

Legislative Appropriations Request

for Fiscal Years 2026 and 2027

Submitted to the
Office of the Governor, Budget Division,
and the Legislative Budget Board

by

TEXAS INDIGENT DEFENSE COMMISSION

Submitted
August 16, 2024



FY 2026 - 2027 LEGISLATIVE APPROPRIATIONS REQUEST
Texas Indigent Defense Commission, Texas Judicial Council

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ADMINISTRATOR'S STATEMENT

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.

Criminal and Juvenile Delinquency Representation

TIDC oversees, funds, and improves public defense throughout the State in criminal and juvenile case by providing:

- (1) **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 complaints from lawyers, judges, and defendants
- (2) **Funding** – investing in counties to meet constitutional and statutory requirements
 - Formula Grants – Fund a portion of indigent defense representation in all 254 counties
 - Improvement Grants – Fund select projects that improve quality and accountability
 - Innocence Program – Fund innocence projects at six Texas public law schools
- (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
 - Presentations – Speak about indigent defense at conferences and events
 - Technical Assistance – Serve as a resource to county, regional, and state officials and stakeholders
 - Policy – Advise policymakers on legislation and rulemaking

Family Protection Representation

TIDC's mandate to oversee, fund, and improve public defense expanded to include representation in family protection (child protective service) cases by the 88th Legislature in 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.

LAR SUMMARY

In addition to amounts submitted in TIDC's baseline request, TIDC requests four exceptional items:

- (1) Appropriate \$12 million in general revenue (GR) to address the revenue 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 or scholarships 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.

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: ends 2/1/26)
- Mr. Jim Bethke, Executive Director, Bexar Co. Managed Assigned Counsel Office – San Antonio (term: ends 2/1/26)
- Mr. Alex Bunin, Chief Public Defender, Harris County Public Defender – Houston (term: ends 2/1/25)
- Mr. Jay Blass Cohen, Attorney, Blass Law PLLC – Houston (term: ends 2/1/25)
- Hon. Valerie Covey, County Commissioner, Williamson County – Georgetown (term: ends 2/1/26)
- Hon. Brandon Creighton, State Senator – Conroe (term: ex officio)
- Hon. Richard Evans, County Judge, Bandera County – Bandera (term: ends 2/1/26)
- Hon. Nathan Hecht, Chief Justice, Texas Supreme Court – Austin (term: ex officio)
- Hon. Sharon Keller, Presiding Judge, Court of Criminal Appeals – Austin (term: ex officio)
- Hon. Joe Moody, State Representative – El Paso (term: ex officio)
- Hon. Sherry Radack, Chief Justice, Texas First Court of Appeals (retired) – Houston (term: expired/retired)
- Hon. Reggie Smith, State Representative – Sherman (term: ex officio)
- Hon. Vivian Torres, Medina County Court at Law Judge (retired) – Hondo (term: expired/retired)
- Hon. J.R. Woolley, Jr., Waller County Justice of the Peace, Pct. 2 – Waller (term: 2/1/25)
- Lt. Governor Appointee from the Senate (vacant)

SIGNIFICANT CHANGES AND EXTERNALITIES

Revenues Falling Short of Appropriations

Revenue for the Fair Defense Account (Fund 5073) is below appropriated levels because of reduced transfers from the Jury Service Fund and reduced court cost revenues.

- Revenue into Fund 5073 is projected to be approximately \$11 million below FY24/25 appropriations from the Fund for TIDC and the Office of Capital and Forensic Writs (OCFW).
- Revenues from the Jury Service Fund added about \$6 million per year to Fund 5073 in the past; projections show no funding to Fund 5073 based on recent payouts. Court cost collections are approximately \$4 million less per year than historic levels.
- Revenues into Fund 5073 for FY24 are projected to be approximately \$11 million less than FY18. Compared to FY18, Fund 5073 revenues are down approximately \$45.3 million cumulatively from FY19-23.

Crisis in Rural Texas Public Defense

A legislatively mandated study of rural Texas counties shows indigent defense programs are in crisis and unlikely to get better without more assistance from TIDC. There are significantly fewer lawyers providing representation to indigent defendants and juveniles than in recent years, and the remaining ones are older, nearing retirement, and carrying excessive numbers of cases. Counties also report severe shortages of attorneys in CPS cases.

- **500+ fewer attorneys serving rural Texans:** From 2014 to 2022, the number of indigent defense attorneys in rural Texas fell by 27%, from 1,926 to 1,406 attorneys.
- **County officials report a critical lack of attorneys:** In a 2024 survey of rural county stakeholders conducted by Texas A&M's Public Policy Research Institute (PPRI), over 71% of respondents said that "availability of attorneys" is a significant issue.
- **Caseloads are excessive for many rural attorneys:** One of four indigent defense attorneys in rural counties are overburdened, i.e. carrying a caseload that exceeds TIDC's Caseload Guidelines.

- **Rural regional public defender offices are helping reduce attorney shortages:** TIDC has a proven model to address this problem by working with counties to build rural regional public defender offices. Rural regional offices currently serve 60 counties. In 2024, 59.4% of rural county stakeholders representing 104 counties told PPRI adding a public defender’s office to their county would improve attorney availability in their counties.
- **SB 22 is putting upward pressure on indigent defense costs.** SB 22 (88(R)) established a grant program to provide salary supplements to prosecutors and law enforcement in rural areas. Thus far, the Comptroller’s Office has awarded \$35,900,000 in grants for prosecutor’s offices. While SB 22 has provided much needed resources to prosecutors and law enforcement, it has also resulted in rural public defender offices seeking additional funds from TIDC to ensure salary parity with prosecutors. 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.
- **TIDC cannot meet counties’ grant requests with current resources:** For FY25, TIDC had to turn away counties seeking TIDC grants to establish and expand rural regional public defender offices because we did not have enough funding. TIDC needs additional resources to ensure that the State’s constitutional and statutory obligations are fulfilled.

New Duties for TIDC and Funding Needs for Family Protection Representation

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 were appropriated to support this bill.

- **Family protection representation is funded 100% by the counties:** Over the past three fiscal years, total reported statewide county spending was an average of \$63,530,947 per year, with \$0.00 being provided by the state. Although child protection cases are lawsuits filed against parents by a state agency, the state currently provides no funding to support statutorily required legal representation for children and indigent parents in these cases.

- **Spending on family protection representation varies widely throughout the state:** County per capita spending for fiscal year 2023 ranges from \$0.00 to \$13.99, with 55% of counties reporting spending less than \$2.00 per capita. Statewide per capita spending is \$2.07. For comparison, in fiscal year 2021, per capita spending on family protection representation was the following in these three states: Colorado - \$10.44, New Mexico - \$4.73, and Alabama - \$3.14.
- **Many areas of the state are experiencing strained capacity to provide family protection representation:** 51% of Texas counties reported a decrease in numbers of attorneys on their court appointment lists for child protection cases in 2023. Child protection cases often require multiple court-appointed attorneys on one case. At a minimum, most cases will require at least one attorney for a child and one attorney for a parent but can often require 3 or more attorneys on a case depending on numbers of siblings and fathers involved. Over one-quarter of Texas counties reported having 6 or fewer attorneys on their court-appointment lists for child protection cases in 2023, which can create significant burdens on the counties and put-up barriers to parents and children receiving quality court-appointed legal counsel.

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 Legislature appropriated \$41,057,688 for TIDC to operate the defense function of OLS.
- The same appropriation is needed to maintain TIDC's current defense representation capacity for OLS cases.

LAR: EXCEPTIONAL ITEMS

TIDC requests four exceptional items:

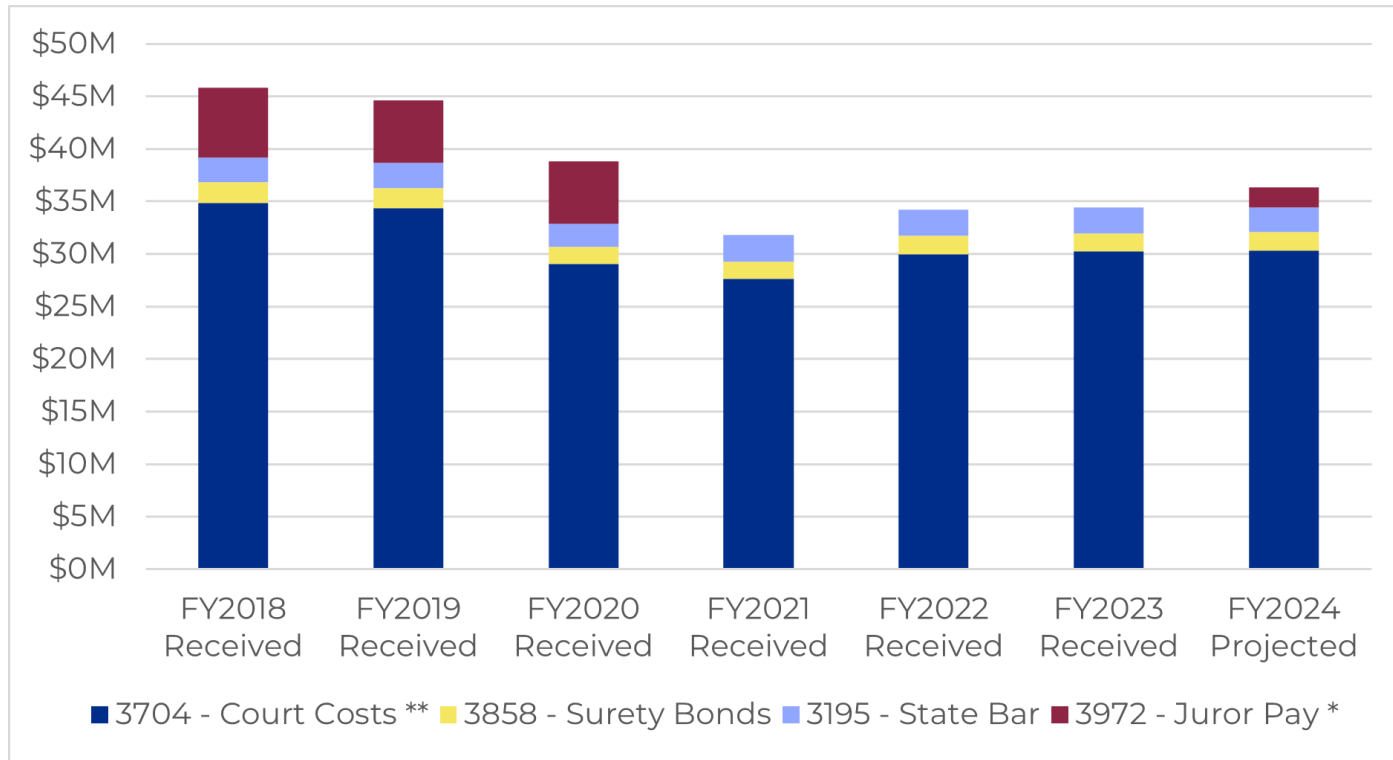
ITEM 1: Appropriate \$12 million in general revenue to address the funding shortfall in the Fair Defense Account.

