

LEGISLATIVE APPROPRIATIONS REQUEST FOR FISCAL YEARS 2028 AND 2029

SUBMITTED TO
THE OFFICE OF THE GOVERNOR, BUDGET DIVISION, AND THE LEGISLATIVE BUDGET BOARD



TEXAS INDIGENT DEFENSE COMMISSION

SUBMITTED AUGUST 14, 2026

FY 2028 - 2029 LEGISLATIVE APPROPRIATIONS REQUEST
Texas Indigent Defense Commission, Texas Judicial Council

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ADMINISTRATOR'S STATEMENT

The Texas Indigent Defense Commission (TIDC) protects liberty and families by ensuring that Texas and its 254 counties provide counsel as guaranteed by the United States and Texas Constitutions, and Texas statutes. This year is the 25th anniversary of the Fair Defense Act, which established the framework for indigent defense in Texas and led to the creation of the Commission.

Criminal and Juvenile Delinquency Representation

TIDC funds, oversees, and improves public defense in criminal and juvenile cases by providing:

- (1) **Funding** – Investing in counties to meet constitutional and statutory requirements
 - Improvement Grants – Fund projects that improve quality and accountability
 - Formula Grants – Fund a portion of indigent defense representation in all 254 counties
 - Innocence Program – Fund innocence projects at six Texas public law schools
- (2) **Oversight** – Monitoring indigent defense in all 254 counties
 - Indigent Defense Expenditure Reports – Collect, analyze, and publish financial data from 254 counties
 - Indigent Defense Plans – Collect, analyze, and publish policies and procedures from 254 counties
 - Fiscal Monitoring – Audit financial data in select counties
 - Policy Monitoring – Audit constitutional and statutory compliance in select counties
 - Complaints – Field and address complaints about county indigent defense systems
- (3) **Improvement** – Creating more efficient and effective indigent defense systems
 - Training– Educate lawyers, judges, magistrates, and court staff about indigent defense
 - Publications – Create guides that help ensure effective and efficient representation
 - Model Forms and Templates – Aiding courts and practitioners in meeting legal requirements
 - Technical Assistance – Serve as a resource to county, regional, and state officials and stakeholders
 - Research – Collect and analyze data to improve the indigent defense system
 - Policy – Advise policymakers on legislation and rulemaking

Family Protection Representation

TIDC's mandate expanded to include representation in family protection (child welfare) cases by the 88th Legislature in SB 2120. However, no funds were appropriated for TIDC to carry out these new duties in the 88th or 89th Legislatures.

Even without additional funding, TIDC is improving family protection representation through data collection, trainings, and programs to increase the number and quality of lawyers practicing in family protection representation and improve the counties' Title IV-E claims with the federal government.

GOVERNING BOARD

TIDC operates under the direction of a 15-member Governing Board:

- Hon. Missy Medary, Presiding Judge, Fifth Admin. Judicial Region – Corpus Christi (Chair) (term: exp. 2/1/26)
- Hon. Jimmy Blacklock, Chief Justice, Texas Supreme Court – Austin (term: ex officio)
- Mr. Jim Bethke, Executive Director, Bexar Co. Managed Assigned Counsel Office – San Antonio (term: exp. 2/1/26)
- Mr. Alex Bunin, Chief Public Defender, Harris County Public Defender – Houston (term: expired/retired)
- Mr. Jay Blass Cohen, Attorney, Blass Law PLLC – Houston (term: expired 2/1/25)
- Hon. Valerie Covey, County Commissioner, Williamson County – Georgetown (term: expired 2/1/26)
- Hon. Richard Evans, County Judge, Bandera County – Bandera (term: ends 2/1/26)
- Hon. Phil King, State Senator – Weatherford (term: ex officio)
- Hon. Emily Miskel, Justice, Texas Fifth Court of Appeals – Dallas (term: ex officio)
- Hon. Joe Moody, State Representative – El Paso (term: ex officio)
- Hon. David Schenck, Presiding Judge, Court of Criminal Appeals – Austin (term: ex officio)
- Hon. John Smithee, State Representative – Amarillo (term: ex officio)
- Hon. J.R. Woolley, Jr., Waller County Justice of the Peace, Pct. 2 – Waller (term: expired 2/1/25)
- Hon. Brent Hagenbuch, State Senator – Denton (term: ex officio)
- County Court Judge or Statutory County Court Judge on Texas Judicial Council designated by Governor (vacant)

SIGNIFICANT CHANGES IN POLICY

Office of Capital and Forensic Writs No Longer Funded by Fair Defense Account

Historically, the operations of the Office of Capital and Forensic Writs (OCFW) were funded by the Fair Defense Account, TIDC's GR-D account (Fund 5073). Last session, the Legislature shifted OCFW's method of finance to general revenue because of the shortfalls in Fund 5073. This funding swap has helped stabilize the balance of the account.

Legislature Directs TIDC to Oversee and Improve Family Protection Representation Without State Funding

SB 2120 passed during the 88th legislative session, expanding TIDC's responsibilities to include the improvement of family protection representation. Family protection representation is the court-appointed and publicly funded legal representation of children and indigent parents involved in child protection cases brought by the Texas Department of Family and Protective Services. No state funds have been appropriated to support this mandate.

- **Family protection representation is funded 100% by the counties:** Over the past five years, average statewide *county* spending is \$64,295,200 per year. Although child protection cases are lawsuits filed against parents by a state agency, the state provides no funding to support statutorily required legal representation for children and indigent parents. By comparison, other states spend: Colorado \$67,338,278 (state population 6.03 million); Montana \$6,490,381 (state population 1.14 million); and Oklahoma \$10,500,000 (state population 4.12 million).
- **Spending varies widely across Texas:** County per capita spending for FY25 ranges from \$0 to \$17.25, with 52% of counties reporting spending less than \$2 per capita. Statewide county per capita spending is \$2.17.
- **Many areas of the state are experiencing strained capacity to provide family protection representation:** 23% of Texas counties reported a decrease in numbers of attorneys on their court appointment lists for child protection cases in 2025. These cases often require multiple attorneys on one case. Most cases require at least one attorney for a child and one attorney for a parent but can often require three or more attorneys on a case depending on numbers of siblings and fathers involved. In 2025, 36% of counties reported having six or fewer attorneys on their court-appointment lists for child protection cases, which can create significant burdens on the counties and reduce the quality of legal counsel for parents and children.

SIGNIFICANT CHANGES IN THE PROVISION OF SERVICE

Public Defense Attorney Shortage Crisis Growing Worse Across Texas

- **555 fewer attorneys serving rural Texans:** From 2014 to 2024, the number of indigent defense attorneys in rural Texas fell by 29%, from 1,926 to 1,371 attorneys.
- **Over 1,000 fewer attorneys in mid-sized and urban counties:** The number of indigent defense attorneys in mid-sized and urban counties fell by 1,084, a 26% decrease. In Bexar and Travis Counties, the indigent defense attorney pool has shrunk by 50% over the past five years.
- **Attorneys growing older, retiring, and not being replaced:** In rural, mid-sized, and urban counties, the average number of years of practice for indigent defense attorneys is over 22 years. Many attorneys will be retiring soon, but they are not being replaced by new attorneys.
- **Caseloads are excessive for many attorneys:** One in four indigent defense attorneys in *rural* counties is overburdened, i.e., carrying a caseload that exceeds TIDC's Caseload Guidelines. Nearly one in three attorneys handling indigent defense cases *statewide* is overburdened.

Figure 1: Since 2014, Texas has lost over 1,600 attorneys who provide indigent defense.

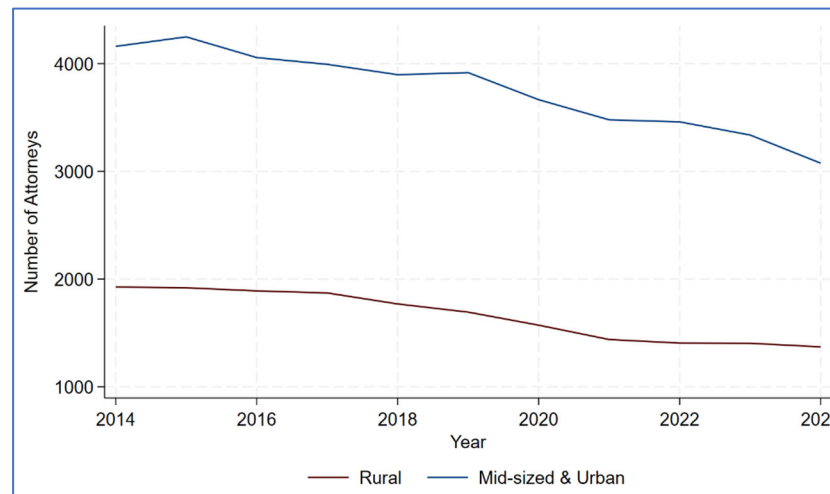
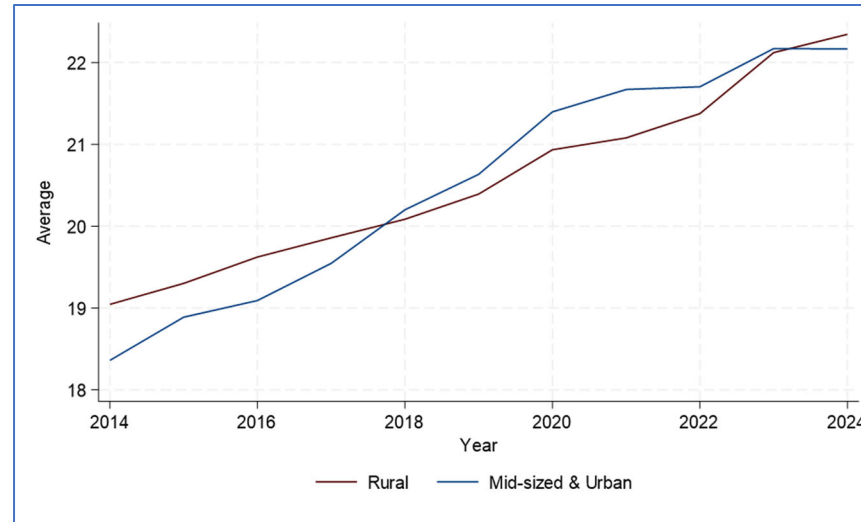


Figure 2: The average years of practice for rural indigent defense attorneys is over 22 years.



Rural Regional Public Defender Offices Serving More Counties

- **Rural regional public defender offices are helping reduce attorney shortages:** TIDC has a proven model to address attorney shortages by working with counties to build rural regional public defender offices, which currently serve 63 counties. In 2024, almost 60% of rural county stakeholders representing 104 counties told the Public Policy Research Institute at Texas A&M University (PPRI) that adding a public defender's office to their county would improve attorney availability.

