5 million and FY2013 $217.1 million. Counties continue to bear the vast majority of the financial burden in meeting this constitutional mandate. This exceptional item request is proffered to share more equally in the funding of this government responsibility and close the funding gap of the unfunded state and federal mandate.

Conclusion

Since 2001, the Commission has provided necessary 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 good programs that help fulfill a constitutional duty. Currently the entire appropriation for this program is derived from dedicated fees and court costs assessed on persons convicted of a criminal offense. 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 two outstanding programs and offset those additional costs counties have incurred.

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:

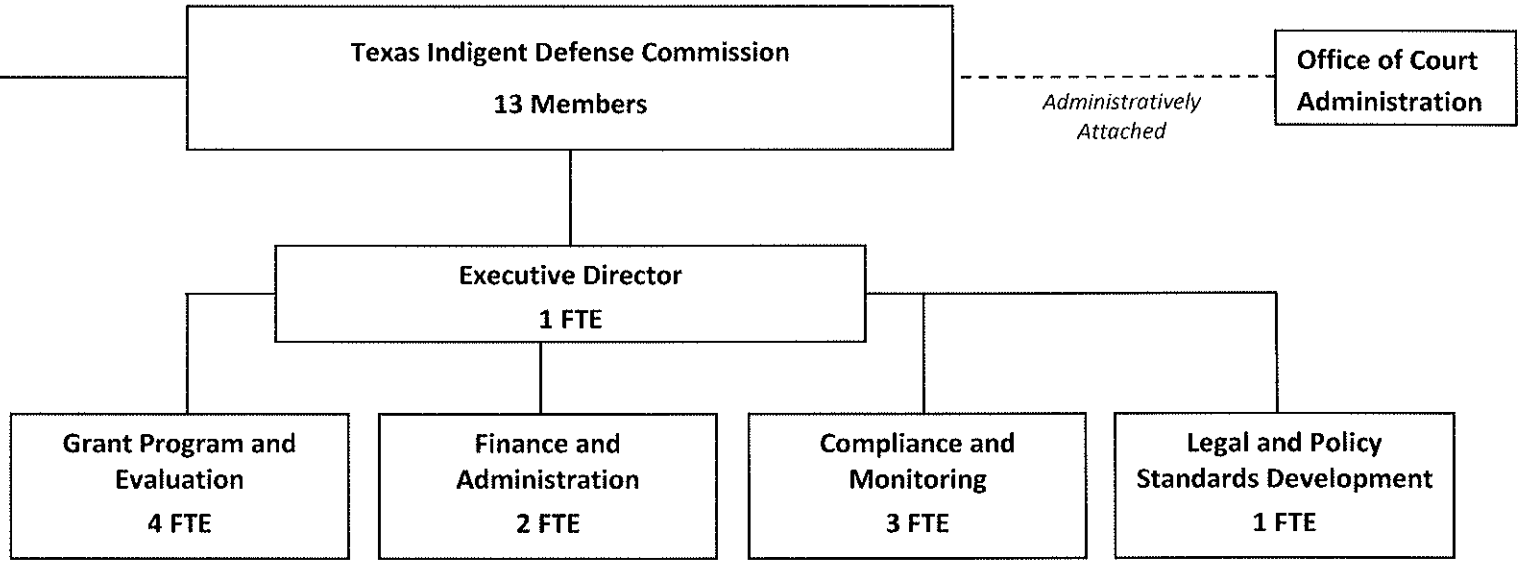
A district judge serving as a presiding judge of an administrative judicial region

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



2.A. SUMMARY OF BASE REQUEST BY STRATEGY

84th 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 2013**	**Est 2014**	**Bud 2015**	**Req 2016**	**Req 2017**
4 Improve Indigent Defense Practices and Procedures					
1 *Improve Indigent Defense Practices and Procedures*					
1 INDIGENT DEFENSE	$28,875,297	$51,742,772	$33,291,508	$33,517,140	$33,517,140
TOTAL, GOAL 4	**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**
TOTAL, STRATEGY REQUEST	**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**
METHOD OF FINANCING					
General Revenue Dedicated Funds:					
5073 Fair Defense	$28,875,297	$51,742,772	$33,291,508	$33,517,140	$33,517,140
SUBTOTAL	**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**
TOTAL, METHOD OF FINANCING	**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**

