



*Legislative Appropriations Request*

for Fiscal Years 2024 and 2025

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

by

**TEXAS INDIGENT DEFENSE COMMISSION**

Submitted  
August 5, 2022

## **Administrator's Statement**

The Texas Indigent Defense Commission safeguards liberty by ensuring that Texas and its 254 counties provide counsel as guaranteed by the United States and Texas Constitutions. TIDC oversees, funds, and improves indigent defense throughout the State:

(1) **Oversight** (monitoring 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 performance or 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, and magistrates 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
- Policy – Advise policymakers on legislation and rulemaking

### **LAR Summary**

TIDC requests two exceptional items:

- (1) Appropriate \$50 million in general revenue so rural Texas can comply with state and federal law.
- (2) Allow for six additional TIDC employees.

## **Governing Board**

TIDC operates under the direction of a 13-member Governing Board:

- The Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals – Austin (Chair)
- Mr. Alex Bunin, Chief Public Defender, Harris County Public Defender – Houston
- The Honorable Nicole Collier, State Representative – Fort Worth
- The Honorable Valerie Covey, County Commissioner, Williamson County – Georgetown
- The Honorable Brandon Creighton, State Senator – Conroe
- The Honorable Richard Evans, County Judge, Bandera County – Bandera
- The Honorable Nathan Hecht, Chief Justice, Texas Supreme Court – Austin
- The Honorable Missy Medary, Presiding Judge, Fifth Administrative Judicial Region – Corpus Christi
- The Honorable Sherry Radack, Chief Justice, Texas First Court of Appeals – Houston
- Mr. Gonzalo Rios, Criminal Defense Attorney, Tom Green County – San Angelo
- The Honorable Reggie Smith, State Representative – Van Alstyne
- The Honorable Vivian Torres, Medina County Court at Law Judge (retired) – Hondo
- The Honorable John Whitmire, State Senator – Houston

## Significant Changes

Rural Texas is struggling to meet state and federal law.

- From 2015 to today, the number of indigent defense attorneys in rural Texas fell 25%.
- Over 55% of rural misdemeanor defendants in Texas have no attorney.
- TIDC has helped address this problem by building rural regional defender offices in over 40 counties.

Covid caused significant backlogs and revenue losses.

- General revenue-dedicated funds to the Fair Defense Account fell \$20 million during the pandemic.
- Texas counties accumulated a \$63 million indigent defense backlog during the pandemic.
- The 87th Legislature appropriated \$14 million in American Rescue Plan Act funds to address the backlog.

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—about 1% of the OLS budget—to TIDC for that purpose.
- TIDC anticipates stretching the single-year appropriation to cover the FY22–23 biennium.
- The Department of Public Safety (DPS) projects daily OLS arrests will rise from 12 to 45 this biennium.

## Legislative Appropriations Request

TIDC requests two exceptional items:

- (1) Appropriate \$50 million in general revenue so rural Texas can comply with state and federal law.
  - Rural Texas is struggling to provide defense guaranteed by the U.S. and Texas Constitutions.
  - Dwindling attorney numbers have left half of rural misdemeanor defendants without an attorney.
  - Rural regional defender offices are an effective solution, attracting attorneys to rural areas.
  - Demand for rural regional defender offices is more than double available TIDC funds.
  - With additional funding, TIDC can build rural defender offices in dozens of rural Texas communities.
  
- (2) Allow for six additional TIDC employees.
  - Fewer than 20 TIDC staff oversee, fund, and improve indigent defense in all 254 counties.
  - TIDC requests six additional staff to ensure compliance with state and federal law:
    - Two grants specialists
    - Two fiscal monitors
    - Two policy monitors
  - TIDC requires no additional funds to add these six employees.

## **Office of Capital and Forensic Writs**

TIDC also supports the Office of Capital and Forensic Writs' legislative appropriation request.

### Conclusion

TIDC requests two exceptional items:

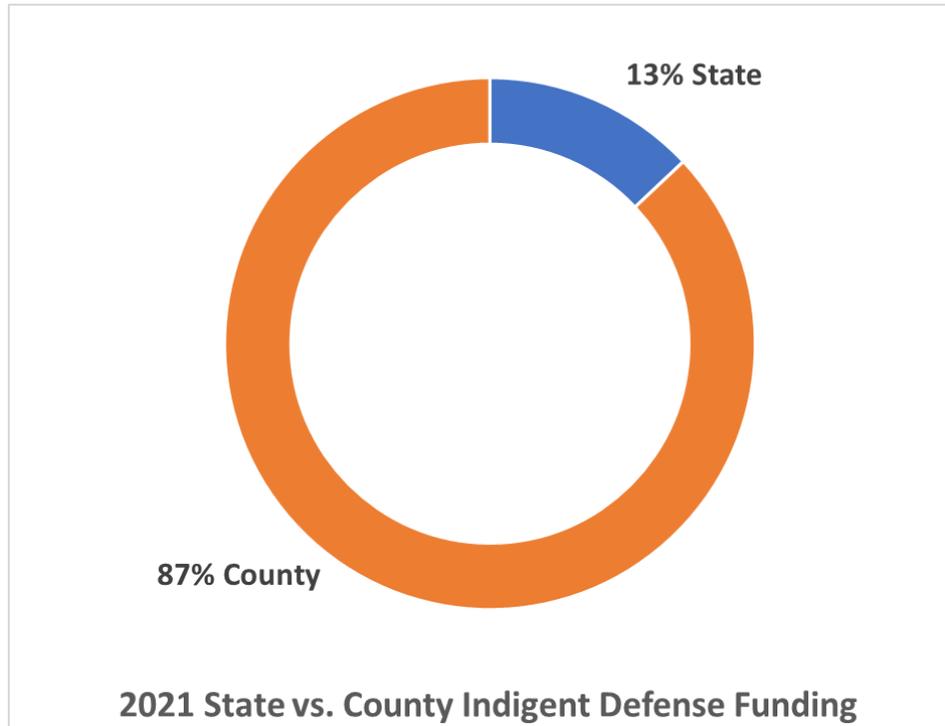
- (1) Appropriate \$50 million general revenue so rural Texas can comply with state and federal law.
- (2) Allow for six additional TIDC employees.