- The Fair Defense Account (Fund 5073) funds much of TIDC's operations, including grants to counties, as well as all operations, salaries, and benefits for the Office of Capital and Forensic Writs (OCFW).
- Fund 5073 is a GR-D account funded by a percentage of consolidated court costs; a surety bond fee; a portion of State Bar dues; and excess funds from the Jury Service Fund once its balance exceeds \$10 million.
- While Fund 5073 historically had surplus funds, that is no longer true—revenues have decreased and appropriations have increased, resulting in inadequate funds. The shortfall is from an annual loss of about \$6 million from the Juror Pay Fund and \$4 million from court cost collections compared to past years.
- For FY24/25, it is estimated that Fund 5073 revenue will be about \$11 million less than was appropriated for TIDC and OCFW operations. We are asking for general revenue to remedy this shortfall starting in FY26/27.
- If the Legislature wants Fund 5073 to serve as the primary source of funding for TIDC and OCFW, modifications to our current sources of funding or new sources of revenue are needed.

ITEM 1: Shortfall in the Fair Defense Account Data Snapshot

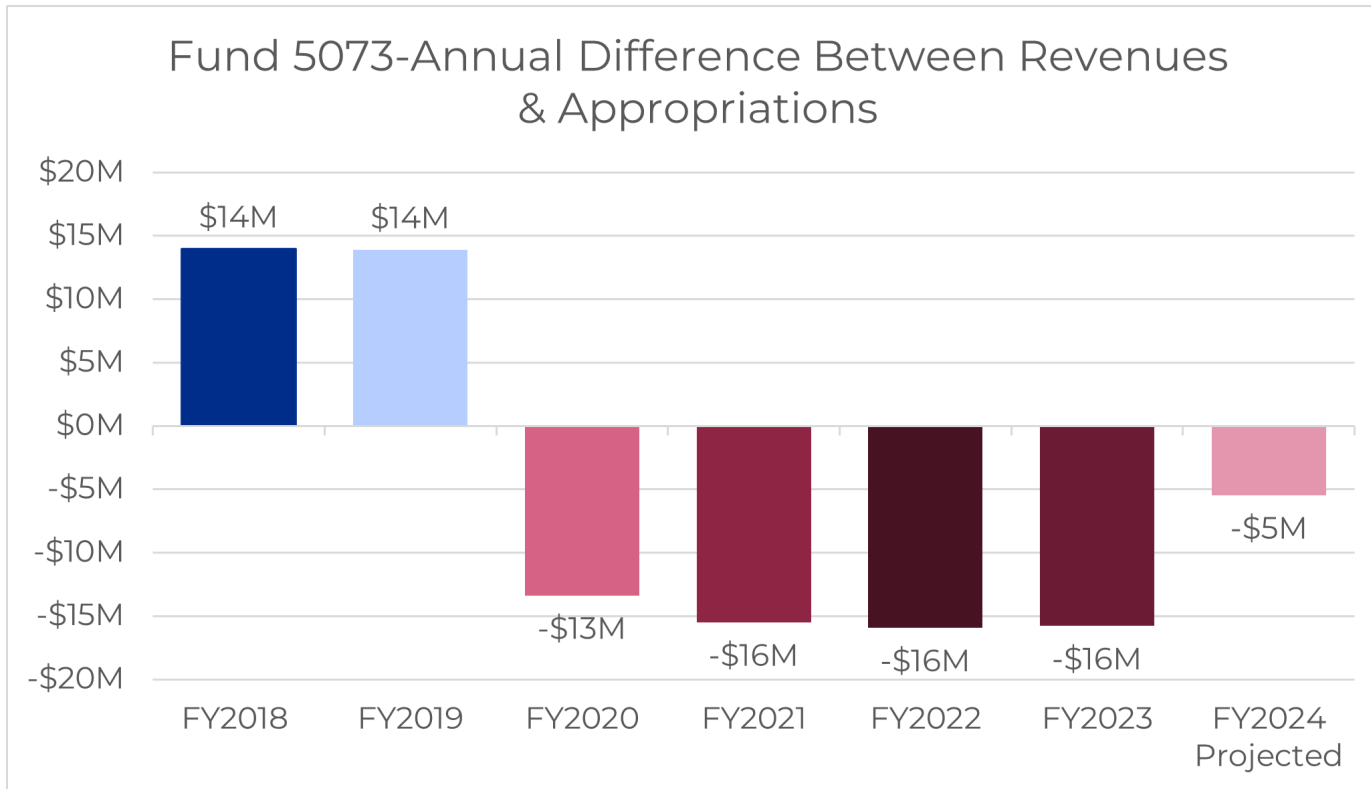
Revenue shortfalls hinder TIDC's work. Revenues have decreased and appropriations from the Fair Defense Account have increased, resulting in inadequate funds.

Figure 1: Revenue shortfalls continue to reduce the amount received in the Fair Defense Account.



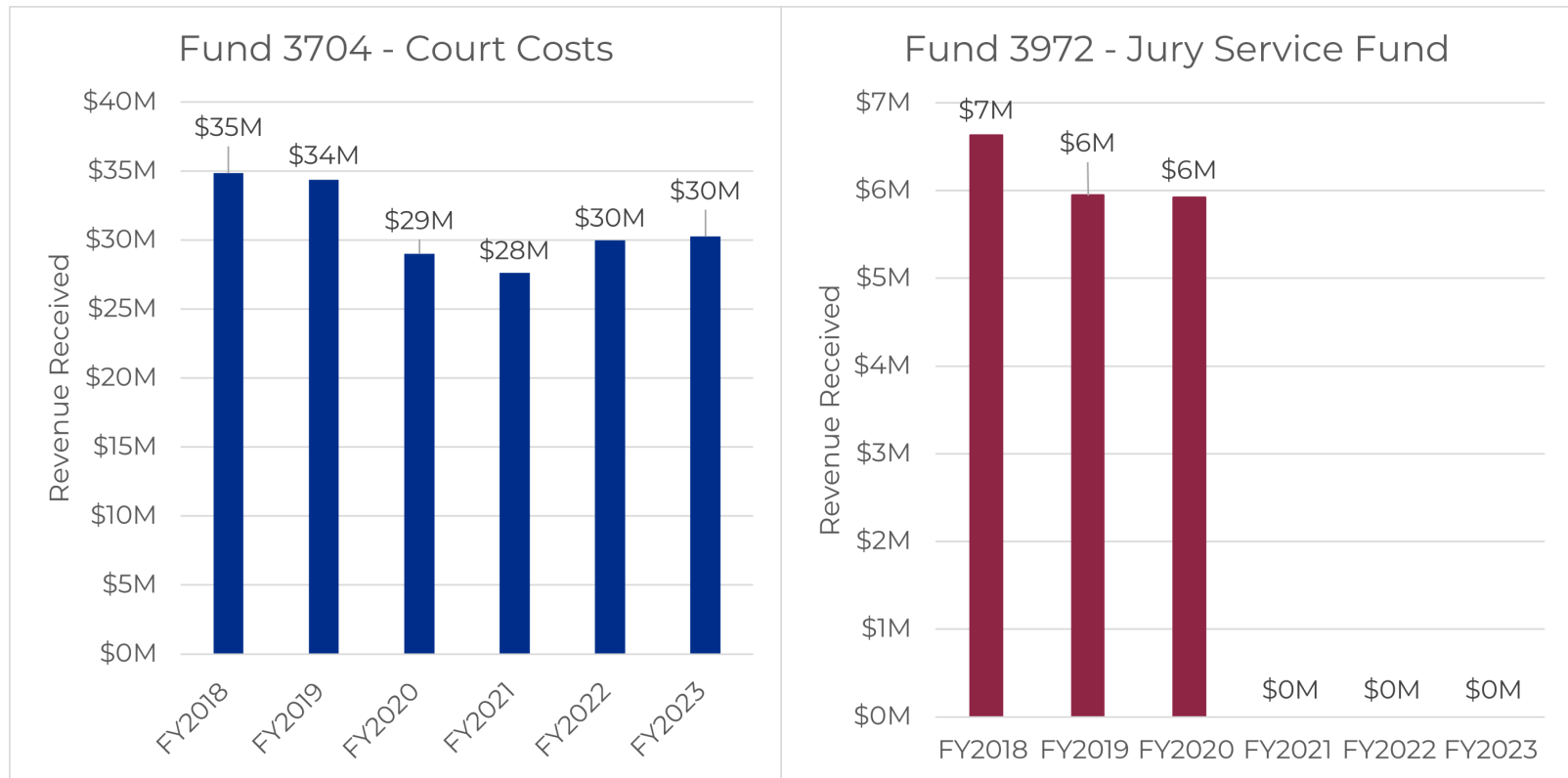
From FY19-23, revenues are down \$45.3 million compared to FY18 levels.