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

84th 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 2013	Est 2014	Bud 2015	Req 2016	Req 2017
GENERAL REVENUE FUND - DEDICATED					
5073 GR Dedicated - Fair Defense Account No. 5073					
REGULAR APPROPRIATIONS:					
Regular Appropriations from MOF Table (2012-13 GAA)	$32,512,893				
Regular Appropriations from MOF Table (2014-15 GAA)		$48,449,904	$30,546,228		
Regular Appropriations from MOF Table (2016-17 GAA)				$33,517,140	$33,517,140
RIDER APPROPRIATION:					
Art. IV, OCA Rider 11, Adjust Revenue Estimate (2014-15 GAA)		$3,786,079	$2,230,792		
TRANSFERS:					
Art. IX, Sec. 17.06 Salary Increase for General State Employees (2014-15 GAA)		$6,789	$14,488		
SUPPLEMENTAL, SPECIAL OR EMERGENCY APPROPRIATIONS:					
SB 2, 82nd Leg. 1st Called Session, Sec 13 Basic Civil Legal Services	$5,175,887				
LAPSED APPROPRIATIONS:					
Art. IV, Spec. Provisions, Sec 11 (2012-13 GAA)	($5,175,887)				
Regular Appropriations from MOF Table (2012-13 GAA)	($3,637,596)				
UNEXPENDED BALANCES AUTHORITY:					
Art IV, OCA Rider 8, UB (2014-15 GAA)		($500,000)	$500,000		
TOTAL GR Dedicated - Fair Defense Account No. 5073	**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**
GRAND TOTAL	**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**

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

84th 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 2013	Est 2014	Bud 2015	Req 2016	Req 2017
1001 Salaries & Wages	$664,855	$684,274	$745,288	$803,288	$803,288
1002 Other Personnel Costs	$37,656	$31,017	$17,726	$18,016	$18,016
2001 Professional Fees & Services	$7,622	$9,028	$240	$240	$240
2003 Consumables	$5,012	$2,000	$3,000	$3,000	$3,000
2004 Utilities	$2,791	$5,119	$5,000	$4,000	$4,000
2005 Travel	$28,220	$31,094	$33,000	$34,000	$34,000
2006 Rent- Building	$870	$120	$120	$120	$120
2007 Rent-Machine & Other	$1,474	$2,400	$2,400	$2,400	$2,400
2009 Other Operating Expense	$514,796	$578,640	$558,214	$599,924	$599,924
4000 Grants	$27,612,001	$50,399,080	$31,926,520	$32,052,152	$32,052,152
OOE Total (Excluding Riders)	$28,875,297	$51,742,772	$33,291,508	$33,517,140	$33,517,140
Grand Total	$28,875,297	$51,742,772	$33,291,508	$33,517,140	$33,517,140

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

		2016			2017			Biennium	
Priority	Item	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Statewide Regional Capital PD Program	$3,100,000	$3,100,000	1.0	$3,100,000	$3,100,000	1.0	$6,200,000	$6,200,000
2	Multi-County Technology Grant Program	$1,500,000	$1,500,000	1.0	$1,500,000	$1,500,000	1.0	$3,000,000	$3,000,000
3	Close the Fair Defense Act Funding Gap	$98,400,000	$98,400,000	4.0	$98,400,000	$98,400,000	4.0	$196,800,000	$196,800,000
Total, Exceptional Items Request		$103,000,000	$103,000,000	6.0	$103,000,000	$103,000,000	6.0	$206,000,000	$206,000,000
Method of Financing									
	General Revenue	$103,000,000	$103,000,000		$103,000,000	$103,000,000		$206,000,000	$206,000,000
		$103,000,000	$103,000,000		$103,000,000	$103,000,000		$206,000,000	$206,000,000
Full Time Equivalent Positions				6.0			6.0		
Number of 100% Federally Funded FTEs				0.0			0.0		