These requests are limited to basic needs, so that Texas can meet its constitutional duties. TIDC staff is happy to discuss this request.

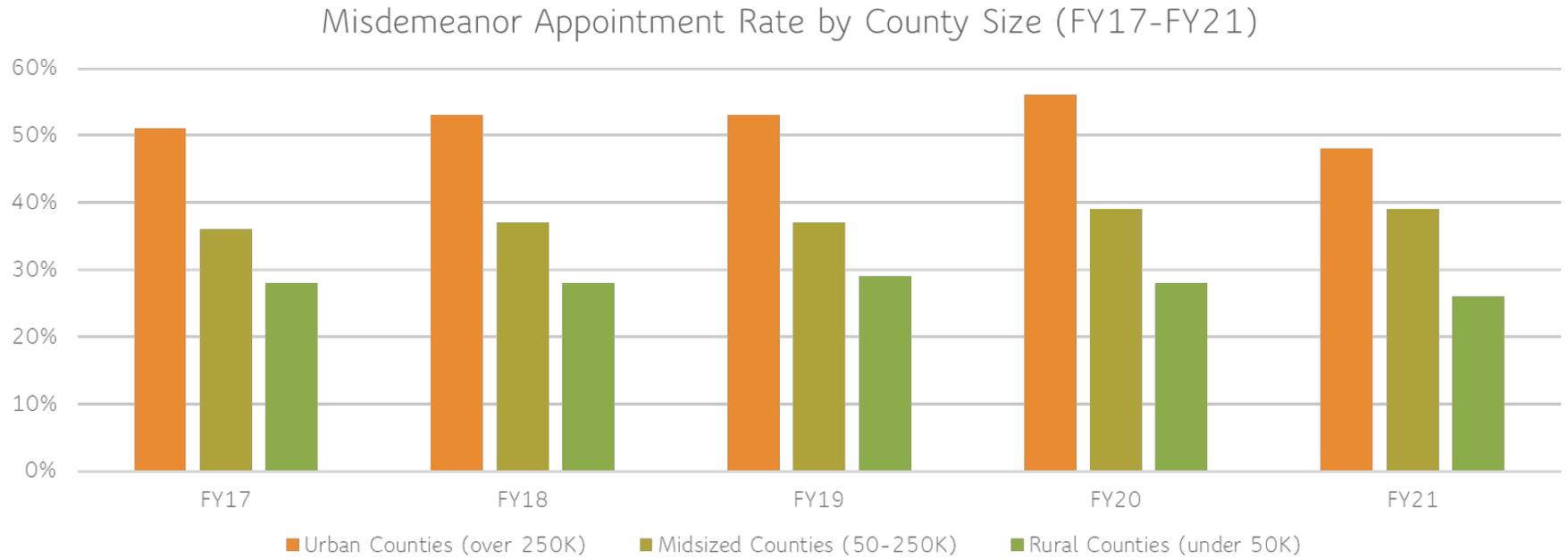
Respectfully submitted,

Geoff Burkhart  
Executive Director, Texas Indigent Defense Commission

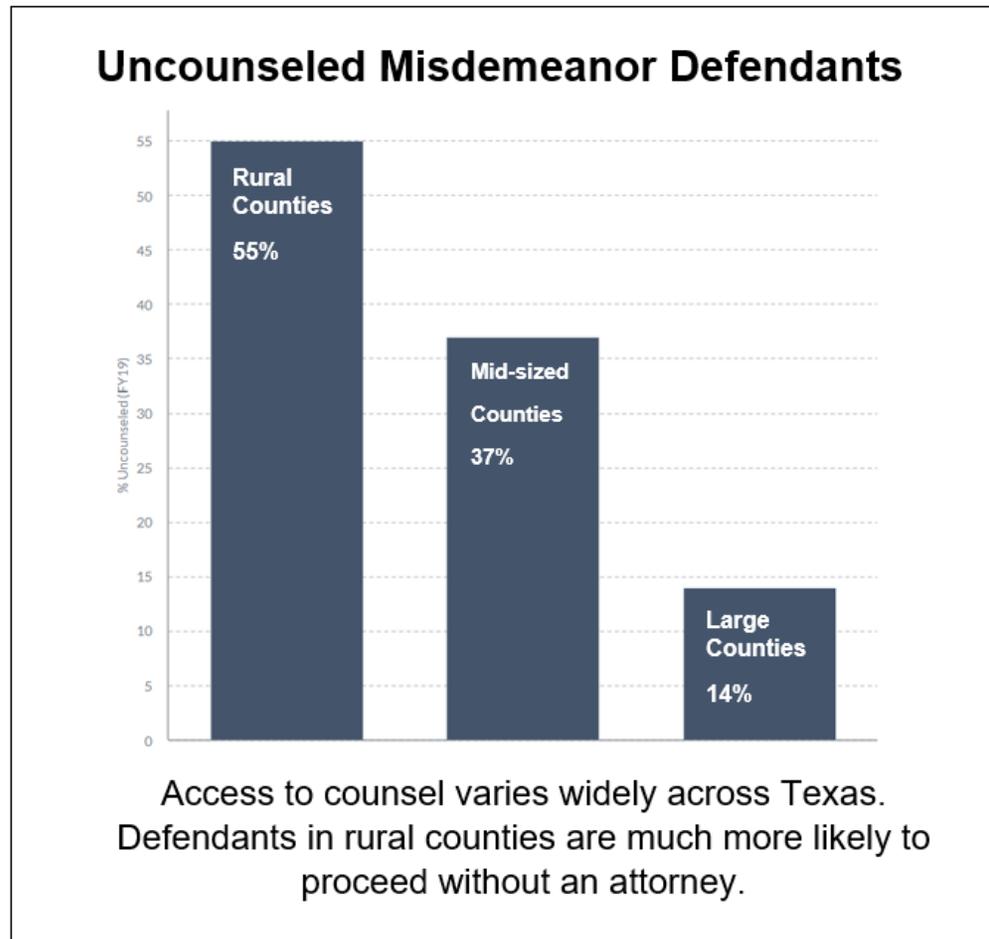
(1) Most of the cost of constitutional defense in Texas is borne by counties.