Figure 2: Fair Defense Account revenue no longer supports amounts appropriated to TIDC and OCFW.



Why is there a shortfall? Revenue for the Fair Defense Account is below appropriated levels because of reduced court cost revenues and transfers from the Jury Service Fund. The shortfall is an annual loss of about **\$4 million from court cost collections** and **\$6 million from the Jury Service Fund** compared to past years.

Figure 3. Between FY 2018-2023, there has been \$23.1 million lost revenue from court cost collections and \$21.3 million lost revenue from juror pay sources.



ITEM 2: Appropriate \$8,941,793 in general revenue to create a pipeline program using internships, fellowships, and loan repayment for attorneys working in high need areas to reduce chronic attorney shortages. The request includes 1 FTE to implement and operate recruitment programs.

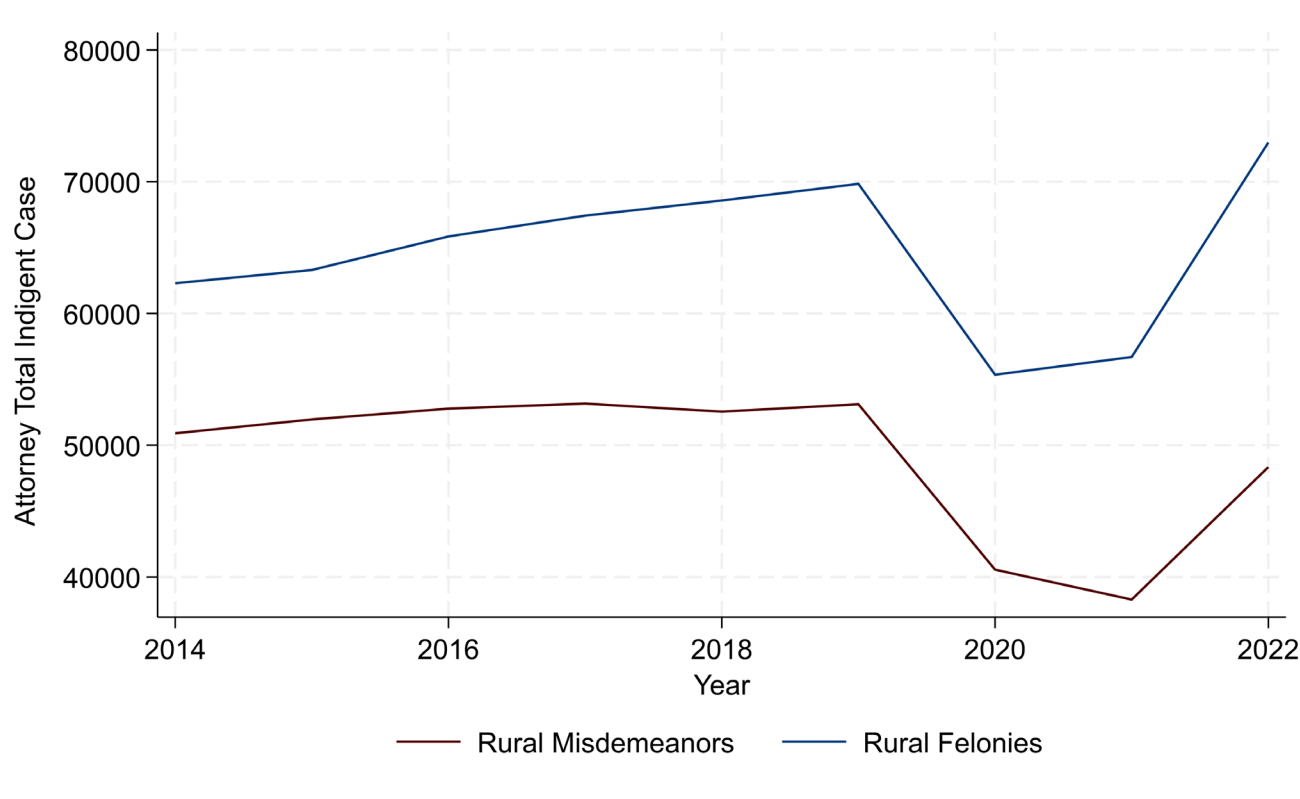
- Attorney shortages in rural Texas to represent indigent defendants, juveniles, and children and parents in CPS cases are at crisis levels. There are fewer attorneys; those who remain are older and near retirement.
- TIDC seeks to address the attorney shortage problem by creating a pipeline program from law schools to attorney practice in high need areas, particularly rural Texas. The program would include internships, fellowships, and a loan repayment program.
- The loan repayment program will be a collaboration with the Texas Higher Education Coordinating Board (THECB), with \$5 million of this item placed in an account designated by the THECB.
- Includes 1 FTE to implement and carry out the program.

ITEM 2: Attorney Shortage Crisis Data Snapshot

Public defense is in crisis across Texas, with the demand for attorneys rising and fewer attorneys willing to take indigent cases. And attorney shortages are getting worse.

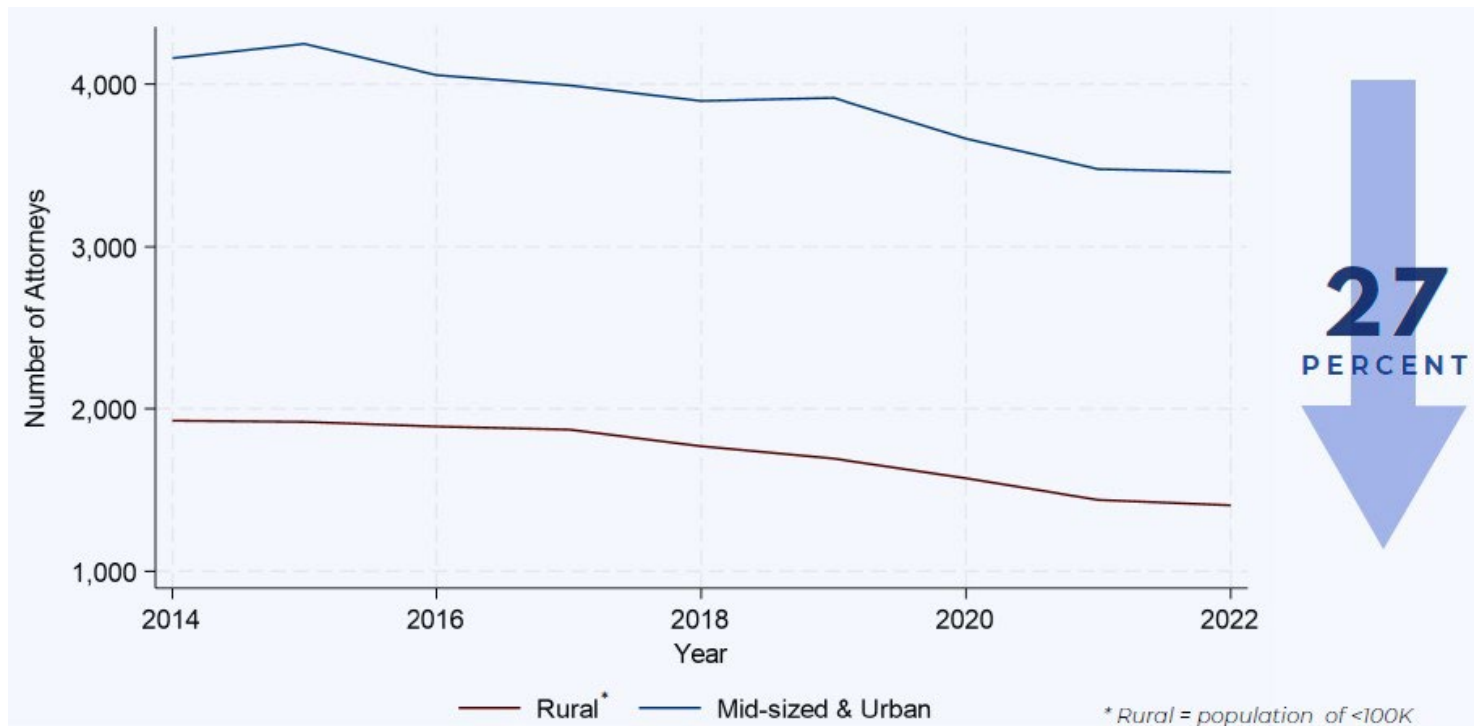
In particular, the rise of indigent felony cases places additional demand on attorney capacity as felony cases generally are more complex, require more time and resources to defend, and take longer to close.

