

LEGISLATIVE BUDGET BOARD

Financing the Judiciary in Texas

Legislative Primer

SUBMITTED TO THE 84TH TEXAS LEGISLATURE

FOURTH EDITION

LEGISLATIVE BUDGET BOARD STAFF

JULY 2014



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INTRODUCTION

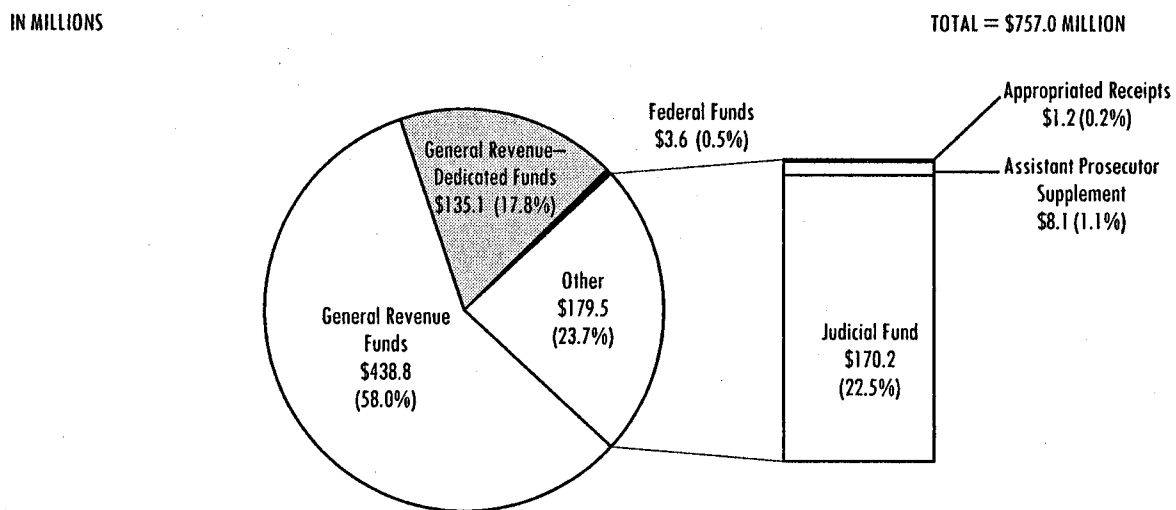
This primer describes the state's court system and reviews the different state funding and revenue sources for each area of the Judiciary. References to appropriated funds reflect the amounts in the Eighty-third Legislature, Regular Session, 2013, General Appropriations Act (GAA) for the 2014–15 biennium. All funding appropriated by the Eighty-third Legislature, whether for district or appellate courts, prosecutors, judicial retirement benefits, juror pay, or judicial agencies, is detailed in this report. This report also reviews court costs and fees the Judiciary is authorized to impose and how much revenue is generated from collection of those costs and fees.

The Eighty-third Legislature appropriated \$757.0 million in All Funds to the Judiciary for the 2014–15 biennium, which represents less than 0.4 percent of all state appropriations. As **Figure 1** shows, General Revenue Funds are the primary source of funding (also referred to as methods of finance) for the Judiciary, accounting for \$438.8 million, or 58.0 percent. Other Funds, including the Judicial Fund, compose the next largest portion of judiciary funding at \$179.5 million, or 23.7 percent. Amounts in **Figure 1** do not include \$17.2 million in Interagency Contracts, which consist of (1) Federal

Funds from the Office of the Attorney General for child support specialty court contracts, including administration (\$9.3 million), (2) grants from the Compensation to Victims of Crime Account for basic civil legal services for indigent victims of crime (\$5.0 million), and (3) grants from the Criminal Justice Division of the Governor's Office to the Special Prosecution Unit headquartered in Huntsville for prosecution of crimes committed in facilities of the Texas Department of Criminal Justice (\$2.9 million). General Revenue–Dedicated Funds, including the Fair Defense Account, the Judicial and Court Personnel Training Fund, and the new Statewide Electronic Filing System Fund, total \$135.1 million, or 17.8 percent of funding. Federal Funds, the smallest funding portion at less than 1.0 percent, total \$3.6 million.

Figure 2 shows the Judiciary's appropriations by function for the 2014–15 biennium. The largest appropriation by function is for district judge salaries and payments at \$142.9 million, followed by operating expenses for the appellate courts at \$98.5 million, judicial retirement costs at \$81.6 million, and prosecutor salaries and payments at \$81.5 million.

FIGURE 1
JUDICIARY APPROPRIATIONS BY METHOD OF FINANCE, 2014–15 BIENNIUM

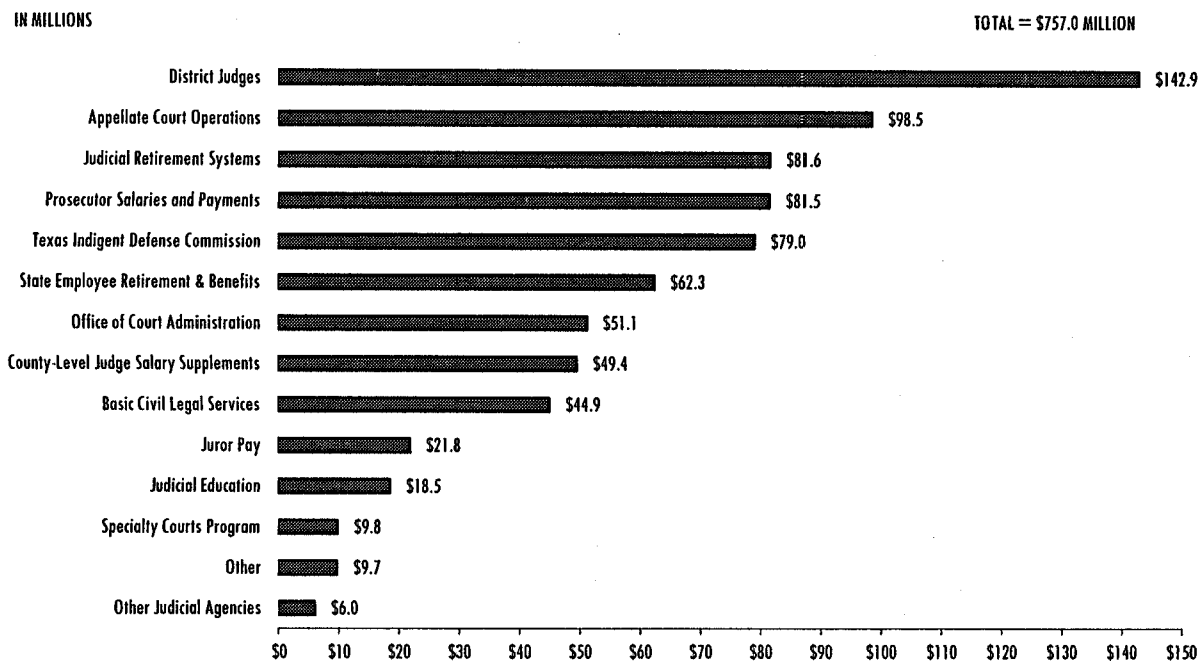


NOTES:

- (1) General Revenue–Dedicated Funds include the Fair Defense Account (\$81.1 million), the Statewide Electronic Filing System Account (\$35.4 million), and the Judicial and Court Personnel Training Account (\$18.5 million).
- (2) Amounts do not include Interagency Contracts from the Office of the Attorney General (\$14.3 million) and Criminal Justice Division Grants (\$2.9 million).

Source: Legislative Budget Board.

**FIGURE 2
APPROPRIATIONS FOR THE JUDICIARY, 2014–15 BIENNIUM**



NOTE: Amounts do not include Interagency Contracts from the Office of the Attorney General (OAG) for the Specialty Courts Program, including other administrative costs at the Office of Court Administration (\$9.3 million), an OAG grant for the Basic Civil Legal Services Program from the Compensation to Victims of Crime Account (\$5.0 million) and Criminal Justice Division Grants to the Special Prosecution Unit (\$2.9 million).
SOURCE: Legislative Budget Board.

OVERVIEW OF TEXAS COURT SYSTEM STRUCTURE

A constitutional amendment in 1891 established the initial structure of the Texas court system. The current judicial structure is composed of appellate courts, district courts, county-level courts, justice of the peace courts, and municipal courts. (See **Figure 3** for information regarding the court structure of Texas.)

APPELLATE COURTS

The state’s appellate courts include the Supreme Court of Texas, the Court of Criminal Appeals, and the 14 Courts of Appeals. The Supreme Court of Texas consists of nine justices and is the state’s highest court in civil and juvenile matters. The Court of Criminal Appeals contains nine judges and is the final authority in criminal cases. The 14 Courts of Appeals have intermediate appellate jurisdiction in both civil and criminal cases. A chief justice and any number from 2 to 12 additional justices, as authorized by the Texas Legislature, preside over each court of appeals. As of September 2013, there were 80 justices on the 14 Courts of Appeals. **Figure 4** shows the geographic locations and primary seats for the 14 Courts of Appeals.

DISTRICT COURTS

Under the 14 Courts of Appeals, as of September 1, 2013, there were 457 district courts that serve one or more counties. The district courts each have one judge. The Texas Government Code, Section 74.042, establishes nine administrative judicial regions in Texas, each with a single presiding judge designated by the Governor (see **Figure 5**). The presiding judge of a judicial region is responsible for: promulgating and implementing regional rules of administration; advising local judges on judicial management; recommending changes to the Supreme Court of Texas for the improvement of administration; and acting for local administrative judges in their absence.

District courts serve as the primary trial courts in the state. Most district courts handle both criminal and civil cases. In metropolitan areas, the state district courts tend to specialize in criminal, civil, or family law matters. In a few locations, courts that serve primarily a criminal jurisdiction are designated as “criminal district courts.” A limited number of district courts in the state are also assigned jurisdiction over subject matter normally handled by county courts.

**FIGURE 3
COURT STRUCTURE OF TEXAS AS OF SEPTEMBER 1, 2013**

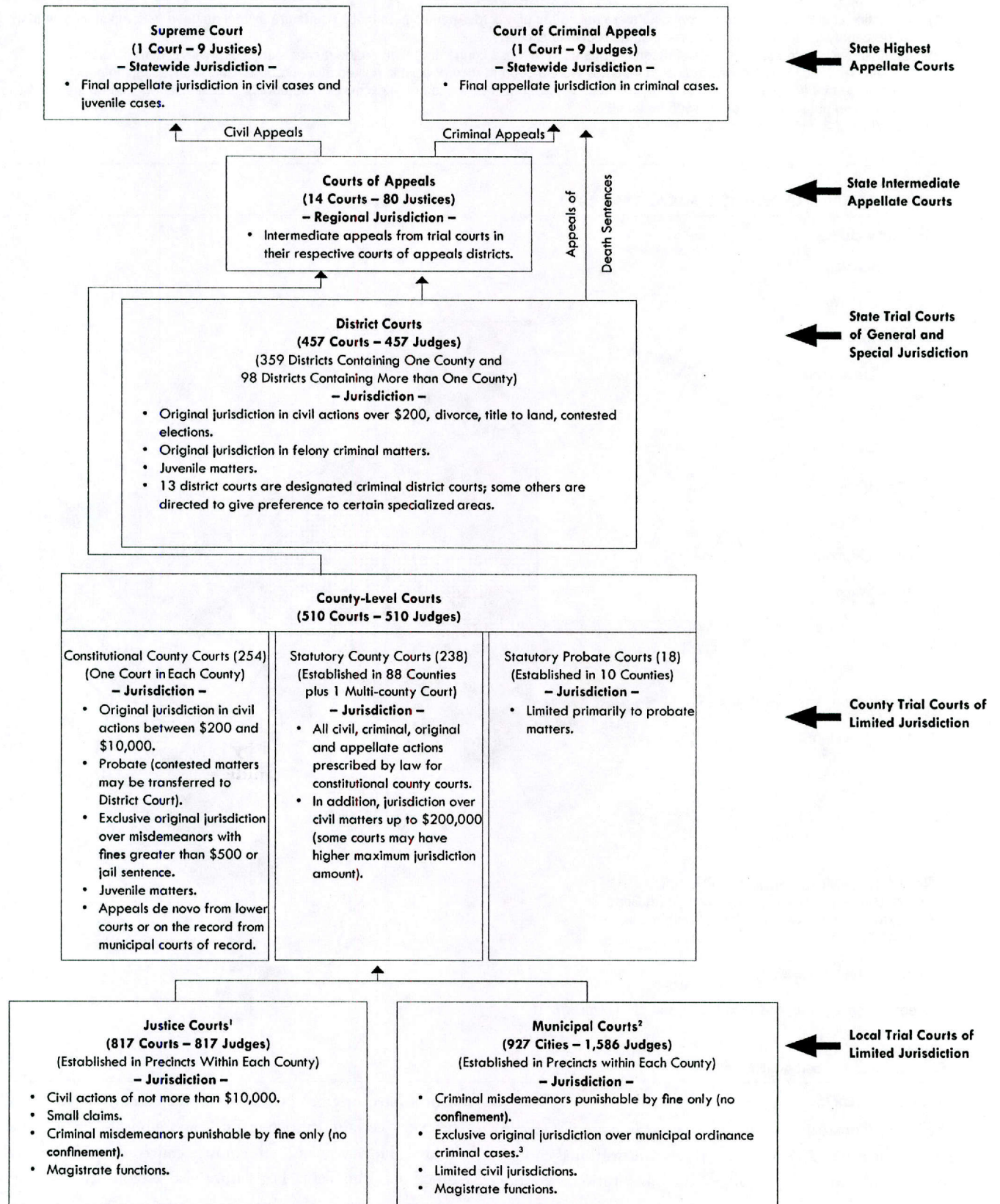


FIGURE 3 (CONTINUED)
COURT STRUCTURE OF TEXAS AS OF SEPTEMBER 1, 2013

NOTES:

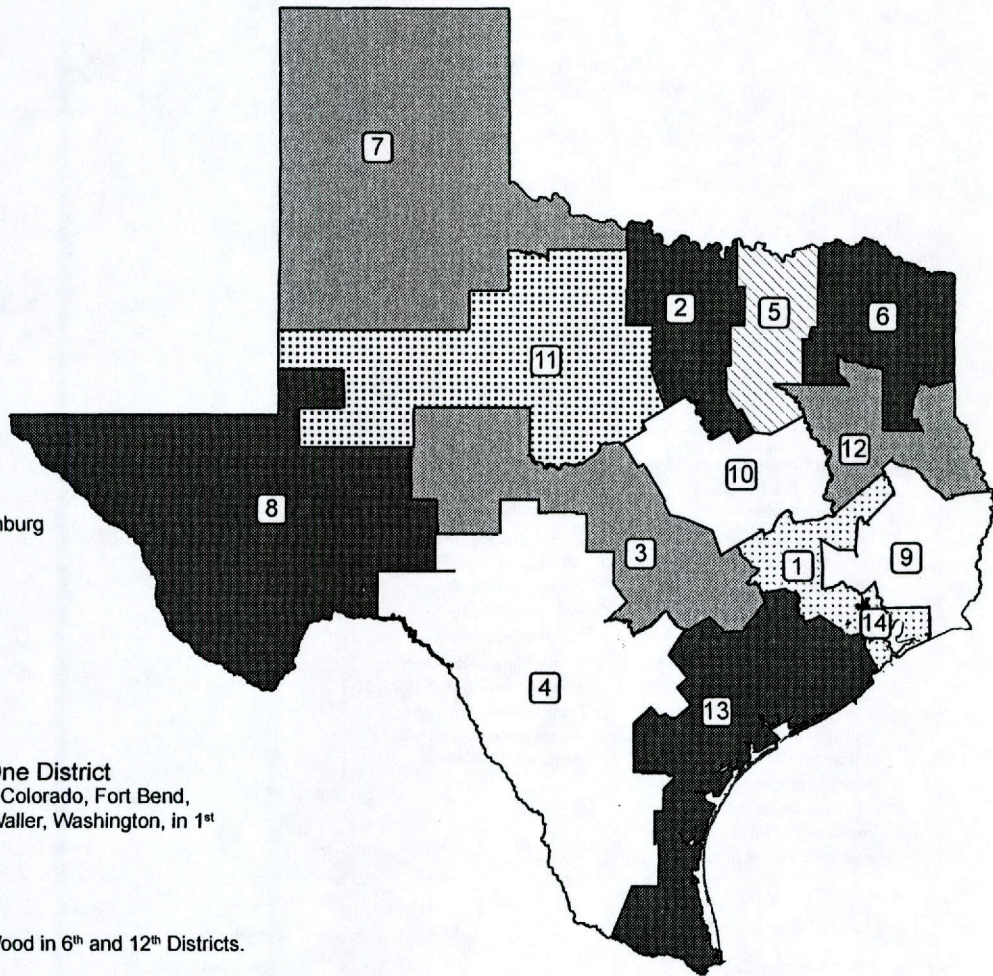
- (1) All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial de novo (a completely new trial) in the county-level courts and in some instances in district courts.
- (2) Some municipal courts are courts of record—appeals from those courts are taken on the record to the county-level courts. As of September 1, 2013, 151 courts indicated that they were a court of record; a list is posted at www.courts.state.tx.us/oca/judinfo.asp
- (3) An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health; or (2) \$500 for all others.

SOURCE: Office of Court Administration.

FIGURE 4
COURTS OF APPEALS DISTRICTS, FISCAL YEAR 2013

Primary Seats

- 1st – Houston
- 2nd – Fort Worth
- 3rd – Austin
- 4th – San Antonio
- 5th – Dallas
- 6th – Texarkana
- 7th – Amarillo
- 8th – El Paso
- 9th – Beaumont
- 10th – Waco
- 11th – Eastland
- 12th – Tyler
- 13th – Corpus Christi–Edinburg
- 14th – Houston



Counties in More than One District
 Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Waller, Washington, in 1st and 14th Districts.

Hunt in 5th and 6th Districts.

Gregg, Rusk, Upshur, and Wood in 6th and 12th Districts.

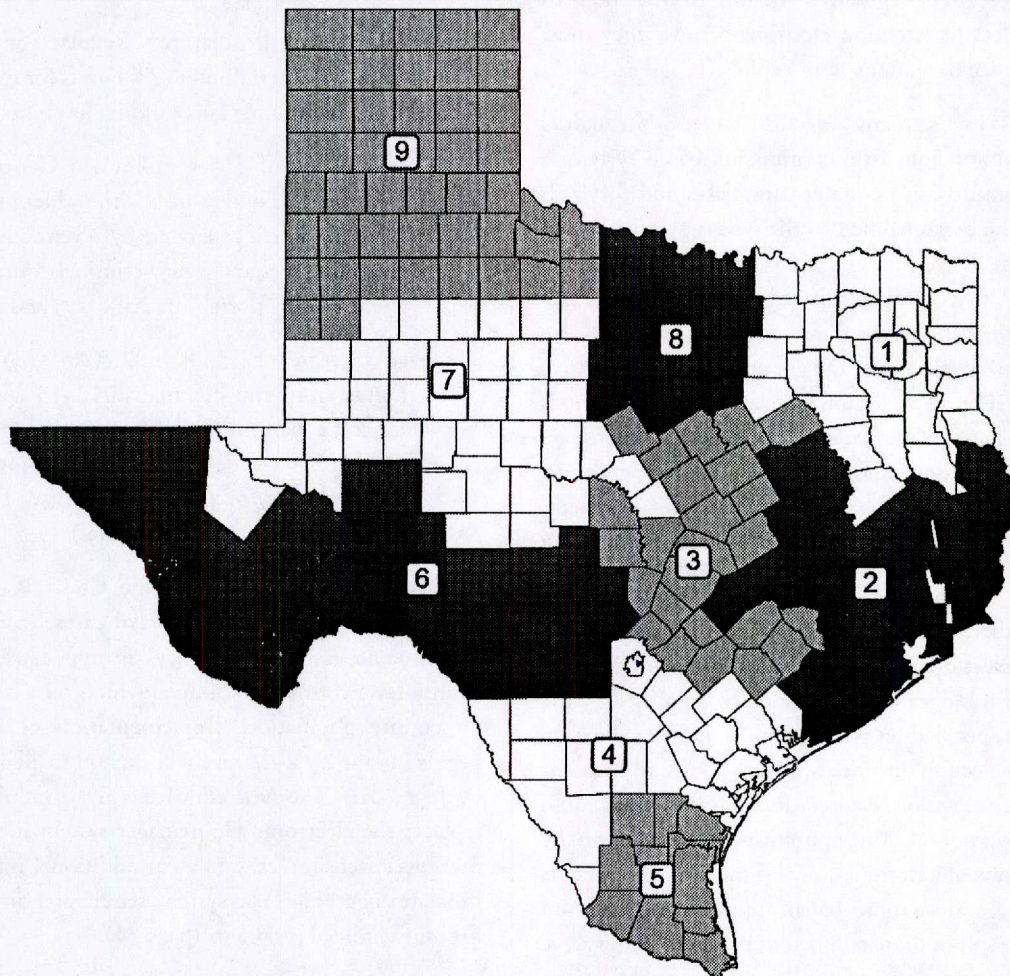
SOURCE: Office of Court Administration.

COUNTY COURTS

The Texas Constitution establishes a single county court in each of the state's 254 counties. These constitutional county courts each have a single judge. The constitutional county

courts have original jurisdiction over certain civil actions, probate, certain misdemeanors, and appeals from lower courts. However, not all county courts exercise judicial functions. The Texas Legislature also established statutory

FIGURE 5
THE NINE ADMINISTRATIVE JUDICIAL REGIONS, 2014–15 BIENNIUM



NOTE: Numbers and shading on map indicate the geographical areas of the First through the Ninth Administrative Judicial Regions.
 SOURCE: Office of Court Administration.

county courts (primarily in metropolitan areas) to relieve the county judges of some or all of the judicial duties of their office. These statutory courts include 238 county courts at law in 88 counties, one multicounty court at law serving three counties, and 18 statutory probate courts in 10 counties.

LOCAL TRIAL COURTS

Justice of the peace courts have original jurisdiction in criminal cases that are punishable by fine or where there is no jail time. They also function as a small claims court and have jurisdiction over forcible entry and eviction actions. The Texas Constitution authorizes from one to eight justice precincts per county. The number of justices is determined

by population size. As of September 2013, Texas had 817 justice courts.

