

FY28/29 Legislative Appropriations Request

Exceptional Items

1. Build the Public Defense Workforce Pipeline **Cost: \$9.1 mil w/ 1 FTE**

Issue: *Texas is running out of lawyers willing to provide indigent defense in rural and underserved communities. We must grow the next generation of public defense attorneys before the current generation retires.*

Components

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|---|--------------------|
| a. Rural & Underserved Internship Programs | \$1.74 mil. |
| b. Rural & Underserved Fellowship Programs | \$3.2 mil. |
| c. Law School Rural Regional Public Defender Office/Clinic | \$640,000 |
| d. Rural & Underserved Startup Assistance for Private Practitioners | \$637,500 |
| e. Statewide Legal Incubator Program | \$2.63 mil. +1 FTE |

2. Support the Texas Parental Rights Amendment and Fulfill TIDC's Family Protection Representation Mission **Cost: \$128.7 mil. w/ 2 FTE**

Issue: *Parents and children have the right to counsel if the State is seeking custody of a child. Counties pay for 100% of this representation in Child Protective Services cases. The result is often poor pay rates and poor quality of representation in many counties, and an ever-shrinking number of lawyers willing to do this important work. State funding for grants and oversight of counties is needed to improve access to quality representation.*

3. Stabilize and Modernize Existing Public Defense Systems and Add Capacity

Cost: \$56.75 mil.

***Issue:** 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and managed assigned counsel offices exist, they are struggling to recruit and retain attorneys, and they operate with outdated resources and limited local funds.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.*

Components

- | | |
|---|--------------|
| a. Competitive salaries for public defense staff in rural and underserved areas | \$24.25 mil. |
| b. Technology and AI modernization to increase efficiency and capacity | \$3.2 mil. |
| c. New and expanded public defense offices to increase capacity | \$28 mil. |
| d. Address inflation | \$1.3 mil. |

4. Improve Rural Attorney Availability and Quality Through a Statewide Managed Assigned Counsel “Plus” Option Cost: \$40.2 mil. w/ 1 FTE

***Issue:** Most smaller counties lack sufficient attorney capacity and administrative infrastructure to consistently provide access to quality representation. An opt-in statewide Managed Assigned Counsel program with state support for improving assigned counsel pay rates and staff attorneys who can provide representation will help address rural attorney shortages and improve quality.*

Components

- Coverage for approx. 28,000 felony, misdemeanor, and appellate criminal cases (25% of cases) for counties under 300,000 population that opt-in
- State financial support to improve private assigned counsel pay rates
- Staff attorneys will provide representation in approx. 1,500 cases

5. Three (3) Full-Time Employees at TIDC to Implement Family Protection Representation Program and Support TIDC's Core Programs Cost: \$1.3 mil.

Components

- a. 2 Family Protection Representation Staff
 - 1 Senior Policy Analyst to increase federal Title IV-E claims from counties
 - 1 Senior Policy Analyst to monitor county practices
- b. 1 Administrative Assistant for TIDC's Core Duties

Additional LAR Requests

1. **Unexpended Balance (UB) Authority Between Biennia for General Revenue**
Because TIDC's grants can extend multiple years due to delays in implementation or operational changes by counties, TIDC runs the very real risk of having General Revenue funds lapse before grant funds can be spent. UB authority would alleviate this risk and ensure that all funds appropriated to TIDC to assist counties are spent.
2. **Estimated Appropriation Authority for Fair Defense Account Funds**
Estimated appropriation authority would give TIDC the authority to spend funds deposited into the Fair Defense Account that exceed the amount the Legislature appropriates to TIDC. These funds can only be used by TIDC for indigent defense purposes. TIDC had this authority through FY2011, then it was removed during a tough budget year and has never been restored. Estimated appropriation authority would give TIDC the ability to provide more grant support to counties if the amounts deposited in the account exceed the appropriation amount for the fiscal year.