Figure 4: Indigent felony cases increased by 17% in rural communities over the past 8 years.



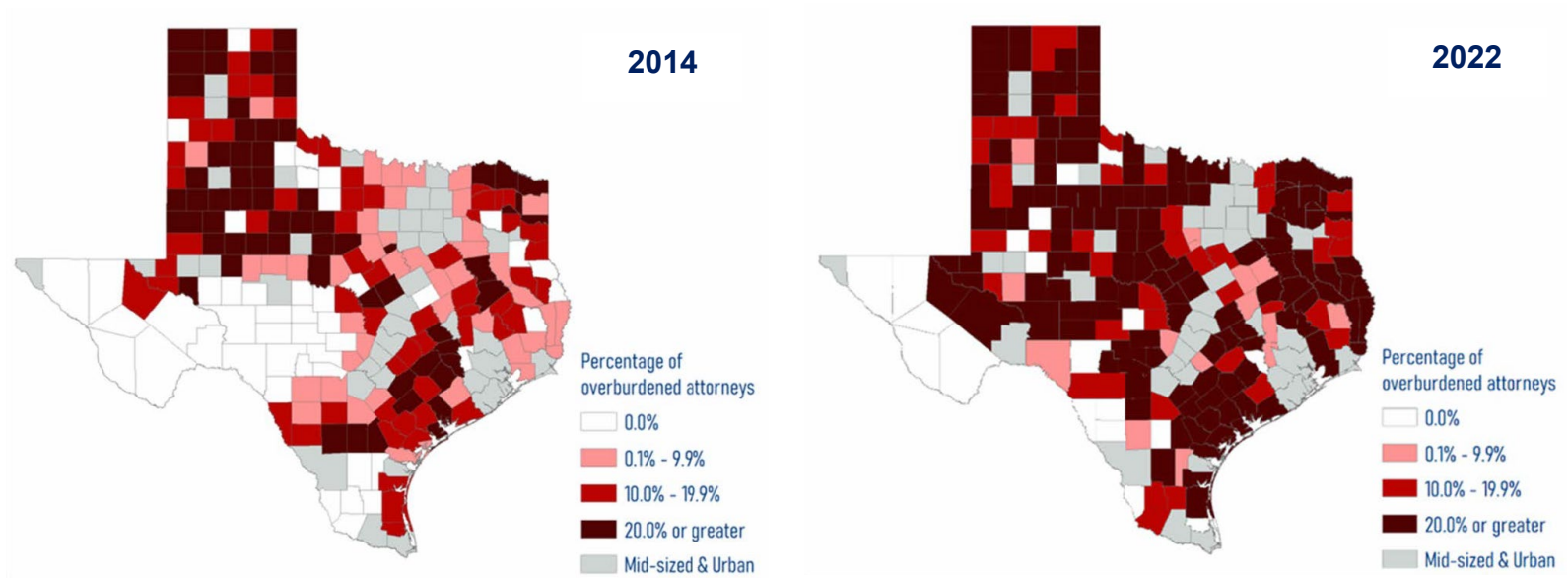
However, as the demand for attorneys continues to increase, the number of attorneys taking indigent cases is decreasing.

Figure 5: 27% fewer attorneys took at least 1 indigent criminal case in rural counties compared to FY14.



And the attorneys taking indigent cases are overburdened, especially in rural communities.

Figure 6: Overburdened attorneys increased from 15% to 27% in rural Texas since 2014.



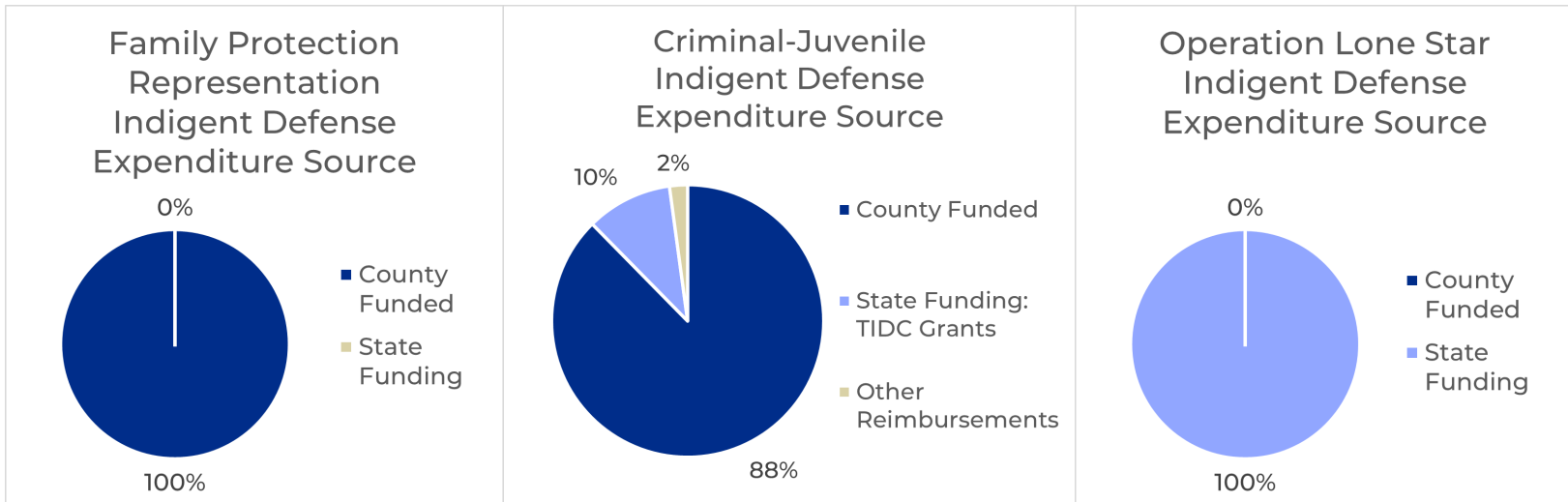
ITEM 3: Appropriate \$47,548,803 in general revenue to operate TIDC's Family Protection Representation program, including grant funding to counties and 5 FTEs to implement and operate the program.

- S.B. 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.
- In FY23, Texas counties reported to TIDC spending \$62,780,536 on family protection representation matters.
- Last biennium, the Texas Legislature funded 37% of the budget for Texas CASA, whose volunteers serve as guardian ad litem and advocate for the child's best interest in child welfare cases. TIDC is seeking funding equal to 37% of the counties' cost of providing legal representation for children and indigent parents in these same types of cases, which equals \$46,457,596 for the biennium. These funds will be used for oversight, funding, and improving family protection representation. Funding will include formula and system-wide improvement grant programs for counties.
- This exceptional item also includes the cost of 5 FTEs to implement and operate TIDC's Family Protection Representation (FPR) program. New staff include: 1 Title IV-E staffer to increase county requests for federal reimbursement of FPR expenses; 1 grant specialist; 1 fiscal analyst; and 2 policy analysts.

ITEM 3: State Funding for Family Protection Representation Data Snapshot

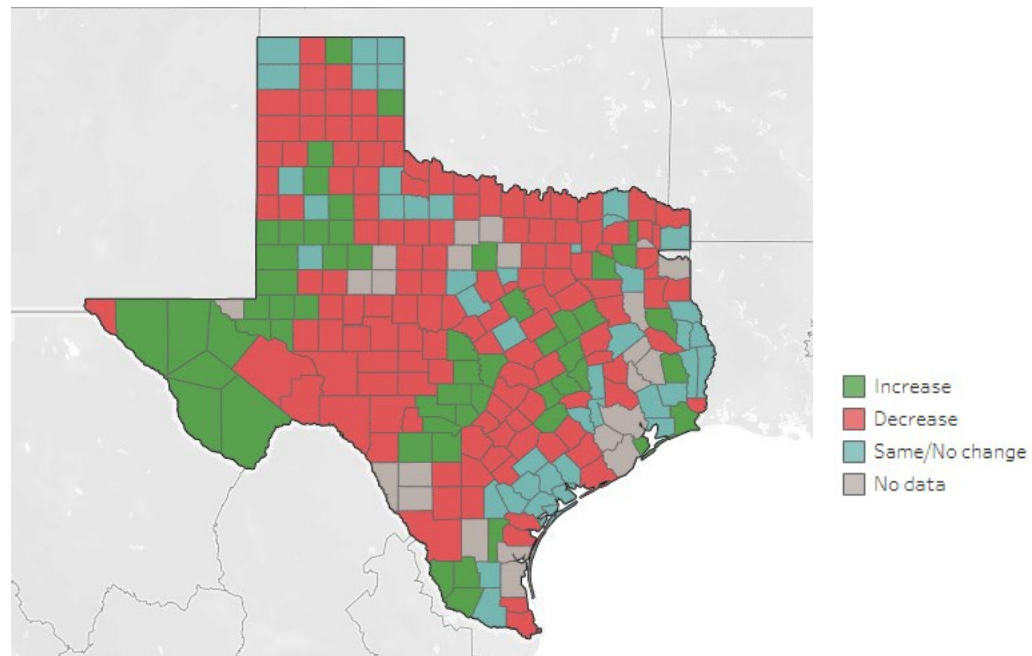
To serve counties and satisfy the constitutionally and statutorily mandated right to counsel, more state resources are needed.

Figure 7: While the state paid 0% of indigent family protection representation costs, the state covered 10% of criminal indigent defense expenditures and 100% of Operation Lone Star representation.



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

Figure 8: 52% or 131 counties reported a decrease in the number of attorneys who take court appointments in child protection cases from 2021 to 2023.