The Constitution also authorizes the establishment of municipal courts. As of September 2013, there were 1,586 municipal courts operating in 927 cities throughout Texas. Municipal courts have original jurisdiction over criminal violations of city ordinances, resolutions, and orders of joint boards that govern local airports.

JUDICIAL SELECTION IN TEXAS

Texas is one of seven states that select its judges through partisan elections, in which the candidate's party affiliation is listed on the ballot in the general election. However, in Texas many appellate and district judges first assume the bench

when appointed by the Governor to fill a judicial vacancy. Gubernatorial appointments are subject to Senate approval during the subsequent legislative session. Also, appointed judges are subject to retention elections because they must run for office once the judge's term expires.

Thirteen states use a merit selection process through a nomination commission. In a commission-based system, a nominating commission evaluates candidates and forwards the names of the best-qualified to the governor, who makes an appointment. Eleven other states select judges through a combination of commission-based appointments and partisan or nonpartisan elections. Selection systems also include nonpartisan elections, and gubernatorial or legislative appointments (**Figure 6** shows judicial selection methods used by the states). Within these categories, there are considerable variations among the states. For example, although Alabama overall has a partisan election system, eight counties within the state use a judicial nominating commission.

In the past, there have been proposals that could have changed the election system in Texas to a merit-based retention system. Judges would be initially appointed by the Governor for a specified term, and then would be subject to a nonpartisan election in which voters could approve or reject the judge's retention. An iteration of this method could include the Governor selecting appointments based upon the recommendations of a nomination commission. Proponents for a merit-based system argue that an appointment-retention system would result in more competent judges to better serve the public, who often are not familiar with the qualifications of judicial candidates. Proponents also note that requiring judges to run for office runs the risk of making the judges beholden to the donors making campaign contributions. Despite these concerns, defenders of Texas' elective system say it is the best means of holding judicial officers accountable for their decisions.

HB 2772 – Interim Committee on Judicial Selection. The enactment of House Bill 2772, Eighty-third Legislature, Regular Session, 2013, establishes a joint interim committee to review, study, and make recommendations regarding the state method for selecting judges (statutory county court judges; district judges; and appellate court justices and judges). The committee is required to report their findings to the Eighty-fourth Legislature by January 6, 2015.

SIGNIFICANT ACTIONS OF THE EIGHTY-THIRD LEGISLATURE

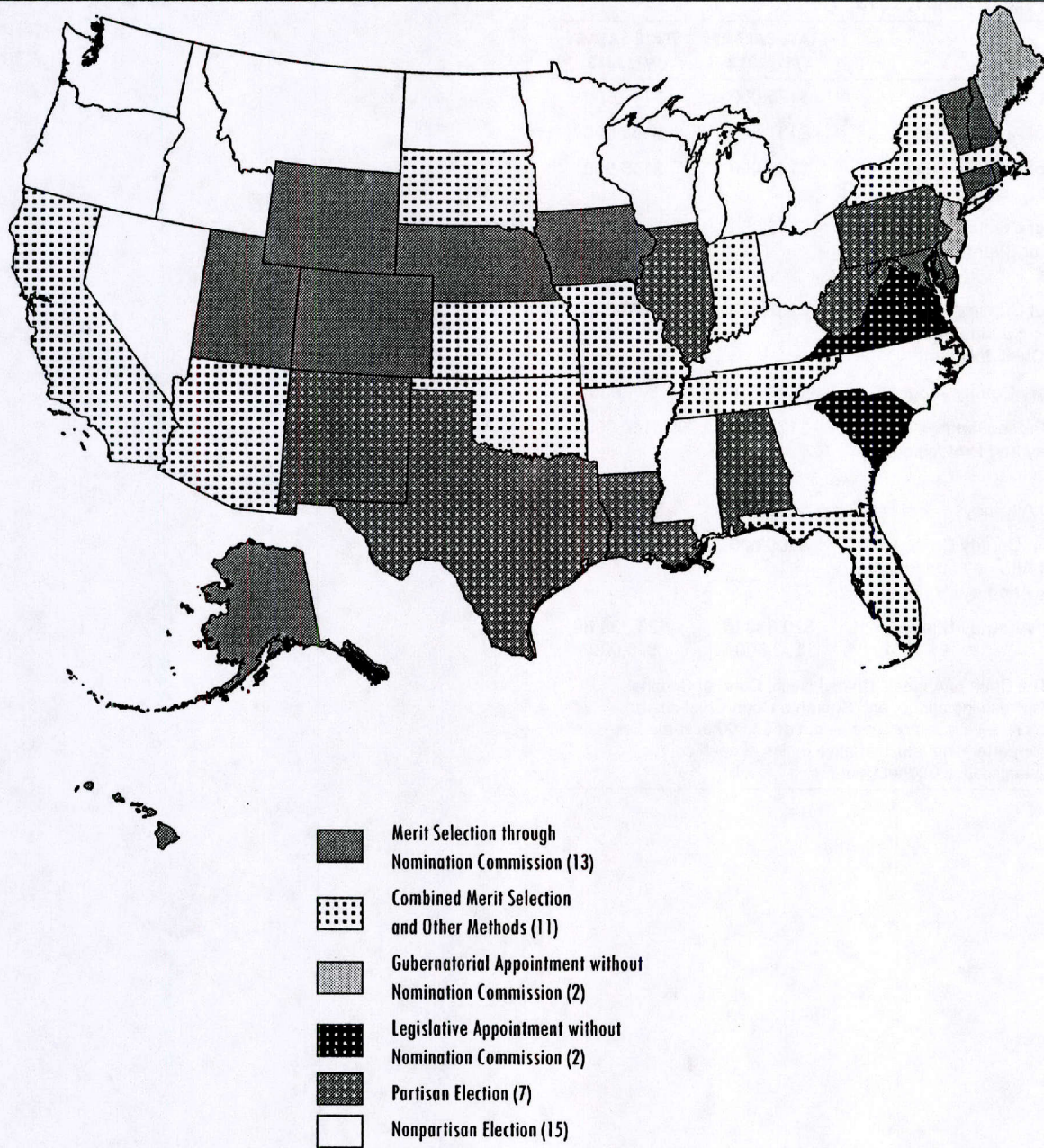
The Eighty-third Legislature, Regular Session, 2013, appropriated \$757.0 million in All Funds for the Judiciary in the 2014–15 biennium. This funding level includes:

- an increase of \$35.4 million in General Revenue–Dedicated Funds from the biennial 2012–13 spending levels generated by revenue from two new civil filing fees and a new criminal court cost to fund a new e-filing portal for civil cases; and
- an increase of \$34.8 million in General Revenue Funds from the biennial 2012–13 spending levels for a 12 percent judicial pay raise for judges and prosecutors whose salaries are statutorily linked to the state salary of a district judge (see **Figure 7** for a schedule showing linked salaries).

In December 2012, the Supreme Court issued an order mandating electronic filing of civil cases, including family and probate cases, by attorneys in appellate, district, and county-level courts to be implemented on a schedule based on county population. Implementation of this mandate begins in January 2014 and will expand to all Texas counties by July 2016. The new eFileTexas is an online portal that replaces the electronic file manager system included within the state's website Texas.gov. For additional information on the state's new eFileTexas system, see chapter on state funding for other judicial programs (page 31).

For additional information on positions linked to the state salary of a district judge, including statutory references, local supplements, and minimum or maximum total pay from state and local sources, see chapters on appellate court (page 9), trial court (page 17), and prosecutor funding (page 25) or Appendix F: Judicial Salaries (page 83).

FIGURE 6
JUDICIAL SELECTION METHODS BY STATE, AS OF SEPTEMBER 1, 2013



NOTE: See the American Judicature Society website for additional information about the variations in each state's judicial selection method.
 SOURCE: American Judicature Society, www.judicialselection.us.

FIGURE 7
SALARY SCHEDULE FOR POSITIONS
LINKED TO THE STATE SALARY OF A DISTRICT JUDGE
AS OF SEPTEMBER 1, 2013

POSITION	STATE SALARY 8/31/2013	STATE SALARY 9/1/2013
District Judge	\$125,000	\$140,000
Court of Appeals Justice	\$137,500	\$154,000
Court of Appeals Chief Justice	\$140,000	\$156,500
Court of Criminal Appeals Judge or Supreme Court Justice	\$150,000	\$168,000
Court of Criminal Appeals Presiding Judge or Supreme Court Chief Justice	\$152,500	\$170,500
Statutory County Judge	\$75,000	\$84,000
State Prosecuting Attorney and Professional Prosecutors	\$125,000	\$140,000
District Attorneys	\$100,000	\$112,000
Jackson County Criminal District Attorney and Fayette County Attorney	\$100,000	\$112,000
County Attorney Supplement	\$20,833 to \$62,500	\$23,333 to \$70,000

NOTE: The Court of Appeals Chief Justice, Court of Criminal Appeals Presiding Judge, and Supreme Court Chief Justice positions receive a salary supplement of \$2,500 over the base salary for performing administrative duties at each court.

SOURCE: Legislative Budget Board.

STATE FUNDING FOR APPELLATE COURT OPERATIONS

The appellate system in Texas contains these components:

- a Supreme Court with final appellate jurisdiction in civil and juvenile cases;
- a Court of Criminal Appeals with final appellate jurisdiction for criminal cases; and
- 14 Courts of Appeals, the intermediate appellate courts for civil and criminal appeals from the trial courts.

Appellate courts review the actions and decisions of lower courts on questions of law or allegations of procedural error. These courts do not hear direct evidence, determine the facts of cases, or have juries. Appellate reviews are usually restricted to the evidence and exhibits presented in the trial court.

THE SUPREME COURT

The Supreme Court of Texas was established in 1845 and is composed of a Chief Justice and eight other justices. The court has statewide final appellate jurisdiction in civil and juvenile cases. It is also charged with original jurisdiction to issue writs and has final jurisdiction over the involuntary retirement or removal of judges. Its members are elected to staggered six-year terms in statewide elections with vacancies subject to Governor appointment and Senate confirmation.

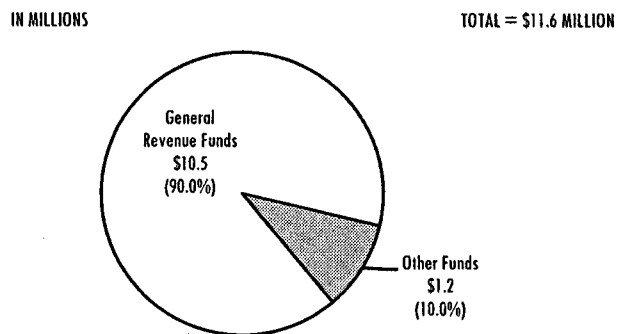
Other responsibilities of the court include:

- promulgation and enforcement of rules of civil procedure and evidence;
- licensing and supervision of attorneys;
- appointment of members of the Board of Law Examiners;
- processing of declarations of intent to study law and applications for admission to the Bar;
- supervision of the Office of Court Administration and the Court Reporters' Certification Board; the supervision of the Permanent Commission for Children, Youth, and Families;
- supervision of funding for programs providing civil legal services for indigents;

- administration of federal funds to strengthen courts for children, youth, and families in the child-protection system; and
- equalization of the dockets of the 14 Courts of Appeals.

The Eighty-third Legislature, 2013, appropriated \$11.6 million for the 2014–15 biennium to support Supreme Court operations. **Figure 8** shows the sources of funding (methods of finance) for state appropriations. Court operations are funded primarily by the General Revenue Fund and Judicial Fund (Account 573).

FIGURE 8
SUPREME COURT OPERATIONS
APPROPRIATIONS BY METHOD OF FINANCE
2014–15 BIENNIUM



NOTE: Totals may not sum due to rounding.
SOURCE: Legislative Budget Board.

Appropriations for the 2014–15 biennium include an increase of \$324,000 per fiscal year in General Revenue Funds for a 12 percent judicial pay raise. The state salary for the Chief Justice of the Supreme Court was \$152,500 during the 2012–13 biennium and increased to \$170,500. The state salary for a Supreme Court Justice was \$150,000 during the 2012–13 biennium and increased to \$168,000. Both pay raises were effective September 1, 2013. Additionally, \$289,000 is designated for targeted salary increases for employees classified as Attorney V, General Counsel IV, and the Clerk of the Court and non-legal staff positions.

Before the 2014–15 biennium, the last judicial pay raise was authorized by the Seventy-Ninth Legislature, Second Called Session, 2005, and took effect on December 1, 2005.

Appendix F – Judicial Salaries includes information about this pay raise and related filing fees and court costs.

The Eightieth Legislature, 2007, passed legislation that authorized an additional \$50 filing fee on civil cases filed in the Supreme Court of Texas or the 14 Courts of Appeals. The fee is deposited to the Supreme Court Support Account in the Judicial Fund (Other Funds), and the court may use the funds for any expenses related to court operations. The estimated 2014–15 biennial appropriations are \$200,000 per fiscal year. The filing fee generated approximately \$206,000 in fiscal year 2013.

The court also operates five advisory committees: (1) Rules Advisory Committee; (2) Task Force on Judicial Readiness in Times of Emergency; (3) Commission on Children, Youth, and Families; (4) Ancillary Proceeding Task Force; and (5) Task Force on Judicial Foreclosure.

The Eighty-third Legislature appropriated \$230,621 for the 2014–15 biennium to the Supreme Court to fund grants for Multi-District Litigation (MDL) cases at trial and appellate courts. MDL cases are large groups of civil cases that pertain to specific topics (e.g., hurricane-related litigation). Currently, only one case—for asbestos-related cases being litigated in Harris County—receives MDL grants. MDL grants can help to pay court personnel costs associated with large-party cases. Grants can also pay the salary of a judge or other court personnel such as a court coordinator or court reporter to assist the judge in disposition of the MDL cases.

SUPREME COURT PERFORMANCE

The Supreme Court disposed of approximately 3,148 matters in fiscal year 2013, including 100 regular causes, 827 petitions for review, and 2,212 other writs and motions. Regular causes involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed.

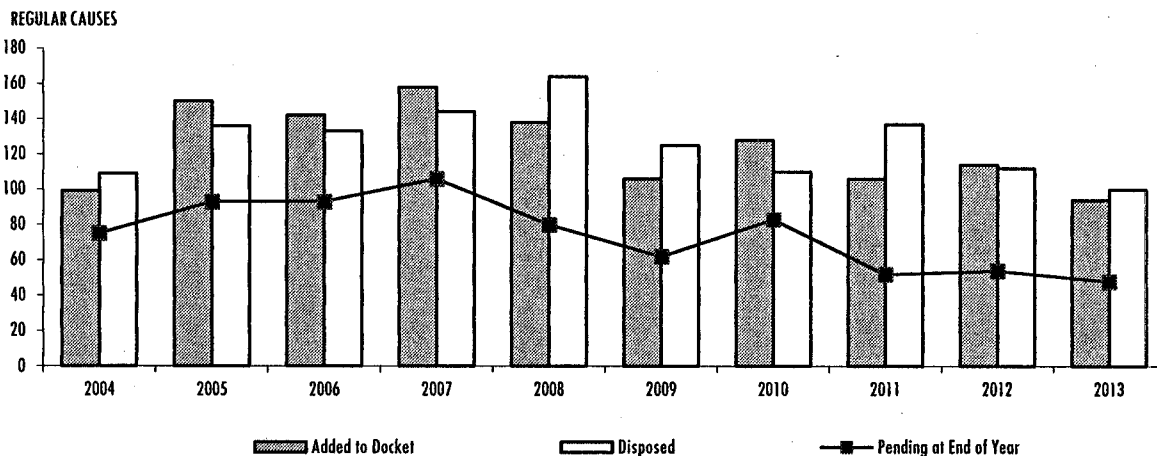
Regular causes also include direct appeals that the court has agreed to review and questions of law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions.

Petitions for review do not include petitions for writs of mandamus, petitions for writs of habeas corpus, petitions for writs of prohibition and injunction, petitions to publish, parental notification appeals, or petitions for temporary injunctions. (See Figure 9 for trends in Regular Causes.)

THE COURT OF CRIMINAL APPEALS

The Court of Criminal Appeals was established in 1891 and is composed of a Presiding Judge and eight other judges. The court has statewide final appellate jurisdiction in criminal cases. It also has exclusive jurisdiction over appeals in death penalty cases and the power to issue writs. Other responsibilities of the court include the promulgation of rules of evidence and rules of appellate procedure for criminal cases.

**FIGURE 9
SUPREME COURT REGULAR CAUSES, FISCAL YEARS 2004 TO 2013**



SOURCE: Office of Court Administration.

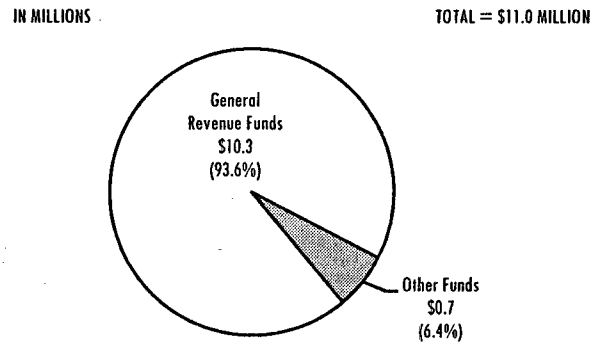
Appropriations for the 2014–15 biennium total approximately \$11.0 million for court operations. Figure 10 shows the breakdown of court operations by method of finance. Court operations are funded by the General Revenue Fund and Judicial Fund. Appropriations include an increase of \$324,000 in General Revenue Funds for a 12 percent judicial pay raise. The state salary for the Presiding Judge of the Court of Criminal Appeals was \$152,500 during the 2012–13 biennium and increased to \$170,500. The state salary for a Court of Criminal Appeals Judge was \$150,000 during the 2012–13 biennium and increased to \$168,000. Both pay raises were effective September 1, 2013. Additionally, \$482,439 is to be used for targeted salary increases for the General Counsel, Clerk of the Court, staff attorneys, central staff attorneys, law clerks, and non-legal staff positions.

The Court of Criminal Appeals maintains three advisory committees: (1) Rules Advisory Committee; (2) Mental Health Task Force; and (3) Criminal Justice Integrity Unit.

COURT OF CRIMINAL APPEALS PERFORMANCE

The majority of the Court of Criminal Appeals caseload is mandatory, consisting of review of applications for post-conviction habeas corpus relief in felony cases, original proceedings, and direct appeals. Original proceedings are filed directly with the Court of Criminal Appeals and include writs of certiorari, writs of habeas corpus, writs of mandamus and writs of prohibition. Direct appeals include death penalty appeals, DNA appeals, and appeals involving habeas corpus or extraordinary matters.

**FIGURE 10
APPROPRIATIONS FOR
COURT OF CRIMINAL APPEALS OPERATIONS
2014–15 BIENNIUM**



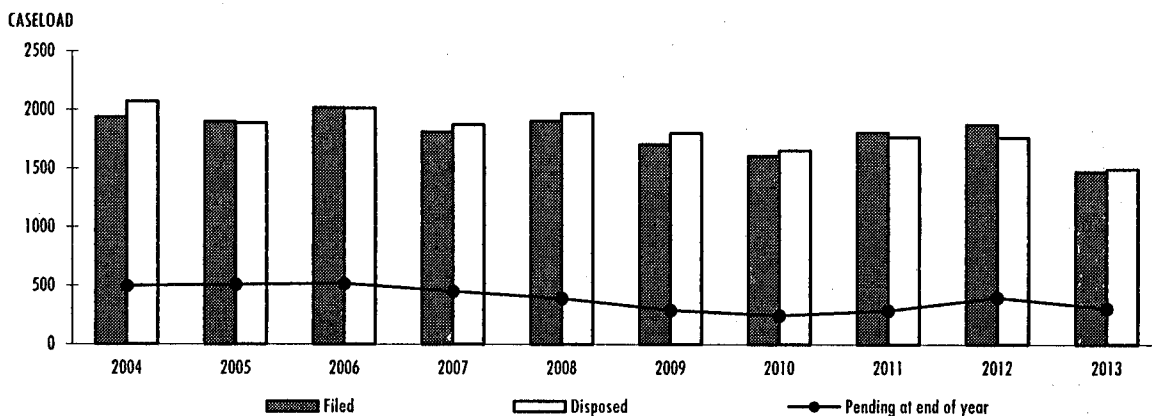
Source: Legislative Budget Board.

In addition to mandatory matters, decisions made by courts of appeals in criminal cases may be appealed to the Court of Criminal Appeals through a petition for discretionary review, which may be filed by the state, the defendant, or both. (See Figure 11 for trends in the court’s caseload in petitions for discretionary review.) The Court of Criminal Appeals disposed of 1,491 petitions for discretionary review, and 1,470 petitions for discretionary review were filed with the court in fiscal year 2013.

THE COURTS OF APPEALS

The first intermediate appellate court in Texas was created by the Constitution of 1876, which established a Court of Appeals with appellate jurisdiction in all criminal and civil cases originating in the county courts. An amendment to the Constitution in 1891 authorized the Legislature to establish

**FIGURE 11
COURT OF CRIMINAL APPEALS, PETITIONS FOR DISCRETIONARY REVIEW, FISCAL YEARS 2004 TO 2013**



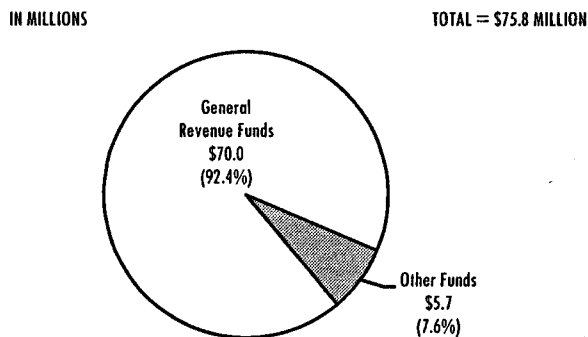
Source: Court of Criminal Appeals.

intermediate appellate courts at various locations throughout the State. The last court of appeals established, the Fourteenth Court of Appeals in Houston, was approved in 1967. Courts of appeals' jurisdiction does not extend to cases in which the death penalty has been assessed. Appeals in these cases are filed directly in the Court of Criminal Appeals.

The state is divided into 14 court of appeals districts, with one court of appeals in each district (see **Figure 4**, Introduction). There are 80 justices distributed among the 14 Courts of Appeals, and the number of justices at each is set by statute and varies from 3 to 13. The courts are located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, Tyler, Corpus Christi-Edinburg and Houston.