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Operation Lone Star

- In 2021, the Governor's Office asked TIDC to create the defense function for Operation Lone Star (OLS).
- The 87th Legislature appropriated \$29.7 million to TIDC for that purpose.
- The 88th and 89th Legislatures each appropriated \$41,057,688 for TIDC to operate the defense function of OLS.
- Since early 2025, the number of arrests and prosecutions for OLS has gone down. However, there are approximately 1,000 cases – mostly felonies – still pending, and hundreds of cases (new indictments, warrant arrests, and Motions to Adjudicate/Revoke) are expected each year.
- Continued OLS funding is needed for:
 - (1) representing defendants with open cases. Many cases take years to resolve. Because these are mostly felonies, many carrying a 10-year mandatory minimum sentence, they can take longer to resolve or go to trial;
 - (2) adequate funding for new cases. There are almost 2,000 individuals in warrant status with OLS cases. There are hundreds of people who have received deferred adjudication or probation, and recently there has been an increase in motions to adjudicate/revoke;
 - (3) travel costs. District courts generally require in-person appearances. Many defendants are being held in local jails without private Zoom capabilities, which also requires in-person client visits; and
 - (4) assisting counties with OLS cases that do not have enough local defense attorneys.

SIGNIFICANT EXTERNALITIES

The Attorney Shortage Crisis Delays Justice and Challenges Counties to Provide Constitutionally and Statutorily Required Representation

- Attorney shortages are making it difficult for many counties to provide counsel to indigent defendants and juveniles as required by the US and Texas Constitutions, and to parents and children in child welfare cases as required by statute. Shortages delay representation, and attorneys increasingly are overburdened, taking more cases than recommended by TIDC's Caseload Guidelines.
- Attorney shortages and excessive cases put defendants, juveniles, parents, and children at risk of receiving ineffective assistance of counsel and put the counties and state at risk of being sued for failing to protect Texans' constitutional rights.

Significant Increases in Digital Discovery Have Led to Higher Workloads for Attorneys and Support Staff ... and the Need to Efficiently Review Discovery

- Public defenders report that digital discovery has greatly increased, leading to higher workloads, the need for additional staff, and more time needed to review discovery, including dashcam video, body camera video, cell phone dumps, computers, jail call recordings and communication data, and more.
- The Concho Valley Public Defender's Office reports receiving about 9,100 hours of video and audio discovery *a year* from Tom Green County prosecutor and law enforcement offices alone, which is a 27% increase from 2022. It should require 4.4 full-time attorneys' time to review, but no attorneys have been added to the office.

SB 22 is Putting Upward Pressure on Indigent Defense Costs and Putting Public Defenders at a Disadvantage

- SB 22 (88(R)) established a grant program to provide salary supplements to prosecutors and law enforcement in rural areas. The Comptroller's Office has awarded \$147.5 million in grants for prosecutors' offices and over \$387 million in total to prosecutors and law enforcement.
- While SB 22 has provided much-needed resources to prosecutors and law enforcement, it has also resulted in rural public defender offices losing staff to prosecutor offices and upward pressure on public defender budgets (funded by TIDC) to match the added salary funding prosecutors are receiving from SB 22.
- The Crossroads Defenders (covering Victoria and three surrounding counties) reports difficulty competing with district attorney's offices that pay higher salaries because of SB 22. They have lost at least three good candidates because the DA's office could pay \$15,000 to \$30,000 more.
- In the PPRI survey of rural county stakeholders, 24.4% of survey respondents said that they expected SB 22 to significantly impact indigent defense costs in their county.

PURPOSE OF ANY NEW FUNDING BEING REQUESTED

Reduce Attorney Shortages

Most of TIDC's Exceptional Items are aimed at addressing the attorney shortage crisis. Here are a few ways TIDC is seeking to do that, with additional details available in the Exceptional Item descriptions:

- Recruit more law students and new attorneys to work in public defense through paid internships and fellowships.
- Attract more attorneys to practice in rural and underserved areas with a law practice assistance program, legal incubator program, and additional funds to establish more rural regional public defender offices.
- Improve compensation for public defenders and private assigned counsel to improve recruitment and retention.

Help Counties Lower Property Taxes

- **Grants to counties and added TIDC staffer can reduce local tax pressures:** Many of TIDC's requests for additional funding will be used for grants to counties and to establish programs that will help offset costs that

counties otherwise incur. Grants that the state provides to counties for public defense are funds that counties don't have to raise through property taxes. TIDC is also seeking a staffer to help counties claim federal Title IV-E funds for parent and child representation, which will help counties pay for this representation.

- **Effective counsel reduces the risk and cost of litigation against counties:** By ensuring that the quality of representation provided is constitutionally adequate, the risk and cost of litigation that would be borne by the counties is reduced.
- **Reducing attorney shortages reduces jail and court costs:** Attorney shortages result in cases being delayed, which means that defendants are sitting in jail longer, costing county taxpayers more money, and court dockets become ever more backlogged with more resets.

Improve the Quality of Representation

The State of Texas, through TIDC, has a duty to ensure that constitutionally effective representation is provided across the state. By doing so, we ensure that “justice is served” and costly litigation against the counties and state is avoided.

- **Training/mentorship:** Various Exceptional Items include programs to improve training and mentorship for indigent defense providers, including a statewide incubator program, funding for new public defense offices, and a statewide opt-in managed assigned counsel “plus” program. Training and mentorship will improve the quality of representation.
- **Technological solutions:** The large increase in digital discovery being provided to indigent defense counsel requires technological solutions to be able to efficiently review and analyze all this new information. TIDC is seeking additional funds to provide this assistance.
- **Supervision and oversight:** TIDC is seeking additional funding to establish public defender offices and managed assigned counsel programs, which include supervisors or resource attorneys who monitor attorney performance and provide feedback to improve representation.

Increase Staff to Improve Oversight, Federal Funding, Efficiencies, and Customer Service

- In addition to the staff needed to implement particular Exceptional Items, TIDC is seeking three staff to improve: its fiscal and policy monitoring of counties and their processes; claims by counties for federal funds, which will help improve family protection representation; and central office staff so that employees' time can be used most efficiently and the public can be served effectively.

OVERVIEW OF TIDC'S FY 2028-2029 LEGISLATIVE APPROPRIATIONS REQUEST

In addition to amounts submitted in TIDC's baseline request, TIDC respectfully requests the following Exceptional Items:

TIDC EXCEPTIONAL ITEM FUNDING REQUESTS

ITEM 1: Build the Public Defense Workforce Pipeline – \$9,102,018 in GR

Immediate state action is needed to address the attorney shortage crisis and the resulting excessive attorney caseloads. Texas is behind other states, which have implemented similar programs that TIDC is proposing, which include:

Components of Exceptional Item 1

a. Rural & Underserved Internship Programs \$1.74 million

While exposing law students and new lawyers to rural practice can create interest in moving there, because Texas law schools are in urban areas, students have limited or no exposure to rural or underserved, non-urban communities during their law school careers. This paid internship program will give 48 law students per year the needed exposure and group training.

b. Rural & Underserved Fellowship Programs \$3.2 million

This program will provide a “bridge” between law school and employment for new law school graduates waiting on their bar exam results. Fifteen young lawyers per year will get training, mentorship, and experience that will encourage them to stay at an office serving rural and underserved areas.

c. Law School Rural Regional Public Defender Office/Clinic \$640,000

The Caprock Regional Public Defender Office at Texas Tech Law School has proven successful in training the next generation of indigent defense lawyers, while filling a need for more indigent defense providers in rural counties. Funding is requested to replicate this program at another law school in Texas.

d. Rural & Underserved Startup Assistance for Private Practitioners \$637,500

New law school graduates often have student loans in excess of \$150,000, making it difficult to recruit them to serve indigent clients as private practitioners. This component would assist five or more attorneys to start a private practice in rural and underserved areas by providing financial assistance.

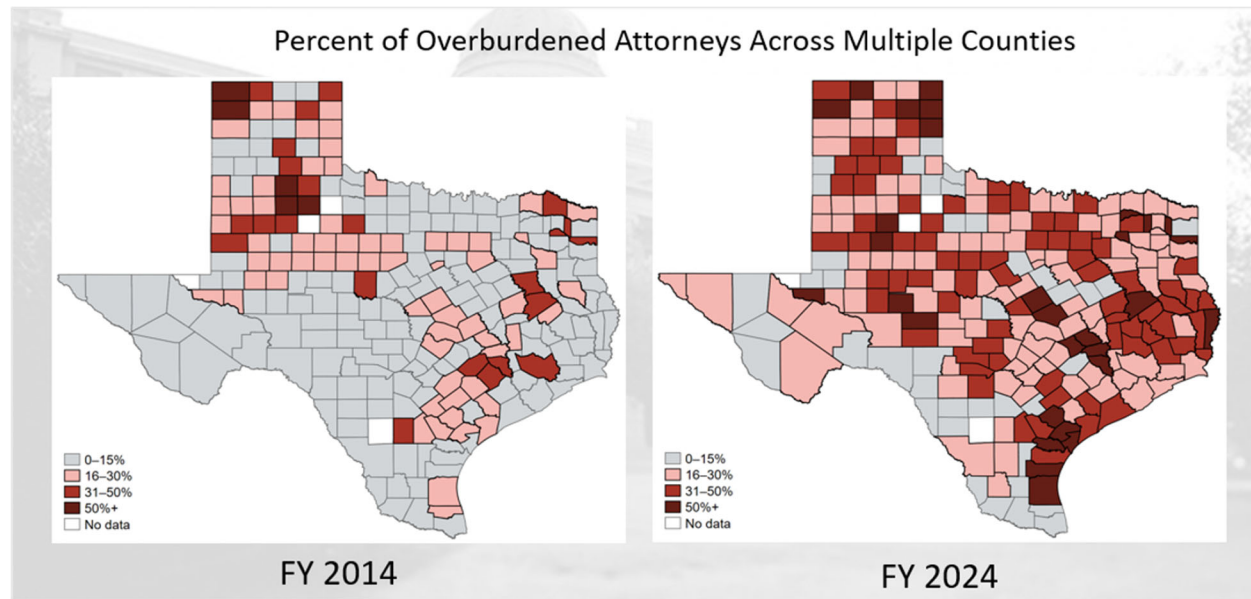
e. Statewide Legal Incubator Program

\$2.63 million +1 FTE

This program will assist 20 attorneys in two regions to build public defense practices in rural and underserved areas, including a 12-month program of legal and small business training, mentorship, peer networking, resource hubs, webinars and recordings, and a clearinghouse to connect attorneys working in rural public defense who are looking to retire with potential attorneys to inherit their practice. This also includes one FTE to support the program operations and participating attorneys.