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY

84th 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 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
4 Improve Indigent Defense Practices and Procedures						
1 *Improve Indigent Defense Practices and Procedures*						
1 INDIGENT DEFENSE	$33,517,140	$33,517,140	$103,000,000	$103,000,000	$136,517,140	$136,517,140
TOTAL, GOAL 4	**$33,517,140**	**$33,517,140**	**$103,000,000**	**$103,000,000**	**$136,517,140**	**$136,517,140**
TOTAL, STRATEGY REQUEST	**$33,517,140**	**$33,517,140**	**$103,000,000**	**$103,000,000**	**$136,517,140**	**$136,517,140**
General Revenue Funds:						
1 General Revenue Fund	$0	$0	$103,000,000	$103,000,000	$103,000,000	$103,000,000
	$0	**$0**	**$103,000,000**	**$103,000,000**	**$103,000,000**	**$103,000,000**
General Revenue Dedicated Funds:						
5073 Fair Defense	$33,517,140	$33,517,140			$33,517,140	$33,517,140
	$33,517,140	**$33,517,140**	**$0**	**$0**	**$33,517,140**	**$33,517,140**
TOTAL, METHOD OF FINANCING	**$33,517,140**	**$33,517,140**	**$103,000,000**	**$103,000,000**	**$136,517,140**	**$136,517,140**
FULL TIME EQUIVALENT POSITIONS	**11.0**	**11.0**	**6.0**	**6.0**	**17.0**	**17.0**

212 Office of Court Administration, Texas Judicial Council

GOAL: 4 Improve Indigent Defense Practices and Procedures — Statewide Goal/Benchmark: 0 0

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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Output Measures:						
KEY 1	# Monitoring Visits, Technical Support Visits, & Trainings Conducted	106.00	105.00	105.00	105.00	105.00
KEY 2	Percentage of Counties Receiving State Funds for Indigent Defense	99.21 %	94.00 %	94.00 %	94.00 %	94.00 %
Objects of Expense:						
1001	SALARIES AND WAGES	$664,855	$684,274	$745,288	$803,288	$803,288
1002	OTHER PERSONNEL COSTS	$37,656	$31,017	$17,726	$18,016	$18,016
2001	PROFESSIONAL FEES AND SERVICES	$7,622	$9,028	$240	$240	$240
2003	CONSUMABLE SUPPLIES	$5,012	$2,000	$3,000	$3,000	$3,000
2004	UTILITIES	$2,791	$5,119	$5,000	$4,000	$4,000
2005	TRAVEL	$28,220	$31,094	$33,000	$34,000	$34,000
2006	RENT - BUILDING	$870	$120	$120	$120	$120
2007	RENT - MACHINE AND OTHER	$1,474	$2,400	$2,400	$2,400	$2,400
2009	OTHER OPERATING EXPENSE	$514,796	$578,640	$558,214	$599,924	$599,924
4000	GRANTS	$27,612,001	$50,399,080	$31,926,520	$32,052,152	$32,052,152
TOTAL, OBJECT OF EXPENSE		**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**

Method of Financing:

212 Office of Court Administration, Texas Judicial Council

GOAL: 4 Improve Indigent Defense Practices and Procedures — Statewide Goal/Benchmark: 0 0

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 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1	General Revenue Fund	$0	$0	$0	$0	$0
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		**$0**	**$0**	**$0**	**$0**	**$0**
Method of Financing:						
5073	Fair Defense	$28,875,297	$51,742,772	$33,291,508	$33,517,140	$33,517,140
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					**$33,517,140**	**$33,517,140**
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		**$28,875,297**	**$51,742,772**	**$33,291,508**	**$33,517,140**	**$33,517,140**
FULL TIME EQUIVALENT POSITIONS:		**10.1**	**10.3**	**11.0**	**11.0**	**11.0**

STRATEGY DESCRIPTION AND JUSTIFICATION:

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 state leadership, legislature, and the public. OCA provides administrative support to the Commission.

212 Office of Court Administration, Texas Judicial Council

GOAL:	4	Improve Indigent Defense Practices and Procedures	Statewide Goal/Benchmark:	0	0
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 2013	Est 2014	Bud 2015	BL 2016	BL 2017

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

This strategy is funded from the Fair Defense Account, a dedicated account in General Revenue. The entire funding stream for indigent defense is derived from dedicated court costs and dedicated fees. No General Revenue is appropriated for the purpose of indigent defense. The court costs are amounts paid by a defendant upon conviction for a range of offenses from fine only misdemeanors to felonies. The fees come from attorneys renewing licenses and persons posting a surety bond. With the passage of the Fair Defense Act of 2001, spending for indigent defense in Texas has increased to 137%, going from $91.4 million in 2001 to $217.1 million in 2013. Only a small fraction of this increased cost is covered through GR dedicated funds collected and disbursed through the Commission's grant programs.