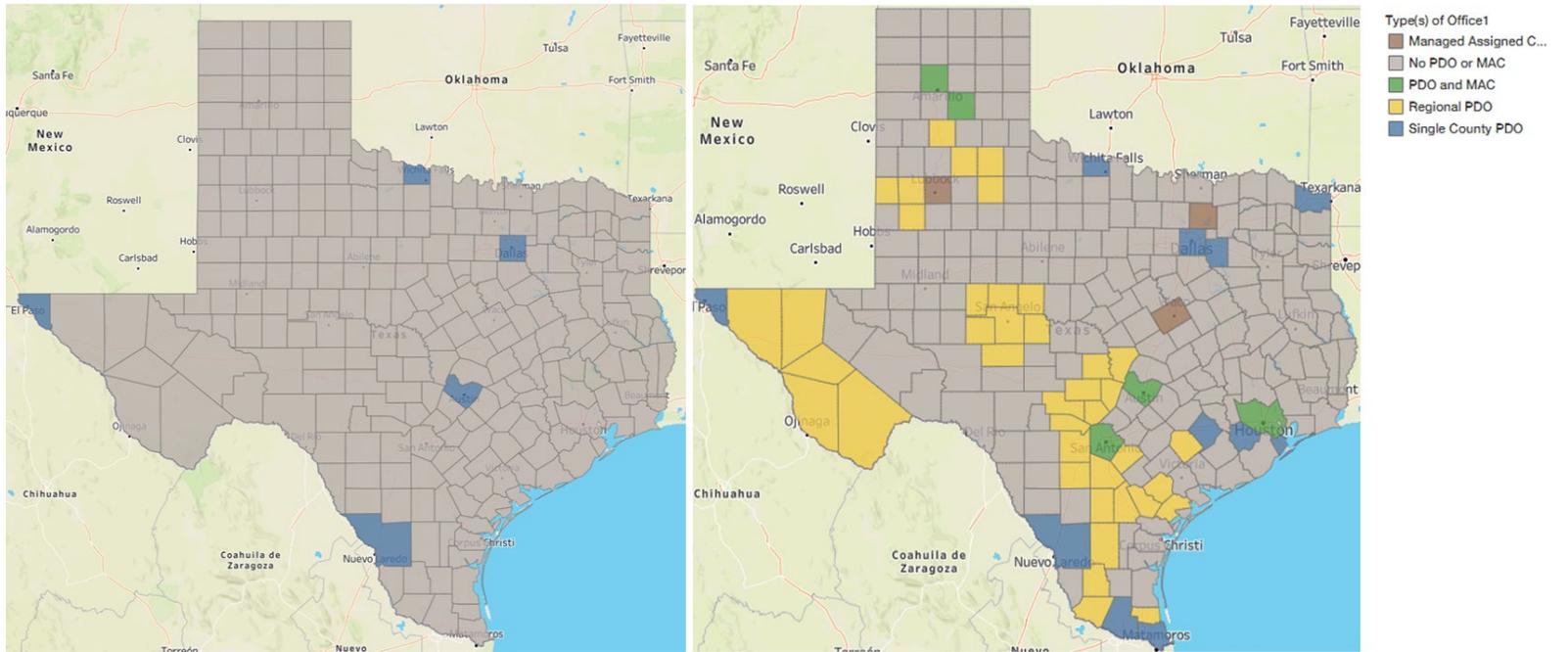
(2) With small tax bases and few attorneys, rural counties cannot meet constitutional demands.



(3) Persons with a constitutional right to an attorney are often unrepresented in rural Texas.