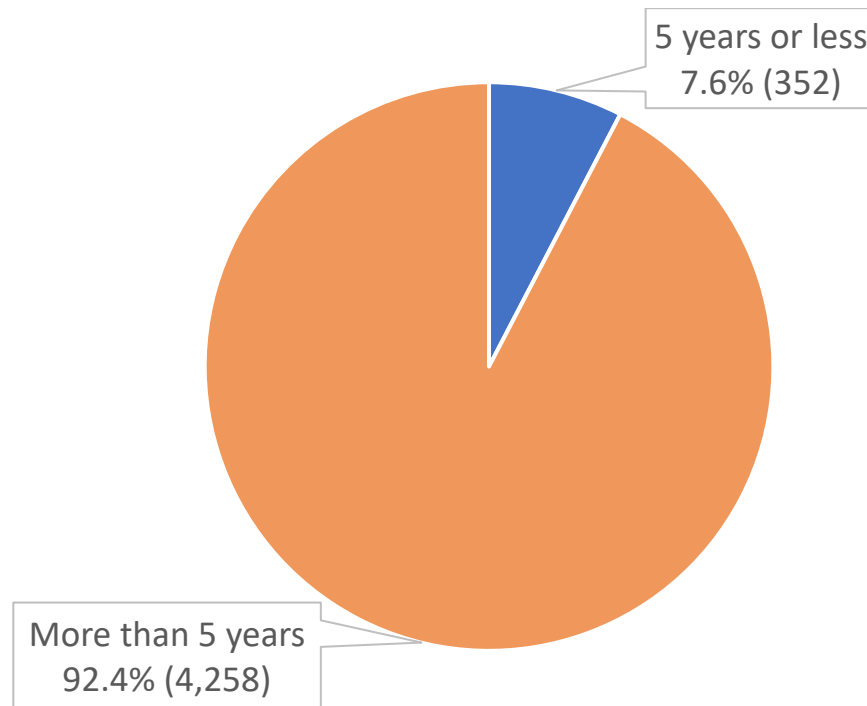
ITEM 1: Build the Public Defense Workforce Pipeline Data Snapshot

Figure 4: Nearly one of every three attorneys handling indigent defense cases is overburdened.



Since indigent defense systems are county-based, there is a lack of resources and programs recruiting attorneys to public defense.

Figure 5: Of the 4,610 attorneys handling indigent defense cases in 2024, only 352 (7.6%) were licensed within the past five years.



In 2024, only 13 newly licensed attorneys began taking appointed cases. Five graduated from out-of-state schools and eight graduated from Texas law schools. Without significant investment in recruiting attorneys to Texas public defense work, the attorney shortage crisis will grow exponentially worse, threatening Texans' liberty and children's and parents' rights.

ITEM 2: Support the Texas Parental Rights Amendment and Fulfill TIDC's Family Protection Representation Mission – \$128,659,388 in GR

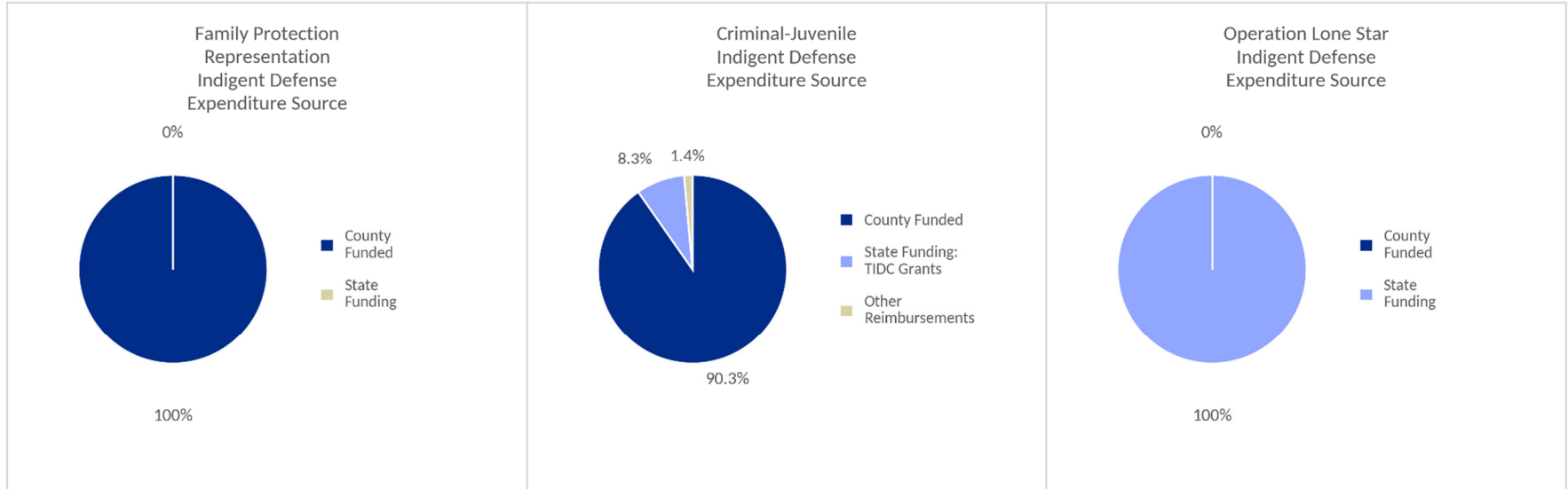
SB 2120 (88(R)) authorizes TIDC to oversee, fund, and improve family protection representation in CPS cases. Unfortunately, no funds were appropriated for TIDC to carry out these new duties during the 88th or 89th Legislatures.

- Texas counties reported spending \$68,782,359 on family protection representation matters in FY25.
- PPRI estimates that spending for a family protection representation system for a state the size of Texas should be, at a minimum, \$124,761,600 annually to cover basic costs of representation. State investment coupled with continued county spending is the solution to closing the financial gap that counties are unable to fill.
- Nearly all the requested funds will go directly to supporting legal representation for families involved in child welfare cases. Funding will include formula and system-wide improvement grants for counties.
- Texas voters recently overwhelmingly supported a constitutional amendment protecting parents' rights and responsibilities to their children. *See* Tex. Const. art. I, § 37. Ensuring that parents and children have access to legal counsel as required by the Family Code in cases brought against a parent by the Texas Department of Family and Protective Services (DFPS) supports this constitutional amendment. Without adequate funding for family protection representation, our state cannot guarantee that the rights of parents and children are protected when DFPS files a case against a parent.
- This Exceptional Item includes the cost of two FTEs to implement and operate TIDC's Family Protection Representation (FPR) grant program. New staff include: one grant specialist and one fiscal analyst.

ITEM 2: State Funding for Family Protection Representation Data Snapshot

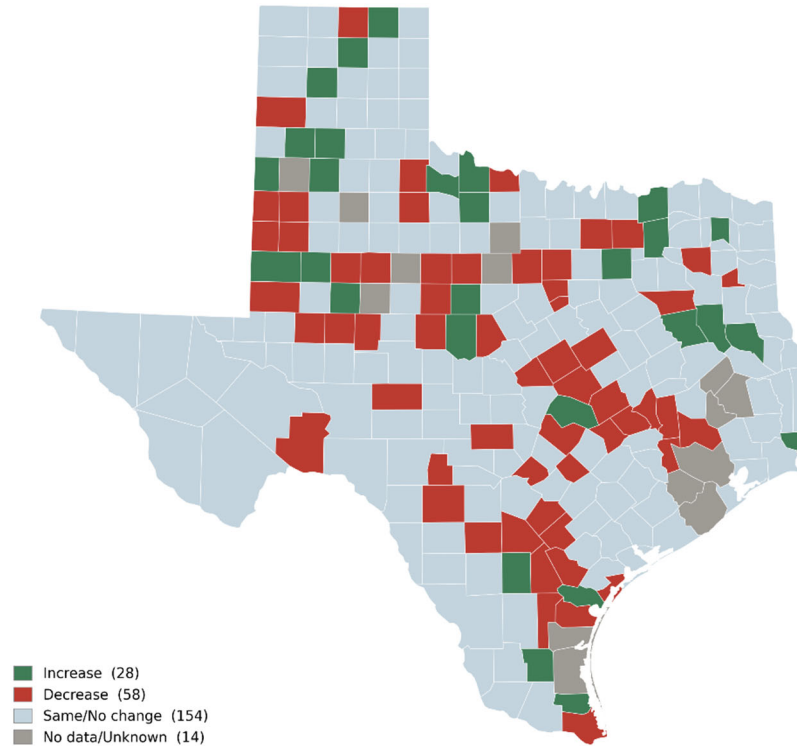
To serve counties and satisfy the constitutionally and statutorily mandated right to counsel, more state resources are needed.

Figure 6: In FY2025, while the state paid 0% of indigent family protection representation costs, it covered just over 8% of criminal indigent defense expenditures and 100% of Operation Lone Star representation.



Attorney shortages also plague family protection representation cases, which often require the appointment of multiple attorneys to represent parents and children. More state resources are needed to help solve the problem.

Figure 7: 58 counties (23%) reported a decrease in the number of attorneys who take court appointments in child protection cases from 2023 to 2025.



ITEM 3: Stabilize and Modernize Existing Public Defense Systems and Add Capacity – \$56,750,000 in GR

TIDC's sustainability grants support 11 rural regional public defense programs serving 63 counties, along with 180 counties served by the Regional Public Defender's Office for Capital Cases. While public defense offices now serve 86 counties, more continue to contact TIDC seeking to create public defender offices and managed assigned counsel (MAC) programs. At the same time, attorney salaries have increased significantly, and salary adjustments for attorneys employed in these offices are needed to both recruit new attorneys and retain experienced ones.

Components of Exceptional Item 3

a. Competitive Salaries for Public Defense Staff in Rural, Underserved Areas **\$24.25 million**

The combination of SB 22's salary supplements for prosecutors and overall wage growth in the legal sector requires raising salaries for attorneys in public defense offices to attract and retain lawyers, especially in rural counties.

b. Technology and AI Modernization to Increase Efficiency and Capacity **\$3.2 million**

Technology has become an essential part of public defense and presents the opportunity to avoid adding staff to handle increasing volumes of discovery and case materials. This request supports Texas public defense offices in obtaining and implementing technology solutions.

c. New and Expanded Public Defense Offices to Increase Capacity **\$28 million**

One-third of rural Texas counties without a public defender's office told PPRI they want to move to a public defender office. Existing programs have expressed an interest in providing representation in additional types of cases, serving neighboring counties, or both. This request would support the launch of these programs and provide sustainability funding to rural regional programs.

d. Address Inflation **\$1.3 million**

Sustainability grants, in which TIDC provides at least two-thirds of program funding, are essential to rural Texas counties. Without \$1.3 million for the biennium to offset inflationary cost increases, TIDC will be unable to maintain the level of support, increasing the burden on local property taxpayers.

ITEM 4: Improve Rural Attorney Availability & Quality Through a Statewide Managed Assigned Counsel “Plus” Program – \$40,190,101 in GR

- **Counties need another solution for attorney shortages.** While TIDC has addressed the attorney shortage problem in many counties with regional public defender offices, most counties have not chosen that option or don’t have neighboring counties willing to partner. Conflicts of interest and professional ethics limit which and how many cases a public defense office can represent. Even with a public defender program, every county needs a viable model providing conflict counsel.
- **How would it work?** Counties opt in to the program, which would: appoint private counsel; recruit, train, and oversee attorneys representing indigent defendants; provide attorneys with case support, including investigators, mitigation specialists, and mental health caseworkers; and pay attorneys at a more competitive rate, including travel, with the help of funds appropriated under this Exceptional Item.
- **State intervention is necessary to address this crisis.** Counties do not have funding available to recruit and retain attorneys to address the growing need. Many rural counties do not have the tax base to increase pay rates for indigent defense attorneys; many are far away from urban areas where most lawyers live. Funds are included in this Exceptional Item to increase pay rates for attorneys, as well as pay for travel, to help attract new lawyers to hard-to-reach rural areas.