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code:	Agency Name:	Prepared by:	Date:	Request Level:
212	Office of Court Administration	Sharon Whitfield	08/04/2014	Baseline

Current Rider Number	Page Number in 2014-15 GAA	Proposed Rider Language
1	IV-26	**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. ~~2014~~ 2016 ~~2015~~ 2017 **D. Goal:** INDIGENT DEFENSE D.1.1. Strategy: TX INDIGENT DEFENSE COMM **Output (Volume):** Number of Monitoring, Technical Support Visits and Training Conducted 105 105 Percentage of Counties Receiving State Funds 94% 94% *This rider has been changed to reflect approved changes to the agency's budget structure and performance measures, as well as, currently projected levels of performance for key measures in FY 16-17.*

8	**IV-27**	Included above in Strategy D.1.1, Texas Indigent Defense Commission, is ~~$950,500~~ 1,064,988 including ~~12.0~~ 11.0 FTEs in fiscal year ~~2014~~ 2016 and ~~$950,500~~ 1,064,988 including ~~12.0~~ 11.0 FTEs in fiscal year ~~2015~~2017for the administration of the Commission. Except as otherwise provided relating to appropriations for the Office of Capital Writs, 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 (TIDC). Any balances and amounts deposited in excess of ~~$48,449,904~~ 33,517,140 in fiscal year ~~2014~~2016 and ~~$30,546,228~~ 33,517,140 in fiscal year ~~2015~~ 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,~~0~~500,000 in fiscal year ~~2014~~2016 and $7,~~0~~500,000 in fiscal year ~~2015~~2017). Any unexpended balances in the Fair Defense Account at the end of fiscal year ~~2014~~2016 are appropriated for fiscal year ~~2015~~2017 to the TIDC for the same purpose. The Texas Indigent Defense Commission shall have authority to make grants to counties from the Fair Defense Account (General Revenue-Dedicated 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 Texas Indigent Defense Commission except by mutual agreement of the Texas Indigent Defense Commission and the Office of Court Administration. Any unexpended balances in appropriations out of the Fair Defense Account at the end of fiscal year ~~2014~~2016 are hereby appropriated for fiscal year ~~2015~~2017 to the Office of Court Administration, Texas Judicial Council for the same purpose. *This rider has been changed to reflect the FY ~~2014-15~~2016-17 biennium. It also requests ~~a change to the provision related to OCA administrative support costs. Over the last ten years, the indigent defense program has grown significantly, as has the administrative effort to support its activities. The proposed change allows the Commission to provide funding to OCA for administrative support upon mutual agreement~~ an administrative increase to support the growth of the indigent defense program.*
11	**IV-28**	**Innocence Projects.** Out of amounts appropriated above in Strategy D.1.1, Texas Indigent Defense Commission, $400,000 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, and Texas Southern University for innocence projects. It is the intent of the Legislature that the amount of each contract with each university shall be $100,000. Any unexpended balances in the $400,000 in funds designated for innocence projects as of August 31, 201~~5~~4 6 are hereby appropriated to Strategy D.1.1, Texas Indigent Defense Commission for the same purpose for the fiscal year beginning September 1, 201~~5~~4 6. *This rider has been changed to reflect the FY 2016-17 biennium.*

3.B. RIDER REVISIONS AND ADDITIONS REQUEST

Agency Code:	Agency Name:	Prepared by:	Date:	Request Level:
212	Office of Court Administration	Sharon Whitfield	08/04/14	Exceptional