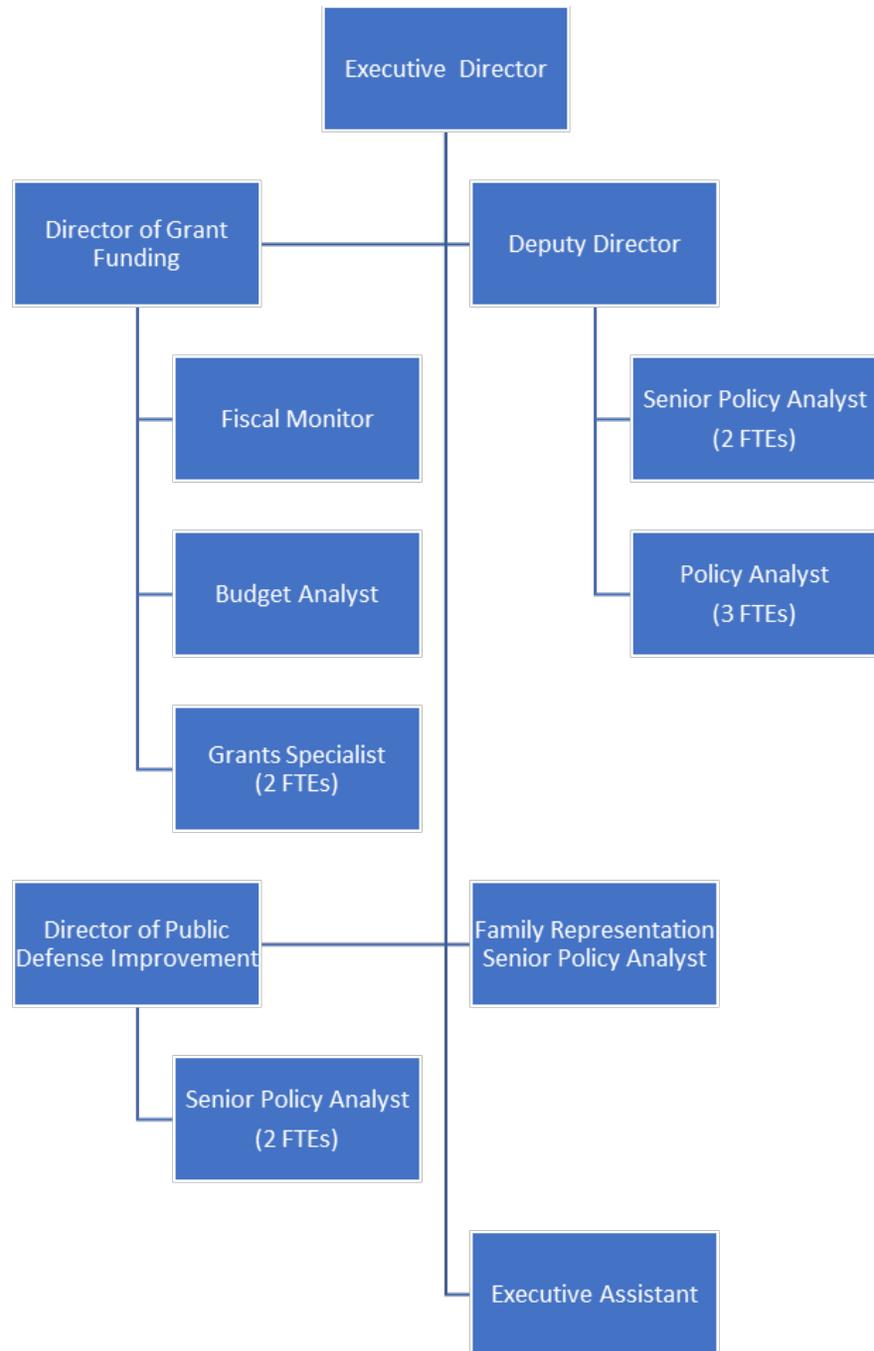


(4) TIDC has helped rural Texas meet state and federal law by building rural defender offices.



Texas Defender Offices Pre-TIDC

Texas Defender Offices Today.



**2.A. SUMMARY OF BASE REQUEST BY STRATEGY**  
88th 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 2021	Est 2022	Bud 2023	Req 2024	Req 2025
4 Improve Indigent Defense Practices and Procedures					
1 Improve Indigent Defense Practices and Procedures					
1 INDIGENT DEFENSE	\$49,700,930	\$67,012,409	\$69,753,525	\$71,810,923	\$41,535,290
TOTAL, GOAL     4	<b>\$49,700,930</b>	<b>\$67,012,409</b>	<b>\$69,753,525</b>	<b>\$71,810,923</b>	<b>\$41,535,290</b>
<b>TOTAL, STRATEGY REQUEST</b>	<b>\$49,700,930</b>	<b>\$67,012,409</b>	<b>\$69,753,525</b>	<b>\$71,810,923</b>	<b>\$41,535,290</b>
<b>METHOD OF FINANCING</b>					
<b>General Revenue Funds:</b>					
0001	\$0	\$13,968,571	\$15,760,389	\$29,728,960	\$0
<b>SUBTOTAL</b>	<b>\$0</b>	<b>\$13,968,571</b>	<b>\$15,760,389</b>	<b>\$29,728,960</b>	<b>\$0</b>
<b>Other Funds:</b>					
0444 CJD Grants	\$18,645	\$0	\$184,912	\$0	\$0
8000 Gov Deficiency Grant	\$0	\$1,945,670	\$0	\$0	\$0
<b>SUBTOTAL</b>	<b>\$18,645</b>	<b>\$1,945,670</b>	<b>\$184,912</b>	<b>\$0</b>	<b>\$0</b>
<b>General Revenue Dedicated Funds:</b>					
5073 Fair Defense	\$49,682,284	\$51,098,168	\$53,808,224	\$42,081,963	\$41,535,290
<b>SUBTOTAL</b>	<b>\$49,682,284</b>	<b>\$51,098,168</b>	<b>\$53,808,224</b>	<b>\$42,081,963</b>	<b>\$41,535,290</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$49,700,929</b>	<b>\$67,012,409</b>	<b>\$69,753,525</b>	<b>\$71,810,923</b>	<b>\$41,535,290</b>