Program Impact

- Approximately 26,500 felony, misdemeanor, and appellate criminal cases represented by private attorneys.
- 1,500 trial-level and appellate cases represented by an in-house division of staff attorneys.
- State financial support to improve private assigned counsel pay rates while counties pay their current fee schedule rates.

ITEM 5: Three FTEs to Implement Family Protection Representation Program and Support TIDC's Core Programs – \$649,858 in GR

- 1) **Administrative assistant:** TIDC only has one dedicated administrative staffer for its 21 staff and executive director. The workload exceeds the capacity of one person, and non-administrative staff – including attorneys – are doing administrative work because of lack of capacity. The requested administrative assistant would assist our various teams in carrying out their duties, as well as provide backup support to TIDC's Office Coordinator.
- 2) **Senior policy analyst to increase federal Title IV-E claims by counties:** The federal government reimburses states and counties for a portion of the funds they spend on parent and child representation in child welfare cases, but claims must be made by individual counties through the Department of Family Protective Services (DFPS). Few counties are making claims because of the complicated nature of the process. TIDC has an MOU with DFPS to help improve the process and facilitate claims, and a full-time employee is needed to provide counties with support to make claims and effectively use federal funds to improve their family protection representation system. TIDC has someone in this position, funded by a Children's Commission grant, which cannot continue indefinitely. This position will generate revenue for counties and the state.
- 3) **Family protection representation policy monitor:** While TIDC has a team monitoring counties' criminal indigent defense systems to ensure legal compliance, TIDC does not have any similar staff for family protection representation matters and to help counties improve their legal systems. This FTE will help ensure counties and courts are following the law related to family protection representation.

Support for Salary Increase Request by Article IV Courts and Agencies

Recruiting and retaining excellent judicial-branch staff is essential to the fair and efficient administration of justice in Texas. The rising cost of living combined with the draw of more lucrative employment at other government agencies and the private sector continue to create staffing challenges for the courts. A 3% annual increase in staff pay throughout the Article IV courts and agencies would help maintain the judicial branch's position in the competitive market for talented, qualified, and experienced lawyers and staff. In conjunction with the rest of the judicial branch, TIDC requests a 3% increase in staff salaries in Fiscal Year 28 and an additional 3% increase in Fiscal Year 29.

Rider Revisions and Additions

Included with this appropriations request are proposed changes to riders, including a request for unexpended balance authority and estimated appropriation authority. The revisions include striking several riders that are no longer applicable.

Background Checks

TIDC is administratively attached to the Office of Court Administration (OCA), pursuant to Government Code Sec. 79.033. OCA provides administrative support to TIDC, including human resource matters like screening job applicants and background checks.

No New Performance Measures

TIDC has no new performance measures.

SUMMARY

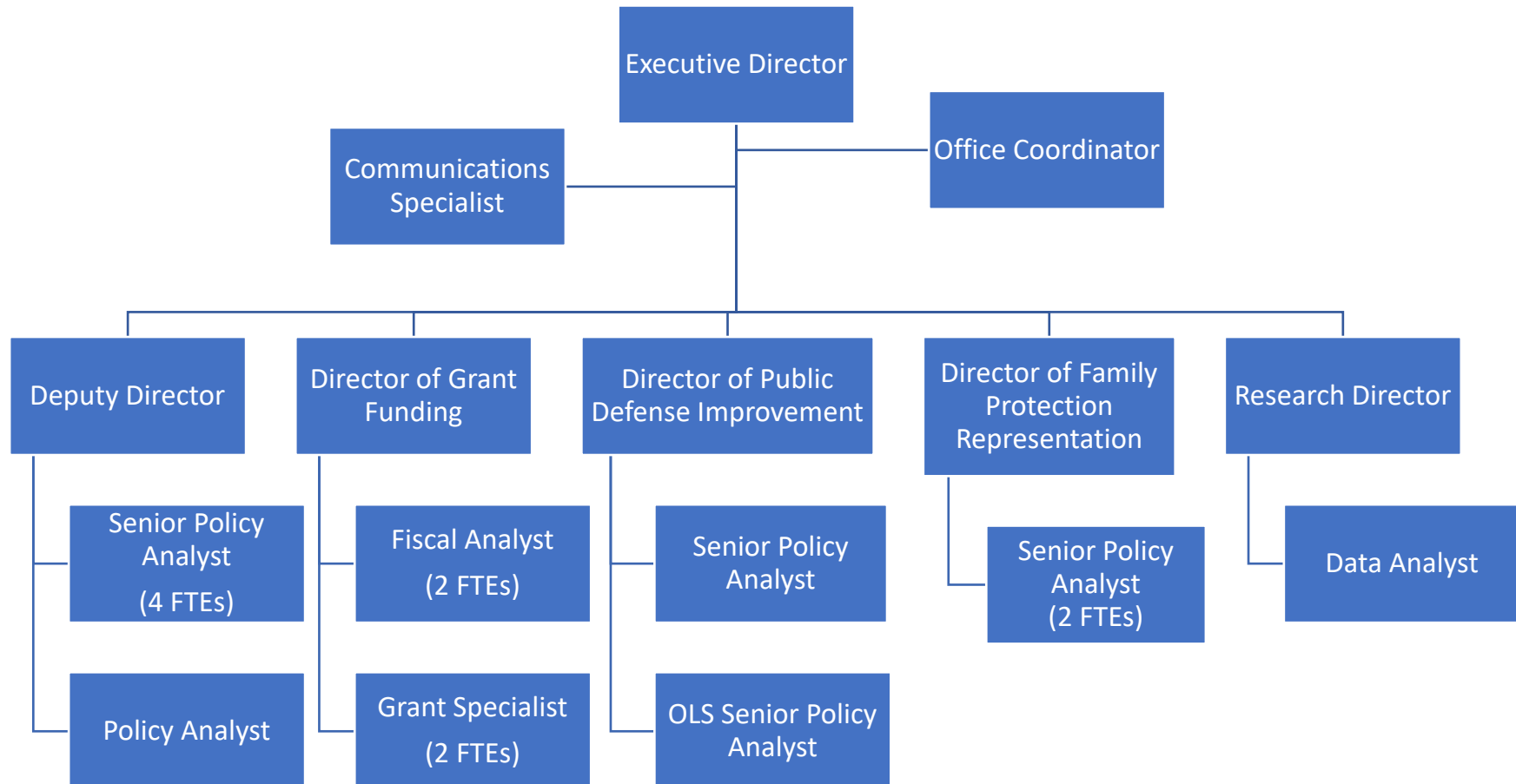
TIDC is grateful for the additional resources that the Legislature provided the Commission last session. Unfortunately, attorney shortages have gotten worse throughout most of the state. TIDC's requests are needed to address the indigent defense attorney shortage crisis, particularly in rural areas, but increasingly in mid-sized and urban areas too. These funds are needed to ensure that Texas meets its constitutional and statutory duty to ensure the effective assistance of counsel is provided to all who are entitled to it. TIDC staff are happy to discuss this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Ehlers", with a stylized flourish at the end.

Scott Ehlers
Executive Director
Texas Indigent Defense Commission

TIDC ORGANIZATIONAL CHART





CERTIFICATE

Agency Name Office of Court Administration/Texas Judicial Council

This is to certify that the information contained in the agency Legislative Appropriations Request filed with the Legislative Budget Board (LBB) and the Office of the Governor, Budget and Policy Division, is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Office of the Governor will be notified in writing in accordance with Senate Bill 1, Article IX, Section 7.01, Eighty-ninth Legislature, Regular Session, 2025.

Chief Executive Office or Presiding Judge

Megan LaVoie

Signature

Megan LaVoie

Printed Name

Administrative Director

Title

8/14/26

Date

Board or Commission Chair

Signature

Printed Name

Title

Date

Chief Financial Officer

Jennifer Henry

Signature

Jennifer Henry

Printed Name

Chief Financial Officer

Title

8/14/26

Date

2.A. SUMMARY OF BASE REQUEST BY STRATEGY
90th 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 2025	Est 2026	Bud 2027	Req 2028	Req 2029
4 Improve Indigent Defense Practices and Procedures					
1 Improve Indigent Defense Practices and Procedures					
1 INDIGENT DEFENSE	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
TOTAL, GOAL 4	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
TOTAL, STRATEGY REQUEST	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
METHOD OF FINANCING					
General Revenue Funds:					
0001	\$36,898,856	\$56,874,477	\$58,436,039	\$65,079,829	\$35,218,872
SUBTOTAL	\$36,898,856	\$56,874,477	\$58,436,039	\$65,079,829	\$35,218,872
General Revenue Dedicated Funds:					
5073 Fair Defense	\$38,086,026	\$30,458,079	\$34,588,199	\$32,523,139	\$32,523,139
SUBTOTAL	\$38,086,026	\$30,458,079	\$34,588,199	\$32,523,139	\$32,523,139
Other Funds:					
0777 Interagency Contracts	\$0	\$59,709	\$42,591	\$0	\$0
SUBTOTAL	\$0	\$59,709	\$42,591	\$0	\$0
TOTAL, METHOD OF FINANCING	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011

2.B. Summary of Base Request By Method of Finance
90th 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 2025	Est 2026	Bud 2027	Req 2028	Req 2029
GENERAL REVENUE FUND					
0001 General Revenue					
<i>REGULAR APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2024-25 GAA)	\$25,158,933	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$64,983,296	\$35,210,840	\$0	\$0
Regular Appropriations from MOF Table (2028-29 GAA)	\$0	\$0	\$0	\$65,079,829	\$35,218,872
<i>LAPSED APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2024-25 GAA)	(\$2,095,838)				
<i>TRANSFERS</i>					
Art. IX, Section 17.15 Appropriation for a Salary Increase for Licensed Attorneys in Certain Positions		\$8,190	\$8,190		
<i>SUPPLEMENTAL, SPECIAL OR EMERGENCY APPROPRIATIONS</i>					
HB 500, 89th Leg, Regular Session, Sec. 4.01	\$5,100,000				
<i>UNEXPENDED BALANCES AUTHORITY:</i>					
Art IX, Sec 14.05, UB Authority within the Same Biennium (2024-25 GAA)	\$23,835,761				
HB 500, 89th Leg, Regular Session, Sec. 4.01	(\$5,100,000)	\$5,100,000			
Art. IV, Rider 5. (i) Unexpended Balance Authority	(\$10,000,000)	\$10,000,000			
Art IX, Sec 14.05, UB Authority within the Same Biennium (2026-27 GAA)		(\$23,217,009)	\$23,217,009		
TOTAL General Revenue Fund - 0001	\$36,898,856	\$56,874,477	\$58,436,039	\$65,079,829	\$35,218,872
GENERAL REVENUE FUND - DEDICATED					
5073 GR Dedicated - Fair Defense Account No. 5073					
<i>REGULAR APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2024-25 GAA)	\$37,271,550	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$32,523,139	\$32,523,139	\$0	\$0
Regular Appropriations from MOF Table (2028-29 GAA)	\$0	\$0	\$0	\$32,523,139	\$32,523,139