Current Rider Number	Page Number in 2014-15 GAA	Proposed Rider Language
8	IV-27	Included above in Strategy D.1.1, Texas Indigent Defense Commission, is ~~$950,500~~ 1,472,988 including ~~12.0~~ 17.0 FTEs in fiscal year ~~2014~~ 2016 and ~~$950,500~~ 1,472,988 including ~~12.0~~ 17.0 FTEs in fiscal year ~~2015~~2017for the administration of the Commission. Except as otherwise provided relating to appropriations for the Office of Capital Writs, 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 (TIDC). Any balances and amounts deposited in excess of ~~$48,449,904~~ 33,517,140 in fiscal year ~~2014~~2016 and ~~$30,546,228~~ 33,517,140 in fiscal year ~~2015~~ 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,~~0~~500,000 in fiscal year ~~2014~~2016 and $7,~~0~~500,000 in fiscal year ~~2015~~2017). Any unexpended balances in the Fair Defense Account at the end of fiscal year ~~2014~~2016 are appropriated for fiscal year ~~2015~~2017 to the TIDC for the same purpose. The Texas Indigent Defense Commission shall have authority to make grants to counties from the Fair Defense Account (General Revenue-Dedicated 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 Texas Indigent Defense Commission except by mutual agreement of the Texas Indigent Defense Commission and the Office of Court Administration. Any unexpended balances in appropriations out of the Fair Defense Account at the end of fiscal year ~~2014~~2016 are hereby appropriated for fiscal year ~~2015~~2017 to the Office of Court Administration, Texas Judicial Council for the same purpose. 1. *This rider has been changed to reflect the most current estimate of revenues for the Fair Defense Account. It also reflects additional administrative amounts that would be needed if Exceptional Items ~~7 and 8~~ 1, 2, and 3 are approved.*

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

CODE	DESCRIPTION	Excp 2016	Excp 2017
Item Name: Support Statewide Regional Public Defender Program for Capital Cases (RPDO)			
Item Priority: 1			
OBJECTS OF EXPENSE:			
1001	SALARIES & WAGES	$70,000	$70,000
2003	CONSUMABLES SUPPLIES	$500	$500
2004	UTILITIES	$500	$500
2005	TRAVEL	$4,000	$4,000
2009	OTHER OPERATING	$2,000	$2,000
4000	GRANTS	$3,023,000	$3,023,000
	TOTAL, OBJECT OF EXPENSE	$3,100,000	$3,100,000
METHOD OF FINANCING:			
0001	General Revenue	$3,100,000	$3,100,000
	TOTAL, METHOD OF FINANCING	$3,100,000	$3,100,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

DESCRIPTION/JUSTIFICATION:

Founded in 2009 through a grant to Lubbock County, the RPDO serves 159 counties spanning all nine administrative judicial regions in the less populous counties in Texas. 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 qualified attorneys, as capital case representation is one of the most complex and challenging areas of practice. Counties join the RPDO by paying membership dues. In exchange, when a capital murder case occurs, a 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 small counties. The RPDO provides a way for counties to have more budget predictability and mitigate the impact of a capital case while ensuring that these most serious cases are tried effectively the first time. This new GR would be part of a state/county cost sharing agreement to ensure consistent and qualified representation in the most serious cases. Based on the impact and critical services that the office provides across the entire state, the Commission requests GR equal to one-half of the office's operating budget to service all eligible counties, with the balance funded through membership dues of participating counties.

EXTERNAL/INTERNAL FACTORS:

The start-up grants that have supported this program will close out in 2017. As those grants end, counties will be forced to take on the full cost of the program through higher dues. This GR investment will provide greater stability to participating counties and make it more economically viable to those counties that initially chose not to participate because of funding considerations. 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 service for counties, the state will take a significant step toward funding the underfunded indigent defense mandates, while at the same time better ensuring consistency and fairness in handling the state's most serious criminal cases. In addition, Hidalgo County has requested funding from the Commission to build a stand-alone defender program to handle its capital caseload. Under current RPDO policy, Hidalgo is not eligible to participate based on its population. This GR investment will create a new state/county cost-sharing model which may make it possible for the RPDO to accommodate Hidalgo County, which would provide a more cost-effective alternative to building a stand-along program. This exceptional item will also benefit all Texas counties by freeing up GR dedicated funds that have been used to support the initiation and expansion of the program, as well as local funds that otherwise would be used to pay the full balance of the costs for the services provided by this program.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

CODE	DESCRIPTION	Excp 2016	Excp 2017
Item Name: Support Multi-County Technology Grant Program			
Item Priority: 2			
OBJECTS OF EXPENSE:			
1001	SALARIES & WAGES	$70,000	$70,000
2003	CONSUMABLES SUPPLIES	$500	$500
2004	UTILITIES	$500	$500
2005	TRAVEL	$4,000	$4,000
2009	OTHER OPERATING	$2,000	$2,000
4000	GRANTS	$1,423,000	$1,423,000
	TOTAL, OBJECT OF EXPENSE	$1,500,000	$1,500,000
METHOD OF FINANCING:			
0001	General Revenue	$1,500,000	$1,500,000
	TOTAL, METHOD OF FINANCING	$1,500,000	$1,500,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

DESCRIPTION / JUSTIFICATION:

This request supports development and expansion of the multi-county indigent defense technology grant program with the Texas Conference of Urban Counties' (Urban Counties) TechShare program. In 2011 the Commission provided a grant to Bell County to develop a cloud-based electronic process management tool that helps the county administer its indigent defense system and monitor key data regarding compliance with the requirements of state law and local rules. Benefits of the system includes:

- Faster processing of requests for counsel and attorney appointments
- Central tracking of data elements needed to assess compliance with the Fair Defense Act
- Automation of the attorney appointment process
- All-electronic attorney fee voucher submission, review and payment process.