The Eighty-third Legislature, 2013, appropriated \$75.8 million to support the 14 Courts of Appeals for the 2014–15 biennium. **Figure 12** shows the methods of finance for state appropriations. The appropriations bill does not reflect local funds used for appellate court operating costs or appellate court justices' salary supplements, except as a percentage of available funds in each court's GAA bill pattern.

FIGURE 12
APPROPRIATIONS FOR 14 COURTS OF APPEALS
2014–15 BIENNIUM



NOTE: Totals may not sum due to rounding.
SOURCE: Legislative Budget Board.

Nearly all funding for the courts of appeals, approximately 92 percent, is out of the General Revenue Fund (\$70.0 million). This amount includes an increase of \$2.6 million in General Revenue Funds for a 12 percent judicial pay raise effective September 1, 2013. The state salary for a Chief Justice of a court of appeals increased from \$140,000 during the 2012–13 biennium to \$156,500. A Justice of a court of appeals state salary increased from \$137,500 during the 2012–13 biennium to \$154,000. Additionally, appropriations

include a \$6.4 million block grant across all 14 Courts of Appeals to provide similar funding for same-sized courts. Within the block grant allocation, \$4.1 million is for targeted salary increases for chief staff attorneys, staff attorney positions, reclassifications of law clerks, and non-legal staff positions.

Figure 13 shows the allocation of the \$6.4 million block grant.

The state's 14 Courts of Appeals also are authorized to transfer funds between courts pursuant to Section 9, Special Provisions – Judiciary, 2014–15 General Appropriations Act (GAA). The Chief Justice of the Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices are authorized to transfer funds between the appellate courts provided they have received approval by both the Legislative Budget Board (LBB) and the Governor's Office. Additionally, the GAA, Section 6, Special Provisions – Judiciary, exempts the appellate courts, including the Courts of Appeals, from limitations on state employment levels, performance rewards and penalties, and limitations on capital budget expenditures.

VISITING JUDGES

At the intermediate appellate court level, the Chief Justice of the Supreme Court may assign a visiting judge at the request of the chief justice of an appellate court to help control backlogs of cases or to hear special dockets. Additionally, because appellate justices must hear cases in panels of three, appellate courts that employ only three permanent justices must use a visiting judge when one justice must be disqualified or is recused from a case. Accordingly, the largest expenditure of visiting judge funds at the appellate level is for three-justice courts. Visiting judges who serve appellate courts are compensated at 100 percent of the salary of an active appellate justice. Appropriations for the visiting judge program at the appellate courts for the 2014–15 biennium total \$0.7 million in General Revenue Funds and are budgeted at the Judiciary Section, Comptroller's Department.

DOCKET EQUALIZATION

The Supreme Court of Texas is authorized to transfer cases between the 14 Courts of Appeals to equalize the dockets and promote efficiency in the use of court resources. The docket equalization program was initiated for the 2000–01 biennium by the Seventy-sixth Legislature to reduce disparities in the number of new cases filed per justice among the courts of appeals. In practice, the appellate justices

FIGURE 13
\$6.4 MILLION BLOCK GRANT ALLOCATION FOR SIMILAR FUNDING FOR SAME-SIZE COURTS OF APPEALS
2014–15 BIENNIUM

COA	JUSTICES	NEW FTES	2014–15 APPROPRIATION (IN MILLIONS)	RECLASSIFY LAW CLERKS	ATTORNEY STAFF	NON-ATTORNEY STAFF	INCREASE ATTORNEY SALARIES	INCREASE NON-ATTORNEY SALARIES	OTHER OPERATING COSTS	2014–15 BLOCK GRANT TOTAL
1	9	2.0	\$8,513,198		\$300,000		\$285,319	\$62,855	\$92,066	\$740,240
2	7		\$6,540,921	\$67,910			\$234,978	\$231,225	\$100,165	\$634,278
3	6		\$5,593,546				\$366,845	\$33,956	\$28,774	\$429,575
4	7	2.0	\$6,560,778	\$152,400		\$173,040	\$41,848	\$62,001	\$163,131	\$592,420
5	13		\$11,664,137				\$670,993	\$227,127	\$115,240	\$1,013,361
6	3		\$3,032,077				\$135,900	\$95,200	\$13,063	\$244,163
7	4	1.0	\$3,774,810		\$160,000		\$60,000	\$48,911	\$49,438	\$318,349
8	3	1.0	\$3,090,582		\$135,000		\$70,081	\$35,363	\$3,213	\$243,657
9	4		\$3,770,107				\$196,200	\$93,618	\$33,234	\$323,052
10	3	1.0	\$3,022,598			\$60,000	\$30,000	\$30,000	\$141,641	\$261,641
11	3		\$3,036,048				\$110,000	\$90,000	\$48,192	\$248,192
12	3	0.5	\$3,054,163			\$40,800	\$87,500	\$76,600	\$16,176	\$221,076
13	6	3.0	\$5,605,003		\$160,000	\$126,690	\$72,556	\$49,130	\$13,743	\$422,119
14	9	2.0	\$8,533,158		\$300,000		\$272,000	\$62,000	\$91,957	\$725,957
FUNDING TOTAL (IN MILLIONS)			\$75,791,126	\$220,310	\$1,055,000	\$400,530	\$2,634,220	\$1,197,986	\$910,033	\$6,418,080

NOTE: Totals may not sum due to rounding. Total 2014–15 appropriation of \$75.8 million for the 14 Courts of Appeals includes \$6.4 million block grant.

SOURCES: Legislative Budget Board; Office of Court Administration.

hearing transferred cases apply the law as it exists in the transferring court's appellate district. This practice avoids disparate impacts on litigants and defendants in the cases' original jurisdiction. The Supreme Court issues quarterly orders that transfer cases from those courts with larger new case filing rates to courts with smaller new case filing rates. For fiscal year 2013, the statewide average number of new filings per justice was 124.6 cases before any transfers. The number of new cases filed per justice ranged from a high of 159 cases in the Second Court of Appeals (Fort Worth) to a low of 76 cases in the Eighth Court of Appeals (El Paso). The average percentage difference of the 14 courts from the statewide average was 17.8 percent.

A total of 664 cases were transferred among the intermediate appellate courts in fiscal year 2013 to equalize workloads. As a result, the average percentage difference of the 14 courts from the statewide average was 2.6 percent, which is better than the 10 percent goal established by the Legislature in the General Appropriations Act (GAA, 2014–15 Biennium, Rider 3, Equalization in the Supreme Court bill pattern). **Figure 14** shows a comparison of new filings per justice by

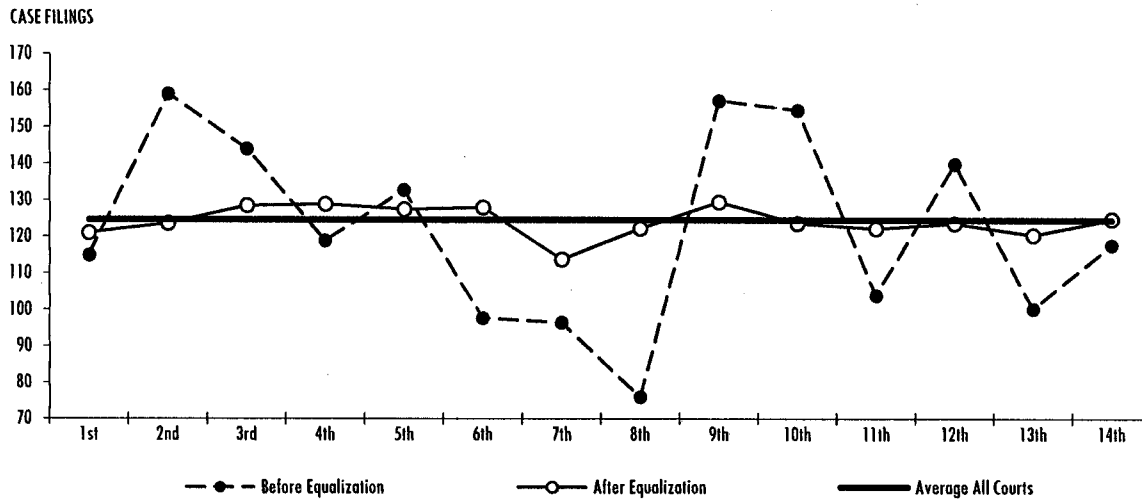
court that shows average number of filings before and after docket equalization.

LOCAL FUNDS

Chapter 22 of the Texas Government Code authorizes collections for supporting "appellate judicial systems" at 13 of the 14 courts for operating expenses, contract personnel, and capital equipment. Statute authorizes all Courts of Appeals to receive these local funds except the Tenth Court of Appeals in Waco, the last remaining court of appeals not receiving Chapter 22 funds.

The revenue source for Chapter 22 funds is a \$5 fee for civil cases filed in county, statutory county, probate, or district courts located in the appellate court's jurisdiction. The court clerk collects the fee in each county, and the county treasurer deposits the receipts into a separate appellate judicial district fund. The commissioners' court regularly (annually or monthly, depending on the court) forwards the funds collected to the appellate court for expenditure. The chief justice may manage the fund with the approval and consent of the commissioners' court, or the county commissioners

FIGURE 14
NEW FILINGS PER JUSTICE BY COURT OF APPEALS, FISCAL YEAR 2013



SOURCES: Office of Court Administration; Supreme Court of Texas.

may vest management of the fund solely in the chief justice. The fiscal year 2013 collections, including Chapter 22 and other local funds, are indicated per court in **Figure 15**.

LOCAL SALARY SUPPLEMENT

The Texas Government Code, Chapter 31, authorizes counties to pay each justice of the court of appeals for that

district an amount that does not exceed the limit established by Section 659.012. This statute caps the total salary for an appeals court justice to a combined sum from state and county sources to \$5,000 less than the state salary paid to a justice of the Texas Supreme Court (\$168,000), or \$163,000. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$2,500 less than the

FIGURE 15
APPELLATE COURTS – ANNUAL COLLECTIONS AND SALARY SUPPLEMENTS, FISCAL YEAR 2013

COURT	JUDGES	CHAPTER 22 AND LOCAL FUND COLLECTIONS	COLLECTIONS PER JUDGE	LOCAL SALARY SUPPLEMENT PER JUDGE
First Court of Appeals, Houston	9	\$325,336	\$36,148	\$7,500
Second Court of Appeals, Fort Worth	7	\$163,979	\$23,426	\$7,500
Third Court of Appeals, Austin	6	\$243,778	\$40,630	\$7,500
Fourth Court of Appeals, San Antonio	7	\$246,981	\$35,283	\$7,500
Fifth Court of Appeals, Dallas	13	\$312,469	\$24,036	\$7,500
Sixth Court of Appeals, Texarkana	3	\$75,070	\$25,023	\$7,500
Seventh Court of Appeals, Amarillo	4	\$108,743	\$27,186	\$7,500
Eighth Court of Appeals, El Paso	3	\$102,743	\$34,248	\$7,500
Ninth Court of Appeals, Beaumont	4	\$99,907	\$24,977	\$7,500
Tenth Court of Appeals, Waco	3	\$27,889	\$9,296	\$7,500
Eleventh Court of Appeals, Eastland	3	\$90,613	\$30,204	\$7,500
Twelfth Court of Appeals, Tyler	3	\$76,301	\$25,434	\$7,500
Thirteenth Court of Appeals, Corpus Christi-Edinburg	6	\$128,565	\$21,428	\$7,500
Fourteenth Court of Appeals, Houston	9	\$279,768	\$31,085	\$7,500

SOURCES: Legislative Budget Board; Office of Court Administration.

state salary paid to justices of the Supreme Court (\$168,000), or \$165,500. To stay within the salary limit, the maximum additional compensation a justice may receive for the 2014–15 biennium is \$9,000, which is an increase of \$2,500 from the maximum supplement received before September 1, 2013, when the 12 percent judicial pay raise took effect. If the additional compensation exceeds this amount, the state portion of the salary is reduced. The salary supplement for each of the 14 Courts of Appeals in fiscal year 2013 is shown in **Figure 15**.

APPELLATE COURT PERFORMANCE

The total clearance rate for the intermediate appellate courts in fiscal year 2013 was 102.0 percent. During the 10-year period ending in fiscal year 2013, the average clearance rate for the appellate courts ranged from a high of 104.9 percent in fiscal year 2006 to a low of 95.9 percent in fiscal year 2008 (see **Figure 16**) with a median clearance rate of 100.6 percent.

A clearance rate measures the number of cases disposed as a percentage of filings during a reporting period. A clearance rate of 100 percent indicates that the court disposed of the same number of cases during the year as were added during the year, resulting in no change to the court's case backlog.

Across the 10-year period ending in fiscal year 2013, the appellate courts maintained an average of 7,765 pending cases. At the end of 2013, a total of 7,698 cases were pending statewide, a decrease of 2.9 percent from the number pending at the end of the previous year. More than half of these cases were pending for fewer than six months, and 80.0 percent were pending for less than one year.

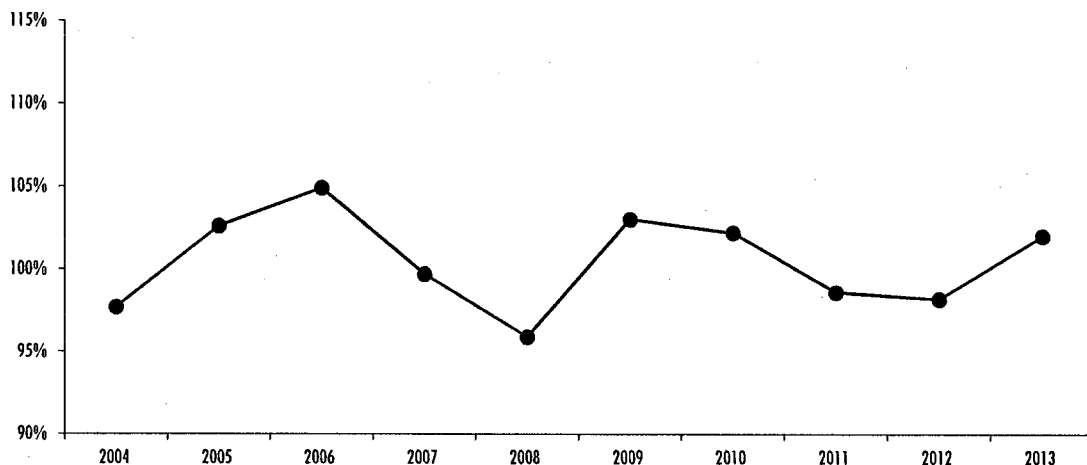
LONGEVITY PAY

The Eightieth Legislature, 2007, passed legislation providing active judges and justices with longevity pay. Judges enrolled in Judicial System Retirement Plan I or II accumulate \$20 per month for each year of service, calculated and payable only after 16 years of service. The Eighty-first Legislature, 2009, passed legislation authorizing judges to receive an amount equal to 3.1 percent of their currently monthly salaries, rather than \$20 per month for each year of service after 16 years. According to the Judiciary Section, Comptroller's Department, as of August 2013, there are 89 district court judges receiving longevity pay.

APPELLATE JUDICIAL SALARIES STATUTORILY LINKED TO DISTRICT JUDGE PAY

Pursuant to the Texas Government Code, Section 659.012, appellate judicial salaries are statutorily linked to the maximum combined state and local salary of \$158,000 for a district court judge. **Figure 17** shows the total maximum salaries for the 2014–15 biennium for each type of appellate judge or justice. The Chief Justice and Justices of the Supreme Court and the Presiding Judge and Judges of the Court of Criminal Appeals are statewide positions that do not receive a local supplement.

FIGURE 16
AVERAGE CLEARANCE RATE FOR 14 COURTS OF APPEALS, FISCAL YEARS 2004 TO 2013



SOURCE: Office of Court Administration.

**FIGURE 17
APPELLATE JUDICIAL SALARIES AND SALARY SUPPLEMENTS STATUTORILY LINKED TO DISTRICT JUDGE PAY
2014-15 BIENNIUM**

TYPE OF JUDGE	SALARY EFFECTIVE 9/1/2013	LOCAL SUPPLEMENT	MAXIMUM TOTAL SALARY	STATUTORY REFERENCE TEXAS GOVERNMENT CODE
District Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State pay of \$140,000 (an amount set in the General Appropriations Act), with total salary from state and local sources not to exceed an amount that is \$5,000 less than the total salary of a Court of Appeals Justice (\$163,000), pursuant to §659.012
Court of Appeals (Justice)	\$154,000	Up to \$9,000	\$163,000	State pay of 110% of a district judge's state salary, with total salary from state and local sources in an amount not to exceed \$5,000 less than the state salary provided for a justice of the Supreme Court of Texas pursuant to § 659.012
Court of Appeals (Chief Justice)	\$156,500	Up to \$9,000	\$165,500	\$2,500 more than other Justices of the Court of Appeals pursuant to § 659.012
Court of Criminal Appeals (Judge) Supreme Court (Justice)	\$168,000	No Local Supplement	\$168,000	State pay of 120% of a district judge's state salary pursuant to § 659.012
Court of Criminal Appeals (Presiding Judge) Supreme Court (Chief Justice)	\$170,500	No Local Supplement	\$170,500	\$2,500 more than other justices of the Supreme Court or judges of the Court of Criminal Appeals pursuant to § 659.012

SOURCE: Legislative Budget Board.

STATE FUNDING FOR TRIAL COURTS

Trial courts are courts in which witnesses provide testimony, exhibits are offered into evidence, and hearings may be conducted before juries. Either the trial court judge or a jury reaches a decision based upon the evidence presented. The trial court structure in Texas has several different levels, each level handling different types of cases, with some overlapping jurisdictions. The state trial court of general jurisdiction is known as the district court. The county-level courts consist of the constitutional county courts, the statutory county courts, and the statutory probate courts. In addition, there is at least one justice court located in each county, and there are municipal courts located in each incorporated city.

State funding for trial courts includes: the base salary for district court judges; salary supplements for constitutional county, statutory county and statutory probate judges; and associate judges and court personnel for child support and child protection courts serving primarily rural counties. The Eighty-third Legislature, 2013, appropriated \$212.2 million in the General Appropriations Act for the 2014–15 biennium to support trial courts (see **Figure 18** and **Figure 19** for appropriations).

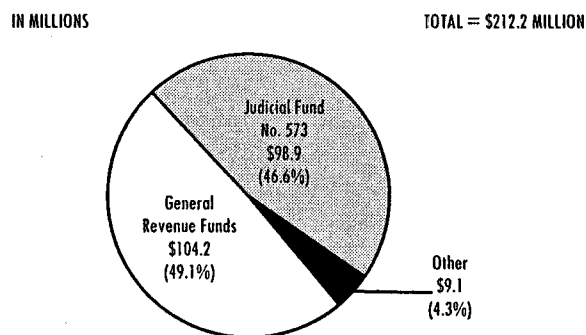
Funding levels shown in **Figure 19** for district judges include appropriations for district judge salaries and salary supplements, travel, per diem, assistance to the administrative judicial regions, multidistrict litigation grants, and court staff and operating expenses for the 435th District Court in Montgomery County.

DISTRICT COURTS

District courts have original jurisdiction in: all felony criminal cases; divorce cases; cases involving title to land; election contest cases; civil matters in which the amount of money or damages involved is \$500 or more; and any matters in which jurisdiction is not in another trial court. Most district courts try both criminal and civil cases, but courts in more densely populated counties may specialize in civil, criminal, juvenile, or family law matters.

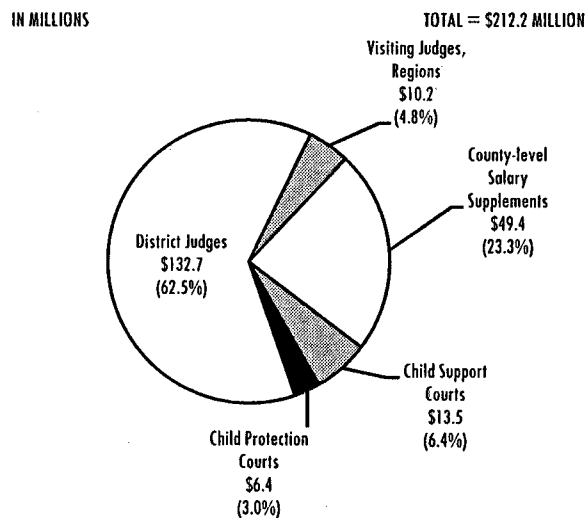
The geographical area served by each court is established by the Legislature, but each county must be served by at least one district court. In sparsely populated areas of the state, several counties may be served by a single district court; an urban county may be served by many district courts. The courts are organized into nine administrative judicial regions,

FIGURE 18
APPROPRIATIONS FOR TRIAL COURTS
BY METHOD OF FINANCE
2014–15 BIENNIUM



NOTE: Other includes Interagency Contracts from the Office of the Attorney General (\$8.9 million) for Child Support courts and Appropriated Receipts (\$0.1 million).
SOURCE: Legislative Budget Board.

FIGURE 19
APPROPRIATIONS FOR TRIAL COURTS
BY PROGRAM
2014–15 BIENNIUM



NOTE: Totals may not sum due to rounding.
SOURCE: Legislative Budget Board.

with a single presiding judge appointed by the Governor over each region (see **Figure 5**, Introduction). Because of a regional presiding judge's additional administrative duties, a presiding judge receives a local supplement of \$33,000 to

\$50,000, depending on the judge's status as an active, former or retired district judge (see **Figure 20**). The Office of Court Administration also receives an appropriation of \$0.4 million in All Funds to provide the regional presiding judges with administrative assistance during the 2014–15 biennium.

The Legislature routinely establishes new district courts. The enactment of House Bill 3153, Eighty-third Legislature, Regular Session, 2013, established four new district courts. The total number of district courts that are in operation as of September 1, 2013, is 457. As of September 1, 2013, a district judge is paid an annual salary from the state of \$140,000, which is a 12 percent increase from the \$125,000 paid for the 2012–13 biennium. The Eighty-third Legislature, Regular Session, 2013, appropriated \$130.0 million in

General Revenue Funds and the Judicial Fund (Other Funds) for district judge salaries during the 2014–15 biennium.