<i>LAPSED APPROPRIATIONS:</i>						
Regular Appropriations from MOF Table (2024-25 GAA)		(\$13,070,486)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY:</i>						
Art IV, Special Provisions - Judiciary, Sec. 9, Unexpended Balances Authority (2024-2025 GAA)		\$13,884,962	\$0	\$0	\$0	\$0
Art IV, Special Provisions - Judiciary, Sec. 9, Unexpended Balances Authority (2026-2027 GAA)			(\$2,065,060)	\$2,065,060	\$0	\$0
TOTAL GR Dedicated - Fair Defense Account No. 5073		\$38,086,026	\$30,458,079	\$34,588,199	\$32,523,139	\$32,523,139
OTHER FUNDS						
777 Interagency Contracts						
<i>REGULAR APPROPRIATIONS:</i>						
Regular Appropriations from MOF Table (2026-27 GAA)		\$0	\$59,709	\$42,591	\$0	\$0
		\$0	\$59,709	\$42,591	\$0	\$0
TOTAL OTHER FUNDS		\$0	\$59,709	\$42,591	\$0	\$0
GRAND TOTAL - TIDC		\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011

2.C. Summary of Base Request by Object of Expense
90th 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 2025	Est 2026	Bud 2027	BL 2028	BL 2029
1001 Salaries & Wages	\$2,105,411	\$2,360,194	\$2,123,378	\$2,547,403	\$2,179,393
1002 Other Personnel Costs	\$200,718	\$39,506	\$18,000	\$18,010	\$17,320
2001 Professional Fees & Services	\$1,580	\$16,199	\$402	\$700	\$700
2003 Consumables	\$1,454	\$782	\$2,000	\$2,000	\$2,000
2004 Utilities	\$999	\$999	\$4,400	\$4,000	\$4,000
2005 Travel	\$86,846	\$118,678	\$85,780	\$62,000	\$52,000
2006 Rent- Building	\$250	\$900	\$500	\$1,000	\$1,000
2007 Rent-Machine & Other	\$3,129	\$4,294	\$2,000	\$3,827	\$3,827
2009 Other Operating Expense	\$1,050,041	\$832,198	\$1,102,077	\$1,690,564	\$1,686,564
4000 Grants	\$71,534,454	\$84,018,515	\$89,728,292	\$93,273,464	\$63,795,207
OOE Total (Excluding Riders)	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
OOE Total (Riders)					
Grand Total	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011

2.E. Summary of Exceptional Items Request
90th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 212		Agency name: Texas Indigent Defense Commission, Texas Judicial Council							
		2028			2029			Biennium	
Priority	Item	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Public Defense Workforce Pipeline	\$6,193,624	\$6,193,624	1.0	\$2,908,392	\$2,908,392	1.0	\$9,102,016	\$9,102,016
2	Family Protection Representation	\$64,344,206	\$64,344,206	2.0	\$64,315,182	\$64,315,182	2.0	\$128,659,388	\$128,659,388
3	Stabilize Public Defense Systems	\$28,375,000	\$28,375,000	0.0	\$28,375,000	\$28,375,000	0.0	\$56,750,000	\$56,750,000
4	Statewide Managed Assigned Counsel	\$15,424,265	\$15,424,265	1.0	\$24,765,836	\$24,765,836	1.0	\$40,190,101	\$40,190,101
5	FTE's for TIDC's Core Programs	\$349,725	\$349,725	3.0	\$300,133	\$300,133	3.0	\$649,858	\$649,858
Total, Exceptional Items Request		\$114,686,820	\$114,686,820	7.0	\$120,664,543	\$120,664,543	7.0	\$235,351,363	\$235,351,363
METHOD OF FINANCING									
	General Revenue	\$114,686,820	\$114,686,820		\$120,664,543	\$120,664,543		\$235,351,363	\$235,351,363
		\$114,686,820	\$114,686,820		\$120,664,543	\$120,664,543		\$235,351,363	\$235,351,363
Full Time Equivalent Positions				7.0				7.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

2.F. Summary of Total Request by Strategy
90th 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	2028 Base	2029 Base	2028 Exceptional	2029 Exceptional	2028 Total Request	2029 Total Request
4 Improve Indigent Defense Practices and Procedures						
1 <i>Improve Indigent Defense Practices and Procedures</i>						
1 INDIGENT DEFENSE	\$97,602,968	\$67,742,011	\$114,686,820	\$120,664,543	\$212,289,788	\$188,406,554
TOTAL, GOAL 4	\$97,602,968	\$67,742,011	\$114,686,820	\$120,664,543	\$212,289,788	\$188,406,554
TOTAL, STRATEGY REQUEST	\$97,602,968	\$67,742,011	\$114,686,820	\$120,664,543	\$212,289,788	\$188,406,554
METHOD OF FINANCING						
General Revenue Funds:						
0001	\$65,079,829	\$35,218,872	\$114,686,820	\$120,664,543	\$179,766,649	\$155,883,415
SUBTOTAL	\$65,079,829	\$35,218,872	\$114,686,820	\$120,664,543	\$179,766,649	\$155,883,415
General Revenue Dedicated Funds:						
5073 Fair Defense	\$32,523,139	\$32,523,139	\$0	\$0	\$32,523,139	\$32,523,139
SUBTOTAL	\$32,523,139	\$32,523,139	\$0	\$0	\$32,523,139	\$32,523,139
TOTAL, METHOD OF FINANCING	\$97,602,968	\$67,742,011	\$114,686,820	\$120,664,543	\$212,289,788	\$188,406,554
FULL TIME EQUIVALENT POSITIONS:	24.0	24.0	7.0	7.0	31.0	31.0

3.A. STRATEGY REQUEST
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, 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

CODE	DESCRIPTION	Exp 2025	Est 2026	Bud 2027	BL 2028	BL 2029
Output Measures:						
KEY 1	Number of Site Visits, Trainings, and Reports Issued	185.00	100.00	100.00	100.00	100.00
KEY 2	Percentage of Counties Receiving State Funds for Indigent	98.80%	100.00%	100.00%	100.00%	100.00%
Objects of Expense:						
1001	Salaries & Wages	\$2,105,411	\$2,360,194	\$2,123,378	\$2,547,403	\$2,179,393
1002	Other Personnel Costs	\$200,718	\$39,506	\$18,000	\$18,010	\$17,320
2001	Professional Fees & Services	\$1,580	\$16,199	\$402	\$700	\$700
2003	Consumables	\$1,454	\$782	\$2,000	\$2,000	\$2,000
2004	Utilities	\$999	\$999	\$4,400	\$4,000	\$4,000
2005	Travel	\$86,846	\$118,678	\$85,780	\$62,000	\$52,000
2006	Rent- Building	\$250	\$900	\$500	\$1,000	\$1,000
2007	Rent-Machine & Other	\$3,129	\$4,294	\$2,000	\$3,827	\$3,827
2009	Other Operating Expense	\$1,050,041	\$832,198	\$1,102,077	\$1,690,564	\$1,686,564
4000	Grants	\$71,534,454	\$84,018,515	\$89,728,292	\$93,273,464	\$63,795,207
TOTAL:	OBJECT OF EXPENSE	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
Method of Financing:						
0001	General Revenue	\$36,898,856	\$56,874,477	\$58,436,039	\$65,079,829	\$35,218,872
5073	Fair Defense	\$38,086,026	\$30,458,079	\$34,588,199	\$32,523,139	\$32,523,139
777	Interagency Contracts		\$59,709	\$42,591		
Subtotal	MOF	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
Total	MOF, Including Riders	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
Total	MOF, Excluding Riders	\$74,984,882	\$87,392,265	\$93,066,829	\$97,602,968	\$67,742,011
Full Time Equivalent Positions:						
		18.7	24.0	24.0	24.0	24.0

STRATEGY DESCRIPTION & JUSTIFICATION:

The Texas Indigent Defense Commission protects liberty and families by ensuring that Texas and its 254 counties provide counsel as guaranteed by the United States and Texas Constitutions, and Texas statutes. Established in Section 79.002 of the Government Code and administratively attached to the Office of Court Administration, TIDC oversees, funds, and improves indigent defense throughout the State of Texas. TIDC's duties expanded to include overseeing, funding, and improving representation in family protection (child protective service) cases by the 88th Legislature in S.B. 2120, but the Legislature did not appropriate funds to carry out these new responsibilities. The Commission monitors indigent defense in all 254 counties through data collection and in-person audits; funds all 254 counties to help ensure constitutional and statutory compliance for criminal and juvenile cases; and creates more efficient and effective indigent defense systems through training, publications, presentations, technical assistance, policies, and standards. Despite advancements over the past 20 years, TIDC continues to observe and remedy constitutional and statutory deficiencies across the State.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Five factors affect the strategy:

(1) Attorney shortages: There are about 555 fewer (-29%) indigent defense attorneys in rural Texas and 1,084 fewer (-26%) in larger counties compared to 2014; many remaining are older, near retirement, and overburdened. In a 2024 survey of rural stakeholders, over 71% of respondents said "availability of attorneys" is a significant issue.

(2) Family protection representation (FPR): SB 2120 (88R) expanded TIDC's duties to include improving FPR, without any funding. FPR is 100% county-funded.

Spending and quality of representation vary widely across counties. FPR attorney shortages exist across the state.

(3) External pressures: Under SB 22 (88R), the Comptroller has awarded over \$147 million to prosecutor offices in counties under 300,000 population. Public defenders report losing staff to prosecutor offices because their salaries are not as competitive, and they need higher salaries to compete. Large increases in digital discovery has created higher workloads and the need for added staff and technology. Inflation is causing upward cost pressures.

(4) Inadequate funds for new offices: A Texas A&M survey shows about 1/3 of counties would like a rural regional public defender office, but TIDC does not have enough funds.

(5) "Assigned counsel counties" need help: Most counties use an "assigned counsel" system where judges appoint private attorneys to represent indigent defendants. Most of these counties are rural with a limited tax base, without the financial means to raise attorney fees to attract new attorneys.

3.B. Rider Revisions and Additions Request

Agency Code: 212	Agency Name: Office of Court Administration	Prepared By: Jennifer Henry	Date: 8/11/2026	Request Level: Baseline
Current Rider Number	Page Number in 2026–2027 GAA	Proposed Rider Language		

1

I-28

Performance Measure Targets.

~~2026~~2028 ~~2027~~2029

D. Goal: INDIGENT DEFENSE
D.1.1. Strategy: TX INDIGENT DEFENSE COMM
Output (Volume):
Number of Site Visits, Trainings and Reports Issued
Percent of Counties Receiving State Grants for
Indigent Defense

100 100
98% 98%

3.B. Rider Revisions and Additions Request (continued)

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IV-29

Texas Indigent Defense Commission (TIDC).