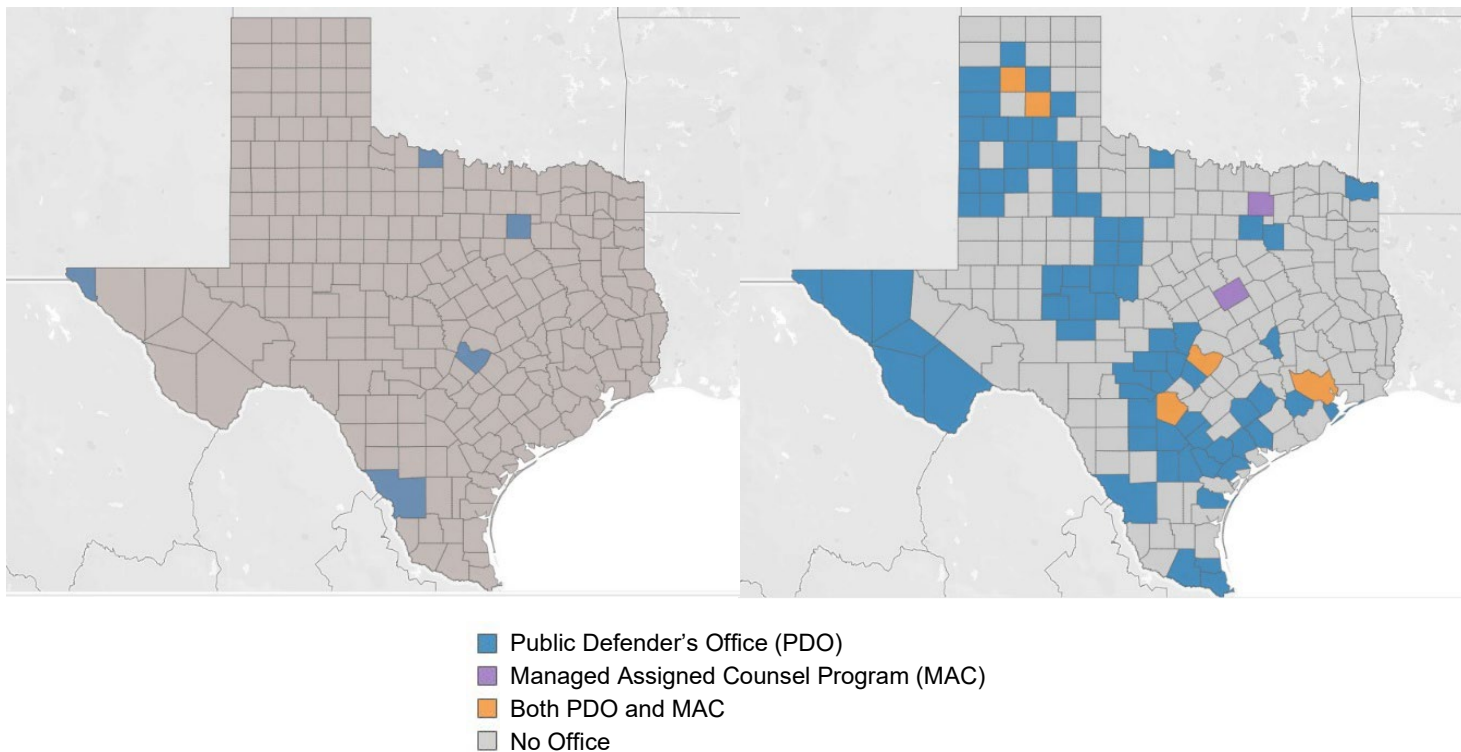
ITEM 4: Appropriate \$35 million to increase TIDC's capacity to fund new and expanded public defense offices.

- The 88th Legislature passed a budget rider directing TIDC to conduct a rural public defense needs assessment. The Public Policy Research Institute at Texas A&M (PPRI) conducted that needs assessment on behalf of TIDC, and identified significant public defense needs in rural Texas.
- One third of rural Texas counties without a public defender's office told PPRI they want to move to a public defender office. 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.
- TIDC requests \$35 million to establish rural regional public defender offices to cover 1/3 of counties without an office today, further assist counties revenue challenged counties who cannot afford TIDC's current funding structure for rural regional public defender offices and assist mid-sized and urban counties improve their indigent defense systems.

ITEM 4: Meeting the Demand for Public Defense Offices Data Snapshot

TIDC strives to meet the increasing demand for indigent defense services by working with counties to expand coverage of public defense offices in Texas, especially in rural areas.

Figure 9: TIDC has helped establish public defense offices serving 75 counties since 2005, with rural regional public defender offices serving 60 counties.



Support for Salary Increase Request by Article IV Courts and Agencies

Even after the increased funding received in the 88th Legislative Session, attorneys and staff of the Article IV Courts and Agencies, including TIDC, remain impacted by increasing costs due to inflation. TIDC supports the request by Article IV Courts and Agencies for a 6% increase in staff salaries this biennium to maintain and recruit a strong and experienced workforce.

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 for human resource matters like screening job applicants and background checks.

CONCLUSION

TIDC requests four exceptional items:

- (1) Appropriate \$12 million in general revenue to address the funding shortfall in the Fair Defense Account.
- (2) Appropriate \$8,941,793 in general revenue to reduce attorney shortages through a “pipeline program” consisting of internships, fellowships and loan repayment or scholarships for attorneys working in high need areas, which includes 1 FTE to implement and operate the program.
- (3) Appropriate \$47,548,803 in general revenue 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 to increase TIDC’s capacity to fund new and expanded public defense offices.

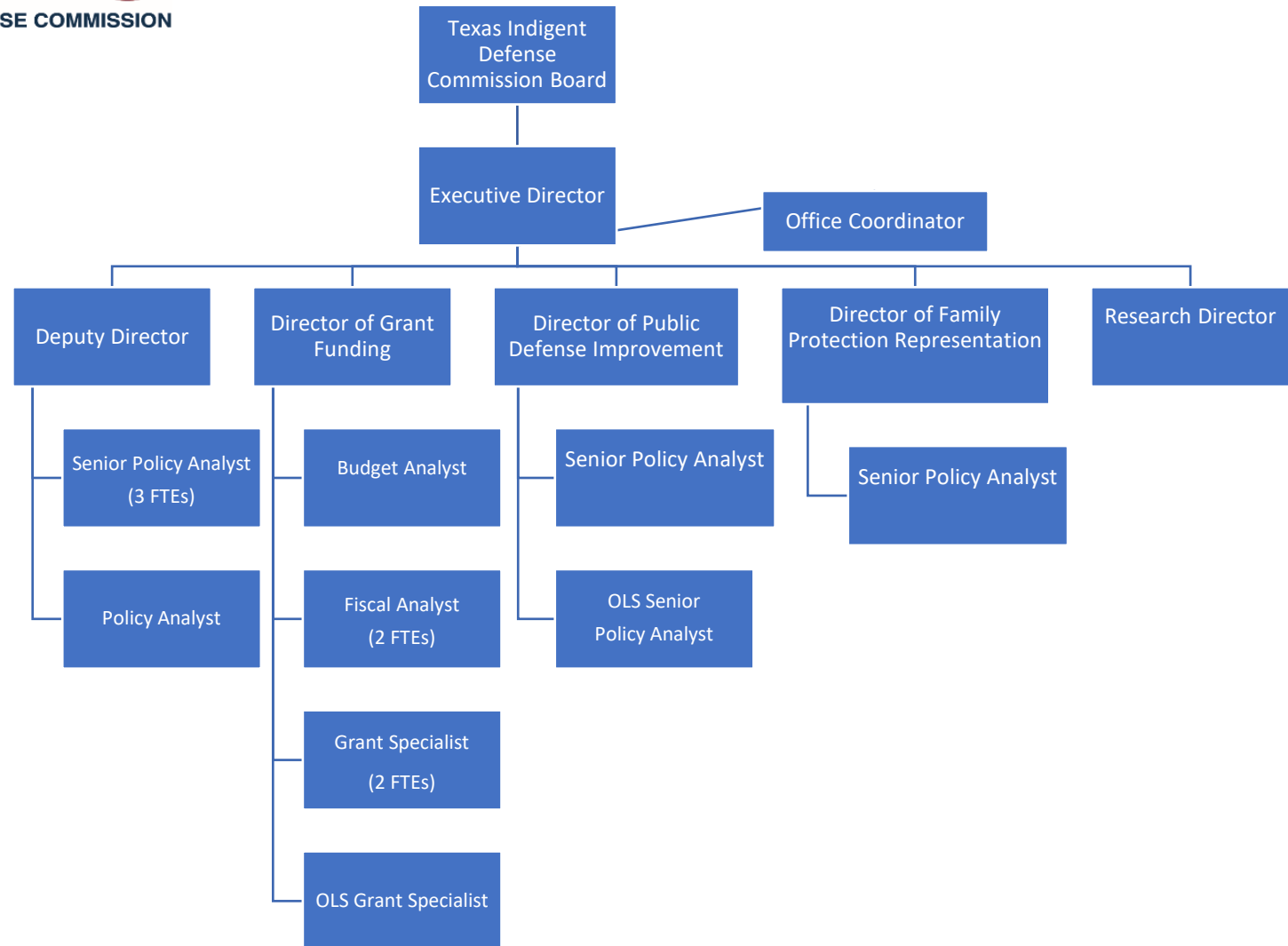
These requests are needed to address the indigent defense attorney shortage crisis, particularly in rural areas. These funds are needed to ensure that Texas meets its constitutional and statutory duty to ensure the effective assistance of counsel is provided to all who are entitled to it. TIDC staff is happy to discuss this request.