COUNTY-LEVEL COURTS

The county-level court structure in Texas is composed of three separate courts: constitutional county courts, county courts at law (also known as statutory county courts), and statutory probate courts. The Texas Constitution provides that each of the state's 254 counties have a single county court (referred to as a Constitutional County Court) presided over by a county judge. In addition to performing judicial functions, the county judge serves as the chief executive of county government. In more populated counties, administrative duties occupy most of the time of the county judges. The Legislature establishes county courts at law and

**FIGURE 20
TRIAL COURT JUDICIAL SALARIES OR SALARY SUPPLEMENTS LINKED TO STATE DISTRICT JUDGE PAY
EFFECTIVE SEPTEMBER 1, 2013**

TYPE OF JUDGE	STATE COMPENSATION	LOCAL COMPENSATION	TOTAL SALARY	STATUTORY REFERENCE TEXAS GOVERNMENT CODE
District Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State pay of \$140,000 (an amount set in the General Appropriations Act) with total salary from state and local sources not to exceed an amount that is \$5,000 less than the salary of a Court of Appeals Justice (\$163,000) pursuant to §659.012
Presiding Judge of the Administrative Judicial Region (Active District Judge)	\$140,000	Up to \$33,000	\$173,000	State pay of \$140,000 (§659.012). Annual local supplement for an active judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region based on county population pursuant to §74.051(b)
Presiding Judge of the Administrative Judicial Region (Retired or Former District Judge)	\$140,000	\$35,000 to \$50,000	\$175,000 to \$190,000	State pay of \$140,000 (§659.012). Annual local compensation for a retired or former judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region based on county population and on a sliding scale related to the number of courts in each region [§74.051(c)]
Statutory County Judge	\$84,000	\$55,000 to \$73,000	\$139,000 to \$157,000	State salary supplement of 60% of state pay for district judge (§25.0015). Counties must pay a local salary that results in a total combined salary no less than \$1,000 less than the total combined salary received by a district judge in the county (§25.0005).

The Eighty-third Legislature, Regular Session, 2013, passed House Bill 3153, establishing two statutory county courts in Atascosa and Jim Wells counties. The enacted legislation exempts Atascosa, [see §25.092(d)], and Jim Wells, [see §25.1272(e)], counties from providing a minimum county salary to the statutory county court judges. Accordingly, at the counties' discretion, these two judges may only receive the state salary supplement of \$84,000 as compensation.

§25.0005 does not establish a maximum amount for statutory county judge salaries. Some statutory county judges in the state are paid in excess of these minimums, subject to county discretion.

SOURCE: Legislative Budget Board.

statutory probate courts to relieve the county judges of most, and sometimes all, of the judicial duties usually performed by that office.

CONSTITUTIONAL COUNTY COURTS

Constitutional county courts have concurrent jurisdiction with justice of the peace and district courts in civil cases in which the amount in controversy is from \$200 to \$10,000 (justice courts) or between from \$500 to \$5,000 (district courts). Jurisdiction is said to be concurrent when two levels of courts have authority to try the same type of case.

The constitutional county courts hear the probate cases filed in the county, unless a statutory probate court has been established. They have original jurisdiction over all Class A and Class B misdemeanor criminal cases, which are the more serious minor offenses. These courts usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts, except in counties where county courts at law have been established. Unless the appeal is from a designated municipal court of record (trial proceedings are recorded by a court reporter), the appeal takes the form of a trial de novo (a completely new trial).

The state provides a county judge an annual salary supplement of \$15,000 if at least 40 percent of the functions performed by the judge are judicial functions (see **Figure 21**). As of September 1, 2013, 218 county judges received

the supplement, representing nearly 86 percent of Texas counties. The Eighty-third Legislature, Regular Session, 2013, appropriated \$7.0 million in General Revenue Funds and the Judicial Fund (Other Funds) for constitutional county judge supplements during the 2014–15 biennium.

COUNTY COURTS AT LAW (STATUTORY COUNTY COURTS)

The legal jurisdiction of the county courts at law, or statutory county courts, varies considerably and is established by the statute that establishes the particular court. The Eighty-third Legislature, 2013, passed House Bill 3153, which established three new statutory county courts and one new statutory multicounty court composed of three counties. As of September 1, 2013, there are 239 statutory courts in 91 counties, including the new Multicounty Court at Law serving Nolan, Fisher, and Mitchell counties. The latter is the state's first multicounty court at law established by statute. The jurisdiction of statutorily established county courts is sometimes concurrent in certain civil and criminal matters with the jurisdiction of the county and district courts in the county. The civil jurisdiction of most county courts at law varies, but it is usually more than that of the justice of the peace courts and less than that of the district courts. County courts at law usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts.

**FIGURE 21
OTHER STATE PAID TRIAL COURT SALARY SUPPLEMENTS AND PAYMENTS, FISCAL YEARS 2014 TO 2015**

LOCAL SALARY/ SALARY SUPPLEMENT	EXPLANATION – STATUTORY REFERENCE, TEXAS GOVERNMENT CODE	ANNUAL AMOUNT
District Judge Travel	Travel expenses for district judges with multi-county jurisdictions. Reimbursement may not exceed \$1,500 per county (§24.019)	Varies
Judicial Salary Per Diem	A per diem received when a trial court judge (district, statutory probate, constitutional or statutory county court judge) is assigned to a case outside of the judge's district or county (§74.003(c) and §74.061(f))	\$25 per day
Local Administrative Judge Supplement	A judge who serves as an administrative district judge in a county with more than 6 district courts receives a state salary that is \$5,000 greater than the state salary for a district judge (i.e., \$145,000), pursuant to §659.012(d)	\$5,000
District Judge or Retired Judge Presiding Over Multidistrict Litigation	A district judge or retired district judge who presides over multidistrict litigation involving claims for asbestos- or silica-related injuries receives a salary supplement equal to the maximum supplement received by an active district judge serving as a Presiding Judge of an Administrative Judicial Region (§659.0125)	\$33,000
Longevity Pay	Judges who have completed 16 years of service are entitled to monthly longevity pay (§659.0445). There were 89 district judges receiving longevity pay during fiscal year 2013.	3.1 percent of current monthly state salary
Constitutional County Judge	A county judge receives a state salary supplement if at least 40 percent of the functions performed by the judge are judicial functions (§26.006)	\$15,000
Statutory Probate Judge	A supplement received by each statutory probate judge in the county from the Judicial Fund (Other Funds) pursuant to §25.00211	\$40,000

SOURCE: Legislative Budget Board.

The state provides a statutory county judge an annual salary supplement of \$84,000, which, pursuant to the Texas Government Code, Section 25.0015, must be 60 percent of a district judge's state pay (see **Figure 20**). The Eighty-third Legislature, Regular Session, 2013, appropriated \$39.7 million in General Revenue Funds and the Judicial Fund (Other Funds) for statutory county judge salary supplements for the 2014–15 biennium.

STATUTORY PROBATE COURTS

The Texas Constitution grants the Legislature the authority to determine which courts have jurisdiction over probate matters. There are 18 statutory probate courts located in 10 of the state's 15 largest metropolitan areas. These courts have original and exclusive jurisdiction over each county's probate matters, guardianship cases, and mental health commitments. In most counties, the constitutional county court has original probate jurisdiction. In some counties, the Legislature has authorized certain statutorily established county courts to share this original jurisdiction so that a county court at law will have concurrent jurisdiction over probate matters with the constitutional county court.

The original probate jurisdiction of district courts is limited to those situations in which a contested probate matter is transferred from a constitutional county court and when the Legislature has granted the district court original control and jurisdiction over personal representatives. Statutory probate judges receive a state salary supplement of \$40,000. The Eighty-third Legislature, Regular Session, 2013, appropriated \$2.7 million from the Judicial Fund (Other Funds) for statutory probate judge salary supplements for the 2014–15 biennium.

JUDICIAL COMPENSATION FOR TRIAL COURT JUDGES

Texas trial court judges are compensated through a combination of state and local funding with amounts linked by statute to the state salary of a district judge. **Figure 20** shows the statutory limits for state and local compensation for trial court judges.

Appropriations for the 2014–15 biennium include \$17.9 million in General Revenue Funds for a 12 percent judicial pay increase. Of this amount, \$13.7 million was for district judge salaries and \$4.2 million was for statutory county judge salary supplements. The state salary for a district judge was \$125,000 during the 2012–13 biennium and increases to \$140,000 effective September 1, 2013. The state salary for

a statutory county judge was \$75,000 during the 2012–13 biennium and increases to \$84,000 effective September 1, 2013. Judges of statutory county courts receive a state salary supplement equal to 60 percent of the state compensation of a district court judge, if the judge does not engage in a private practice while simultaneously performing their statutory county court responsibilities.

As noted by the Judicial Compensation Commission in its November 2012 report to the Eighty-third Legislature, the total salary from state and local funds of a number of statutory county court judges exceeds the compensation of state appellate court judges. For example, in fiscal year 2012, the total salary of 13 statutory county judges in two counties exceeded the state salary of both the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals (\$152,500). The Commission found that total salary of statutory county judges in an additional 35 counties exceeded the state salary of a court of appeals justice (\$137,500) during fiscal year 2012.

In addition to these items linked to the state salary of a district court judge, statute also authorizes additional judicial salary supplements and payments. **Figure 21** shows these supplements, their amounts, and their statutory origins.

STATE FUNDING FOR DISTRICT COURT OPERATIONS

435TH JUDICIAL DISTRICT, MONTGOMERY COUNTY

Pursuant to the Texas Government Code, Section 24.579, the 435th District Court in Montgomery County has special jurisdiction over civil commitment proceedings of sexually violent predators and criminal offenses for persons failing to follow commitment requirements. As such, the court mainly hears civil commitments filed by the Special Prosecution Unit (see page 28 for additional information on the Special Prosecution Unit). The Texas Government Code, Section 24.579(c), also provides that the state pay the salaries of a court reporter and a court coordinator and other expenses for the new court. For the 2014–15 biennium, the appropriation for this purpose is \$464,181.

MULTIDISTRICT LITIGATION

The Texas Government Code, Section 659.0125, authorizes a retired judge appointed to a multidistrict litigation (MDL) pretrial court to receive the same compensation and benefits as a district judge serving as a MDL judge. Retired judges serving on assignment receive a salary ranging from \$140,000

to \$158,000 in state compensation (depending on the county in which the retired judge serves), and an MDL judge serving in asbestos- or silica-related cases is entitled to another \$33,000 state salary supplement for a total ranging from \$173,000 to \$191,000 in compensation. The 2014–15 biennium provides \$549,625 in funding for multidistrict litigation cases, including a grant from the Supreme Court for the salaries of a court reporter, court coordinator, and other expenses in the pretrial court hearing asbestos cases and including judicial compensation through the Judiciary Section, Comptroller's Department.

DISTRICT COURT PERFORMANCE

The Office of Court Administration is required to report clearance rates on a countywide basis for the district courts pursuant to Rider 5 of the General Appropriations Act (GAA), 2014–15 Biennium, in the agency's bill pattern. A clearance rate measures, at the end of a reporting period, the number of cases disposed during that time period as a percent of filings. A clearance rate of 100 percent indicates that the court disposed of the same number of cases during the year as were added during the year, resulting in no change to the court's case backlog.

According to the National Center for State Courts, "a backlog index is the number of cases pending at the beginning of the year divided by the total number of cases disposed during the year. For example, if a court had 1,000 pending felony cases at the beginning of the year and disposed of 2,000 felony cases that year, it would have a backlog index of 0.5, which is a good backlog index for most courts. This [means] that the court 'turned over' or disposed the equivalent of the pending caseload within six months. A backlog index of 1.0 means that the court disposed of the equivalent of the pending caseload in one year. A court should have a minimum goal of achieving a civil backlog index of 1.0 or less. On average, criminal cases should be disposed more quickly than civil cases, so courts should maintain a lower backlog index for criminal cases than civil cases." The clearance rates and backlog indices for the state's district courts are listed by county in Appendix A.

VISITING JUDGES

The presiding judges of the nine administrative judicial regions assign visiting judges at the trial court level. Civil litigants have a one-time prerogative to remove a visiting judge assigned to their cases. There is no similar provision in criminal cases.

Trial courts sometimes may seek visiting judges to adjudicate complex multidistrict civil cases and to manage the regular caseload of trial judges who are involved in high-profile capital cases. **Figure 22** lists the primary reasons district courts request a visiting judge.

FIGURE 22
REASONS FOR REQUESTING A VISITING JUDGE
ALL DISTRICT COURTS STATEWIDE
FISCAL YEAR 2013

REASON FOR REQUEST	PERCENTAGE OF ALL REQUESTS
Assist with heavy docket	29.7
Recusal	23.2
Vacation	15.0
Continuing education	7.9
Illness	6.1
Disqualification	4.7
Personal emergency	1.3
Attorney contempt	0.4
Suit to remove locally elected official	0.2
Election contest	0.1
Other	11.4

SOURCES: Legislative Budget Board; Office of Court Administration.

The Eighty-third Legislature, 2013, appropriated \$10.2 million for the 2014–15 biennium for visiting judge salaries and expenses. Actual expenditures in fiscal year 2013 for visiting judges across all nine administrative regions totaled \$4.5 million. Visiting judge expenditures varied by each administrative region, with those regions that have the most trial courts experiencing the highest utilization rate (days of visiting judge service) and therefore incurring the highest expenditures. (See **Figure 5**, Introduction, for a map of administrative judicial regions.)

Figure 23 shows the number of days of visiting judge service by region as well as the actual costs of those services. Administrative Judicial Region 2 (Conroe) had the highest utilization (2,626.5 days) and expenditures (more than \$1.5 million). Region 9 (Brownfield) had the lowest utilization (295.5 days) and the lowest expenditures (\$173,721).

In fiscal year 2013, there were 260 payroll days for which an active district judge would have been compensated. The visiting judge days of service in fiscal year 2013 shown in **Figure 23** (7,845.5) equal 30.2 full-time district judge equivalents.

FIGURE 23
VISITING JUDGES ACTUAL DAYS OF SERVICE
FISCAL YEAR 2013

ADMINISTRATIVE JUDICIAL REGION	ACTUAL EXPENDITURE	ACTUAL TOTAL DAYS	TOTAL COURTS IN REGION USING VISITING JUDGES
Region 1: Dallas	\$904,952	1,634.0	80
Region 2: Conroe	\$1,469,683	2,626.5	101
Region 3: Seguin	\$475,960	834.0	46
Region 4: San Antonio	\$410,423	828.0	40
Region 5: Brownsville	\$235,712	342.0	25
Region 6: Kerrville	\$218,813	322.0	17
Region 7: Midland	\$187,929	326.0	26
Region 8: Fort Worth	\$414,229	637.5	46
Region 9: Brownfield	\$173,721	295.5	24
TOTAL	\$4,491,421	7,845.5	405

SOURCE: Judiciary Section, Comptroller's Department.

VISITING JUDGE COMPENSATION

According to the Comptroller of Public Accounts, most visiting judges are retired judges. Pursuant to the Texas Government Code, Section 74.061 (b) and (c), visiting judge compensation is based on a district judge's salary within the county for which the visiting judge is assigned. That compensation is prorated for time that the visiting judge sits on the assignment. Pursuant to the Texas Government Code, Section 74.061(h) and (i), retired judges serving as visiting judges in a district court are compensated at 100 percent of a district judge's salary from state and local sources, while former judges who serve on assignment are compensated at 100 percent of a district judge's state pay. The annualized compensation of a retired judge as of September 1, 2013, ranges from \$140,000 to \$158,000, depending on the location served. For a former judge, the annualized compensation would be \$140,000.

DISTRICT COURT CASELOADS AND VISITING JUDGE FUNDING LEVELS

Because Texas has an elected judiciary, there is a policy interest in ensuring that most cases are heard by an elected judge accountable to the voters. Because of this policy

preference, the visiting judge program is often a target for budget reductions. In many biennia, the Legislature prioritizes establishing new district courts to address caseloads ahead of providing supplemental funding to the visiting judge program.

Use of a visiting judge to handle caseload in any one district can be more cost-efficient than establishing a new district court. As of September 1, 2013, state costs for the salary and benefits of each new district judge are an estimated \$177,520 per fiscal year, compared to the annualized compensation of a typical visiting judge (\$140,000 to \$158,000). Also, the establishment of a new district court results in new local costs. Local governments are responsible for funding all other personnel and operating costs related to establishing and maintaining a district court. These costs vary across the state. A visiting judge receives assistance from existing court personnel and facilities, which does not incur new local costs.

Figure 24 shows trends in case filings, average caseloads per elected district judge, and legislative appropriations for the visiting judge program serving district courts. During the 10-year period, cases pending per elected judge have ranged from a high of 2,063 in fiscal year 2009 to a preliminary estimate of 1,896 in fiscal year 2013. Fiscal year 2013 amounts shown in Figure 24 include data reported by counties as of November 26, 2013. At the same time, expenditures for the visiting judge program have declined from \$5.4 million in fiscal year 2010 to \$4.5 million in fiscal year 2013, due to budget reductions implemented for the 2012–13 biennium.

SPECIALTY COURTS FUNDED THROUGH THE OFFICE OF COURT ADMINISTRATION

Since 1993, the Office of Court Administration (OCA) has been authorized to employ associate judges to hear child support enforcement cases during expedited time frames set by federal requirements. The agency contracts with the Office of Attorney General (OAG) to obtain federal funds pursuant to Title IV-D of the federal Social Security Act to pay associate judge salaries and program operating costs. Total 2014–15 biennial appropriations for the Child Support Courts Program are \$13.5 million in All Funds, and provide for 88.5 full-time-equivalent (FTE) positions. These positions include 44 associate judges and 43 court coordinators.

The OCA also maintains 18 child protection service areas in rural counties whose primary costs are the salaries of associate

**FIGURE 24
DISTRICT JUDGE CASELOAD DATA AND VISITING JUDGE FUNDING LEVELS, FISCAL YEARS 2004 TO 2013**

CATEGORY	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Number of District Judges	424	425	432	438	448	449	454	454	456	456
Visiting Judge Expenditures	\$3,124,997	\$3,322,353	\$3,577,881	\$5,096,610	\$4,612,695	\$4,351,726	\$5,429,445	\$5,107,669	\$4,722,191	\$4,491,421
Annual Percentage Change	NA	6.3%	7.7%	42.4%	(9.5%)	(5.7%)	24.8%	(5.9%)	(7.5%)	(4.9%)
Cases Added	829,511	877,125	880,522	889,069	883,079	892,231	890,167	905,844	861,126	858,932
Annual Percentage Change	NA	5.7%	0.4%	1.0%	(0.7%)	1.0%	(0.2%)	1.8%	(4.9%)	(0.3%)
Cases Disposed	807,072	842,385	844,420	862,068	857,241	860,653	857,891	875,263	852,464	832,077
Annual Percentage Change	NA	4.4%	0.2%	2.1%	(0.6%)	0.4%	(0.3%)	2.0%	(2.6%)	(2.4%)
Cases Pending (as of 8/31)	820,732	859,216	884,302	901,600	910,179	926,505	935,064	882,948	882,826	864,536
Annual Percentage Change	NA	4.7%	2.9%	2.0%	1.0%	1.8%	0.9%	(5.6%)	0.0%	(2.1%)
Cases Pending per Elected Judge	1,936	2,022	2,047	2,058	2,032	2,063	2,060	1,945	1,936	1,896
Annual Percentage Change	NA	4.4%	1.3%	0.6%	(1.3%)	1.6%	(0.2%)	(5.6%)	(0.5%)	(2.1%)

NOTES:

- (1) Docket adjustments between pending cases reported at the end of a fiscal year (8/31) and pending cases reported at the beginning of next fiscal year (9/1) are not shown on this chart.
- (2) The Office of Court Administration (OCA) reports that pending cases in fiscal year 2011 declined, in part, because of reporting problems caused by conversion to new case management systems by several courts statewide.
- (3) Fiscal year 2004 to 2010 values are updated from prior publications to reflect an additional number of counties reporting district court data after original OCA data publication dates.
- (4) Fiscal year 2013 reflects district court data reported to OCA as of November 26, 2013.

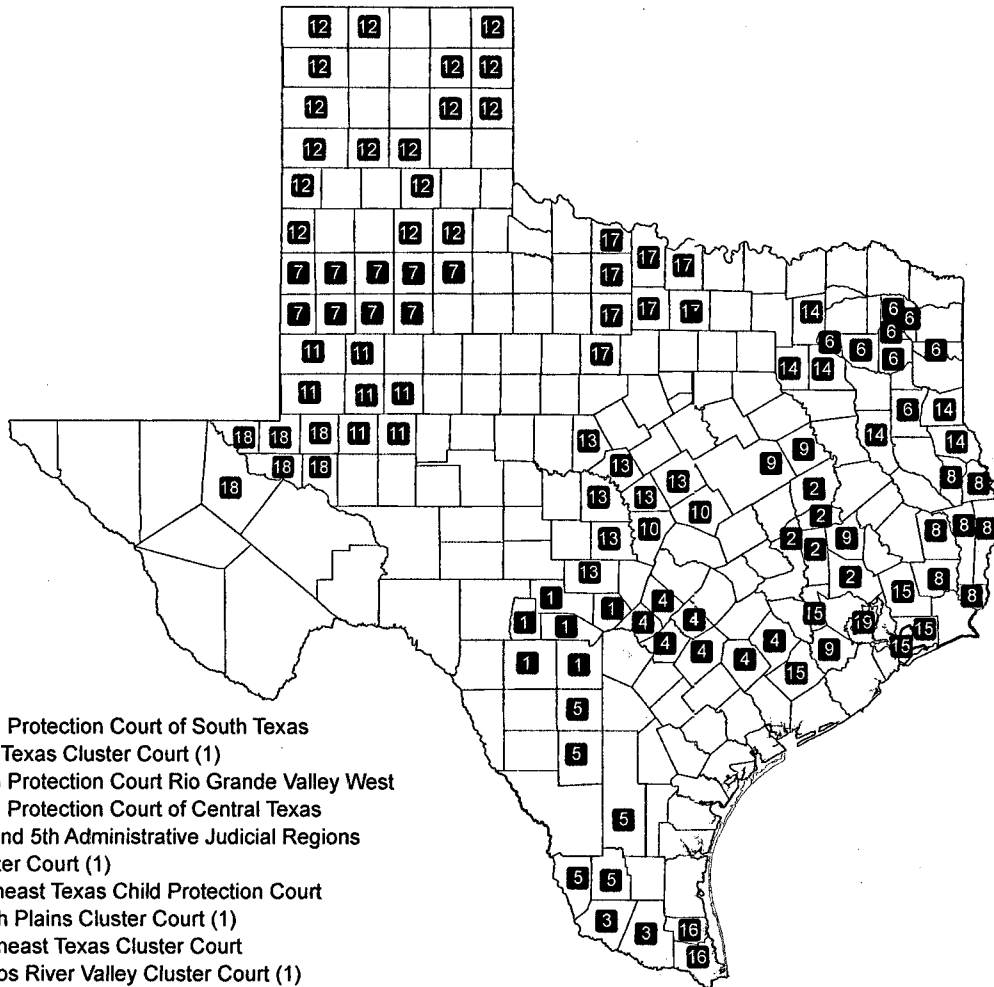
SOURCES: Legislative Budget Board; Comptroller of Public Accounts; Office of Court Administration.

judges and assistants. These judges and assistants assist rural counties with child protection caseloads. Each child protection service area contains from two to 17 counties, except in Harris County, where the child protection court will be managed by the county. Most service areas employ only one associate judge; however at least four service areas employ from two to three judges to handle a higher volume of cases. The Child Protection Courts Program is designed to reduce the time children spend in temporary foster care by expediting the judicial administration of child abuse, neglect, and adoption cases. Total 2014–15 biennial appropriations for the Child Protection Courts Program is \$6.4 million and provide for 39.0 FTE positions. Included in this amount is \$296,480 that the Eighty-third Legislature, Regular Session, 2013, provided for a state-funded child protection court in

Harris County. Funded positions include 15 associate judges, 5 visiting judges, and 16 court coordinators.