**2.B. Summary of Base Request By Method of Finance**  
88th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

**212 Texas Indigent Defense Commission, Texas Judicial Council**

<b>METHOD OF FINANCE</b>	<b>Exp 2021</b>	<b>Est 2022</b>	<b>Bud 2023</b>	<b>Req 2024</b>	<b>Req 2025</b>
<b>GENERAL REVENUE FUND</b>					
<b>0001</b> General Revenue					
<i>SUPPLEMENTAL, SPECIAL OR EMERGENCY APPROPRIATIONS</i>					
HB 9, Supplemental Appropriations for Operation Lone Star, 2nd Called Special Sessions	\$0	\$29,728,960	\$0	\$29,728,960	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art IX, Sec 14.05, UB Authority within the Same Biennium (2022-23 GAA)		(\$15,760,389)	\$15,760,389	\$0	\$0
<b>TOTAL General Revenue Fund - 0001</b>	<b>\$0</b>	<b>\$13,968,571</b>	<b>\$15,760,389</b>	<b>\$29,728,960</b>	<b>\$0</b>
<b>GENERAL REVENUE FUND - DEDICATED</b>					
<b>5073</b> GR Dedicated - Fair Defense Account No. 5073					
<i>REGULAR APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2020-21 GAA)	\$44,717,856	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2022-23 GAA)	\$0	\$47,481,963	\$47,481,963	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)			\$0	\$47,481,963	\$47,481,963
<i>SUPPLEMENTAL, SPECIAL OR EMERGENCY APPROPRIATIONS</i>					
SB8, Supplemental Appropriations from the Coronavirus State Fiscal Recovery Fund, 3rd called special session	\$0	\$13,942,466	\$0	\$0	
Comments: Transferred from CSFR Fund 0325 directly into Fund 5073					
<i>LAPSED APPROPRIATIONS:</i>					
Regular Appropriations from MOF Table (2020-21 GAA)	(\$5,183,202)	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2022-23 GAA)			(\$4,000,000)		
Regular Appropriations from MOF Table (2024-25 GAA)				0	(\$11,346,673)
<i>UNEXPENDED BALANCES AUTHORITY:</i>					
Art IX, Sec 14.05, UB Authority within the Same Biennium (2020-21 GAA)	\$10,147,631		\$0	\$0	\$0
Art IX, Sec 14.05, UB Authority within the Same Biennium (2022-23 GAA)		(10,326,261)	10,326,261	\$0	\$0
Art IX, Sec 14.05, UB Authority within the Same Biennium (2024-25 GAA)				(\$5,400,000)	\$5,400,000
<b>TOTAL GR Dedicated - Fair Defense Account No. 5073</b>	<b>\$49,682,285</b>	<b>\$51,098,168</b>	<b>\$53,808,224</b>	<b>\$42,081,963</b>	<b>\$41,535,290</b>

**OTHER FUNDS**

**0444** Interagency Contracts - Criminal Justice Grants

Art. IX, Sec 4.02, Grants (2020-21 GAA)

\$18,645                      \$0                      \$0                      \$0                      \$0

Art. IX, Sec 4.02, Grants (2022-23 GAA)

\$0                      0                      \$184,912                      \$0                      \$0

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\$18,645                      \$0                      \$184,912                      \$0                      \$0

**8000** Governor's Disaster/Deficiency/Emergency Grant

Trusted Programs within the Office of the Governor Disaster Grant for  
Operation Lone Star

\$0                      \$1,945,670                      \$0                      \$0                      \$0

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\$0                      \$1,945,670                      \$0                      \$0                      \$0

**TOTAL OTHER FUNDS**

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**\$18,645                      \$1,945,670                      \$184,912                      \$0                      \$0**

**GRAND TOTAL - TIDC**

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**\$49,700,930                      \$67,012,409                      \$69,753,525                      \$71,810,923                      \$41,535,290**

**2.C. Summary of Base Request by Object of Expense**

88th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

**212 Texas Indigent Defense Commission, Texas Judicial Council**

<b>OBJECT OF EXPENSE</b>	<b>Exp 2021</b>	<b>Est 2022</b>	<b>Bud 2023</b>	<b>BL 2024</b>	<b>BL 2025</b>
1001 Salaries & Wages	\$1,126,361	\$1,300,700	\$1,664,996	\$1,664,996	\$1,664,996
1002 Other Personnel Costs	\$28,314	\$16,036	\$17,220	\$17,220	\$17,220
2001 Professional Fees & Services	\$1,227	\$280	\$402	\$402	\$402
2003 Consumables	\$129	\$400	\$3,100	\$3,100	\$3,100
2004 Utilities	\$2,390	\$2,126	\$4,400	\$4,400	\$4,400
2005 Travel	\$2,421	\$12,882	\$72,000	\$102,000	\$52,000
2006 Rent- Building	\$75	\$75	\$620	\$620	\$620
2007 Rent-Machine & Other	\$997	\$2,351	\$3,000	\$3,000	\$3,000
2009 Other Operating Expense	\$853,546	\$957,282	\$1,027,604	\$1,033,604	\$934,276
4000 Grants	\$47,685,470	\$64,720,277	\$66,960,183	\$68,981,581	\$38,855,276
<b>OOE Total (Excluding Riders)</b>	<b>\$49,700,930</b>	<b>\$67,012,409</b>	<b>\$69,753,525</b>	<b>\$71,810,923</b>	<b>\$41,535,290</b>
<b>OOE Total (Riders)</b>					
<b>Grand Total</b>	<b>\$49,700,930</b>	<b>\$67,012,409</b>	<b>\$69,753,525</b>	<b>\$71,810,923</b>	<b>\$41,535,290</b>

**2.F. Summary of Total Request by Strategy**  
88th 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	Base	Base	Exceptional	Exceptional	Total Request	Total Request
4 Improve Indigent Defense Practices and Procedures						
1 Improve Indigent Defense Practices and Procedures						
1 INDIGENT DEFENSE	\$71,810,923	\$41,535,290	\$50,000,000	\$0	\$121,810,923	\$41,535,290
TOTAL, GOAL 4	<b>\$71,810,923</b>	<b>\$41,535,290</b>	<b>\$50,000,000</b>	<b>\$0</b>	<b>\$121,810,923</b>	<b>\$41,535,290</b>
<b>TOTAL, STRATEGY REQUEST</b>	<b>\$71,810,923</b>	<b>\$41,535,290</b>	<b>\$50,000,000</b>	<b>\$0</b>	<b>\$121,810,923</b>	<b>\$41,535,290</b>
<b>METHOD OF FINANCING</b>						
General Revenue Funds:						
0001	\$29,728,960	\$0	\$50,000,000	\$0	\$79,728,960	\$0
SUBTOTAL	<b>\$29,728,960</b>	<b>\$0</b>	<b>\$50,000,000</b>	<b>\$0</b>	<b>\$79,728,960</b>	<b>\$0</b>
General Revenue Dedicated Funds:						
5073 Fair Defense	\$42,081,963	\$41,535,290	\$0	\$0	\$42,081,963	\$41,535,290
SUBTOTAL	<b>\$42,081,963</b>	<b>\$41,535,290</b>	<b>\$0</b>	<b>\$0</b>	<b>\$42,081,963</b>	<b>\$41,535,290</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$71,810,923</b>	<b>\$41,535,290</b>	<b>\$50,000,000</b>	<b>\$0</b>	<b>\$121,810,923</b>	<b>\$41,535,290</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>18.0</b>	<b>18.0</b>	<b>6.0</b>	<b>6.0</b>	<b>24.0</b>	<b>24.0</b>

