

**Exceptional Item Request - SB1**

<b>Agency Code:</b> 212		<b>Agency Name:</b> Office of Court Admin - TIDC		<b>LAR Period</b> 2022-23		
<b>Item Name</b>	Restore 5% Cut to TIDC Funds to Safeguard Liberty and Meet Constitutional Mandate	<b>Priority</b>	1	<b>Exceptional Item</b>	No Change	
<b>Strategy (e.g. 1.1.1)</b>	<b>OOE/MOF Code</b>	<b>Exceptional 2022</b>	<b>Exceptional 2023</b>	<b>Does this Item Involve an IT Component?</b>	<b>Will this item likely involve contracts valued at \$50,000 or above?</b>	<b>Will this item likely involve continued funding in the next biennium?</b>
4.1.1	4000-GRANTS	\$ 2,235,893	\$ 2,235,893	No	No	Yes
<b>Total, Objects of Expense</b>		\$ 2,235,893	\$ 2,235,893			
4.1.1	5073-General Revenue-Dedicated Fund	\$ 2,235,893	\$ 2,235,893			
<b>Total, Method of Financing</b>		\$ 2,235,893	\$ 2,235,893			
		<i>check</i> \$ -	\$ -			
		<b>FY 2022</b>	<b>FY 2023</b>			
<b>Number of Full Time Equivalent (FTE) Positions</b>		0	0			

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**Description/Justification:**

The Texas Indigent Defense Commission (TIDC) safeguards liberty by ensuring that Texas and its 254 counties provide legal counsel guaranteed by the United States and Texas Constitutions. The 77th Legislature created TIDC to remedy persistent constitutional and statutory deficiencies in indigent defense. TIDC funds, oversees, and improves indigent defense throughout the State.

21 budget 5% by suspending travel, freezing hiring, and cutting grant funding.

of these funds to ensure that Texas meets its constitutional duties. Restored funds will help address (1) increased demand for counsel due high unemployment following COVID-19; (2) jury trial backlog created by COVID-19; and (3) continued demand for defender offices that increase legal and fiscal accountability. (See below.)

Biennial Revenue Estimate (BRE) shows sufficient revenue to the Fair Defense Account (GR-D Fund 5073) for fund restoration.

TIDC reduced its FY20-

TIDC seeks restoration

The Comptroller's

**External/Internal Factors**

(1) Increased Demand Following COVID-19: Although the economy is recovering, Texas unemployment remains high (about 7.2% at the time of this writing). Because fewer persons can afford counsel, TIDC anticipates increased demand for indigent defense in FY22-23.

(2) COVID-19 Jury Trial Backlog: Texas averaged 186 jury trials each week in 2019. That number fell to zero in March 2020 and remains in the single digits today. The backlog is expected to surpass 10,000 cases in April. Texas is also seeing a backlog for grand jury indictments. As courts chip away at these backlogs in FY22-23, indigent defense costs will increase, perhaps sharply.

(3) Continued Demand for More Accountable Defender Systems: While TIDC has significantly improved indigent defense, Texas still struggles to meet constitutional and statutory requirements. For example: Although defendants have a constitutional right to counsel in Class A and B misdemeanor cases (jailable offenses), over half of rural misdemeanor defendants proceed without counsel. To address these problems, TIDC partners with local governments to create defender offices that ensure legal and fiscal accountability. These programs are especially important to rural Texas communities facing lawyer shortages. The demand for defender offices has increased during COVID-19, and current TIDC funds are insufficient to meet that demand.

*If Exceptional Item includes an IT Component:*

**PCLS Tracking Key**

**Description of IT Component Included in Exceptional Item**

Is this IT component related to a New project or Current Project?

**Status**

**Outcomes**

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**Outputs**

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**Type of Project**

**Alternative Analysis. Describe the alternative solution if this project does not receive funding. Also, is the project scalable?**

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	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total Over Life of Project
<b>Estimated IT Cost</b>	\$ -	\$ -						\$ -
<b>Scalability</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	
<b>FTE's</b>								

***If Exceptional Item Includes Contracting***

**Approximately what percentage of the requested amount will be contracted out?**

**Brief description of what types of contracts would likely to be involved with this item**

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***If Exceptional Item Involves Continued Costs***

	FY 2024	FY 2025	FY 2026
<b>Estimated Continued Funding</b>	\$ 2,235,893	\$ 2,235,893	\$ 2,235,893

**Description of Continued Funding**

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While COVID-19 related costs will eventually subside, there is an ongoing need to address persistent constitutional and statutory deficiencies. For example: Although defendants have a constitutional right to counsel in Class A and B misdemeanor cases (jailable offenses), over half of rural misdemeanor defendants proceed without counsel. Similarly, while professional standards require investigation of the facts in each case, 52% of counties report \$0 in annual investigative expenditures. And half of Texas defendants are represented by an attorney with an annual caseload that exceeds state guidelines. TIDC addresses these problems by partnering with local governments to create defender offices that ensure legal and fiscal accountability. These offices are especially important in rural areas, many of which face lawyer shortages. These projects require steady, multi-year funding to ensure success.

<b>MOF Summary Table</b>		
<b>Fund Name</b>	<b>FY 2022</b>	<b>FY 2023</b>
5073-General Revenue-Dedicated Fund	\$2,235,893	\$2,235,893
<b>Total</b>	<b>\$2,235,893</b>	<b>\$2,235,893</b>