Figure 25 shows the locations of the child protection courts and their service areas.

FIGURE 25
CHILD PROTECTION COURT SERVICE AREAS, AS OF SEPTEMBER 2013



- 1 – Child Protection Court of South Texas
- 2 – East Texas Cluster Court (1)
- 3 – Child Protection Court Rio Grande Valley West
- 4 – Child Protection Court of Central Texas
- 5 – 4th and 5th Administrative Judicial Regions Cluster Court (1)
- 6 – Northeast Texas Child Protection Court
- 7 – South Plains Cluster Court (1)
- 8 – Southeast Texas Cluster Court
- 9 – Brazos River Valley Cluster Court (1)
- 10 – Centex Child Protection Court
- 11 – Child Protection Court of the Permian Basin
- 12 – Northern Panhandle Child Protection Court
- 13 – Child Protection Court of the Hill Country
- 14 – Sabine Valley Child Protection Court
- 15 – Three Rivers Cluster Court (1)
- 16 – Child Protection Court Rio Grande Valley East
- 17 – North Texas Child Protection Court
- 18 – Child Protection Court of West Texas
- 19 – Harris County (2)

NOTES:

- (1) These service areas have more than one judge assigned to them.
 - (2) The Harris County Child Protection Court will be managed by Harris County during the 2014–15 biennium.
- SOURCE: Office of Court Administration.

STATE FUNDING FOR PROSECUTOR SALARIES AND PAYMENTS

The state funds the Office of the State Prosecuting Attorney, salaries and certain expenses of felony prosecutors, salary supplements for certain county attorneys, and longevity pay for assistant district attorneys and assistant county prosecutors. The State Prosecuting Attorney represents the state in matters before the Court of Criminal Appeals and may represent the state in criminal cases before the 14 Courts of Appeals. District attorneys, criminal district attorneys, and county attorneys are all prosecutors who represent the state in criminal cases pending in the district and county-level courts of a county or counties. The state also funds the operations of the Special Prosecution Unit headquartered in Walker County.

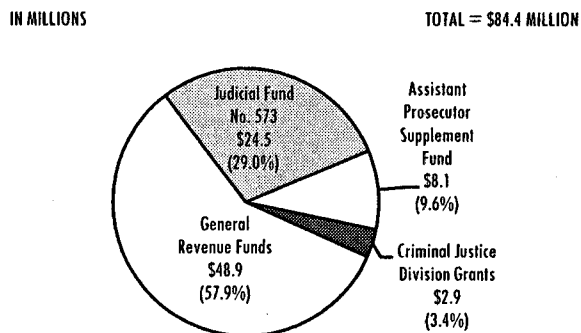
The Eighty-third Legislature, 2013, appropriated \$84.4 million for the 2014–15 biennium to support state and local prosecutors. (See **Figure 26** and **Figure 27** for appropriations by method of finance and by programs.) Of this amount, \$5.9 million in General Revenue Funds was appropriated to provide a 12 percent pay increase statutorily linked to the state compensation for a district judge. The benchmark state salary for a district judge was \$125,000 for the 2012–13 biennium, and increased to \$140,000 effective September 1, 2013.

OFFICE OF THE STATE PROSECUTING ATTORNEY

The Office of the State Prosecuting Attorney (OSPA) was established in 1923. OSPA is charged with representing the state in all proceedings before the Court of Criminal Appeals. The State Prosecuting Attorney, appointed by the Court of Criminal Appeals, may also represent the state in criminal cases before the 14 Courts of Appeals if the State Prosecuting Attorney considers such representation in the interest of the state or if a local prosecuting attorney requests the OSPA's assistance.

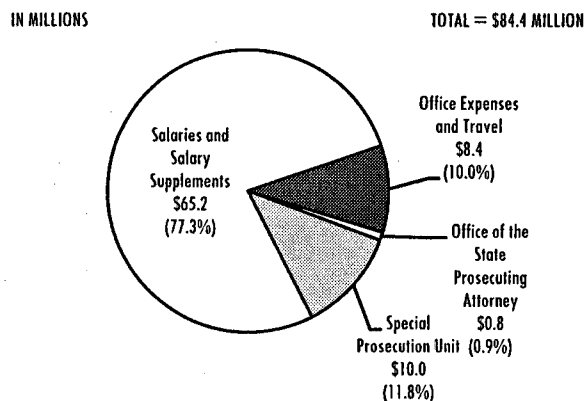
Given their statewide impact, the opinions and decisions of the Court of Criminal Appeals are thoroughly studied by the OSPA. In addition, the OSPA monitors all opinions that the 14 Courts of Appeals issue which reverse a criminal conviction or modify a trial court's judgment. The OSPA focuses on the effect an appellate opinion will have on the state's overall jurisprudence and becomes involved as necessary to advance the state's interests. The OSPA takes a statewide perspective on the issues of greatest importance

FIGURE 26
APPROPRIATIONS FOR PROSECUTORS
BY METHOD OF FINANCE
2014–15 BIENNIUM



NOTE: Totals may not sum due to rounding.
SOURCE: Legislative Budget Board.

FIGURE 27
APPROPRIATIONS FOR PROSECUTORS BY PROGRAM
2014–15 BIENNIUM



SOURCE: Legislative Budget Board.

arising in Texas criminal law, and it functions as the primary source of guidance and assistance for many local prosecutors.

State 2014–15 biennial funding for the staff and operating costs of the OSPA totals approximately \$0.8 million in All Funds, with more than 94 percent in General Revenue Funds. Included in this amount is \$22,500 per fiscal year that the State Prosecuting Attorney receives through an Interagency Contract with the Judiciary Section, Comptroller's Department. That contract is for an office apportionment available to prosecutors statewide in districts with populations greater than 50,000.

The Eightieth Legislature, 2007, passed legislation that added the State Prosecuting Attorney to the Texas Government Code, Chapter 46, also known as the Professional Prosecutors Act (PPA). The PPA links state compensation of professional prosecutors to the benchmark state salary of a district judge. Before the 2008–09 biennium, the State Prosecuting Attorney's salary, similar to other state agency directors, was established by the General Appropriations Act. The 12 percent judicial pay increase funded by the Eighty-third Legislature resulted in the State Prosecuting Attorney's salary increasing from \$125,000 during the 2012–13 biennium to \$140,000, effective September 1, 2013.

PROFESSIONAL PROSECUTORS

In addition to the State Prosecuting Attorney, there are 154 professional prosecutors in the state, effective September 1, 2013. The state pays the salaries of district attorneys, criminal district attorneys, and county attorneys who are prohibited from the private practice of law, pursuant to the Professional Prosecutors Act. These prosecutors operate in jurisdictions in which state felony cases generate enough workload to occupy the prosecutor full-time. Professional prosecutors receive 100 percent of the compensation paid a district judge, or \$140,000, effective September 1, 2013. The Eighty-third Legislature, Regular Session, 2013, appropriated \$42.6 million in General Revenue Funds and the Judicial Fund (Other Funds) to pay the salaries of professional prosecutors. Pursuant to the Texas Government Code, Section 46.003, a commissioner's court or courts in the prosecutor's district may: (1) forgo a local supplement; (2) provide a local supplement to the prosecutor's state salary in an amount that is not less than the county supplement paid to the county or counties' highest-paid district judge; or (3) pay a local supplement that exceeds a district judge's combined salary from state and local sources.

Separate statutes establish the salary for prosecutors who are not prohibited from the private practice of law at a lower level than the salary of a district judge. The Eighty-third Legislature, Regular Session, 2013, provided \$2.1 million in General Revenue Funds and the Judicial Fund (Other Funds) to pay the salaries of these types of prosecutors.

DISTRICT ATTORNEYS

District attorneys compensated pursuant to the Texas Government Code, Section 41.013, are permitted to engage in the private practice of law. They receive a state salary of \$112,000, which is 80 percent of the compensation paid a district judge (\$140,000, effective September 1, 2013). This

compensation is an increase from the \$100,000 paid during the 2012–13 biennium. There were three such prosecutors in the state as of September 1, 2013. There is no local supplement required for this type of district attorney.

FELONY PROSECUTORS

The state pays the salaries of the Jackson County Criminal District Attorney and the Fayette County Attorney. The Fayette County Attorney performs the duties of a district attorney. These two prosecutors also are permitted to engage in the private practice of law. The Jackson County and Fayette County prosecutors receive a salary of \$112,000, which is 80 percent of the compensation paid a district judge (\$140,000, effective September 1, 2013). This compensation is an increase from the \$100,000 paid during the 2012–13 biennium. The Texas Government Code, Sections 44.220 and 44.175, direct the state to compensate these positions at rates authorized pursuant to Section 41.013, or 80 percent of district judge pay. There is no local supplement required for these two prosecutor positions, although the Jackson County commissioner's court may supplement the state salary of the Criminal District Attorney.

COUNTY ATTORNEY SUPPLEMENT

As an official of county government, county attorneys receive a local salary at the discretion of each county. Pursuant to the Texas Government Code, Section 46.0031, the state funds a salary supplement to county attorneys who do not have general felony jurisdiction and who are not state prosecutors pursuant to the Professional Prosecutors Act. County attorneys may receive a supplement equal to one-half of the salary of a district judge ($\$140,000/2 = \$70,000$) divided by the total number of counties served by the state prosecutor serving in the county. However, if that formula would result in an amount less than one-sixth of a district judge's salary ($\$140,000/6 = \$23,333$), the county attorney is entitled to receive one-sixth of the district judge's salary. These supplements formerly ranged from \$20,833 to \$62,500 for the 2012–13 biennium before a 12 percent judicial pay increase effective September 1, 2013.

If the county attorney serves a county with more than one state prosecutor, the county attorney's supplemental salary compensation is computed by:

1. determining the amount of compensation that would have been provided to each state prosecutor if that state prosecutor was the only state prosecutor serving the county;
2. adding the amounts of compensation determined under (1); and

3. setting the compensation at the lesser of the sum of those amounts or \$70,000.

The Texas Government Code provides that if computations cause the gross salary of a county attorney to exceed the benchmark salary of a district judge, then excess amounts may be used for expenses of the county attorney's office. The Eighty-third Legislature, Regular Session, 2013, provided \$12.2 million in General Revenue Funds and the Judicial Fund (Other Funds) for county attorney supplements for the 2014–15 biennium. As of September 1, 2013, there were 177 county attorneys in the state receiving state-paid salary supplements.

Figure 28 lists all prosecutor salaries and salary supplements statutorily linked to the benchmark salary of a district judge.

Figure 29 shows all other prosecutor payments required by statute, for which the Eighty-third Legislature provided an appropriation for the 2014–15 biennium. As shown in **Figure 27**, the state allocates \$8.4 million in General Revenue Funds to pay prosecutor apportionments for expenses of office and prosecutor travel expenses.

HARRIS COUNTY DISTRICT ATTORNEY

Pursuant to the Texas Government Code, Chapter 41, the state makes an apportionment of funds for prosecution in certain eligible counties where a district attorney is not receiving a state salary. In practice, only the Harris County District Attorney is eligible for the apportionment. The Comptroller of Public Accounts deposits the apportionment to the county officers' salary fund on a quarterly basis. The amount deposited annually is based on the population of

FIGURE 28
PROSECUTOR SALARIES AND SALARY SUPPLEMENTS STATUTORILY LINKED TO DISTRICT JUDGE PAY
2014–15 BIENNIUM

TYPE OF PROSECUTOR	SALARY/SUPPLEMENT EFFECTIVE 9/1/2013	LOCAL SALARY/ SUPPLEMENT	TOTAL SALARY	STATUTORY REFERENCE TEXAS GOVERNMENT CODE
District Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State pay of \$140,000 (an amount set in the General Appropriations Act), with total salary from state and local sources not to exceed an amount that is \$5,000 less than the total salary of a Court of Appeals Justice (\$163,000), pursuant to §659.012
State Prosecuting Attorney	\$140,000	No Local Supplement	\$140,000	100% of state pay for district judge pursuant to §46.002 and §46.003
Professional Prosecutor	\$140,000	Varies	Varies	State compensation of 100% of state pay for district judge and, if any, a local supplement in an amount of not less than the local supplement paid to a county's highest-paid district judge pursuant to §46.002 and §46.003
District Attorneys	\$112,000	No Local Supplement	\$112,000	80% of state pay for a district judge pursuant to §41.013 (3 DAs)
Felony Prosecutors				§44.220 and §45.175 direct the state to compensate these following two positions at amounts set pursuant to §41.013, or 80% of state pay for a district judge.
Jackson County Criminal District Attorney	\$112,000	At county discretion	At county discretion	§44.220
Fayette County Attorney	\$112,000	No Local Supplement	\$112,000	§45.175
County Attorney Supplement	\$23,333 to \$70,000	At county discretion	At county discretion	Pursuant to §46.0031, if county is served by one state prosecutor, then state salary supplement equals \$70,000 divided by the number of counties served by the local state prosecutor or \$23,333, whichever is greater. If county is served by two or more state prosecutors, then state salary supplement equals sum of compensation the county attorney would have received if the county was served by only one state prosecutor or \$70,000, whichever is less.

SOURCE: Legislative Budget Board.

**FIGURE 29
PROSECUTOR PAYMENTS
2014–15 BIENNIUM**

PROSECUTOR	PAYMENT	STATUTORY AUTHORITY
Harris County District Attorney	\$136,023	State apportionment per the Texas Government Code §41.201, §41.203, §43.180, and Local Government Code §154.008
Felony Prosecutor Travel	\$178,500 available annually for apportionment statewide	Travel expenses for prosecutors in multi-county districts per the Texas Government Code §43.004
Felony Prosecutor Expenses	An annual amount of \$22,500 per district in districts with populations of more than 50,000; \$27,500 per district in districts with populations of less than 50,000; and, \$11,083 in single-county districts with populations of more than 50,000 (Harris County).	The Texas Government Code §46.004; Amounts set in Rider 6, 2014–15 General Appropriations Act, Page IV-37
Assistant Prosecutor Longevity Pay	\$20 per month for each year of lifetime service credit, not to exceed \$5,000 annually	The Texas Government Code §41,253 and §41.255(d)

SOURCE: Legislative Budget Board.

Harris County and cannot exceed 4 cents per capita, pursuant to the Texas Government Code, Section 41.203. The amount apportioned to Harris County is \$136,023 per fiscal year for the 2014–15 biennium. Pursuant to the Texas Government Code, Section 43.180, Harris County must pay the District Attorney a local salary in an amount of not less than \$35,000 per year. Like other professional prosecutors, the Harris County District Attorney is not authorized to engage in the private practice of law.

PROSECUTOR TRAVEL AND EXPENSES OF OFFICE

Pursuant to the Texas Government Code, Chapter 43, prosecuting attorneys engaged in official duties in a county other than the prosecutor’s county of residence are entitled to travel and other necessary expenses, in accordance with travel limits for general state employees. For the 2014–15 biennium, amounts reimbursed are drawn from an appropriation of \$178,500 per fiscal year available statewide.

Chapter 46 also provides that a professional prosecutor is entitled to reimbursement from the state for other expenses incurred in the discharge of official duties. Historically, the Texas Legislature has provided funding for these and other expenses of felony prosecutors in the General Appropriations Act. Authorized expenses include salaries of assistant district attorneys, investigators, and/or secretarial help, supplies, and expenses. Annual amounts authorized are: \$22,500 per office for felony prosecutors serving districts with populations of more than 50,000; \$27,500 per office for felony prosecutors serving districts with populations of less than 50,000; and \$11,083 for the Harris County District Attorney.

Appropriations for prosecutor office apportionments total \$8.1 million in General Revenue Funds for the 2014–15 biennium.

ASSISTANT PROSECUTOR LONGEVITY PAY

The state provides longevity pay of \$20 per month for each year of lifetime service credit for assistant prosecutors up to \$5,000 annually. Assistant prosecutors receiving longevity pay may not engage in the private practice of law if the prosecutor’s salary from all sources is equal to or exceeds 80 percent of the state salary paid a district judge (80 percent of \$140,000 = \$112,000). The funding source for the longevity pay is derived from a \$15 surety bond fee, two-thirds of which is deposited to the Assistant Prosecutor Supplement Fund (Other Funds) and one-third of which is deposited to the General Revenue—Dedicated Fair Defense Account. Appropriations for assistant prosecutor longevity pay total \$8.1 million from the Assistant Prosecutor Supplement Fund (Other Funds) for the 2014–15 biennium.

SPECIAL PROSECUTION UNIT

State funding for the Special Prosecution Unit (SPU) totals \$10.0 million for the 2014–15 biennium. The SPU is charged with prosecuting crimes that occur within the Texas Department of Criminal Justice (TDCJ) and initiating civil commitment proceedings against sexually violent predators that have been released from TDCJ by either discharge of sentence or by release on mandatory supervision. Also, the Eightieth Legislature, 2007, enacted legislation that requires SPU to prosecute offenses or delinquent conduct committed in Texas Youth Commission (TYC) facilities.

The SPU includes three divisions: the Criminal Prison Prosecution Division, the Civil Commitment Division, and the Juvenile Division. All three divisions are headquartered in Huntsville and are led by an Executive Director.

The SPU is governed by an executive board of 11 district attorneys who are selected by district attorneys who have prisons or TYC facilities in their districts. The executive board establishes policies and procedures for SPU, approves expenditures, and reviews progress reports. The board also appoints the SPU's Executive Director.

The Criminal Division primarily investigates and prosecutes violent crime within the Texas prison system. In addition, the division prosecutes other crimes that occur within the prison system such as weapons offenses, drug offenses, bribery, theft, civil rights violations, and other criminal offenses. The Criminal Division prosecutes not only inmates but also TDCJ officials, employees, or civilians who commit crimes while on property owned, operated, or controlled by TDCJ. The division receives grant funding from the Criminal Justice Division of the Governor's Office and General Revenue Funds.

In fiscal year 1984, a group of district attorneys established the SPU. Since then, the state prison population increased from 38,000 to nearly 153,000 inmates in more than 110 private and public units as of August 31, 2013. In fiscal year 2013, the Criminal Division disposed of 413 cases, including murder, possession of contraband, aggravated assault on a public servant, sexual assault, bribery, and possession of a deadly weapon in a penal institution.

Because many prison units are located in rural areas, prison caseloads may overburden limited resources of local prosecutors. The Criminal Division provides prosecution assistance to local offices with prison caseloads. When the Criminal Division's services are used, the prosecutor and investigator assigned to the geographical area coordinate the prosecution with the local district attorney. The Criminal Division assists investigations in the Office of the Inspector General (OIG) for TDCJ, local law enforcement agencies and the district attorney's office. Personnel from the Criminal Division work closely with the OIG, advising it on criminal law and assisting in investigations and prosecutions. Additionally, the Criminal Division handles the appellate work that often results from a successful prosecution.

The Criminal Division also works closely with TDCJ and OIG to implement the Texas Safe Prisons Act and the federal

Prison Rape Elimination Act, which strive to reduce the number of sexual assaults in prison through prosecution of those who commit such sexual assaults. Because venue in these cases lies in the county in which the offense occurs, the Criminal Division maintains offices in seven areas of the state. The main office is located in Huntsville, and satellite offices are located in Amarillo, Angleton, Beeville, Bonham, Lampasas, and Palestine. The locations of these offices allow for closer cooperation with personnel of TDCJ, OIG and district attorneys in those regions and allow the Criminal Division to work more closely with prison units across the state.

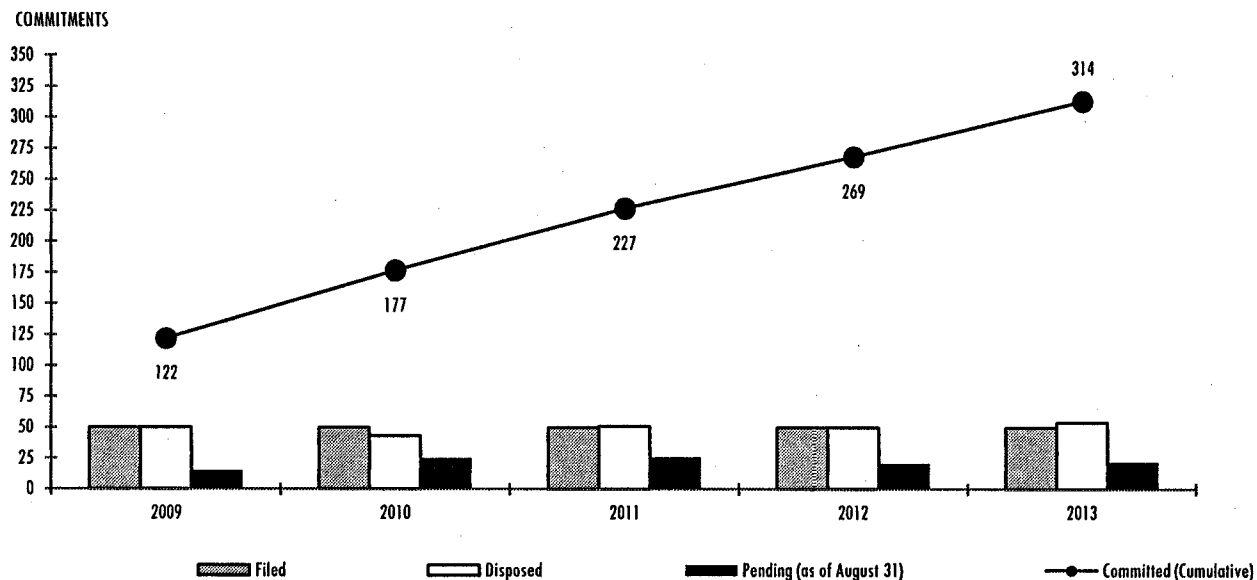
The Seventy-sixth Legislature, 1999, established the Civil Division of the SPU, which is responsible for initiating and pursuing civil commitment proceedings against sexually violent predators. Sexually violent predators are defined as persons with a behavioral abnormality that makes the person more likely to engage in a predatory act of violence if the person is unsupervised. The division receives General Revenue Funds.