## STRATEGY D.1.1. TEXAS INDIGENT DEFENSE COMMISSION

### STRATEGY JUSTIFICATION:

The Texas Indigent Defense Commission (TIDC) safeguards liberty by ensuring that Texas and its 254 counties provide counsel as guaranteed by the United States and Texas Constitutions. 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. Specifically, 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; 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 AND INTERNAL FACTORS IMPACTING STRATEGY:

Three factors affect the strategy: (1) underinvestment; (2) revenue loss; and (3) rural attorney shortages.

(1) Texas spends half the national average on indigent defense. Texas's counties bear 87% of the funding burden, which has led to unequal investment and unequal application of the law. While the constitutional right to an attorney applies equally across the State, appointment of counsel varies county-to-county (from 0% to over 90%), often depending on county taxbases.

(2) TIDC is funded through the Fair Defense Account (GR-D 5073), primarily through court cost collections. For several biennia, Fair Defense Account deposits have fallen about 2% annually, driven by decreases in misdemeanor cases filed and traffic tickets issued. During Covid, deposits fell more precipitously, leading to a nearly \$20 million decline in GR-D inflows. The 87th Legislature appropriated \$14 million in American Rescue Plan Act funds to help address this loss. TIDC anticipates additional GR-D losses in the next biennium. Aside from Operation Lone Star, TIDC receives no GR.

(3) From 2015 to today, the number of indigent defense attorneys in rural Texas fell 25%. Over 55% of rural Texas misdemeanor defendants with a constitutional right to counsel have no attorney.

### 3.B. Rider Revisions and Additions Request

<b>Agency Code:</b> 212	<b>Agency Name:</b> Office of Court Administration	<b>Prepared By:</b> Jennifer Henry	<b>Date:</b> 8/5/2022	<b>Request Level:</b> Baseline
<b>Current Rider Number</b>	<b>Page Number in 2022–2023 GAA</b>	<b>Proposed Rider Language</b>		

1

**Performance Measure Targets.**

~~2022~~2024      ~~2023~~2025

**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%

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

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IV-25

#### Texas Indigent Defense Commission (TIDC).

- (a) **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 Code of Criminal Procedure, Art. 102.0045, Fee for Jury Reimbursement to Counties (estimated to be ~~\$5,900,000~~ \$5,900,000 in fiscal year ~~2022~~ 2024 and ~~\$5,900,000~~ \$5,900,000 in fiscal year ~~2023~~ 2025).
- (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~~ 2024 and \$2,474,370 in fiscal year ~~2023~~ 2025 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~~ 2024, 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

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

remaining from the \$600,000 in funds designated for innocence projects as of August 31, ~~2022~~2024 are appropriated to Strategy D.1.1., Texas Indigent Defense Commission, for the same purpose for the fiscal year beginning September 1, ~~2023~~2025.

- (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.

*Updating rider to adjust the years for the 2024-2025 biennium.*

**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 ~~2022~~2024 or fiscal year ~~2023~~2025, 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 ~~2022~~2024 or fiscal year ~~2023~~2025 does not satisfy the requirements of Art. IX, Sec. 10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

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

*Updating the rider to adjust the years for the 24-25 biennium.*

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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.

**4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE**  
**88th Regular Session, Agency Submission, Version 1**  
**Automated Budget and Evaluation System of Texas (ABEST)**

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**212 Texas Indigent Defense Commission, Texas Judicial Council**

CODE	DESCRIPTION	Excp 2024	Excp 2025
	Item Name: Assist Rural Texas Comply with State and Federal Law 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		
<b>OBJECTS OF EXPENSE:</b>			
4000	GRANTS	\$25,000,000	\$25,000,000
	<b>TOTAL, OBJECT OF EXPENSE</b>	\$25,000,000	\$25,000,000
<b>METHOD OF FINANCING:</b>			
0001	General Revenue	\$25,000,000	\$25,000,000
	<b>TOTAL, METHOD OF FINANCING</b>	\$25,000,000	\$25,000,000
<b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>		0.0	0.0

**DESCRIPTION/JUSTIFICATION:**

TIDC requests that the 88th Legislature appropriate \$50 million in general revenue so rural Texas can comply with state and federal law. The United States and Texas Constitutions guarantee the right to an attorney in a criminal case. Today, much of rural Texas is in danger of violating state and federal law, because it cannot deliver on that promise. Between 2015 and today, the number of defense attorneys in rural Texas fell by one-fourth—a loss of nearly 500 attorneys. Now, 55% of rural Texas misdemeanor defendants with a constitutional right to an attorney have no attorney by their side. TIDC has helped to solve this problem by building regional defender offices in 40 rural Texas counties. Appropriating \$50 million will allow TIDC to build and fund rural defender offices in dozens of counties and help ensure rural Texas complies with state and federal law.

**EXTERNAL/INTERNAL FACTORS:**

Average law school debt has risen to over \$160,000 per attorney, making rural private defense practice impractical. Defender offices help remedy this problem, attracting attorneys to rural Texas by meeting their basic needs—salary, benefits, coaching, supervision, and eligibility for federal loan forgiveness. Because rural defender offices benefit counties, attorneys, clients, and the State of Texas, demand for these offices is currently double available TIDC funding.