Respectfully submitted,



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 House Bill 1, Article IX, Section 7.01, Eighty-eighth Legislature, Regular Session, 2023.

Chief Executive Office or Presiding Judge

Megan LaVoie
Signature

Megan LaVoie
Printed Name

Administrative Director
Title

August 16, 2024
Date

Board or Commission Chair

Signature

Printed Name

Title

Date

Chief Financial Officer

Jennifer Henry
Signature

Jennifer Henry
Printed Name

Chief Financial Officer
Title

August 16, 2024
Date

2.A. SUMMARY OF BASE REQUEST BY STRATEGY
89th 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 2023	Est 2024	Bud 2025	Req 2026	Req 2027
4 Improve Indigent Defense Practices and Procedures					
1 <i>Improve Indigent Defense Practices and Procedures</i>					
1 INDIGENT DEFENSE	\$57,988,104	\$88,758,990	\$76,625,577	\$87,445,976	\$57,673,520
TOTAL, GOAL 4	\$57,988,104	\$88,758,990	\$76,625,577	\$87,445,976	\$57,673,520
TOTAL, STRATEGY REQUEST	\$57,988,104	\$88,758,990	\$76,625,577	\$87,445,976	\$57,673,520
METHOD OF FINANCING					
General Revenue Funds:					
0001	\$9,458,028	\$58,275,809	\$32,062,480	\$54,922,837	\$25,150,381
SUBTOTAL	\$9,458,028	\$58,275,809	\$32,062,480	\$54,922,837	\$25,150,381
General Revenue Dedicated Funds:					
5073 Fair Defense	\$48,529,882	\$30,483,181	\$44,563,097	\$32,523,139	\$32,523,139
SUBTOTAL	\$48,529,882	\$30,483,181	\$44,563,097	\$32,523,139	\$32,523,139
Other Funds:					
0666 Appropriated Receipts	\$194	\$0	\$0	\$0	\$0
SUBTOTAL	\$194	\$0	\$0	\$0	\$0
TOTAL, METHOD OF FINANCING	\$57,988,104	\$88,758,990	\$76,625,577	\$87,445,976	\$57,673,520

2.B. Summary of Base Request By Method of Finance
89th 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 2023	Est 2024	Bud 2025	Req 2026	Req 2027
GENERAL REVENUE FUND					
0001 General Revenue					
<i>REGULAR APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2022-23 GAA)	\$9,458,028	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$58,275,809	\$32,062,480	\$0	\$0
Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$54,922,837	\$25,150,381
TOTAL General Revenue Fund - 0001	\$9,458,028	\$58,275,809	\$32,062,480	\$54,922,837	\$25,150,381
GENERAL REVENUE FUND - DEDICATED					
5073 GR Dedicated - Fair Defense Account No. 5073					
<i>REGULAR APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2022-23 GAA)	\$47,481,963	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)	\$0	\$37,774,728	\$37,271,550	\$0	\$0
Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$32,523,139	\$32,523,139
<i>TRANSFERS:</i>					
SB30, 88th Leg, Regular Session - 5% Salary Increase	\$9,799	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2022-23 GAA)	(\$10,180,843)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY:</i>					
Art IX, Sec 14.05, UB Authority within the Same Biennium (2022-23 GAA)	\$11,218,963	\$0	\$0	\$0	\$0
Art IX, Sec 14.05, UB Authority within the Same Biennium (2024-25 GAA)	\$0	(\$7,291,547)	\$7,291,547	\$0	\$0
TOTAL GR Dedicated - Fair Defense Account No. 5073	\$48,529,882	\$30,483,181	\$44,563,097	\$32,523,139	\$32,523,139
OTHER FUNDS					
0666 Appropriated Receipts					
<i>REGULAR APPROPRIATIONS:</i>					
	\$0	\$0	\$0	\$0	\$0

Regular Appropriations from MOF Table (2022-23 GAA)

	\$194	0	\$0	\$0	\$0
	\$194	\$0	\$0	\$0	\$0
TOTAL OTHER FUNDS	\$194	\$0	\$0	\$0	\$0
GRAND TOTAL - TIDC	\$57,988,104	\$88,758,990	\$76,625,577	\$87,445,976	\$57,673,520

2.C. Summary of Base Request by Object of Expense
89th 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 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1001 Salaries & Wages	\$1,771,481	\$1,805,107	\$2,425,407	\$2,432,380	\$2,432,380
1002 Other Personnel Costs	\$46,246	\$18,720	\$18,000	\$18,000	\$18,000
2001 Professional Fees & Services	\$1,272	\$979	\$402	\$402	\$402
2003 Consumables	\$2,920	\$455	\$3,545	\$2,000	\$2,000
2004 Utilities	\$1,453	\$980	\$4,400	\$4,400	\$4,400
2005 Travel	\$48,131	\$25,686	\$69,595	\$52,000	\$52,000
2006 Rent- Building	\$225	\$950	\$500	\$500	\$500
2007 Rent-Machine & Other	\$2,595	\$3,586	\$2,000	\$2,000	\$2,000
2009 Other Operating Expense	\$1,071,377	\$1,147,185	\$1,477,979	\$1,449,343	\$1,449,343
4000 Grants	\$55,042,404	\$85,755,342	\$72,623,749	\$83,484,951	\$53,712,495
OOE Total (Excluding Riders)	\$57,988,104	\$88,758,990	\$76,625,577	\$87,445,976	\$57,673,520
OOE Total (Riders)					
Grand Total	\$57,988,104	\$88,758,990	\$76,625,577	\$87,445,976	\$57,673,520

2.E. Summary of Exceptional Items Request
89th 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							
		2026			2027			Biennium	
Priority	Item	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Address Revenue Shortfall	\$6,000,000	\$6,000,000	0.0	\$6,000,000	\$6,000,000	0.0	\$12,000,000	\$12,000,000
2	Reduce Attorney Shortfall	\$4,472,737	\$4,472,737	1.0	\$4,469,056	\$4,469,056	1.0	\$8,941,793	\$8,941,793
3	Operate Family Protection Program	\$23,786,304	\$23,786,304	5.0	\$23,762,499	\$23,762,499	5.0	\$47,548,803	\$47,548,803
4	Funding for New & Expanded PD Offices	\$17,500,000	\$17,500,000	0.0	\$17,500,000	\$17,500,000	0.0	\$35,000,000	\$35,000,000
Total, Exceptional Items Request		\$51,759,041	\$51,759,041	6.0	\$51,731,555	\$51,731,555	6.0	\$103,490,596	\$103,490,596
METHOD OF FINANCING									
	General Revenue	\$51,759,041	\$51,759,041		\$51,731,555	\$51,731,555		\$103,490,596	\$103,490,596
		\$51,759,041	\$51,759,041		\$51,731,555	\$51,731,555		\$103,490,596	\$103,490,596
Full Time Equivalent Positions				6.0				6.0	
Number of 100% Federally Funded FTEs				0.0				0.0	

2.F. Summary of Total Request by Strategy
89th 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	2026 Base	2027 Base	2026 Exceptional	2027 Exceptional	2026 Total Request	2027 Total Request
4 Improve Indigent Defense Practices and Procedures						
1 <i>Improve Indigent Defense Practices and Procedures</i>						
1 INDIGENT DEFENSE	\$87,445,976	\$57,673,520	\$51,759,041	\$51,731,555	\$139,205,017	\$109,405,075
TOTAL, GOAL 4	\$87,445,976	\$57,673,520	\$51,759,041	\$51,731,555	\$139,205,017	\$109,405,075
TOTAL, STRATEGY REQUEST	\$87,445,976	\$57,673,520	\$51,759,041	\$51,731,555	\$139,205,017	\$109,405,075
METHOD OF FINANCING						
General Revenue Funds:						
0001	\$54,922,837	\$25,150,381	\$51,759,041	\$51,731,555	\$106,681,878	\$76,881,936
SUBTOTAL	\$54,922,837	\$25,150,381	\$51,759,041	\$51,731,555	\$106,681,878	\$76,881,936
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	\$87,445,976	\$57,673,520	\$51,759,041	\$51,731,555	\$139,205,017	\$109,405,075
FULL TIME EQUIVALENT POSITIONS:	24.0	24.0	6.0	6.0	30.0	30.0

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

8/16/2024 4:50:48PM

212 Office of Court Administration, 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

Service Categories:

Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Output Measures:						
KEY 1	Number of Site Visits, Trainings, and Reports Issued	109.00	101.00	100.00	100.00	100.00
KEY 2	Percentage of Counties Receiving State Funds for Indigent Defense	98.00 %	98.00 %	98.00 %	98.00 %	98.00 %
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,771,481	\$1,805,107	\$2,425,407	\$2,432,380	\$2,432,380
1002	OTHER PERSONNEL COSTS	\$46,246	\$18,720	\$18,000	\$18,000	\$18,000
2001	PROFESSIONAL FEES AND SERVICES	\$1,272	\$979	\$402	\$402	\$402
2003	CONSUMABLE SUPPLIES	\$2,920	\$455	\$3,545	\$2,000	\$2,000
2004	UTILITIES	\$1,453	\$980	\$4,400	\$4,400	\$4,400
2005	TRAVEL	\$48,131	\$25,686	\$69,595	\$52,000	\$52,000
2006	RENT - BUILDING	\$225	\$950	\$500	\$500	\$500
2007	RENT - MACHINE AND OTHER	\$2,595	\$3,586	\$2,000	\$2,000	\$2,000
2009	OTHER OPERATING EXPENSE	\$1,071,377	\$1,147,185	\$1,477,979	\$1,449,343	\$1,449,343
4000	GRANTS	\$55,042,404	\$85,755,343	\$72,623,749	\$83,484,951	\$53,712,495
TOTAL, OBJECT OF EXPENSE		\$57,988,104	\$88,758,991	\$76,625,577	\$87,445,976	\$57,673,520