- (a) **Consolidated Fees on Conviction.** Amounts appropriated above from the General Revenue-Dedicated Fair Defense Account No. 5073 in Strategy D.1.1., Texas Indigent Defense Commission, include court costs pursuant to Local Government Code, Chapter 133, Subchapter C, Criminal Fees.
- (b) **Grants to Counties.** Also, out of the amounts appropriated above in Strategy D.1.1., TIDC shall make grants to counties from the General Revenue-Dedicated Fair Defense Account No. 5073 in accordance with all uses authorized by Government Code, Chapter 79, with funds being disbursed by the Comptroller. Of this amount, \$2,566,528 in fiscal year ~~2026~~2028 and \$2,474,370 in fiscal year ~~2027~~2029 shall be distributed to counties that implement cost containment initiatives designed to limit local indigent defense cost increases. No portion of the appropriation governed by this subsection 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.
- (c) **TIDC County Cost Reduction Report.** TIDC shall submit a report to the Legislature no later than December 1, ~~2026~~2028, detailing the effectiveness of various cost containment measures implemented by counties and proposing additional measures to reduce county operating costs with respect to indigent defense.
- (d) **Innocence Projects.** Out of amounts appropriated above in Strategy D.1.1., Texas Indigent Defense Commission, \$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 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. Funding shall be used to provide direct assistance to investigate actual innocence cases post-conviction and to pursue relief for defendants with credible claims of actual innocence and shall not be used 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 \$600,000 in funds designated for innocence projects as of August 31, ~~2026~~2028 are appropriated to Strategy D.1.1., Texas Indigent Defense Commission, for the

3.B. Rider Revisions and Additions Request (continued)

same purpose for the fiscal year beginning September 1, 2026~~2029~~.

- ~~(e) **Indigent Defense with Mental Illness.** Out of the amounts appropriated above in Strategy D.1.1., Texas Indigent Defense Commission, \$2,500,000 in General Revenue Dedicated Fair Defense Account No. 5073 each fiscal year shall be used to provide funding to public defender offices and managed assigned counsel programs for the early identification and specialized representation of indigent defendants with a mental illness. The Commission shall use the funds to provide grants to public defender offices and managed assigned counsel programs to expand the capacity of mental health defender programs, to establish mental health defender programs in counties currently without these programs, to sustain effective mental health defender programs.~~

Request removal. The Commission has provided grants to counties for programs providing specialized indigent defense representation for persons with mental health issues since 2007. TIDC is not authorized to implement indigent defense representation programs directly. Instead, TIDC must rely on applications for grant funding. If TIDC does not receive enough grant requests for mental health-related indigent defense programs, the funds restricted under the rider are unavailable for other worthwhile indigent defense grant requests where counties are prepared to move forward. TIDC requests removal of this rider to ensure that appropriated resources are able to be used effectively for indigent defense improvements based on grant applications received. TIDC will continue to prioritize grants for mental health-related indigent defense.

- (f) **Rural Regional Public Defender Sustainability Grants – Wharton and Matagorda.** Out of amounts appropriated above in Strategy D.1.1., TIDC shall include grant funding to ~~establish and~~ operate on an ongoing basis a regional public defender office to serve Wharton and Matagorda Counties. TIDC shall ~~fully fund approved program costs for the first year of the program and~~ two-thirds of eligible costs in subsequent years.

This rider has been implemented; it could be completely removed or edited in the above manner to direct TIDC to continue to fund the program.

- (g) **Allowable Uses of Grant Funds.** Notwithstanding any other provisions of this Act, funds appropriated to the Texas Indigent Defense Commission for grants to public defender offices related to Operation Lone Star shall not be used, directly or indirectly, to fund appellate proceedings.
- (h) **Far West Texas Regional Public Defender Sustainability Grants.** Out of amounts appropriated above in Strategy D.1.1. Texas Indigent Defense Commission, ~~\$1,000,000 from the General Revenue is appropriated in fiscal year 2026 to establish and~~ TIDC shall operate on an ongoing basis a regional public defender office to serve Terrell and Val Verde Counties.

3.B. Rider Revisions and Additions Request (continued)

This rider has been implemented; it could be completely removed or edited in the above manner to direct TIDC to continue to fund the program.

- (i) **Unexpended Balance Authority.** Out of the amounts appropriated from the General Revenue Fund to the Texas Indigent Defense Commission under strategy D.1.1. Texas Indigent Defense Commission, for the ~~2024-25~~ **2026-2027** biennium for ~~Operation Lone Star~~, any unobligated or unexpended balances remaining as of August 31, ~~2025~~ **2027** (not to exceed \$10,000,000), are appropriated for the fiscal biennium beginning September 1, ~~2025~~ **2027**, for grants to counties. ~~programs in rural counties, created on or before September 1, 2025. The use of any remaining balances may only be used for programs with one-time expenses or temporary assistance.~~

Updating rider to adjust the years for the 2028-2029 biennium. TIDC is requesting Unexpended Balance Authority for current biennium General Revenue grant funds. General Revenue is now a large source of TIDC's grant funding. If a county is unexpectedly unable to fulfill the terms of a grant award, TIDC de-obligates the funds and re-issues the grant to another county. Depending on timing of the de-obligation, the grant award funding may lapse automatically if the de-obligation happens after August 31st on the last year of the biennium. The board wishes to retain the funding in order to re-issue the grant funds to another county.

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IV-31

~~**Indigent Defense with Mental Illness Pilot Project.** Out of the amounts appropriated above in Strategy D.1.1., Texas Indigent Defense Commission, the Texas Defense Commission shall provide funding for a pilot project for the early identification and specialized representation of indigent defendants with mental illness. The Commission shall provide grants to counties to expand the capacity of existing mental health defender programs and to establish mental health defender programs in counties currently without these programs. It is the intent of the legislature that the for the pilot project the Commission shall provide grants to geographically diverse counties each with a population of more than 800,000 at the time of the 2010 decennial United States census.~~

Request removal. The Commission has provided grants to counties for programs providing specialized indigent defense representation for persons with mental health issues since 2007. TIDC is not authorized to implement indigent defense representation programs directly. Instead, TIDC must rely on applications for grant funding. If TIDC does not receive enough grant requests for mental health-related indigent defense programs, the funds restricted under the rider are unavailable for other worthwhile indigent defense grant requests where counties are prepared to move forward. TIDC requests removal of this rider to ensure that appropriated resources are able to be used effectively for indigent defense improvements based on grant applications received. TIDC will continue to prioritize grants for mental health-related indigent defense.

3.B. Rider Revisions and Additions Request (continued)

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IV

Estimated Appropriation Authority. Amounts appropriated above in strategy D.1.1. Texas Indigent Defense Commission, include \$32,523,139 in fiscal year 2028 and \$32,523,139 in fiscal year 2029 in General Revenue-Dedicated Fair Defense Account No.5073 funding. In addition to the amounts appropriated above, all balances and amounts deposited into the General Revenue-Dedicated Fair Defense Account No.5073 (estimated to be \$0 in each fiscal year) are appropriated to the Texas Indigent Defense Commission for all uses authorized by Government Code, Chapter 79.

TIDC is requesting Estimated Appropriation Authority for General Revenue-Dedicated Fair Defense Account No. 5073 to provide grants to counties for indigent defense and family protection representation. TIDC had estimated appropriation authority for much of its history through fiscal year 2017.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
90th 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 2028	Excp 2029
	Item Name: Public Defense Workforce Pipeline		
	Item Priority: 1		
	IT Component: Yes		
	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		
	01-01-02 Information Technology		
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	106,634	106,634
1002	Other Personnel Costs	240	240
2001	Professional Fees	1,000	1,000
2003	Consumables	500	500
2004	Utilities	1,380	1,188
2005	Travel	5,000	5,000
2009	Other Operating Expense	23,561	6,021
4000	Grants	6,055,310	2,787,810
	TOTAL, OBJECT OF EXPENSE	\$6,193,625	\$2,908,393
METHOD OF FINANCING:			
0001	General Revenue	6,193,625	2,908,393
	TOTAL, METHOD OF FINANCING	\$6,193,625	\$2,908,393
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

DESCRIPTION/JUSTIFICATION:

TIDC requests that the 90th Legislature appropriate \$9,102,017 in general revenue to create a new pipeline program using internships, fellowships, a law school rural regional public defender office/clinic, a start-up assistance program for private practitioners, and a statewide legal incubator program to mentor and train the next generation of indigent defense attorneys working in rural and underserved areas with severe attorney shortages. This exceptional item establishes new initiatives in the 2028-29 biennium. Texas has over 1,600 fewer attorneys providing indigent defense compared to 2014. Most of the remaining ones are older, nearing retirement, and carrying excessive numbers of cases. Counties also report severe shortages of attorneys in CPS cases. The attorney shortage crisis continues to worsen and counties do not have funding available to recruit new attorneys to address the growing need. State intervention is necessary to address this crisis and to compete for talent with other states. TIDC has been conducting outreach to law schools and their students to recruit students into public defense, but a more systemic approach with accompanying resources and a dedicated staffer for a legal incubator program is needed to adequately address this critical need. To address these severe shortages of attorneys serving indigent defendants, children, and parents, TIDC is seeking funds for a multi-pronged approach to recruit, mentor, train, and provide start-up assistance for new and aspiring attorneys. The request includes 1 FTE to implement and operate the statewide legal incubator program.

EXTERNAL/INTERNAL FACTORS:

The US Constitution, Texas Constitution, and state law establishes a right to counsel inailable criminal cases and when the state seeks to revoke parental rights. The State of Texas must ensure there is an adequate number of attorneys available to fulfill that right. Other states across the nation have recognized and implemented programs to recruit and retain attorneys serving rural and underserved communities and successfully drawn attorneys to practice in these areas, including new law graduates from Texas law schools. The COVID pandemic accelerated the loss of attorneys who serve indigent defendants and juveniles in criminal cases and who represent parents and children in CPS cases; the remaining attorneys in rural areas are increasingly older and getting close to retirement. New law school graduates often have student loans in excess of \$150,000, making it difficult to recruit them to rural counties to serve indigent clients as private practitioners. While experience has shown that exposing law students and new lawyers to rural practice creates interest in moving there, because Texas law schools are located in urban areas, students have limited or no exposure to rural or underserved non-urban communities during their law school careers. Most Texas law schools do not have much or any dedicated coursework focused on encouraging or connecting students with public defense opportunities or rural practice.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs are anticipated for the foreseeable future. These costs represent a combination of ongoing program maintenance and administrative costs.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

2030	2031	2032
\$2,908,133	\$2,911,933	\$2,908,373

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
90th 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 2028	Excp 2029
	Item Name: Family Protection Representation		
	Item Priority: 2		
	IT Component: Yes		
	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		
	01-01-02 Information Technology		
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	165,362	165,362
1002	Other Personnel Costs	480	480
2001	Professional Fees	1,000	1,000
2003	Consumables	1,000	1,000
2004	Utilities	-	-
2005	Travel	10,000	10,000
2009	Other Operating Expense	36,819	7,795
4000	Grants	64,129,545	64,129,545
	TOTAL, OBJECT OF EXPENSE	\$64,344,206	\$64,315,182
METHOD OF FINANCING:			
0001	General Revenue	64,344,206	64,315,182
	TOTAL, METHOD OF FINANCING	\$64,344,206	\$64,315,182
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.0	2.0

DESCRIPTION/JUSTIFICATION:

TIDC requests that the 90th Legislature appropriate \$128,659,388 million in general revenue so TIDC can fully implement and operate the Family Protection Representation Program, primarily for grant funding to counties. Family protection representation is the publicly funded legal representation of children and indigent parents involved in child protection cases brought by the Texas Department of Family and Protective Services. This exceptional item funds a program that was established by S.B. 2120 (88(R)), which authorizes TIDC to oversee, fund, and improve family protection representation in CPS cases. Unfortunately, no funds have been appropriated for TIDC to carry out these duties. This exceptional item includes funding for 2 FTEs to support the grant program.