Pursuant to the statute for civil commitments, TDCJ must notify the SPU upon the anticipated release of a person serving a sentence for a sexually violent offense if TDCJ determines that the person fits the criteria for a sexually violent predator. Thereafter, the SPU must file a petition alleging predator status, and a trial date is set within 60 days for a judge or jury to make a determination of the person's predator status. Because the SPU's main office is located in Huntsville, civil commitment proceedings take place in the 435th District Court in Montgomery County. (See page 16 for an additional description of the court.) If the person is found to be a predator, the Presiding Judge must commit the person for outpatient treatment and supervision, which may include supervised housing. Persons committed to supervision are entitled to a biennial review of their predator statuses before a judge or jury. If the state cannot prove beyond a reasonable doubt that a person is likely to engage in a predatory act of sexual violence, the person can be released from supervision.

Figure 30 shows the caseload of the Civil Division from fiscal years 2009 to 2013. The division has consistently initiated an estimated 50 civil commitments each fiscal year since that division's inception.

As of August 2013, the SPU reports that since fiscal year 2000, the Civil Division has civilly committed 314 individuals, and 22 cases are pending. The Office of Violent Sex Offender Management provides the treatment and supervision of sex offenders who have been civilly committed.

**FIGURE 30
CIVIL DIVISION PERFORMANCE MEASURES
FISCAL YEARS 2009 TO 2013**



SOURCE: Special Prosecution Unit.

The agency is administratively attached to the Department of State Health Services.

The Juvenile Division was established by the Eightieth Legislature, 2007, through the passage of Senate Bill 103, to prosecute crimes that occur in the Texas Youth Commission (TYC). With the passage of Senate Bill 653, the Eighty-second Legislature, 2011, combined the Texas Youth Commission and the Juvenile Probation Commission to establish the Texas Juvenile Justice Department (TJJD). The Juvenile Division's duties include prosecuting juveniles, as well as employees and civilians committing crimes in TJJD facilities. The division's caseload primarily falls in Corsicana, Edinburg, Beaumont and Brownwood, based upon facility location. The Juvenile Division filed 119 Juvenile Petitions and disposed of 198 criminal cases in fiscal year 2013.

PUBLIC INTEGRITY UNIT

Funding for the Public Integrity Unit (PIU) of the Travis County District Attorney's Office for the 2014-15 biennium was vetoed by the Governor (\$7.6 million in All Funds). The PIU was established in 1978 to investigate and prosecute white-collar crime in state government. Pursuant to constitutional and statutory provisions, the Travis County District Attorney's Office continues to prosecute offenses

relating to state government occurring in Travis County, because the seat of state government, Austin, is located within the county. In addition to handling general complaints involving criminal wrongdoing, PIU has statewide venue to handle prosecutions of alleged fraud in the insurance and motor fuels industries. Without state funding to the PIU for these purposes, jurisdiction over prosecution will revert to local prosecutors in the counties where the alleged offenses occurred. Historically, the Legislature has provided an annual salary supplement of \$2,808 to two Travis County Assistant District Attorneys. The Texas Government Code, Section 43.132, authorizes the salary supplements, which were paid to Travis County prosecutors employed by the PIU.

STATE FUNDING FOR OTHER JUDICIARY PROGRAMS

In addition to funding different types of costs for appellate courts, trial courts, and prosecutors, the Legislature funds other programs in the Judiciary:

- five judicial agencies—the Office of Court Administration (which includes administratively attached regulatory boards to be abolished and consolidated into the Judicial Branch Certification Commission effective September 1, 2014); the Texas Indigent Defense Commission (also administratively attached to the Office of Court Administration); and the State Commission on Judicial Conduct, the State Law Library, and the Office of Capital Writs (combined into Other Judicial Agencies in **Figure 31**);
- retirement benefits for current and former state judges and justices through the pay-as-you-go Judicial Retirement System I (JRS I) and the actuarially funded Judicial Retirement System II (JRS II);
- health insurance, social security and retirement benefits for non-judges employed by the judiciary and judicial agencies (State Employee & Retirement Benefits);
- basic civil legal services for the indigent;
- juror pay;

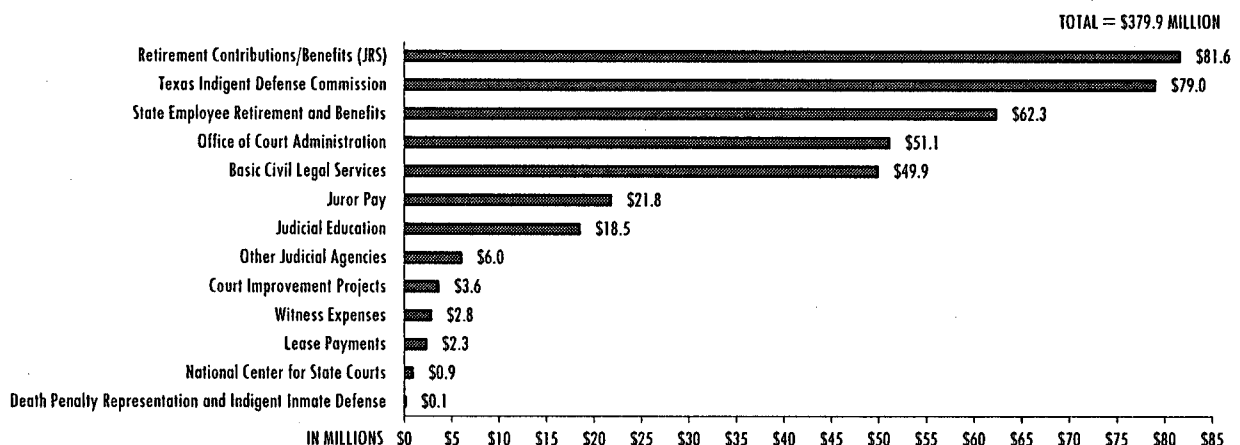
- judicial education;
- court improvement projects;
- witness expenses;
- lease payments;
- the National Center for State Courts; and
- death penalty representation and indigent inmate defense.

Figure 31 shows the 2014–15 appropriations for these agencies and programs.

THE OFFICE OF COURT ADMINISTRATION

The Office of Court Administration (OCA) was established in 1977 and operates under the direction of the Supreme Court of Texas. OCA provides information and technical assistance to more than 2,600 state and local courts to improve the administration of justice, compile judicial statistics, and staff the Texas Judicial Council. The Texas Judicial Council conducts studies of the judicial system and makes policy recommendations to the Governor, the Texas Legislature, and the Supreme Court of Texas for improving the administration of justice in Texas. The council includes members of the judiciary, the public, the Legislature, and the State Bar.

FIGURE 31
APPROPRIATIONS FOR OTHER JUDICIARY PROGRAMS, 2014–15 BIENNIUM



SOURCE: Legislative Budget Board.

INFORMATION TECHNOLOGY

The OCA supports the activities of the Judicial Committee on Information Technology (JCIT), which is charged with improving information technology at all judicial levels in Texas. The JCIT's primary activities include: implementing electronic reporting of court statistics; developing standards for electronic filing of court documents; providing trial courts with broadband access to the Internet; and helping trial courts acquire surplus state computers. OCA also maintains a computer network, websites, and case management systems for the appellate courts, OCA, and other judicial agencies.

Appropriations in the 2014–15 biennium for information technology total \$43.6 million in All Funds. Of this amount, \$35.4 million is funding dedicated for a new statewide Electronic Filing Manager system (eFileTexas.gov) for the courts. In December 2012, the Supreme Court ordered electronic filing of civil cases—including family and probate cases—by litigants in appellate, district, and county-level courts. The filing system will expand to all Texas counties based on county population by July 2016. The new eFileTexas.gov is an online portal that replaces the electronic file manager system included within the state's website, Texas.gov. **Figure 32** shows a comparison of the previous e-filing system to the new eFileTexas.gov system.

The passage of House Bill 2302, Eighty-third Legislature, Regular Session, 2013, reduced filing costs for civil cases by replacing a per-document filing fee averaging between \$8–\$18 per document with a per-case filing fee of between \$10–\$20. In addition, a \$5 court cost was established for criminal convictions in county and district courts. These funds are deposited into a Statewide Electronic Filing Fund by the Comptroller of Public Accounts to fund the e-filing system. Counties are also permitted to assess an additional \$2 transaction fee to recoup local costs associated with eFileTexas.gov's statewide implementation.

TEXAS INDIGENT DEFENSE COMMISSION

The Seventy-seventh Legislature, 2001, established the Task Force on Indigent Defense (TFID) to set standards and award formula-based and discretionary grants to counties for criminal defense services for the indigent. OCA provided administrative services to the TFID, which was a standing committee of the Texas Judicial Council. The Eighty-second Legislature, Regular Session, 2011, established the Texas Indigent Defense Commission (TIDC), which replaced the TFID effective September 1, 2011. The commission

FIGURE 32
COMPARISON OF TEXAS.GOV
AND EFILETEXAS E-FILING SYSTEMS

Texas.gov E-Filing

- Voluntary "toll road" model initiated in 2003
- Significant court participation requiring e-filing of cases by litigants that included the Supreme Court, half of the Courts of Appeals, 236 district courts and 81 county courts in 51 counties, and 28 justice courts in 12 counties
- Funded by a per-document filing fee with average per-case filing costs of \$80–\$180 to e-file. Most cases average 10 documents
- Services provided to existing customers through August 31, 2013

eFileTexas.gov E-Filing

- Services offered to new customers beginning May 2013, with existing customers transitioning to the new system September 1, 2013
- Supreme Court mandate requiring e-filing of certain civil cases by litigants beginning in January 2014 to be completed in July 2016
- Funded by a per-case filing fee of \$10–\$20 with local governments authorized to charge up to \$2 for each electronic case filing and a \$5 criminal court cost for criminal convictions in county and district courts. This represents a 48 percent decrease in costs to e-filers when compared to the former system
- Includes data integration standards to ensure compatibility and integration with local systems and statewide document search

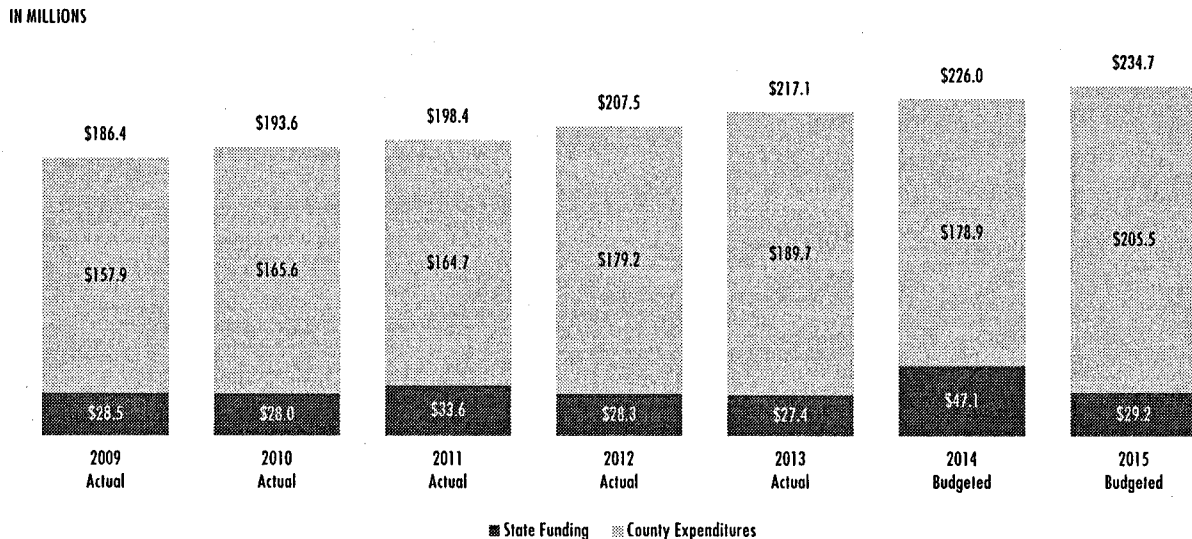
SOURCE: Office of Court Administration.

continues to be a standing committee of the Texas Judicial Council and is composed of eight ex officio members, including the Presiding Judge of the Court of Criminal Appeals, the Chief Justice of the Supreme Court of Texas, and five additional members appointed by the Governor.

The costs to provide indigent defense services are met through a combination of state and local funding, with counties absorbing a majority of these costs. **Figure 33** shows a breakdown of indigent defense spending. Since fiscal year 2009, total expenditures have grown 25.9 percent from \$186.4 million to an anticipated \$234.7 million budgeted for fiscal year 2015. In fiscal year 2013, state and local expenditures for indigent defense totaled \$217.4 million, with counties funding 87.4 percent of this expense (\$189.7 million) compared to the state's share of 12.6 percent (\$27.4 million). In fiscal year 2013, courts appointed counsel in 471,000 cases.

The Eighty-third Legislature, Regular Session, 2013, appropriated an estimated \$79.0 million from the General

FIGURE 33
LOCAL AND STATE SHARE OF INDIGENT DEFENSE COSTS, FISCAL YEARS 2009 TO 2015



NOTE: Fiscal Year 2014 includes a one-time disbursement of \$15 million from unexpended balances in the Fair Defense Account. Actual and budgeted amounts for fiscal years 2013-2015 provided by the agency as of March 2014.

SOURCE: Texas Indigent Defense Commission (March 2014).

Revenue—Dedicated Fair Defense Account for the 2014–15 biennium for grants, innocence projects and administration. This amount was an increase of nearly 27.0 percent from estimated and budgeted 2012–13 biennial funding levels. The TIDC may expend all receipts deposited into the Fair Defense Account during the 2014–15 biennium, as well as any unexpended balances from prior biennia. For the 2014–15 biennium, \$76.5 million was appropriated for grants to eligible counties for improving legal services for indigent criminal defendants. As of March 2014, the TIDC estimates an additional \$3.9 million will be available for grants in fiscal year 2014, primarily from unexpended balances of discretionary grants in fiscal year 2013. Additional funds are distributed through a combination of formula and discretionary grants.

For fiscal year 2014, TIDC budgeted \$37.0 million for formula-based distribution to county indigent defense programs. This includes a one-time disbursement of \$15.0 million from unexpended balances in the Fair Defense Account from prior fiscal years. Formula grant distribution to counties takes into consideration factors such as county population and the county's direct indigent defense expenditures for the previous year.

TIDC budgeted \$11.1 million in discretionary grants to 21 counties for fiscal year 2014. Discretionary grants include:

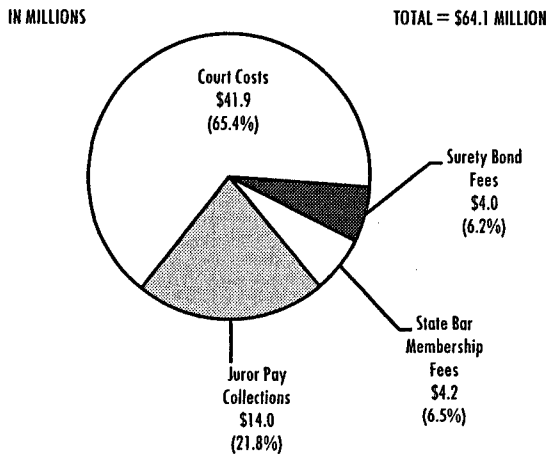
- funding to reimburse counties for actual extraordinary expenses of providing indigent defense services in a case or series of cases;
- programmatic funding to improve indigent defense services such as case management software;
- programs that address the specific needs of individual counties, such as mental health defender programs; and
- multi-county support to county indigent defense programs, such as the Regional Public Defender for Capital Cases.

TIDC also supports Texas-based innocence projects. These projects involve law school students reviewing criminal case convictions to exonerate the wrongfully convicted and identify reforms to improve criminal defense practices. When investigations reveal potentially provable cases of actual innocence, students work with attorneys to pursue remedies for the inmate through the courts or clemency procedures.

The first innocence project began in 2000 at the University of Houston Law Center. Since then, the project has expanded to four of the state's public law schools: Texas Tech University, the University of Houston, the University of Texas, and Texas Southern University. So far, 10 individuals have been exonerated with support from these projects. For the 2014–15 biennium, each of these law schools is budgeted to receive \$100,000 each fiscal year or a total of \$400,000 in funds for innocence projects.

Figure 34 shows major revenue sources for the Fair Defense Account.

FIGURE 34
FAIR DEFENSE ACCOUNT REVENUE SOURCES
2014–15 BIENNIUM



SOURCES: Comptroller of Public Accounts, Texas Indigent Defense Commission.

The Seventy-ninth Legislature, Regular Session, 2005, increased juror pay by establishing an additional \$4 court cost in criminal convictions. The legislation directs the Comptroller of Public Accounts to deposit any unexpended juror pay collections in excess of \$10.0 million to the Fair Defense Account, which will be used by the TIDC to provide additional grants to counties. Deposits of excess juror pay collections to the Fair Defense Account are estimated to be \$7.0 million for each year of the 2014–15 biennium.

OCA supports three certification/regulatory entities within the Judicial Branch: the Court Reporters Certification Board, the Guardianship Certification Board, and the Process Server Review Board. Effective September 1, 2014, these three boards will be consolidated into the Judicial Branch Certification Commission.

COURT REPORTERS CERTIFICATION BOARD

The Court Reporters Certification Board (CRCB) was established in 1977 to certify and regulate court reporters. CRCB functions include, but are not limited to:

- certification of individual court reporters;
- registration of court reporting firms;
- assessment and collection of fees; and

- enforcement of the rules and regulations governing the court reporting profession.
- As of August 2013, there were 2,449 active certified court reporters and 369 registered court-reporting firms in Texas. OCA provides administrative support to CRCB in fulfilling its statutory responsibilities. Appropriations for the 2014–15 biennium total approximately \$0.5 million and provide 4 full-time-equivalent positions. CRCB is funded by examination and certification fees that are deposited into General Revenue Funds.

For the 2014–15 biennium, OCA consolidated its funding request for the Guardianship Certification Board and Process Server Review Board. The combined biennial appropriations for these two programs is \$0.6 million. These boards are funded by examination and certification fees that are deposited into General Revenue Funds.

GUARDIANSHIP CERTIFICATION BOARD

Legislation passed by the Seventy-ninth Legislature, Regular Session, 2005, established the Guardianship Certification Board (GCB). The GCB establishes a certification process for private professional guardians and those who provide guardianship services to a ward of a guardianship program or to wards of the Department of Aging and Disability Services. GCB determines the qualifications for obtaining certification (with rules approved by the Supreme Court of Texas), issues certificates to those who meet the requirements, and adopts minimum standards for guardianship services, or other similar but less restrictive types of assistance or services. As of August 31, 2013, there were 317 certified guardians statewide.

PROCESS SERVER REVIEW BOARD

The Process Server Review Board (PSRB) was appointed by the Supreme Court of Texas in 2005, when the court amended the Texas Rules of Civil Procedure to allow persons certified by order of the court to serve process, which is the delivery of a writ, summons, or other legal paper to the person required to respond. The mission of the nine-member PSRB is to improve the standards for persons authorized to serve process and to reduce the disparity among Texas civil courts for approving persons to serve process. As of August 31, 2013, there were 3,716 certified process servers.

JUDICIAL BRANCH CERTIFICATION COMMISSION

The passage of Senate Bill 966, Eighty-third Legislature, Regular Session, 2013, consolidates the Court Reporters Certification Board, the Guardianship Certification Board, and the Process Server Review Board into the newly established Judicial Branch Certification Commission (JBCC), effective September 1, 2014. The Licensed Court Reporter Interpretation Advisory Board is also moved to this new entity from the Texas Department of Licensing and Regulation. The JBCC will oversee regulatory policies and certification of the professionals under its jurisdiction on behalf of OCA and the Supreme Court of Texas.

STATE LAW LIBRARY

The State Law Library was established in 1971. The library is directed by statute to maintain a legal reference facility for use by the Supreme Court of Texas, the Court of Criminal Appeals, the Office of the Attorney General, other state agencies, and Texas residents. More than 100,000 items of primary and secondary source material on Texas law, information on Texas legal history, federal primary source materials, major law reviews, treatises and monographs on general law, and selected federal publications are maintained by the library. Remote access is available online for residents who register with the State Law Library. The library disseminates information and participates in cooperative efforts with other libraries, governmental agencies, and state and national organizations. The library is working to enhance the collection by providing access to additional materials electronically. The 2014–15 biennial appropriations for the State Law Library total \$2.0 million, with General Revenue Funds contributing 98.1 percent of this amount.

STATE COMMISSION ON JUDICIAL CONDUCT

The State Commission on Judicial Conduct (SCJC) was established by constitutional amendment in 1965. SCJC consists of 13 members appointed by the Supreme Court of Texas, the State Bar of Texas, and the Governor. The agency's constitutional mandate is to investigate, and when it finds judicial misconduct or judicial incapacity, to take appropriate action including discipline, education, censure, or the filing of formal procedures that could result in removal from office. Approximately 3,900 judges and judicial officers are under the jurisdiction of the SCJC. (Figure 35 shows a flow chart of the complaint process.)