Following the successful implementation in Bell County, a number of other counties expressed interest in accessing this new functionality. The Conference of Urban Counties TechShare program took over the management and technical development of the Bell County electronic indigent defense system and, with the help of a grant from the Commission, is implementing the system in eight (8) other counties and maintaining and operating the system across all participating counties. In addition, Urban Counties TechShare is prepared to continue technical development and deployment to approximatelytwenty to fifty additional counties (depending on participating county size and complexity) over the course of the next biennium and continue its efforts to make the system more cost effective through economies of scale.

EXTERNAL /INTERNAL FACTORS:

New GR investment in the continued development and deployment of this program will provide functional enhancements, centralized operation and maintenance, and meet a need not currently being met. The purpose of these technology enhancements is to improve county compliance, transparency, efficiency and consistency in the administration of justice in Texas. Further, GR investment in this project will free up GR-dedicated funds to increase the state's ability to defray increased indigent defense costs incurred by counties since the passage of the Fair Defense Act.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
84th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council

CODE	DESCRIPTION	Excp 2016	Excp 2017
Item Name: Close the Fair Defense Act Funding Gap			
Item Priority: 3			
OBJECTS OF EXPENSE:			
1001	SALARIES & WAGES	$230,000	$230,000
2003	CONSUMABLES SUPPLIES	$2,000	$2,000
2004	UTILITIES	$2,000	$2,000
2005	TRAVEL	$12,000	$12,000
2009	OTHER OPERATING	$8,000	$8,000
4000	GRANTS	$98,146,000	$98,146,000
	TOTAL, OBJECT OF EXPENSE	$98,400,000	$98,400,000
METHOD OF FINANCING:			
0001	General Revenue	$98,400,000	$98,400,000
	TOTAL, METHOD OF FINANCING	$98,400,000	$98,400,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		4.0	4.0

DESCRIPTION/JUSTIFICATION:

This funding would allow the Commission to increase grant funding to counties in an amount that would close the gap on the unfunded portion indigent defense costs counties have shouldered as a result of passage of the Fair Defense Act (FDA). The FDA provided more explicit guidance on how to comply with constitutional requirements, created the Commission (formerly called the Task Force on Indigent Defense) and required the counties to submit what it spends on indigent defense services as well as develop and submit a plan on how it will provide these services. As a result of heightened awareness of the constitutional and legal requirements costs have increased upwards of 137% from $91.4 million 2001 to $217.1 million in 2013. Only a small fraction of this increased expense is covered through the GR dedicated funds collected and distributed through the Commission's grant programs.

EXTERNAL/INTERNAL FACTORS:

While 27 states fully fund indigent defense, Texas currently provides on 14 cents on the dollar of overall indigent defense cost. Because indigent defense is not a discretionary expense, counties are forced to make up the difference and continue to bear the vast majority of the financial burden in meeting this constitutional mandate. In FY2012 $28.4 million and in FY2013 $31.2 million in dedicated state funds were available to counties, compared to total indigent defense costs in FY2012 of $207.5 million and FY2013 of $217.1 million. This equates to approximately 14% of costs of indigent defense services. This exceptional item request is proffered to share more equally in the funding of this government responsibility and close the funding gap of the unfunded state mandate.

