



Legislative Appropriations Request Texas Indigent Defense Commission



About the Texas Indigent Defense Commission

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. **TIDC funds, oversees, and improves publicly funded representation for indigent people across the state.**

The 88th Legislature expanded TIDC's mandate to include family protection representation (Child Protective Services cases) with the passage of S.B. 2120. However, no funds were appropriated to enable TIDC to carry out these new duties. 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.

TIDC works in three core areas:



Adult Criminal Indigent Representation



Juvenile Delinquency Representation



Family Protection Representation

Exceptional Items: 89th Legislative Appropriation Request

TIDC requests 4 exceptional items (EI) to protect Texans' liberty through constitutionally and statutorily required access to counsel. Unless otherwise noted, these items would be funded by General Revenue (GR).



(1) Appropriate **\$12 Million in General Revenue + \$7.7 Million in GR-D to Address Funding Shortfall** in the **Fair Defense Account**.



(2) Appropriate **\$8,941,793 in GR to reduce attorney shortages through a "pipeline program"** consisting of internships, fellowships, and loan repayment for attorneys working in high need areas, which includes 1 FTE to implement and operate the program.



(3) Appropriate **\$47,548,803 in GR to operate TIDC's Family Protection Representation program**, which includes funds for grants to counties and 5 FTEs to implement and operate the program.



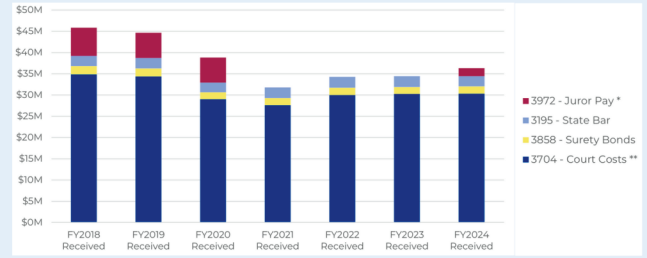
(4) Appropriate **\$35 million in GR to increase TIDC's capacity to fund new and expanded public defense offices.**

Item 1: Address the Funding Shortfall in the Fair Defense Account

Fair Defense Account Short About \$10 Million Annually, Hindering TIDC's Work

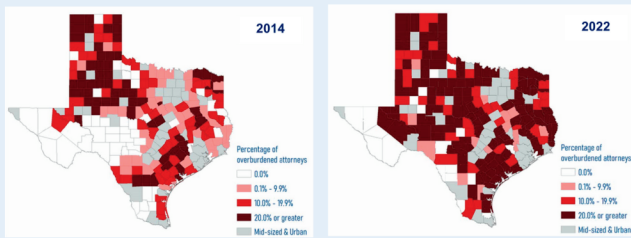
Revenue shortfalls in TIDC's GR-D account, the Fair Defense Account, hinder TIDC's work. From FY19-23, revenues are down \$45.3 million compared to FY18 levels. The Fair Defense Account (Fund 5073) funds both TIDC and the Office of Capital and Forensic Writs (OCFW).

Why is there a shortfall? Reduced court cost revenues and transfers from the Jury Service Fund result in an annual loss of about \$4 million from court cost collections and \$6 million from the Jury Service Fund compared to past years.



Item 2: Address Attorney Shortages through Internships, Fellowships, and Loan Repayment

Overburdened attorneys increased from 15% to 27% in rural Texas since 2014.



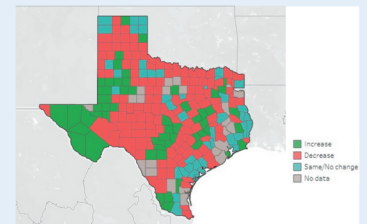
Attorney shortages in rural Texas to represent indigent defendants, juveniles, and children and parents in CPS cases are at crisis levels. There are fewer attorneys and many are near retirement. Indigent felony cases increased by 17% and 27% fewer attorneys took at least 1 indigent criminal case in rural counties compared to FY14. Attorneys taking indigent cases are overburdened, especially in rural communities. Creating a pipeline program with internships, fellowships, and a loan repayment program will help address shortages in high need areas, particularly rural Texas.

Item 3: Fund TIDC Family Protection Representation, including county grants

S.B. 2120 (88(R)) authorizes TIDC to oversee, fund, and improve family protection representation in CPS cases, but no funds were appropriated for the new duties. Last biennium, the Texas Legislature funded 37% of Texas CASA's budget. CASA volunteers serve as guardian ad litem and advocate for the child's best interest. Attorney shortages are also an issue as multiple attorneys are needed to represent parents and children. More state resources are needed.

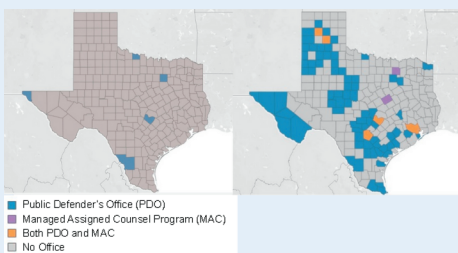
TIDC is seeking funding equal to 37% of the counties' cost of providing legal representation for children and indigent parents in these cases, \$46,457,596 for the biennium. The \$47.5 million in funding will include formula and system-wide improvement grant programs for counties, and the cost of 5 FTEs to implement TIDC's Family Protection Representation (FPR) program.

The number of attorneys taking FPR appointments decreased in 52% (131) of counties from 2021-23.



Item 4: Increase TIDC's Capacity to Meet the Need for New and Expanded Public Defense Offices

TIDC helped establish public defense offices serving 75 counties.



The Public Policy Research Institute (PPRI) conducted a rural public defense needs assessment on behalf of TIDC under a budget rider from the 88th Legislature. The report identified significant public defense needs in rural Texas. One-third of rural Texas counties without a public defender's office told PPRI they want one. PPRI estimated it would cost approximately \$23.5 million annually to establish and operate rural regional public defender offices serving those rural counties (under 100,000 population). PPRI's funding estimate does not cover mid-sized or urban counties, or help more property tax-needy counties that cannot afford TIDC's current 2/3rds state funding, 1/3rd county funding model. The \$35 million in funding would help address these needs.

Have a question? Want to learn more?

Contact TIDC to discuss our LAR and public defense needs across the state.

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