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**DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:**

Assist rural Texas comply with state and federal law. TIDC wants to build rural defender offices in dozens of counties.

**ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:**

<b>2026</b>	<b>2027</b>	<b>2028</b>
\$25,000,000	\$25,000,000	\$25,000,000

**4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE**  
**88th Regular Session, Agency Submission, Version 1**  
**Automated Budget and Evaluation System of Texas (ABEST)**

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**212 Texas Indigent Defense Commission, Texas Judicial Council**

<b>CODE</b>	<b>DESCRIPTION</b>	<b>Excp 2024</b>	<b>Excp 2025</b>
	Item Name: Authorization of Six additional FTEs		
	Item Priority: 2		
	IT Component: No		
	Anticipated Out-year Costs: No		
	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:**

<b>TOTAL, OBJECT OF EXPENSE</b>	\$0	\$0
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**METHOD OF FINANCING:**

<b>TOTAL, METHOD OF FINANCING</b>	\$0	\$0
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**FULL-TIME EQUIVALENT POSITIONS (FTE):**

6.0	6.0
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**DESCRIPTION/JUSTIFICATION:**

TIDC requests six additional employees. Today, fewer than 20 TIDC staff oversee, fund, and improve indigent defense in all 254 counties. TIDC requests six additional staff:

- (A) two grants specialists to ensure that grant funding is timely and responsibly awarded to remedy constitutional deficiencies;
- (B) two fiscal monitors to ensure accountable and statutorily compliant grant expenditures; and
- (C) two policy monitors to ensure compliance with state and federal law.

TIDC does not require additional funds for these staff, but rather can absorb the salaries into its current budget with minimal effect on grant funding.

**EXTERNAL/INTERNAL FACTORS:**

Historically, TIDC's administrative budget has been 3% to 4% of its overall budget. Adding six staff will maintain this percentage, while allowing TIDC to meet increased demands. County interest in TIDC's Improvement Grant program has grown substantially in recent years. In FY16, TIDC awarded just 16 Improvement Grants. For FY23, TIDC has already awarded 54 Improvement Grants. The volume of applications, grant awards, technical assistance, implementation, and fiscal monitoring have all increased as a result.

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**DESCRIPTION OF ANTICIPATED OUT-YEAR-COSTS:**

No anticipated out-of-year costs. Additional funds not required, salaries can be absorbed in current budget.

**ESTIMATED ANTICIPATED OUT-OF-YEAR COSTS FOR ITEM:**

<b>2026</b>	<b>2027</b>	<b>2028</b>
\$0	\$0	\$0

**4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE**  
**88th Regular Session, Agency Submission, Version 1**  
**Automated Budget and Evaluation System of Texas (ABEST)**

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**212 Texas Indigent Defense Commission, Texas Judicial Council**

<b>CODE</b>	<b>DESCRIPTION</b>	<b>Excp 2024</b>	<b>Excp 2025</b>
Item Name: Assist Rural Texas Comply with State and Federal Law; Addition of 6 FTEs			
	Allocation to Strategy:		
	4-1-1 Improve Indigent Defense Practices and Procedures		
<b>OBJECTS OF EXPENSE:</b>			
	4000 GRANTS	\$25,000,000	\$25,000,000
	<b>TOTAL, OBJECT OF EXPENSE</b>	<u>\$25,000,000</u>	<u>\$25,000,000</u>
<b>METHOD OF FINANCING:</b>			
	0001 General Revenue	\$25,000,000	\$25,000,000
	<b>TOTAL, METHOD OF FINANCING</b>	<u>\$25,000,000</u>	<u>\$25,000,000</u>
<b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>		6.0	6.0

**6.E. Estimated Revenue Collections Supporting Schedule**  
**88th 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 2021	Exp 2022	Exp 2023	Bud 2024	Est 2025
<b>5073 GR Dedicated - Fair Defense Account</b>					
Beginning Balance	\$38,554,826	\$18,722,352	\$13,089,217	\$726,413	\$89,870
<b>Estimated Revenue:</b>					
3195 - Additional Legal Services Fees	\$2,622,783	\$2,630,168	\$2,630,168	\$2,630,168	\$2,630,168
3704 - Court Costs	\$28,134,566	\$29,681,915	\$34,000,000	\$34,000,000	\$34,000,000
3858 - Bail Bond Surety Fees	\$1,737,890	\$1,760,424	\$1,850,000	\$1,850,000	\$1,850,000
3972 - Other Cash Transfers Between Funds	\$0	\$384,357	\$5,900,000	\$5,900,000	\$5,900,000
3971 - ARPA Funds		\$13,942,466			
Subtotal: Actual/Estimated Revenue	\$32,495,239	\$48,399,330	\$44,380,168	\$44,380,168	\$44,380,168
<b>Total Available</b>	<b>\$71,050,065</b>	<b>\$67,121,682</b>	<b>\$57,469,385</b>	<b>\$45,106,581</b>	<b>\$44,470,038</b>
<b>DEDUCTIONS:</b>					
Expended/Budgeted/Requested - Baseline - TIDC	(49,682,284)	(51,098,168)	(53,808,224)	(42,081,963)	(41,535,290)
Expended/Budgeted/Requested - Baseline - OCFW	(1,944,117)	(2,150,710)	(2,150,710)	(2,150,710)	(2,150,710)
Transfer - Employee Benefits - TIDC	(267,665)	(316,000)	(316,000)	(316,000)	(316,000)
Transfer - Employee Benefits - OCFW	(433,647)	(467,587)	(468,038)	(468,038)	(468,038)
<b>Total Deductions</b>	<b>(52,327,713)</b>	<b>(54,032,465)</b>	<b>(56,742,972)</b>	<b>(45,016,711)</b>	<b>(44,470,038)</b>
<b>Ending Fund/Account Balance</b>	<b>\$18,722,352</b>	<b>\$13,089,217</b>	<b>\$726,413</b>	<b>\$89,870</b>	<b>\$0</b>