The agency is governed by the Texas Constitution, the Texas Government Code, and the Procedural Rules for the Removal or Retirement of Judges promulgated by the Supreme Court

of Texas. After an investigation, SCJC can dismiss the complaint, issue an order of additional education, suspension, private or public sanction, or the judge may resign in lieu of disciplinary action. Any of the above decisions may be appealed by the judge to a panel of three appellate judges, known as a special court of review, which presides over a new trial that is open to the public. Additionally, during informal proceedings SCJC may choose to initiate formal proceedings by filing formal charges against the judge. In the event of formal proceedings, all filings and proceedings in the case become public. After the notice of formal charges, a fact-finding hearing is conducted either before SCJC or a special master appointed by the Supreme Court of Texas. After a public trial or formal hearing, the commission or special master reports findings of fact to SCJC, which then votes for dismissal or public censure, or recommends removal or involuntary retirement to the Supreme Court of Texas. The judge who receives a public censure can appeal this decision to a special court of review. A recommendation for removal or involuntary retirement is reviewed by a seven-appellate-judge tribunal whose ruling may then be appealed to the Supreme Court of Texas.

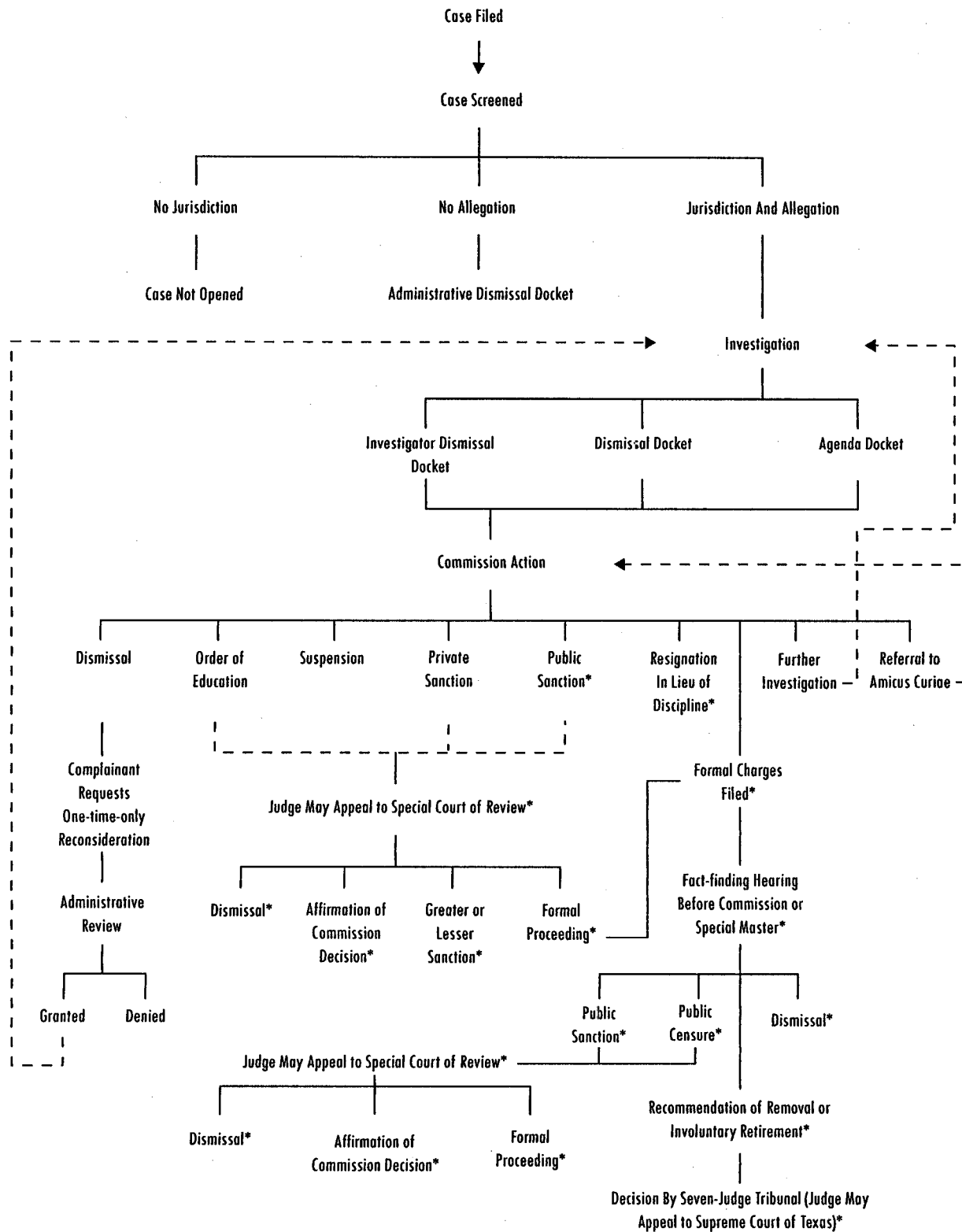
For the 2014–15 biennium, the Eighty-third Legislature, Regular Session, 2013, appropriated \$1.9 million in General Revenue Funds for SCJC. These funds provide for 14 full-time-equivalent positions and maintain the agency's 2012–13 spending levels.

The enactment of Senate Bill 209, Eighty-third Legislature, Regular Session, 2013, requires the following:

- sunset review of the SCJC in six years in lieu of the standard 12-year review;
- a public hearing in each even-numbered year to allow for public input on the SCJC's mission and operations;
- requires the SCJC to provide Sunset Advisory Commission staff access to closed meetings and confidential records for purposes of sunset review; and
- requires that the SCJC provide an individual who has filed a complaint which has been dismissed by the agency a reason why the alleged conduct in the complaint did not constitute judicial misconduct.

Senate Joint Resolution 42, Eighty-third Legislature, established a constitutional amendment, which was approved by voters on November 5, 2013, to add public sanctions to

FIGURE 35
COMMISSION ON JUDICIAL CONDUCT COMPLAINT PROCESS, FISCAL YEAR 2014



NOTE: Public sanction after formal proceedings approved by voters, November 2013.
 SOURCE: State Commission on Judicial Conduct.

the list of disciplinary actions the SCJC is authorized to issue after a formal proceeding.

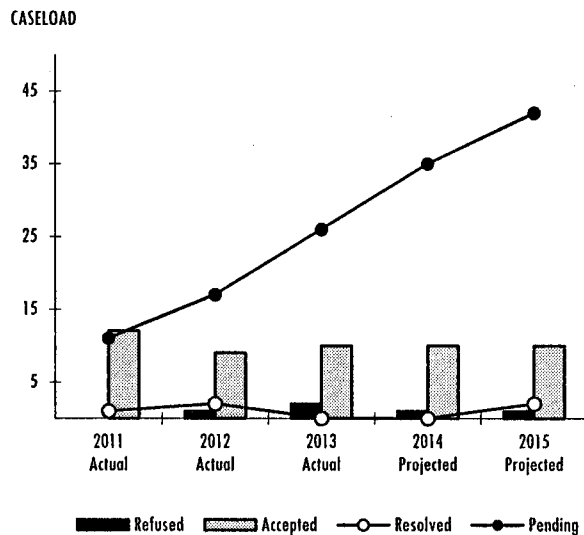
THE OFFICE OF CAPITAL WRITS

In 2009, the Eighty-first Legislature established the state Office of Capital Writs (OCW). OCW is charged with representing persons given the death penalty in state post-conviction habeas corpus and related proceedings. The Texas Government Code, Section 78.056, requires OCA to provide OCW with administrative support to maintain an appointments list of eligible criminal defense attorneys, and the Texas Government Code, Section 78.052, authorizes OCW to receive funding from the Fair Defense Account. This account may be used to fund any OCW expenses not provided by the General Appropriations Act. OCW's 2014–15 biennial appropriations total \$2.1 million and provide for 11.0 FTE positions in fiscal year 2014 and 13.0 FTEs in fiscal year 2015.

Figure 36 shows OCW's caseload from fiscal years 2011 to 2013 and shows estimates for 2014 and 2015. OCW's pending caseload has grown, and this trend is anticipated to continue through the 2014–15 biennium.

The Texas Government Code, Section 78.054(a)(2), allows OCW to refuse an appointment (Figure 36) (1) if the office determines it has insufficient resources to provide adequate

FIGURE 36
OFFICE OF CAPITAL WRITS, CASELOAD HIGHLIGHTS
FISCAL YEARS 2011 TO 2015



SOURCE: Office of Capital Writs.

representation for a defendant, or (2) if the appointment would result in a conflict. For example, the OCW may refuse an appointment that involves a case in which there are multiple defendants if the office already has accepted an appointment for one defendant in the case.

JUDICIAL RETIREMENT SYSTEMS, (JRS) I AND II

JRS I is a closed, pay-as-you-go retirement plan for state judges and justices who held office before September 1985. No trust fund exists for JRS I, and all benefits are paid by direct appropriations in General Revenue Funds. Appropriations for JRS I total \$59.4 million for the 2014–15 biennium.

To reduce the long-term liabilities associated with a pay-as-you-go retirement plan, JRS I was replaced by the actuarially funded JRS II in 1985. State judges and justices who took office after August 31, 1985, belong to this system. The state retirement contribution is 15.66 percent for the 2014–15 biennium. The judge's contribution is 6.00 percent of salary, with contributions ceasing after members accrue 20 years of service credit or have served 12 years on an appellate bench and attained the Rule of 70 (in which the sum of the judge's age and the judge's amount of service credit in the retirement system equals or exceeds the number 70). The 2014–15 appropriations for JRS II total \$22.2 million.

The retirement eligibility requirements for JRS I and JRS II are shown in Figure 37, along with the method for calculating the retirement benefit.

BASIC CIVIL LEGAL SERVICES FOR THE INDIGENT

The Supreme Court provides support for indigent civil legal services in Texas through the Basic Civil Legal Services Program. This is administered through the Texas Access to Justice Foundation (TAJF), a nonprofit organization established in 1984 by the Supreme Court to manage grants to legal aid organizations that provide state-support indigent civil legal services. Indigent civil legal services address a variety of civil matters that include family and domestic violence, access to medical care, employment/labor/wage recovery and other matters.

Using all sources of funding, Texas legal aid organizations dispose of approximately 100,000 cases each year. For fiscal year 2014, TAJF provided funding to 35 legal aid providers. To qualify for basic civil legal services aid, an

**FIGURE 37
JUDICIAL RETIREMENT SYSTEM (JRS) I AND II ELIGIBILITY REQUIREMENTS**

JRS I	JRS II
<p>Full benefit</p> <ul style="list-style-type: none"> • At age 65 with 10 years of service and currently holding a judicial office • At age 65 with 12 years of service, whether or not currently holding a judicial office • At any age with 20 years of service, whether or not currently holding a judicial office • At any age with at least 12 years on an appellate court and the Rule of 70 met (sum of age and years of service equals or exceeds 70), whether or not currently holding a judicial office 	<p>Full benefit</p> <ul style="list-style-type: none"> • At age 65 with 10 years of service and currently holding a judicial office • At age 65 with 12 years of service, whether or not currently holding a judicial office • At any age with 20 years of service, whether or not currently holding a judicial office • At any age with at least 12 years on an appellate court and the Rule of 70 met (sum of age and years of service equals or exceeds 70), whether or not currently holding a judicial office
<p>Reduced benefit</p> <ul style="list-style-type: none"> • Age 60 with 10 years of service and currently holding a judicial office • Age 60 with 12 years of service, whether or not currently holding a judicial office 	<p>Reduced benefit</p> <ul style="list-style-type: none"> • Age 60 with 10 years of service and currently holding a judicial office • Age 60 with 12 years of service, whether or not currently holding a judicial office
<p>Benefit calculation</p> <ul style="list-style-type: none"> • 50 percent of current state salary for judge of court of the same classification on which last served. Also, members with 20 years of service may receive an additional 2.3 percent of state salary for each subsequent year up to a total not to exceed 90 percent • An additional 10 percent if retiree has not been out of office for more than one year at the time of retirement or retiree accepts assignment as a visiting judge within one year before retirement • Monthly retirement annuities are automatically adjusted for judicial salary increases 	<p>Benefit calculation</p> <ul style="list-style-type: none"> • 50 percent of the judge's final state salary. Also, members with 20 years of service or other qualifications may receive an additional 2.3 percent of state salary for each subsequent year up to a total not to exceed 90 percent • An additional 10 percent if retiree has not been out of office for more than one year at the time of retirement or retiree accepts assignment as a visiting judge within one year after retirement • Monthly retirement annuities adjusted only by legislation

SOURCE: Legislative Budget Board.

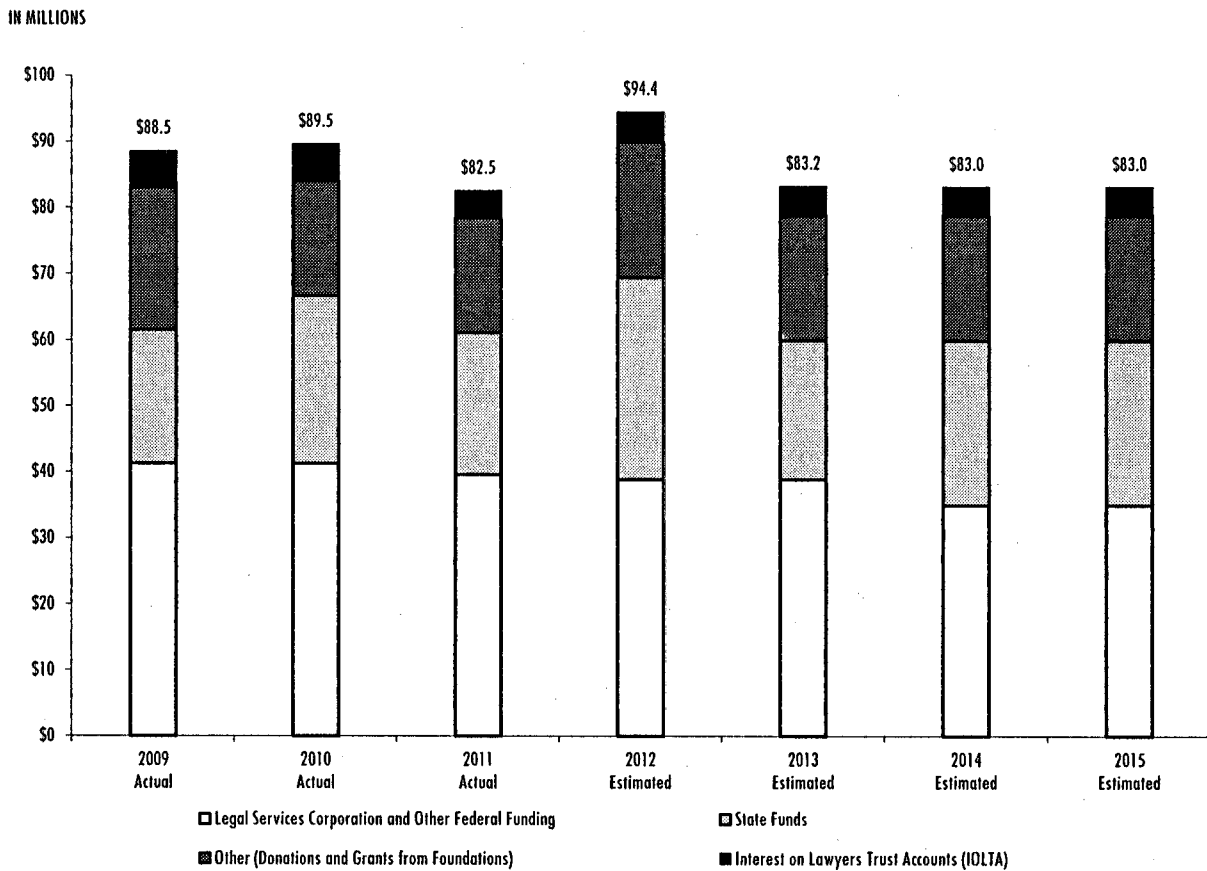
individual cannot have an income of more than 125.0 percent of the federal poverty line, or \$29,438 for a family of four. However, certain victims of crime seeking civil legal services in relation to a specific injury may have an income of up to 187.5 percent of the federal poverty line, or \$44,156 for a family of four.

Funding for the Basic Civil Legal Services (BCLS) program for the 2014–15 biennium totals \$49.9 million. Of this amount, \$17.6 million is in General Revenue Funds, \$27.3 million is in dedicated revenue deposited into the Judicial Fund, and \$5.0 million is from an Interagency Contract with the Office of the Attorney General. Total state funding represents a decrease from 2012–13 levels of \$9.2 million in Judicial Fund receipts due primarily to a one-time increase in civil penalties from the national mortgage settlement agreement in fiscal year 2012.

State BCLS funding is only one component of total funds available for indigent civil legal services in Texas. In fact,

funding for these services is provided through a mix of federal, state, and private funds. Other funding sources include: federal Legal Services Corporation program funds; donations and grants; and the Texas Interest on Lawyer's Trust Accounts (IOLTA) program. The Federal Funds, which are provided directly by the Legal Services Corporation to three legal aid organizations that serve clients throughout the state — Lone Star Legal Aid, Texas Rio Grande Legal Aid and Legal Aid of North West Texas — are the single largest funding source, contributing approximately 44.7 percent of total BCLS funding since 2009. Since 2009, state funds have on average made up approximately 27.9 percent of total BCLS funding; donations and grants approximately 22.0 percent of total funding; and the Texas IOLTA approximately 5.4 percent of total funding (see **Figure 38**). The changes in state funding for BCLS that have occurred during the last three biennia were in response to anticipated and actual reductions in Federal Funds and to the Texas IOLTA program.

FIGURE 38
BASIC CIVIL LEGAL SERVICES SOURCES OF FUNDING, CALENDAR YEARS 2009 TO 2015



NOTE: State amounts for 2012 include \$9.4 million in one-time civil penalties from the national mortgage settlement agreement.
 SOURCES: Legislative Budget Board; Texas Access to Justice Foundation.

IOLTA generates revenue for legal aid by collecting interest earned on trust accounts. These accounts are made up of retainers, filing and expert witness fees, deposits, settlements, or any receipts belonging to the client, rather than the attorney. The interest rate earned on lawyers' trust accounts began declining in 2007, reaching a historical low in December 2008 of 0.25 percent, where it has remained. As a consequence, IOLTA interest income has declined dramatically from \$20.0 million in actual receipts in calendar year 2007 to a projected \$4.4 million in interest income in calendar year 2013.

The Eighty-first Legislature, Regular Session, 2009, increased appropriations for BCLS grants by \$20.0 million in General Revenue Funds as a one-time funding measure to offset the anticipated revenue loss to the Texas IOLTA program. The Eighty-second Legislature, 2011, maintained appropriations at 2010–11 spending levels in anticipation of interest rates

remaining historically low, and the Eighty-third Legislature, 2013, continued this maintenance into the 2014–15 biennium.

Figure 38 shows a breakdown of BCLS funding sources from calendar years 2009 to 2013 and estimated amounts for the 2014–15 biennium. Revenue from all sources is estimated to be \$83.0 million for both fiscal years 2014 and 2015.

JUDICIAL EDUCATION

The Court of Criminal Appeals supervises grant programs for judicial and court personnel training, which are funded mainly by court costs that are collected in criminal case convictions. The 2014–15 biennial appropriations from the General Revenue-Dedicated Judicial and Court Personnel Training Fund total \$18.5 million for that purpose.

Regular participants in the judicial and court personnel training programs include these organizations:

- the Texas Center for the Judiciary, providing training for judges and clerks serving in statutory county, district, and appellate courts;
- the Texas Association of Counties, providing training for judges and clerks serving in constitutional county courts, wherein the functions performed by the judge are at least 40 percent judicial functions;
- the Texas Municipal Courts Education Center, providing training for judges and clerks serving municipal courts;
- the Texas Justice Court Training Center, providing training for justices of the peace and clerks and constables serving justice of the peace courts;
- the Texas District and County Attorneys Association, providing training for prosecutors, investigators, and other personnel representing the government in district- and county-level trial courts;
- the Texas Criminal Defense Lawyers Association, providing training for criminal defense attorneys regularly representing indigent defendants in criminal matters;
- the Center for American and International Law, providing training for judges, prosecutors, and criminal defense attorneys;
- the Texas Council on Family Violence, providing training for judges and justice system officials; and
- the Texas District Court Alliance, providing training for district clerks and court personnel.

During fiscal year 2013, grant administration totaled \$0.4 million, grant budgets totaled \$7.8 million, and 16,800 people attended training (**Figure 39**).

The Eightieth Legislature, 2007, authorized the Court of Criminal Appeals to use more than 3 percent of its annual appropriation from the Judicial and Court Personnel Training Fund to administer judicial education programs if the Legislature appropriates additional funding for that purpose. The legislation also authorizes the use of funds from the Judicial and Court Personnel Training Fund for programs that provide law enforcement officers, law students, and other participants with actual innocence training.

The Eighty-third Legislature, Regular Session, 2013, passed House Bill 1245, which amends the Texas Government

Code to provide that the Court of Criminal Appeals expand continuing legal education and other support programs for criminal defense attorneys who represent indigent defendants to include personnel who work for criminal defense attorneys that represent the indigent.

For fiscal years 2014 and 2015, the Court of Criminal Appeals was awarded a Department of Justice grant of \$244,157 for personnel training in death penalty litigation. The court awarded additional grants to train both criminal defense attorneys who represent indigent defendants and prosecutors. Training requirements for appointment to defend capital defendants include 20 hours of specialized instruction every two years. All elected prosecutors with felony jurisdiction have authority to represent the state in capital murder cases.

TEXAS CRIMINAL JUSTICE INTEGRITY UNIT

The Texas Criminal Justice Integrity Unit (TCJIU) is an ad hoc committee established by the Court of Criminal Appeals in 2008. The TCJIU reviews the strengths and weaknesses of the Texas criminal justice system and tries to reform the system through education, training, and legislative recommendations. Trainings have included presentations on eyewitness identification procedures and theories behind false confessions. Funding for TCJIU is paid for out of the administration allocation within the Judicial and Court Personnel Training Fund.