EXTERNAL/INTERNAL FACTORS:

Since 2021, average collective yearly spending on family protection representation reported by Texas counties to TIDC is \$64,129,545 (note - reported FY25 spending is a very close estimate). The State of Texas currently spends \$0. For comparison purposes, the State of Colorado spends an estimated \$67,338,278 (state population 6.03 million), the State of Montana spends an estimated \$6,490,381 (state population 1.14 million), and the State of Oklahoma spends an estimated \$10,500,000 (state population 4.12 million) on family protection representation. A recent estimated cost model created by the Public Policy Research Institute at Texas A&M University indicates that, at a bare minimum, family protection representation spending for a state the size of Texas should be at least \$124,761,600 per year. TIDC is seeking funding equal to the five-year average yearly reported county spending and two staff to support a grant funding program, which equals \$128,659,386 for the biennium. There are no available funds in the Fair Defense Account (GR-D Fund 5073) to operate this program.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs are anticipated for the foreseeable future. These costs represent a combination of ongoing program maintenance and administrative costs.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

2030	2031	2032
\$64,315,661	\$64,322,661	\$64,316,141

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
90th 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 2028	Excp 2029
	Item Name: Modernize Public Defense Systems		
	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	28,375,000	28,375,000
	TOTAL, OBJECT OF EXPENSE	\$28,375,000	\$28,375,000
METHOD OF FINANCING:			
	0001 General Revenue	28,375,000	28,375,000
	TOTAL, METHOD OF FINANCING	\$28,375,000	\$28,375,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

DESCRIPTION/JUSTIFICATION:

TIDC is requesting \$56,750,000 for grants to counties to provide competitive salaries for public defense staff in rural and underserved areas (\$24.25M); modernize technology to increase efficiency and capacity (\$3.2M); establish new and expanded public defense offices to increase capacity to reduce attorney shortages (\$28M); and address inflationary pressures that existing public defender offices are facing (\$1.3M). This exceptional item continues TIDC's existing program to provide Improvement Grants to counties to establish public defender offices and managed assigned counsel programs, provide sustainability funding for rural regional offices, and fund indigent defense process improvement projects, including technology. TIDC has been providing these types of grants since FY2003 and sustainability grants for rural regional public defender offices since FY2020. Even where public defender and managed assigned counsel offices exist, they are struggling to recruit and retain attorneys, and they operate with outdated resources and limited local funds. State assistance is needed to make rural salaries competitive, just as the State did with SB22 funds for rural prosecutors and law enforcement. Through investments in technology and artificial intelligence, public defense offices will be able to "do more with less." To sustain TIDC's Sustainability Grants, additional funds are needed to address inflationary pressures.

EXTERNAL/INTERNAL FACTORS:

Rural public defender offices have attorney shortages, in part, because more wealthy, urban counties can afford to pay higher salaries. To compete, rural regional public defender offices need to be able to offer higher salaries than their counties can currently afford. SB 22 (88th) infused millions of dollars into counties under 300,000 population to pay higher salaries to law enforcement officers and prosecutors. This has resulted in added pressure on rural public defender offices, who are losing attorneys because salaries are higher in the prosecutor's office thanks to SB 22 funds. Technology is also increasing at dizzying pace, resulting in much more digital information like dash cam videos, surveillance video, and cell phone data being available through investigation and the discovery process, which is taking up increasing amounts of time for the defense to analyze. New applications that incorporate artificial intelligence are available to help analyze all this data, to help increase efficiency and allow public defenders to "do more with less." TIDC is approaching the point where its Sustainability Grants that fund rural regional public defender offices are taking up the whole Improvement Grant budget and there are no more funds for additional grants to create new regional public defender offices. Last session, the Legislature appropriated \$8.5 million from a TIDC ask of \$35 million to establish more rural regional public defender offices; TIDC is seeking slightly more than the remaining funds that were not appropriated last session for this same purpose. Finally, inflationary wage pressures and other costs like fuel for travel are pushing up costs at existing public defender offices funded by TIDC. To ensure that TIDC can continue funding those offices at a two-thirds level, TIDC is requesting \$1.3 million.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs are anticipated for the foreseeable future.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

2030	2031	2032
\$28,375,000	\$28,375,000	\$28,375,000

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
90th 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 2028	Excp 2029
	Item Name: Statewide Managed Assigned Counsel		
	Item Priority: 4		
	IT Component: Yes		
	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		
	01-01-02 Information Technology		
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	105,179	105,179
1002	Other Personnel Costs	240	240
2001	Professional Fees	1,000	1,000
2003	Consumables	500	500
2004	Utilities	1,380	1,188
2005	Travel	5,000	5,000
2009	Other Operating Expense	23,539	5,999
4000	Grants	15,287,427	24,646,730
	TOTAL, OBJECT OF EXPENSE	\$15,424,265	\$24,765,836
METHOD OF FINANCING:			
0001	General Revenue	15,424,265	24,765,836
	TOTAL, METHOD OF FINANCING	\$15,424,265	\$24,765,836
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

DESCRIPTION/JUSTIFICATION:

TIDC requests that the 90th Legislature appropriate \$40,190,101 in general revenue to enable TIDC to create a new statewide managed assigned counsel (MAC) "plus" program to help address attorney shortages in counties under 300,000 population. Texas has lost over 1,600 indigent defense attorneys since 2014, with rural counties losing 29% of their indigent defense attorneys and some more urban counties reporting their list of attorneys declining over 50%. The problem continues to get worse as attorneys grow older, retire, and take on more cases than they can handle. Over 70,000 attorneys over 65 practice law in Texas. Nearly one in three attorneys handling indigent defense cases is overburdened. While TIDC has addressed this problem in many counties with regional public defender offices, not all counties want such an office or have neighboring counties willing to partner. Another solution is needed for these counties. Counties would opt into the program, which would: appoint private counsel; recruit, train, and oversee attorneys representing indigent defendants; provide attorneys with case support, including investigators, mitigation specialists, and mental health caseworkers; and pay attorneys at a more competitive rate, including travel, with the help of funds appropriated under this exceptional item. Fully funded, the MAC's panel of private attorneys could provide representation in approximately 26,499 felony, misdemeanor, and appellate criminal cases, with an additional 1,500 trial-level and appellate cases represented by an in-house division of staff attorneys and support staff.

EXTERNAL/INTERNAL FACTORS:

The US Constitution, Texas Constitution, and state law establishes a right to counsel in jailable criminal cases and when the state seeks to revoke parental rights. The State of Texas must ensure there is an adequate number of attorneys available to fulfill that right. The COVID pandemic accelerated the loss of attorneys who serve indigent defendants and juveniles in criminal cases; the remaining attorneys are increasingly older and getting close to retirement. Texas has lost over 1,600 indigent defense attorneys since 2014, with 555 fewer attorneys providing rural indigent defense (-29%). Many rural counties do not have the tax base to increase pay rates for indigent defense attorneys. Many are far away from urban areas where most lawyers live. Funds are included in this exceptional item to increase pay rates for attorneys, as well as pay for travel, to help attract new lawyers to hard-to-reach rural areas.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs are anticipated for the foreseeable future. These costs represent a combination of ongoing program maintenance and administrative costs.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

2030	2031	2032
\$24,766,076	\$24,769,876	\$24,766,316

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
90th 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 2028	Excp 2029
	Item Name: FTE's for TIDC Core Programs		
	Item Priority: 5		
	IT Component: Yes		
	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		
	01-01-02 Information Technology		
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	270,357	270,357
1002	Other Personnel Costs	720	720
2001	Professional Fees	2,000	2,000
2003	Consumables	1,500	1,500
2005	Travel	10,000	10,000
2009	Other Operating Expense	65,148	15,556
	TOTAL, OBJECT OF EXPENSE	\$349,725	\$300,133
METHOD OF FINANCING:			
0001	General Revenue	349,725	300,133
	TOTAL, METHOD OF FINANCING	\$349,725	\$300,133
FULL-TIME EQUIVALENT POSITIONS (FTE):		3.0	3.0

DESCRIPTION/JUSTIFICATION:

TIDC is seeking \$649,858 for three (3) full time employees to carry out its core mission. One of the requested FTEs is an administrative assistant to assist TIDC's five teams carry out their duties and provide backup support to TIDC's Office Coordinator. TIDC staff provide legal and fiscal oversight, grant funding, and technical assistance to judges, county leadership, public defense leaders, attorneys, and other elected and appointed officials that require TIDC staff to be experienced and credentialed to provide expert guidance. TIDC's attorneys and program staff perform nearly all administrative duties supporting their core work. TIDC staff, including attorneys, are currently spending substantial portions of their work time performing tasks that could be performed at significantly less expense by administrative support. Administrative help will allow the highly specialized TIDC staff to focus on the core mission of ensuring access to counsel to protect liberty and families and helping counties meet their constitutional and statutory mandates. Currently, TIDC only has one dedicated administrative staff member for its 21 staff and executive director, which is inadequate. The other two requested FTEs would help carry out TIDC's family protection representation duties, including a full-time staffer to help counties claim federal Title IV-E funds. TIDC currently has such a position that is funded by a Children's Commission grant, but that grant cannot continue indefinitely. This FTE has assisted counties in more than 30 counties in 2026 in applying for an anticipated reimbursement of millions of dollars in federal funds annually. This is work that cannot be assumed by other TIDC staff. This FTE will continue to generate revenue for counties and the state. The other FTE is a policy monitor to ensure that counties and courts are following the law related to family protection representation.