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

Code	Description	Excp 2016	Excp 2017
Item Name:	Support Statewide Regional PD Program for Cap Cases		
Allocation to Strategy:	4-1-1 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	70,000	70,000
2003	CONSUMABLE SUPPLIES	500	500
2004	UTILITIES	500	500
2005	TRAVEL	4,000	4,000
2009	OTHER OPERATING EXPENSE	2,000	2,000
4000	GRANTS	3,023,000	3,023,000
TOTAL, OBJECT OF EXPENSE		**$3,100,000**	**$3,100,000**
METHOD OF FINANCING:			
1	General Revenue Fund	3,100,000	3,100,000
TOTAL, METHOD OF FINANCING		**$3,100,000**	**$3,100,000**
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

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

Code	Description	Excp 2016	Excp 2017
Item Name:	Support Multi-County Technology Grant Program		
Allocation to Strategy:	4-1-1 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	70,000	70,000
2003	CONSUMABLE SUPPLIES	500	500
2004	UTILITIES	500	500
2005	TRAVEL	4,000	4,000
2009	OTHER OPERATING EXPENSE	2,000	2,000
4000	GRANTS	1,423,000	1,423,000
TOTAL, OBJECT OF EXPENSE		**$1,500,000**	**$1,500,000**
METHOD OF FINANCING:			
1	General Revenue Fund	1,500,000	1,500,000
TOTAL, METHOD OF FINANCING		**$1,500,000**	**$1,500,000**
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

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

Code	Description	Excp 2016	Excp 2017
Item Name:	Close the Fair Defense Act Funding Gap		
Allocation to Strategy:	4-1-1 Improve Indigent Defense Practices and Procedures		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	230,000	230,000
2003	CONSUMABLE SUPPLIES	2,000	2,000
2004	UTILITIES	2,000	2,000
2005	TRAVEL	12,000	12,000
2009	OTHER OPERATING EXPENSE	8,000	8,000
4000	GRANTS	98,146,000	98,146,000
TOTAL, OBJECT OF EXPENSE		**$98,400,000**	**$98,400,000**
METHOD OF FINANCING:			
1	General Revenue Fund	98,400,000	98,400,000
TOTAL, METHOD OF FINANCING		**$98,400,000**	**$98,400,000**
FULL-TIME EQUIVALENT POSITIONS (FTE):		4.0	4.0

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

GOAL: 4 Improve Indigent Defense Practices and Procedures — Statewide Goal/Benchmark: 0 - 0

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	Excp 2016	Excp 2017
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	370,000	370,000
2003	CONSUMABLE SUPPLIES	3,000	3,000
2004	UTILITIES	3,000	3,000
2005	TRAVEL	20,000	20,000
2009	OTHER OPERATING EXPENSE	12,000	12,000
4000	GRANTS	102,592,000	102,592,000
	Total, Objects of Expense	**$103,000,000**	**$103,000,000**
METHOD OF FINANCING:			
1	General Revenue Fund	103,000,000	103,000,000
	Total, Method of Finance	**$103,000,000**	**$103,000,000**
FULL-TIME EQUIVALENT POSITIONS (FTE):		6.0	6.0

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Support Statewide Regional PD Program for Cap Cases

Support Multi-County Technology Grant Program

Close the Fair Defense Act Funding Gap

6.E. Estimated Revenue Collections Supporting Schedule
84th 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 2013	Exp 2014	Exp 2015	Bud 2016	Est 2017
5073 Fair Defense					
Beginning Balance (Unencumbered):	$18,153,540	$24,591,640	$5,938,099	$4,938,099	$3,753,867
Estimated Revenue:					
3195 Additional Legal Services Fee	2,326,557	2,387,957	2,200,000	2,200,000	2,200,000
3704 Court Costs	32,177,372	29,921,049	29,500,000	29,500,000	29,500,000
3858 Bail Bond Surety Fees	2,127,927	2,074,565	2,000,000	2,000,000	2,000,000
Subtotal: Actual/Estimated Revenue	36,631,856	34,383,571	33,700,000	33,700,000	33,700,000
Total Available	**$54,785,396**	**$58,975,211**	**$39,638,099**	**$38,638,099**	**$37,453,867**
DEDUCTIONS:					
Expended/Budgeted/Requested - Baseline TIDC	(28,875,297)	(51,742,772)	(33,291,508)	(33,517,140)	(33,517,140)
Expended/Budgeted/Requested - Baseline OCW	(1,033,147)	(995,096)	(1,091,772)	(1,057,386)	(1,057,386)
Transfer - Employee Benefits - TIDC	(150,312)	(157,276)	(157,276)	(159,000)	(159,000)
Transfer - Employee Benefits - OCW	(135,000)	(141,968)	(159,444)	(150,706)	(150,706)
Total, Deductions	**$(30,193,756)**	**$(53,037,112)**	**$(34,700,000)**	**$(34,884,232)**	**$(34,884,232)**
Ending Fund/Account Balance	**$24,591,640**	**$5,938,099**	**$4,938,099**	**$3,753,867**	**$2,569,635**

REVENUE ASSUMPTIONS:

Based on historical trends, funding from fees should remain constant and continue to provide for this program. This fund is also shared with the agency, Office of Capital Writs.