Method of Financing:

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

8/16/2024 4:50:48PM

212 Office of Court Administration, 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

Service Categories:

Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1	General Revenue Fund	\$9,458,028	\$58,275,810	\$32,062,480	\$54,922,837	\$25,150,381
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$9,458,028	\$58,275,810	\$32,062,480	\$54,922,837	\$25,150,381
Method of Financing:						
5073	Fair Defense	\$48,529,882	\$30,483,181	\$44,563,097	\$32,523,139	\$32,523,139
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		\$48,529,882	\$30,483,181	\$44,563,097	\$32,523,139	\$32,523,139
Method of Financing:						
666	Appropriated Receipts	\$194	\$0	\$0	\$0	\$0
SUBTOTAL, MOF (OTHER FUNDS)		\$194	\$0	\$0	\$0	\$0
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$87,445,976	\$57,673,520
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$57,988,104	\$88,758,991	\$76,625,577	\$87,445,976	\$57,673,520
FULL TIME EQUIVALENT POSITIONS:		16.4	24.0	24.0	24.0	24.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

212 Office of Court Administration, Texas Judicial Council

GOAL:	4	Improve Indigent Defense Practices and Procedures	
OBJECTIVE:	1	Improve Indigent Defense Practices and Procedures	Service Categories:
STRATEGY:	1	Improve Indigent Defense Practices and Procedures	Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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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:

212 Office of Court Administration, Texas Judicial Council

GOAL: 4 Improve Indigent Defense Practices and Procedures
 OBJECTIVE: 1 Improve Indigent Defense Practices and Procedures Service Categories:
 STRATEGY: 1 Improve Indigent Defense Practices and Procedures Service: 07 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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Four factors affect the strategy: (1) revenue losses; (2) rural attorney shortages; (3) no funding to improve family protection representation; and (4) inadequate funds to assist counties wanting a public defender office.

(1) The Fair Defense Account (GR-D Fund 5073) funds grants to county improve indigent defense systems and the Office of Capital and Forensic Writs (OCFW). Revenue is projected to be \$11-12 million below FY24/25 appropriations to TIDC and OCFW. Annual revenue from the Jury Service Fund has gone from \$6 million to \$0. Annual court cost collections are down about \$4 million from historic levels.

(2) There are about 500 fewer (-27%) indigent defense attorneys in rural Texas compared to 2014; many remaining are older, near retirement, and overburdened. In a 2024 Texas A&M survey of rural county stakeholders, over 71% of respondents said “availability of attorneys” is a significant issue.

(3) SB 2120 (88(R)) expanded TIDC’s duties to include improving family protection representation (FPR), but no funding was provided. FPR is 100% county funded. Spending and quality of representation vary widely across Texas counties. Attorney shortages exist across the state for family representation.

(4) TIDC cannot meet county grant requests with current resources. For FY25, TIDC had to turn away counties seeking TIDC grants to establish and expand rural regional public defender offices due to lack of funds. A recent Texas A&M survey shows about 1/3 of counties would like a rural regional public defender office, but TIDC could not fund them with current resources.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2024 + Bud 2025)	Baseline Request (BL 2026 + BL 2027)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$165,384,568	\$145,119,496	\$(20,265,072)	\$(10,265,072)	Loss of SB 30 Unexpended balances
			\$(10,000,000)	Reduced baseline for 2026-2027 due to decreased revenue generated for the fund.
			\$(20,265,072)	Total of Explanation of Biennial Change

3.B. Rider Revisions and Additions Request

Agency Code: 212	Agency Name: Office of Court Administration	Prepared By: Jennifer Henry	Date: 8/16/2025	Request Level: Baseline
Current Rider Number	Page Number in 2024–2025 GAA	Proposed Rider Language		

1

Performance Measure Targets.

~~2022~~2026 ~~2023~~2027

D. Goal: INDIGENT DEFENSE

D.1.1. Strategy: TX INDIGENT DEFENSE COMM

Output (Volume):

Number of Site Visits, Trainings and Reports Issued	100	100
Percent of Counties Receiving State Grants for Indigent Defense	98%	98%

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 ~~2022~~2026 and \$2,474,370 in fiscal year ~~2023~~2027 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, ~~2022~~2026, 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, ~~2022~~2026 are appropriated to Strategy D.1.1., Texas Indigent Defense Commission, for the

same purpose for the fiscal year beginning September 1, ~~2023~~2027.

- (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.
- (f) Jury Reimbursement to Counties. 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, Sec. 133.122 Allocation of Fees to Jury Service Fund (estimated to be \$0 in fiscal year 2026 and \$0 in fiscal year 2027).

Restoring rider that appropriates the unencumbered balance of Jury Service Fund collections that exceeds \$10,000,000. Revenues have diminished, however, the rider will appropriate the funds in the event any are realized.

Contingency for Behavioral Health Funds. Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related behavioral health funds for the Office of Court Administration in Strategy D.1.1., Texas indigent Defense Commission, in fiscal year ~~2024~~2026 or fiscal year ~~2025~~2027, as identified in Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year ~~2024~~2026 or fiscal year ~~2025~~2027 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

Updating the rider to adjust the years for the 26-27 biennium.

4 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.~~

This rider is largely duplicative of rider (e). Suggest deleting.

19 IV-30 **Public Defender Offices in Rural Areas.** Amounts appropriated above in Strategy D.1.1., Texas Indigent Defense Commission, from General Revenue include \$5,000,000 in the 2024-2025 ~~2026-2027~~ biennium that may only be used for the purpose of ~~conducting an assessment of public defender services and resources in rural areas and~~ providing new public defender services and resources in ~~those~~ rural areas.

The assessment has been completed. Updating the rider to adjust the years for the 24-25 biennium.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
89th 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 2026	Excp 2027
	Item Name: Address Revenue Shortfall		
	Item Priority: 1		
	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	\$6,000,000	\$6,000,000
	TOTAL, OBJECT OF EXPENSE	\$6,000,000	\$6,000,000
METHOD OF FINANCING:			
0001	General Revenue	\$6,000,000	\$6,000,000
	TOTAL, METHOD OF FINANCING	\$6,000,000	\$6,000,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

DESCRIPTION/JUSTIFICATION:

TIDC requests that the 89th Legislature appropriate \$12 million in general revenue to address the revenue shortfall occurring in the Fair Defense Account, GR-Dedicated Fund 5073 (Fund 5073). This exceptional item continues an existing initiative that was established in 2002. Actual collections into Fund 5073 are substantially below the amounts appropriated by the Legislature. Fund 5073 funds both TIDC and the Office of Capital and Forensic Writs (OCFW). Revenue coming into Fund 5073 is well below combined appropriations for TIDC and OCFW because of reduced transfers from the Jury Service Fund and reduced court cost revenues. If this exceptional item is not approved, grants to counties to maintain and improve their indigent defense systems will be reduced.

EXTERNAL/INTERNAL FACTORS:

Per Local Gov't Code sec. 133.122(b), TIDC receives unexpended balances of the Jury Service Fund that exceed \$10 million. Revenues from the Jury Service Fund have historically added about \$6 million per year to GR-D Fund 5073. 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)). Revenue into Fund 5073 from court cost collections is down approximately \$4 million per year compared to FY18, likely due to reduced misdemeanor cases filed and traffic tickets issued. Since all appropriations for OCFW operations come from Fund 5073, increased appropriations to OCFW in recent years have reduced funds available for TIDC operations.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs are anticipated for the foreseeable future unless the existing sources of revenue for Fund 5073 are modified or new sources of revenue are added. These costs represent a combination of ongoing program maintenance and administrative costs.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

<u>2028</u>	<u>2029</u>	<u>2030</u>
\$6,000,000	\$6,000,000	\$6,000,000

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
89th 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 2026	Excp 2027
	Item Name: Address Attorney Shortages		
	Item Priority: 2		
	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:			
1001	Salaries and Wages	\$77,004	\$77,004
2009	Other Operating	\$9,167	\$2,567
4000	GRANTS	\$4,386,566	\$4,389,485
	TOTAL, OBJECT OF EXPENSE	<u>\$4,472,737</u>	<u>\$4,469,056</u>
METHOD OF FINANCING:			
0001	General Revenue	\$4,472,737	\$4,469,056
	TOTAL, METHOD OF FINANCING	<u>\$4,472,737</u>	<u>\$4,469,056</u>
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

DESCRIPTION/JUSTIFICATION:

TIDC requests that the 89th Legislature appropriate \$8,936,700 in general revenue to create a pipeline program using internships, fellowships, and loan repayment assistance for attorneys working in high need areas to reduce chronic public defense attorney shortages. This exceptional item establishes a new initiative in the 2026-27 biennium. There are more than 500 fewer lawyers in rural counties providing representation to indigent defendants and juveniles compared to 2014, and the remaining ones are older, nearing retirement, and carrying excessive numbers of cases. Counties also report severe shortages of attorneys in CPS cases. To address these severe shortages of attorneys serving indigent defendants, children, and parents, TIDC is seeking funds to establish a systemic, ongoing program that includes internships, fellowships, and a loan repayment assistance program. The request includes 1 FTE to implement and operate recruitment programs.