EXTERNAL/INTERNAL FACTORS:

The number of TIDC staff has increased over the years, but the number of administrative staff supporting the organization and board has not. The workload exceeds the capacity of one person, and non-administrative staff are doing administrative work because of lack of capacity. This is not an efficient use of state resources. The federal government reimburses states and counties for a portion of the funds they spend on family protection representation (parent and child representation in child welfare cases), but claims must be made by individual counties through the Department of Family Protective Services (DFPS), and very few counties are making claims because of the complicated nature of the process. TIDC has an MOU with DFPS to help improve the process and facilitate claims, and a full-time employee is needed to provide counties with support to make claims and how to most effectively use federal funds to improve their family protection representation system. While TIDC has a team of policy monitors that are monitoring counties' criminal indigent defense systems to ensure they are following the law, TIDC does not have any similar staff providing these legal auditing services in family protection representation matters and helping counties to improve their legal systems.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs are anticipated for salaries and other operating expenses.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

2030	2031	2032
\$349,725	\$300,133	\$649,858

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: Build the Public Defense Workforce Pipeline			
	Allocation to Strategy:	1-1-2	Information Technology
OBJECTS OF EXPENSE:			
	2009 Other Operating	4,241	741
	TOTAL, OBJECT OF EXPENSE	4,241	741
METHOD OF FINANCING:			
	0001 General Revenue	4,241	741
	TOTAL, METHOD OF FINANCING	\$4,241	\$741
FULL-TIME EQUIVALENT POSITIONS (FTE):			
		0.0	0.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: Build the Public Defense Workforce Pipeline			
	Allocation to Strategy:	4-1-1	Improve Indigent Defense Practices and Procedures
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	106,634	106,634
1002	Other Personnel Costs	240	240
2001	Professional Fees and Services	1,000	1,000
2003	Consumable Supplies	500	500
2004	Utilities	1,380	1,188
2005	Travel	5,000	5,000
2009	Other Operating	19,319	5,279
4000	Grants	6,055,310	2,787,810
	TOTAL, OBJECT OF EXPENSE	\$6,189,383	\$2,907,651
METHOD OF FINANCING:			
0001	General Revenue	6,189,383	2,907,651
	TOTAL, METHOD OF FINANCING	\$6,189,383	\$2,907,651
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: Fulfill TIDC's Family Protection Representation Mission			
	Allocation to Strategy:	1-1-2	Information Technology
OBJECTS OF EXPENSE:			
	2009 Other Operating	8,483	1,483
	TOTAL, OBJECT OF EXPENSE	<u>8,483</u>	<u>1,483</u>
METHOD OF FINANCING:			
	0001 General Revenue	8,483	1,483
	TOTAL, METHOD OF FINANCING	<u>\$8,483</u>	<u>\$1,483</u>
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: Fulfill TIDC's Family Protection Representation Mission			
	Allocation to Strategy:	4-1-1	Improve Indigent Defense Practices and Procedures
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	165,362	165,362
1002	Other Personnel Costs	480	480
2001	Professional Fees and Services	1,000	1,000
2003	Consumable Supplies	1,000	1,000
2005	Travel	10,000	10,000
2009	Other Operating	28,336	6,312
4000	Grants	64,129,545	64,129,545
	TOTAL, OBJECT OF EXPENSE	\$64,335,723	\$64,313,699
METHOD OF FINANCING:			
0001	General Revenue	64,335,723	64,313,699
	TOTAL, METHOD OF FINANCING	\$64,335,723	\$64,313,699
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.0	2.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: Stabilize & Modernize Existing Public Defense Systems			
	Allocation to Strategy:	4-1-1	Improve Indigent Defense Practices and Procedures
OBJECTS OF EXPENSE:			
	4000 Grants	28,375,000	28,375,000
	TOTAL, OBJECT OF EXPENSE	<u>\$28,375,000</u>	<u>\$28,375,000</u>
METHOD OF FINANCING:			
	0001 General Revenue	28,375,000	28,375,000
	TOTAL, METHOD OF FINANCING	<u>\$28,375,000</u>	<u>\$28,375,000</u>
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: Improve Rural Attorney Availability & Quality Through a Statewide Managed Assigned Counsel "Plus" Option			
	Allocation to Strategy:	1-1-2	Information Technology
OBJECTS OF EXPENSE:			
	2009 Other Operating	4,241	741
	TOTAL, OBJECT OF EXPENSE	4,241	741
METHOD OF FINANCING:			
	0001 General Revenue	4,241	741
	TOTAL, METHOD OF FINANCING	\$4,241	\$741
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: Improve Rural Attorney Availability & Quality Through a Statewide Managed Assigned Counsel "Plus" Option			
	Allocation to Strategy:	4-1-1	Improve Indigent Defense Practices and Procedures
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	105,179	105,179
1002	Other Personnel Costs	240	240
2001	Professional Fees and Services	1,000	1,000
2003	Consumable Supplies	500	500
2004	Utilities	1,380	1,188
2005	Travel	5,000	5,000
2009	Other Operating	19,298	5,258
4000	Grants	15,287,427	24,646,730
	TOTAL, OBJECT OF EXPENSE	\$15,420,024	\$24,765,095
METHOD OF FINANCING:			
0001	General Revenue	15,420,024	24,765,095
	TOTAL, METHOD OF FINANCING	\$15,420,024	\$24,765,095
FULL-TIME EQUIVALENT POSITIONS (FTE):			
		1.0	1.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: FTE's for TIDC's Core Programs			
	Allocation to Strategy:	1-1-2	Information Technology
OBJECTS OF EXPENSE:			
	2009 Other Operating	12,724	2,224
	TOTAL, OBJECT OF EXPENSE	12,724	2,224
METHOD OF FINANCING:			
	0001 General Revenue	12,724	2,224
	TOTAL, METHOD OF FINANCING	\$12,724	\$2,224
FULL-TIME EQUIVALENT POSITIONS (FTE):			
		0.0	0.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
90th 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 2028	Excp 2029
Item Name: FTE's for TIDC's Core Programs			
	Allocation to Strategy:	4-1-1	Improve Indigent Defense Practices and Procedures
OBJECTS OF EXPENSE:			
1001	Salaries and Wages	270,357	270,357
1002	Other Personnel Costs	720	720
2001	Professional Fees and Services	2,000	2,000
2003	Consumable Supplies	1,500	1,500
2005	Travel	10,000	10,000
2009	Other Operating	52,424	13,332
	TOTAL, OBJECT OF EXPENSE	\$337,001	\$297,909
METHOD OF FINANCING:			
0001	General Revenue	337,001	297,909
	TOTAL, METHOD OF FINANCING	\$337,001	\$297,909
FULL-TIME EQUIVALENT POSITIONS (FTE):		3.0	3.0

6.E. ESTIMATED REVENUE COLLECTIONS SUPPORTING SCHEDULE

89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

212 Texas Indigent Defense Commission, Texas Judicial Council					
Fund/ Account	Act 2025	Exp 2026	Exp 2027	Bud 2028	Est 2029
5073 GR Dedicated - Fair Defense Account					
Beginning Balance	\$15,292,074	\$11,335,456	\$20,246,884	\$23,908,685	\$29,635,546
Estimated Revenue:					
3195 - Additional Legal Services Fees	2,607,768	2,045,908	2,400,000	2,400,000	2,400,000
3704 - Court Costs	33,836,320	35,508,913	34,000,000	34,000,000	34,000,000
3802 - Appropriated Receipts	539	-			
3858 - Bail Bond Surety Fees	1,751,553	1,814,687	1,850,000	1,850,000	1,850,000
3972 - Other Cash Transfers Between Funds	-	-	-	-	-
Subtotal: Actual/Estimated Revenue	38,196,180	39,369,508	38,250,000	38,250,000	38,250,000
Total Available	\$53,488,254	\$50,704,964	\$58,496,884	\$62,158,685	\$67,885,546
DEDUCTIONS:					
Expended/Budgeted/Requested - Baseline - TIDC	(38,086,026)	(30,458,079)	(34,588,199)	(32,523,139)	(32,523,139)
Expended/Budgeted/Requested - Baseline - OCFW	(3,400,911)	0	0	0	0
Transfer - Employee Benefits - TIDC	(3,260)	0	0	0	0
Transfer - Employee Benefits - OCFW	(662,601)	0	0	0	0
Total Deductions	(\$42,152,798)	(\$30,458,079)	(\$34,588,199)	(\$32,523,139)	(\$32,523,139)
Ending Fund/Account Balance	\$11,335,456	\$20,246,884	\$23,908,685	\$29,635,546	\$35,362,407

Revenue Assumptions:

The Texas Indigent Defense Commission (TIDC) assumed the following in estimating revenue collections: TIDC assumes legal services fees (3195) and bail bond surety fees (3858) will remain stable. While some Jury Service Fund (3972) revenue did materialize in FY 2024, that was an anomaly that is not expected to materialize again. Revenues from the Jury Service Fund have historically added about \$6 million per year to GR-D Fund 5073. Per Local Gov't Code sec. 133.122(b), TIDC receives unexpended balances of the Jury Service Fund that exceed \$10 million. No additional revenue from the Jury Service Fund is projected based on recent \$0 payouts and increased pay to jurors authorized by HB 3474 (88(R)). It should also be noted that the operations of the Office of Capital and Forensic Writs (OCFW) have historically been funded by Fund 5073. Last session, the Legislature shifted OCFW's method of finance to general revenue because of the shortfalls in Fund 5073, which is why no funds were expended for OCFW in FY26 and beyond. This funding swap has helped stabilize the balance of the account.

6.J. Summary of Behavioral Health Funding

Agency Code: 212

Agency: Office of Court
Administration/Texas Indigent Defense
Commission

Prepared by: Edwin Colfax

Date: 8/14/2026

							2026-27 Base		2028-29 Baseline Request		2028-29 Exceptional Items		Additional Information					
#	Program Name	Service Type (drop down)	Agency Strategies	Summary Description	Target Population(s)	Fund Type	FY 2026 Base	FY 2027 Base	FY 2028 Baseline Request	FY 2029 Baseline Request	FY 2028 Requested	FY 2029 Requested	2028-29 Requested for Mental Health Services	2028-29 Requested for Substance Abuse Services	2028 FTEs	2029 FTEs	Statewide Strategic Plan Strategies	Methodology / Notes
1	Grants to Counties for Mental Health Public Defenders	MH Svcs - Other	D.1.1., Improve Indigent Defense Practices & Procedures	Create/expand mental health public defender or managed assigned counsel programs. Specialized attorneys and social workers represent defendants with mental illness and provide jail release planning, service referrals, mitigation investigations, and other support and advocacy to help stabilize defendants and improve outcomes.	Persons charged with criminal offenses who are experiencing mental illness.	GR	-	-	-	-	-	-	-	-	0.0	0.0	1.2.1, 1.2.5, and 1.2.6.	Expenditures dependent on counties applying for grants that meet requirements of OCA Budget Rider # 5 (e)
						GR-D	2,500,000	2,500,000	2,500,000	2,500,000								
						FF												
						IAC												
						Other												
						Subtotal	2,500,000	2,500,000	2,500,000	2,500,000	-	-	-	-				
2						GR												
						GR-D												
						FF												
						IAC												
						Other												
						Subtotal	-	-	-	-	-	-	-	-				
3						GR												
						GR-D												
						FF												
						IAC												
						Other												
						Subtotal	-	-	-	-	-	-	-	-				
4						GR												
						GR-D												
						FF												
						IAC												
						Other												
						Subtotal	-	-	-	-	-	-	-	-				
5						GR												
						GR-D												
						FF												
						IAC												
						Other												
						Subtotal	-	-	-	-	-	-	-	-				
6						GR												
						GR-D												
						FF												
						IAC												
						Other												
						Subtotal	-	-	-	-	-	-	-	-				
Total							2,500,000	2,500,000	2,500,000	2,500,000	-	-	-	-	0.0	0.0		

Part 6.L. Interagency Contracts
90th Regular Session, Agency Submission

Agency Code: 212	Agency: Texas Indigent Defense Commission	Prepared by: Susana Kent
Date: 8/14/2026		

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