CONTACT PERSON:

Sharon Whitfield

212 Texas Indigent Defense Commission, Texas Judicial Council

Item	Priority and Name / Method of Financing	REVENUE LOSS 2016	REVENUE LOSS 2017	REVENUE LOSS Biennial Total	REDUCTION AMOUNT 2016	REDUCTION AMOUNT 2017	TARGET Biennial Total
	First 5% - Indigent Defense						
	Category: Programs - Service Reductions (Other)						
	Item Comment: A reduction to this strategy would cut existing funding to an already underfunded program. Indigent defense expenditures are Constitutionally required services. Because this is not a discretionary program, any cuts would pass costs on directly to county governments and taxpayers. (Note that the approved baseline request on which this schedule is based reflected a one-time spike in funding in the last biennium as a result of the legislature's restoration of our unexpended balance authority and estimated appropriation authority regarding funds accumulated in the GR-dedicated Fair Defense Account. Actual baseline request for FY 16/17 is 67 million, of which a 10% reduction would be $6.7 million.)						
	Strategy 4-1-1 Improve Indigent Defense Practices and Procedures						
	GR Dedicated						
	5073 GR Dedicated	$0	$0	$0	$2,125,326	$2,125,325	$4,250,651
	GR Dedicated Total	$0	$0	$0	$2,125,326	$2,125,325	$4,250,651
	Item Total	$0	$0	$0	$2,125,326	$2,125,325	$4,250,651
	Second 5% - Indigent Defense						
	Category: Programs - Service Reductions (Other)						
	Item Comment: A reduction to this strategy would cut existing funding to an already underfunded program. Indigent defense expenditures are Constitutionally required services. Because this is not a discretionary program, any cuts would pass costs on directly to county governments and taxpayers. (Note that the approved baseline request on which this schedule is based reflected a one-time spike in funding in the last biennium as a result of the legislature's restoration of our unexpended balance authority and estimated appropriation authority regarding funds accumulated in the GR-dedicated Fair Defense Account. Actual baseline request for FY 16/17 is 67 million, of which a 10% reduction would be $6.7 million.)						
	Strategy 4-1-1 Improve Indigent Defense Practices and Procedures						
	GR Dedicated						
	5073 GR Dedicated	$0	$0	$0	$2,125,325	$2,125,325	$4,250,650
	GR Dedicated Total	$0	$0	$0	$2,125,325	$2,125,325	$4,250,650
	Item Total	$0	$0	$0	$2,125,325	$2,125,325	$4,250,650
	GR Dedicated Total				$4,250,651	$4,250,650	$8,501,301

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

Strategy		Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
4-1-1	**Improve Indigent Defense Practices and Procedures**					
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	$664,855	$684,274	$745,288	$803,288	$803,288
1002	OTHER PERSONNEL COSTS	37,656	31,017	17,726	18,016	18,016
2001	PROFESSIONAL FEES AND SERVICES	7,622	9,028	240	240	240
2003	CONSUMABLE SUPPLIES	5,012	2,000	3,000	3,000	3,000
2004	UTILITIES	2,791	5,119	5,000	5,000	5,000
2005	TRAVEL	28,220	31,094	33,000	33,000	33,000
2006	RENT - BUILDING	870	120	120	120	120
2007	RENT - MACHINE AND OTHER	1,474	2,400	2,400	2,400	2,400
2009	OTHER OPERATING EXPENSE	185,646	178,640	158,214	199,924	199,924
	Total, Objects of Expense	**$934,146**	**$943,692**	**$964,988**	**$1,064,988**	**$1,064,988**
METHOD OF FINANCING:						
5073	Fair Defense	934,146	943,692	964,988	1,064,988	1,064,988
	Total, Method of Financing	**$934,146**	**$943,692**	**$964,988**	**$1,064,988**	**$1,064,988**
FULL-TIME-EQUIVALENT POSITIONS (FTE):		**10.1**	**10.3**	**11.0**	**11.0**	**11.0**