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 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 without an incentive like loan repayment assistance. While experience has shown that exposing law students and new lawyers to rural practice creates interest in moving there, today such efforts are limited and inadequate to address the need for more indigent defense lawyers. 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 is needed to adequately address this critical need.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs are anticipated, at least for the near future. Attorney shortages in public defense are severe and a sustained, multi-year effort is needed to ensure there are adequate numbers of public defense attorneys.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

2028	2029	2030
\$4,469,056	\$4,469,056	\$4,469,056

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
89th 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 2026	Excp 2027
	Item Name: Operate Family Protection Representation Program		
	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:			
1001	Salaries and Wage	\$404,604	\$404,604
2009	Other Operating	\$46,129	\$13,129
4000	Grants	\$23,335,571	\$23,344,766
	TOTAL, OBJECT OF EXPENSE	<u>\$23,786,304</u>	<u>\$23,762,499</u>
METHOD OF FINANCING:			
0001	General Revenue	\$23,786,304	\$23,762,499
	TOTAL, METHOD OF FINANCING	<u>\$23,786,304</u>	<u>\$23,762,499</u>
FULL-TIME EQUIVALENT POSITIONS (FTE):		5.0	5.0

DESCRIPTION/JUSTIFICATION:

TIDC requests that the 89th Legislature appropriate \$47.52 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 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. 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 were appropriated for TIDC to carry out these new duties. This exceptional item includes funding for 5 FTEs to implement and operate the program.

EXTERNAL/INTERNAL FACTORS:

In FY23, Texas counties reported to TIDC spending \$62,780,536 on family protection representation matters. The State currently spends \$0. County per capita spending for fiscal year 2023 ranges from \$0.00 to \$13.99, with 55% of counties reporting spending less than \$2.00 per capita. Statewide per capita spending is \$2.07. For comparison, in fiscal year 2021, per capita spending on family protection representation was the following in these three states: Colorado - \$10.44, New Mexico - \$4.73, and Alabama - \$3.14. Last biennium, the Texas Legislature funded 37% of the budget for Texas CASA, whose volunteers advocate for the child’s best interest in child welfare cases. TIDC is seeking funding equal to 37% of the counties’ cost of providing representation for children and parents in these same types of cases, which equals \$46,457,596 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 to assist counties. These costs represent a combination of ongoing program maintenance and administrative costs.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

2028	2029	2030
\$23,762,499	\$23,762,499	\$23,762,499

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
89th 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 2026	Excp 2027
	Item Name: Funding for New & Expanded Public Defense Offices		
	Item Priority: 4		
	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	\$17,500,000	\$17,500,000
	TOTAL, OBJECT OF EXPENSE	\$17,500,000	\$17,500,000
METHOD OF FINANCING:			
	0001 General Revenue	\$17,500,000	\$17,500,000
	TOTAL, METHOD OF FINANCING	\$17,500,000	\$17,500,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.0	0.0

DESCRIPTION/JUSTIFICATION:

TIDC requests that the 89th Legislature appropriate \$35 million in general revenue to increase TIDC's capacity to fund new and expanded public defense offices. This exceptional item continues TIDC's existing program to provide Improvement Grants to counties to establish public defender offices and managed assigned counsel programs. TIDC has been providing these types of grants since FY2003 and sustainability grants for rural regional public defender offices since FY2020. The 88th Legislature passed a budget rider directing TIDC to conduct a rural public defense needs assessment, which was recently completed by the Public Policy Research Institute at Texas A&M (PPRI). One-third of rural Texas counties without a public defender's office told PPRI they want to move to a public defender office, which would cost approx. \$23.5 million. Additional funds are needed to assist mid-sized and urban counties, as well as counties with low ad valorem tax bases that cannot afford TIDC's matching grant requirements.

EXTERNAL/INTERNAL FACTORS:

More counties want to establish public defender offices because of severe attorney shortages, especially in rural Texas. From 2014 to 2022, the number of indigent defense attorneys in rural Texas fell by over 500 (-27%), from 1,926 to 1,406 attorneys. Over 71% of rural county stakeholders reported in the PPRI survey that "availability of attorneys is a significant issue." Rural regional public defender offices help remedy this problem, attracting attorneys to rural Texas by providing stable, salaried positions that include benefits, training, mentorship, supervision, and eligibility for federal student loan forgiveness. TIDC's grants have been critically important in establishing rural regional public defender offices serving 60 counties for non-capital cases. Unfortunately, for FY 25, TIDC had to turn away counties seeking grants to establish and expand rural regional public defender offices because we did not have enough funding. TIDC needs additional resources to ensure that the State's constitutional and statutory obligations are fulfilled.

DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:

Similar out-year-costs from general revenue are anticipated for the foreseeable future to fund operations for the rural regional public defender offices that are established in FY 26/27. These costs represent ongoing program maintenance costs.

ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:

<u>2028</u>	<u>2029</u>	<u>2030</u>
\$17,500,000	\$17,500,000	\$17,500,000

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE
89th 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 2026	Excp 2027
Item Name: Assist Rural Texas Comply with State and Federal Law			
	Allocation to Strategy:		
		4-1-1	Improve Indigent Defense Practices and Procedures
 OBJECTS OF EXPENSE:			
1001	Salaries and Wages	\$481,608	\$481,608
2009	Other Operating	\$55,296	\$15,696
4000	Grants	\$51,222,137	\$51,234,251
	TOTAL, OBJECT OF EXPENSE	<u>\$51,759,041</u>	<u>\$51,731,555</u>
 METHOD OF FINANCING:			
0001	General Revenue	\$51,759,041	\$51,731,555
	TOTAL, METHOD OF FINANCING	<u>\$51,759,041</u>	<u>\$51,731,555</u>
 FULL-TIME EQUIVALENT POSITIONS (FTE):			
		6.0	6.0

**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 2023	Exp 2024	Exp 2025	Bud 2026	Est 2027
5073 GR Dedicated - Fair Defense Account					
Beginning Balance	\$36,854,944	\$19,974,656	\$22,054,070	\$8,968,953	\$7,923,794
Estimated Revenue:					
3195 - Additional Legal Services Fees	\$2,506,400	\$2,381,957	\$2,400,000	\$2,400,000	\$2,400,000
3704 - Court Costs	\$30,257,795	\$30,334,069	\$31,000,000	\$31,000,000	\$31,000,000
3858 - Bail Bond Surety Fees	\$1,658,117	\$1,728,190	\$1,850,000	\$1,850,000	\$1,850,000
3802 - Appropriated Receipts	\$194	\$0	\$0	\$0	\$0
3972 - Other Cash Transfers Between Funds	\$0	\$1,895,918	\$0	\$0	\$0
Subtotal: Actual/Estimated Revenue	\$34,422,506	\$36,340,134	\$35,250,000	\$35,250,000	\$35,250,000
Total Available	\$71,277,450	\$56,314,790	\$57,304,070	\$44,218,953	\$43,173,794
DEDUCTIONS:					
Expended/Budgeted/Requested - Baseline - TIDC	(48,529,882)	(30,483,181)	(44,563,097)	(32,523,139)	(32,523,139)
Expended/Budgeted/Requested - Baseline - OCW	(1,969,240)	(2,799,566)	(3,163,719)	(3,163,719)	(3,163,719)
Transfer - Employee Benefits - TIDC	(358,813)	(369,672)	0	0	0
Transfer - Employee Benefits - OCW	(444,859)	(608,301)	(608,301)	(608,301)	(608,301)
Total Deductions	(51,302,794)	(34,260,720)	(48,335,117)	(36,295,159)	(36,295,159)
Ending Fund/Account Balance	\$19,974,656	\$22,054,070	\$8,968,953	\$7,923,794	\$6,878,635

Revenue Assumptions:

The Texas Indigent Defense Commission (TIDC) assumed the following in estimating revenue collections: The baseline budget provided by LBB was reduced by approximately \$5 million per year because projected revenue for FY2026/2027 is not enough to cover TIDC's and OCFW's expenditures, including benefits. Collections in FY23/24 have fallen far short of appropriated amounts. While court cost collections have recovered somewhat since COVID, we estimate they will be down \$3-4 million compared to historical levels. TIDC assumes legal services fees (3195) and bail bond surety fees (3858) will remain stable. While some juror pay (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)).

6.J. Summary of Behavioral Health Funding

212

TIDC/OCA	Edwin Colfax
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Date: 8/16/2024

#	Program Name	Service Type (drop down)	Agency Strategies	Summary Description	Target Population(s)	Fund Type	2026-27 Base		2026-27 Baseline Request		2026-27 Exceptional Items		Additional Information				Statewide Strategic Plan Strategies	Methodology / Notes		
							FY 2026 Base	FY 2027 Base	FY 2026 Baseline Request	FY 2027 Baseline Request	FY 2026 Requested	FY 2027 Requested	Requested for Mental Health Services	Requested for Substance Abuse Services	2026 FTEs	2027 FTEs				
1	Grants to Counties for Mental Health Public Defenders	Mental Health Services - Other	D.1.1 Improve Indigent Defense Practices & Procedures	Create/expand mental health public defender or managed assigned counsel programs. Specialized attorneys & 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														
						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	-	-	-	-					0.0	0.0
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				