**Revenue Assumptions:**

Texas Indigent Defense Commission (TIDC) assumed the following in estimating revenue collection:

- \* The Fair Defense Account (GR-D 5073) lost nearly \$20 million in inflows during Covid, including a loss of \$14 million in court cost collections (3704) inflows.
- \* TIDC assumes court cost collections (3704) (approximately 75% of TIDC funding) will continue to slowly recover.
- \* TIDC assumes the multi-biennial trend of 2% annual decline in court costs collections (3704) will continue.
- \* TIDC assumes bail bond surety fees (3858) will remain stable.
- \* TIDC assumes juror pay (3972) will continue to suffer from Covid's impact and its recovery will continue to lag behind the recovery of other GR-D revenues.
- \* Historically, juror pay (3972) has resulted in between \$5.9 and \$6.1 million in GR-D to Fund 5073.
- \* TIDC assumes that state or federal litigation will not require additional indigent defense provisions or expenditures.

TIDC supports OCFW's LAR.

6.J. Summary of Behavioral Health Funding

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TIDC/OCA	Edwin Colfax
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Date: 9/10/2020

#	Program Name	Service Type (drop down)	Agency Strategies	Summary Description	Target Population(s)	Fund Type	2020-21 Base		2022-23 Baseline Request		2022-23 Exceptional Item		Additional Information				Methodology / Notes				
							FY 2020 Base	FY 2021 Base	FY 2022 Baseline Request	FY 2023 Baseline Request	FY 2022 Requested	FY 2023 Requested	Requested for Mental Health Services	Requested for Substance Abuse Services	2021 FTEs	2023 FTEs		Statewide Strategic Plan Strategies			
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 programs in existing public defender offices. 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													Expenditures dependent on counties applying for grants that meet requirements of OCA Budget Rider #18		
						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	-00	-00	-00	-00							
2						GR															
						GR-D															
						FF															
						IAC															
						Other															
						Subtotal	-00	-00	-00	-00	-00	-00	-00								
3						GR															
						GR-D															
						FF															
						IAC															
						Other															
						Subtotal	-00	-00	-00	-00	-00	-00	-00								
4						GR															
						GR-D															
						FF															
						IAC															
						Other															
						Subtotal	-00	-00	-00	-00	-00	-00	-00								
5						GR															
						GR-D															
						FF															
						IAC															
						Other															
						Subtotal	-00	-00	-00	-00	-00	-00	-00								
6						GR															
						GR-D															
						FF															
						IAC															
						Other															
						Subtotal	-00	-00	-00	-00	-00	-00	-00								
<b>Total</b>							<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>-00</b>	<b>-00</b>	<b>-00</b>	<b>-00</b>	<b>0.0</b>	<b>0.0</b>					

**7.B Direct Administrative and Support Schedule  
88th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)**

**212 Texas Indigent Defense Commission, Texas Judicial Council**

**GOAL:** 4 Texas Indigent Defense Commission  
**OBJECTIVE:** 1 Improve indigent defense  
**STRATEGY:** 1 Indigent Defense

**CODE DESCRIPTION**

**Output Measure:**

1 Number of site visits, trainings and reports conducted	106	100	100	100	100
2 Percent of counties receiving state funds	100.00%	98.00%	98.00%	98.00%	98.00%

<b>Object of Expense:</b>		<b>Exp 2021</b>	<b>Est 2022</b>	<b>Bud 2023</b>	<b>Req 2024</b>	<b>Req 2025</b>
1001	Salaries & Wages	\$1,126,361	\$1,300,700	\$1,664,996	\$1,664,996	\$1,664,996
1002	Other Personnel Costs	\$28,314	\$16,036	\$17,220	\$17,220	\$17,220
2001	Professional Fees & Services	\$1,227	\$280	\$402	\$402	\$402
2003	Consumables	\$129	\$400	\$3,100	\$3,100	\$3,100
2004	Utilities	\$2,390	\$2,126	\$4,400	\$4,400	\$4,400
2005	Travel	\$2,421	\$12,882	\$72,000	\$102,000	\$52,000
2006	Rent- Building	\$75	\$75	\$620	\$620	\$620
2007	Rent-Machine & Other	\$997	\$2,351	\$3,000	\$3,000	\$3,000
2009	Other Operating Expense	\$129,851	\$224,051	\$334,276	\$340,276	\$334,276
<b>Total</b>	<b>Object of Expense</b>	<b>\$1,291,765</b>	<b>\$1,558,901</b>	<b>\$2,100,014</b>	<b>\$2,136,014</b>	<b>\$2,080,014</b>
<b>Method of Financing:</b>						
0001	General Revenue	\$0	\$81,675	\$231,000	\$231,000	\$0
5073	Fair Defense	\$1,291,765	\$1,477,226	\$1,869,014	\$1,905,014	\$2,080,014
<b>Subtotal</b>	<b>MOF</b>	<b>\$1,291,765</b>	<b>\$1,558,901</b>	<b>\$2,100,014</b>	<b>\$2,136,014</b>	<b>\$2,080,014</b>
<b>Total</b>	<b>MOF, Including Riders</b>	<b>\$1,291,765</b>	<b>\$1,558,901</b>	<b>\$2,100,014</b>	<b>\$2,136,014</b>	<b>\$2,080,014</b>
<b>Total</b>	<b>MOF, Excluding Riders</b>	<b>\$1,291,765</b>	<b>\$1,558,901</b>	<b>\$2,100,014</b>	<b>\$2,136,014</b>	<b>\$2,080,014</b>
<b>Full Time Equivalent Positions:</b>		11.9	18.0	18.0	18.0	18.0