COURT IMPROVEMENT PROJECTS AND CHILDREN'S JUSTICE GRANTS TO STATES

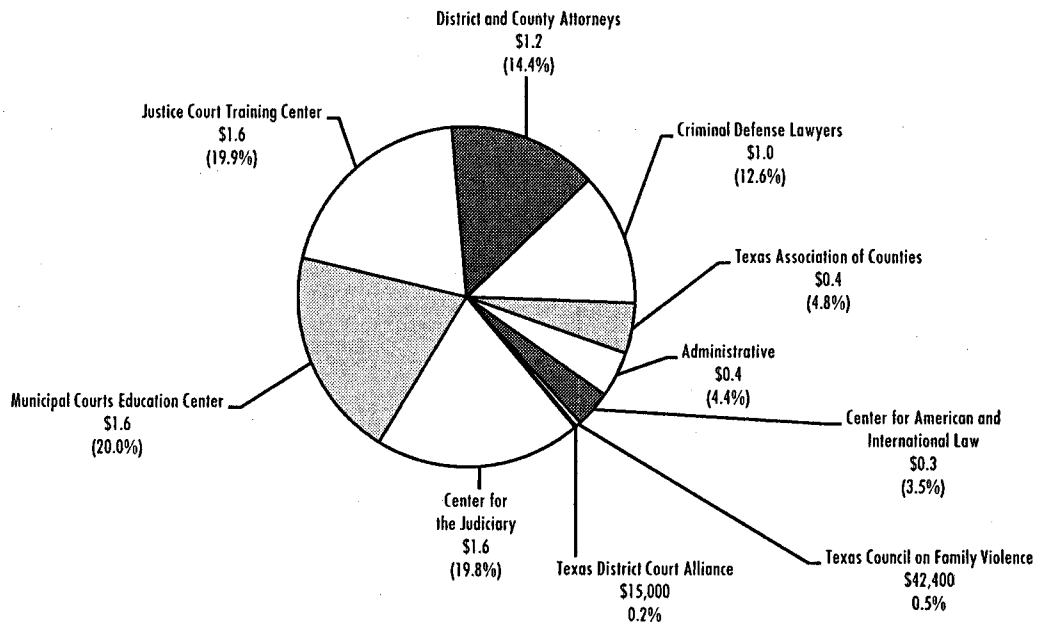
In November 2007, the Supreme Court of Texas established the Permanent Commission on Children, Youth, and Families. The commission seeks to strengthen the courts for children, youth, and families in Texas' child-protection system. Courts play an important role in determining the future of children in the child-protection system because once lawsuits alleging abuse or neglect are filed, courts become the ultimate arbiter of what happens to these children.

The commission oversees the administration and disbursement of Federal Funds awarded to the Supreme Court of Texas for the Court Improvement Program (CIP). CIP Grants are available to state court systems to conduct assessments of their foster care and adoption laws and their judicial processes, and to develop and implement plans for system improvement. Appropriations for CIP Projects in the 2014–15 biennium are estimated at \$3.6 million. For fiscal

FIGURE 39
JUDICIAL AND COURT PERSONNEL TRAINING
FISCAL YEAR 2013

IN MILLIONS

TOTAL = \$8.2 MILLION



SOURCES: Legislative Budget Board; Court of Criminal Appeals.

year 2014, the commission budgeted more than \$0.5 million in grants for these projects, including Texas Court Appointed Special Advocate (CASA).

In addition, federal Children's Justice Act (CJA) funds are awarded to the states on a formula basis. The Governor designated the nonprofit Texas Center for the Judiciary (TCJ) to administer the funds effective September 2005. Estimated funds for CJA projects for federal fiscal years 2013 to 2014 total \$1.1 million; portions of these funds are granted to support various projects and scholarship opportunities. The TCJ reports it disbursed funds to projects including: local Children's Advocacy Centers; Court Appointed Special Advocates programs; training programs to improve access to quality victim advocacy and mental health services for child maltreatment victims and caregivers; and to improve law enforcement's response to cases involving child abuse and neglect. Because CJA funds are held outside the State Treasury by the TCJ, these amounts are not shown in **Figure 31**.

WITNESS EXPENSES

The Texas Code of Criminal Procedure, Articles 24.28 and 35.27, provides for the reimbursement of travel expenses

for witnesses called in criminal proceedings who reside outside of the county where the trial takes place. The 2014–15 biennial appropriations for witness expenses total \$2.8 million.

DEATH PENALTY REPRESENTATION

The Texas Code of Criminal Procedure, Article 11.071, requires that the state provide compensation up to \$25,000 per appointment for counsel representing death row inmates. Appropriations for Death Penalty Representation total \$50,000 for the 2014–15 biennium.

INDIGENT INMATE DEFENSE

The Texas Code of Criminal Procedure, Article 26.051(i), provides that the state reimburse a county for the defense of indigent inmates that are charged with an offense committed while in the custody of a correctional facility, if it is determined that representation by the Texas Department of Criminal Justice's State Council for Offenders would cause a conflict of interest. Appropriations for indigent inmate defense total \$50,000 for the 2014–15 biennium.

NATIONAL CENTER FOR STATE COURTS

The Texas Legislature appropriates funds to pay for the Texas judiciary's membership in this national organization. Appropriations for the membership total \$0.9 million for the 2014–15 biennium.

JUROR PAY

The Seventy-ninth Legislature, 2005, authorized an increase to the minimum amount counties pay jurors from \$6 to \$40 per day after the first day of service, with the state reimbursing counties for \$34 of the \$40 amount. The legislation established a new \$4 court cost upon conviction of any offense, other than an offense relating to a pedestrian or parking, to fund the increase in juror pay. Counties forward revenue collections to the Comptroller of Public Accounts (CPA), which reimburses the counties for the higher juror pay costs on a quarterly basis. If unexpended balances in collections for juror pay exceed \$10.0 million, CPA must deposit such excess amounts to the General Revenue–Dedicated Fair Defense Account for the Texas Indigent Defense Commission to provide additional grants to counties for criminal defense services. Each fiscal year, the CPA transfers an estimated \$7.0 million from the juror pay sub-account within General Revenue Funds to the General Revenue–Dedicated Fair Defense Account. The 2014–15 appropriations for juror pay total \$21.8 million, an increase of 15.5 percent from 2012–13 appropriated levels. This amount reverses reductions that were implemented during the 2012–13 biennium due to a state budget shortfall.

OTHER JUDICIARY-RELATED COSTS

Appropriations in All Funds total \$62.3 million for health insurance, social security, and retirement benefits for non-judicial personnel employed by the courts and judicial agencies. Funding for the 2014–15 biennium also includes \$2.3 million in General Revenue Funds allocated to the Texas Facilities Commission but appropriated to the Judiciary for lease payments for state-owned buildings that are occupied by Austin-based appellate courts and judicial agencies. Of the 14 Courts of Appeals, only the Third Court of Appeals, headquartered in Austin, has facilities furnished by the state. Local governments manage the facilities furnished to the remaining 13 courts of appeals located statewide.

COURT-GENERATED STATE REVENUE SOURCES

The courts collect state revenue from both civil cases filed and criminal cases disposed in the court system. The state's judicial system is composed of appellate courts and trial courts. Local trial courts include municipal courts, justice courts, small claims courts, and county-level courts; state trial courts include district courts, all with differing levels of jurisdiction. Statewide, there are a greater number of criminal cases disposed than civil cases filed. During fiscal year 2013, approximately 87.8 percent of state revenue from court costs and fees was collected at the trial-court level in the disposition of criminal cases. The state uses revenue generated from criminal case dispositions for many purposes, such as victim compensation, trauma care, and DNA testing. The states' appellate courts do not collect additional court costs from criminal cases on appeal.

Revenue from the filing of civil cases is collected mostly by county-level and district trial courts. A smaller amount from civil cases is collected by the 14 Courts of Appeals, which have regional jurisdiction over civil cases, and by the Supreme Court of Texas, which has final statewide jurisdiction. The state uses revenue from civil cases to: fund a portion of judicial salaries, provide salary supplements for county-level judges, and fund programs providing basic civil legal services to the indigent.

APPELLATE COURT-GENERATED REVENUE

The Supreme Court and the courts of appeals charge different types of filing fees for civil cases on appeal. The Supreme Court charged the following fees in fiscal year 2013, as shown in **Figure 40**.

The Supreme Court clerk also collects a fee of \$10 to issue an attorney's license affixed with a seal and to issue an attorney's certificate of good standing. The Court uses the fees to prepare and issue the license or certificate and for ceremonies to induct newly licensed attorneys. The Court reports amounts collected in fiscal year 2013 from attorney license fees and certificates of good standing totaled \$81,036.

The 14 Courts of Appeals charged the following fees for civil proceedings in fiscal year 2013, as shown in **Figure 41**.

Beginning in fiscal year 2014, appellate courts will collect an additional \$20 civil filing fee to support the statewide court electronic filing system. The Supreme Court, the Court of

FIGURE 40
SUPREME COURT OF TEXAS CIVIL FILING FEES
FISCAL YEAR 2013

FEE	AMOUNT
Petition for Review (1) (2)	\$125
Additional Fee if Petition for Review is Granted	\$75
Original Proceeding (1) (2)	\$125
Additional Fee if Original Proceeding is Granted	\$75
Direct Appeals to the Supreme Court (1)	\$175
Any Other Proceeding Filed in the Supreme Court (1) (2)	\$150

NOTES:

- (1) Amounts for petition for review, original proceeding, direct appeals and any other proceeding include a Basic Civil Legal Services Fee of \$25 and a \$50 filing fee deposited to the Supreme Court Support Account in the Judicial Fund (Other Funds).
- (2) As of September 1, 2013, fee will include an Electronic Filing Fee of \$20.

Source: Legislative Budget Board.

FIGURE 41
14 COURTS OF APPEALS CIVIL FILING FEES
FISCAL YEAR 2013

FEE	AMOUNT
Appeals to the Court of Appeals from District and County Courts (1) (2)	\$175
Original Proceeding (1) (2)	\$125
Motion to File or to Extend Time to File Record on Appeal from District or County Court	\$10

NOTES:

- (1) Amounts for appeals and original proceeding include a Basic Civil Legal Services Fee of \$25 and a \$50 filing fee deposited to the Supreme Court Support Account in the Judicial Fund.
- (2) As of September 1, 2013, fee will include an Electronic Filing Fee of \$20.

Source: Legislative Budget Board.

Criminal Appeals, and the 14 Courts of Appeals also assess fees to publish or sell copies of court records to publishers and the public. The courts are appropriated collection amounts pursuant to Article IX provisions, 2012–13 General Appropriations Act (GAA), regarding reimbursements, and the amount collected from this source in fiscal year 2013 was \$0.3 million.

COURT-GENERATED STATE REVENUE

A variety of court costs and fees can be imposed by trial courts for criminal offenses and both trial and appellate courts in civil cases.

COURT-GENERATED STATE REVENUE SOURCES

According to the Comptroller of Public Accounts (CPA), actual revenues for fiscal year 2013 totaled \$408.4 million. **Figure 42** shows how fiscal year 2013 actual receipts are allocated among fund types.

CRIMINAL OFFENSES

State revenue from trial-level courts—municipal, justice, county, and district—includes a variety of court costs and fees charged to convicted offenders. **Figure 43** lists state court costs and fees and shows which court type can assess the fee or cost. (See Appendix D for more details.)

**FIGURE 42
CIVIL AND CRIMINAL COURT COST AND FEE REVENUE ALLOCATION BY FUND, FISCAL YEAR 2013**

FUND	COST OR FEE BY TYPE	REVENUE CODE	REVENUE	PERCENTAGE OF REVENUE
GENERAL REVENUE (0001)				
	<i>Criminal Court Cost or Fee</i>			
	Consolidated Court Cost	3704	\$16,386	0.0%
	Department of Public Safety	3704	216,072	0.1
	Drug Court Program	3704	2,398,932	0.6
	Failure to Appear	3793	11,237,978	2.8
	Fugitive Apprehension	3704	300,007	0.1
	Juror Reimbursement Fees	3704	16,648,534	4.1
	Juvenile Probation Diversion	3704	108,138	0.0
	Misdemeanor Court Costs	3704	81,729	0.0
	Moving Violations	3704	284,607	0.1
	Peace Officer Services	3706	1,234,411	0.3
	State Traffic Fine (67%)	3710	59,567,762	14.6
	Time Payment	3801	10,422,954	2.6
	<i>Civil Court Cost or Fee</i>			
	Nondisclosure Fee	3704	128,534	0.0
Total, General Revenue Funds			\$102,646,044	25.1%
GENERAL REVENUE—DEDICATED				
	<i>Criminal Court Cost or Fee</i>			
Operators and Chauffeurs License (0099) (1)	Consolidated Court Cost	3704	\$20,811,871	5.1%
Comprehensive Rehabilitation (0107)	Consolidated Court Cost	3704	18,198,707	4.5
Law Enforcement, Officer Standards and Education(0116)	Consolidated Court Cost	3704	9,339,489	2.3
Criminal Justice Planning (0421)	Consolidated Court Cost	3704	23,443,890	5.7
Criminal Justice Planning (0421)	DNA Testing (65%)	3704	213,835	0.1
Crime Victims' Compensation (0469)	Consolidated Court Cost	3704	70,246,279	17.2
Crime Victims' Compensation (0469)	Restitution Installment Fee	3801	7,651	0.0
Judicial and Court Personnel Training (0540)	Consolidated Court Cost	3704	9,003,713	2.2
Bill Blackwood LE Mgmt Institute (0581)	Consolidated Court Cost	3704	4,042,999	1.0
Crime Stoppers Assistance (5012)	Consolidated Court Cost	3704	488,379	0.1
Breath Alcohol Testing (5013)	Consolidated Court Cost	3704	1,028,864	0.3
Center/Study of Juvenile Crime (5029)	Consolidated Court Cost	3704	2,243,187	0.5
Fair Defense (5073)	Consolidated Court Cost	3704	14,810,100	3.6

FIGURE 42 (CONTINUED)
CIVIL AND CRIMINAL COURT COST AND FEE REVENUE ALLOCATION BY FUND, FISCAL YEAR 2013

FUND	COST OR FEE BY TYPE	REVENUE CODE	REVENUE	PERCENTAGE OF REVENUE
GENERAL REVENUE–DEDICATED (Continued)				
	<i>Civil Court Cost or Fee</i>			
Fair Defense (5073)	Indigent Defense	3704	8,325,152	2.0
Correctional Management Institute (5083)	Consolidated Court Cost	3704	2,235,167	0.5
EMS, Trauma Facilities, Trauma Care (5108)	EMS Trauma	3704	4,009,368	1.0
Trauma Facility and EMS (5111)	State Traffic Fine (33%)	3710	29,336,964	7.2
Emergency Radio Infrastructure (5153)	Consolidated Court Cost	3704	10,266,878	2.5
Judicial and Court Personnel Training (0540)	Appellate Court Filing Fee	3711	\$206,933	0.1%
Total, General Revenue–Dedicated Funds			\$228,259,426	55.9%
OTHER				
	<i>Criminal Court Cost or Fee</i>			
State Highway Fund (0006)	DNA Testing (35%)	3704	\$115,142	0.0%
Judicial Fund (0573)	Judicial Fund Fee	3704	2,454,554	0.6
Judicial Fund (0573)	Judicial Support	3704	25,533,531	6.3
	<i>Civil Court Cost or Fee</i>			
Judicial Fund (0573)	Appellate Court Filing Fee	3711	832,553	0.2
Judicial Fund (0573)	District Court Filing Fee	3709	12,481,795	3.1
Judicial Fund (0573)	Indigent Legal Services	3704	9,357,136	2.3
Judicial Fund (0573)	Judicial Fund Fee	3704	7,612,292	1.9
Judicial Fund (0573)	Judicial Support	3704	19,084,063	4.7
Total, Other Funds			\$77,471,066	19.0%
	GENERAL REVENUE		\$102,646,044	25.1%
	GENERAL REVENUE–DEDICATED		\$228,259,426	55.9%
	OTHER		\$77,471,066	19.0%
	FEDERAL		-	0.0%
	GRAND TOTAL, ALL FUNDS		\$408,376,536	100.0%

NOTES:

(1) Beginning in fiscal year 2014, the Law Enforcement and Custodial Officer (LECOS) Supplemental Retirement Fund 977 will receive court cost revenue previously deposited to the Operators and Chauffeurs License Fund 99.

(2) Totals may not sum due to rounding.

SOURCES: Legislative Budget Board; Comptroller of Public Accounts.

CIVIL FILING FEES

Most of the state revenue from civil cases is collected by county-level and district courts. **Figure 44** lists state court costs and fees and shows which court type can assess the cost or fee.

LEGISLATIVE CHANGES DURING THE EIGHTY-THIRD LEGISLATURE

The Eighty-third Legislature, 2013, passed several bills that relate to or may impact state revenue from criminal court costs and civil filing fees:

- Senate Bill 387, Regular Session, requires the Office of Court Administration (OCA) to grant a waiver from requirements of the Collection Improvement Program (CIP) to any county with a population of 50,000 or more when county population reaches

COURT-GENERATED STATE REVENUE SOURCES

FIGURE 43
STATE COURT COSTS AND FEES CHARGED BY TRIAL COURTS, AS OF SEPTEMBER 1, 2013

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST OR FEE			
			MUNICIPAL	JUSTICE	COUNTY	DISTRICT
Consolidated Court Cost	\$40 – Class C \$83 – Class A/B \$133 – Felony	Consolidates a group of previous court costs into one cost. State receives 90% of fee.	X	X	X	X
DNA Testing	\$34 – Community supervision \$50 – Misdemeanor \$250 – Felony	Applied to specific offenses. State receives 90% of court cost; 35% deposited to state highway system fund and 65% deposited to criminal justice planning fund.			X	X
Driving Record Fee	\$10	Optional fee for obtaining a copy of a defendant's driving record. State receives 100% of fee.	X	X	X	X
Electronic Filing Court Cost	\$5	Used to support statewide court electronic filing fee. Deposited to state electronic filing fund. State receives 100% of fee.			X	X
EMS Trauma Fund	\$100	Used for emergency medical services and trauma facilities. State receives 90% of court cost.			X	X
Failure to Pay/Appear/Satisfy Judgment Fee	\$30	State receives \$20 from fee.	X	X	X	X
Indigent Defense	\$2	To provide support for indigent defendants. State receives 90% of fee.	X	X	X	X
Intoxication and Drug Conviction Court Cost	\$60	Used to support drug court programs. Counties may retain 10% of cost as a service fee or 60% of cost if the county has established an authorized drug court program.			X	X
Judicial Support Fee	\$6	Provides court-related support. State receives 90% of fee.	X	X	X	X
Jury Reimbursement Fee	\$4	Reimburses cost for jurors. State receives 90% of fee.	X	X	X	X
Juvenile Probation Diversion Fund Court Cost	\$20	Charged per disposition hearing. State receives 90% of fee.			X	X
Moving Violation Fee	\$0.10	For moving violations; 90% of fee is remitted to the state for the Civil Justice Repository Fund.	X	X	X	
Peace Officer Services	\$5 – Arrest \$5 – Notice to Appear \$50 – Warrant	Payment for peace officer services. State receives 20% when performed by state personnel.	X	X	X	X
Restitution Installment Fee	\$12	Optional one-time fee charged when a defendant is required to make restitution in specified installments. State receives 50% of fee, which is deposited to the Crime Victims' Compensation Fund.	X	X	X	X

FIGURE 43 (CONTINUED)
STATE COURT COSTS AND FEES CHARGED BY TRIAL COURTS, AS OF SEPTEMBER 1, 2013

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST OR FEE			
			MUNICIPAL	JUSTICE	COUNTY	DISTRICT
State Traffic Fine	\$30	Designated for state trauma facilities and emergency care. State receives 95% of remitted fine.	X	X	X	X
Statutory County Courts Salary Supplement	\$15	State receives 100% to pay annual salary supplements to county-level judges.			X	
Texas Online Fee	\$2	Charged for using Texas Online to obtain a copy of a driving record electronically from Texas Online. State receives 100% of the fee.	X	X	X	X
Time Payment Fee	\$25	Paid when a defendant cannot pay costs in full within the 31st day after judgment. State receives 50% of fee.	X	X	X	X
Truancy Prevention	\$2	Supports truancy prevention and is deposited to General Revenue Funds. State receives 100% of cost if the county does not operate a juvenile case manager program and 50% if the county does operate one.	X	X		

NOTE: The state receives 90% of most fees because local jurisdictions are permitted to retain 10% of most state court costs and fees as a service fee if those fees are remitted in a timely manner to the Comptroller.
 SOURCES: Legislative Budget Board; Comptroller of Public Accounts; Office of Court Administration.

that number only because of the Texas Department of Criminal Justice inmate population housed in the county;

- Senate Bill 389, Regular Session, requires court clerks to collect court costs and fees in a criminal case based upon the amount in effect at the time of conviction, which can be years later, rather than the time the offense was committed;
- Senate Bill 390, Regular Session, repeals an exception that allowed court clerks to not collect certain new or amended criminal court costs on the effective date and now requires that court clerks collect all new or amended criminal court costs on January 1 of the year after a bill's passage;
- Senate Bill 391, Regular Session, requires defendants to pay fines or court costs, if unpaid, after the conclusion of community supervision;
- Senate Bill 967, Regular Session, prohibits a city or county subject to the CIP from retaining the standard 10 percent service fee for collection of court costs and fees if the locality is found to be noncompliant by the OCA and is unable to resolve noncompliance within

180 days. This legislation extends the 180-day period to counties, whereas previously it had only applied to cities;

- Senate Bill 1419, Regular Session, establishes a truancy prevention and diversion fund and authorizes a \$2 court cost to be applied to municipal and justice court convictions. The new court cost is anticipated to generate \$3.8 million in revenue per fiscal year, to be deposited to the related new General Revenue–Dedicated Funds account for truancy prevention. Because the fee dedication was not exempted from funds consolidation, revenue will be deposited to General Revenue Funds;
- House Bill 2302, Regular Session, establishes a statewide electronic court filing fund as a new General Revenue–Dedicated account and authorizes new fees to support statewide e-filing. These fees include civil filing fees of \$10 for justice court cases and \$20 for county, district, and appellate court cases. A new \$5 court cost for criminal convictions will be applied in the county and district courts. These fees are anticipated to generate \$17.7 million in revenue per fiscal year, to be deposited to the related new

FIGURE 44
STATE CIVIL FILING FEES CHARGED BY TRIAL COURTS, AS OF SEPTEMBER 1, 2013

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST/FEE		
			JUSTICE	COUNTY	DISTRICT
State Consolidated Fee	\$50 – Non-Family Law Cases \$45 – Family Law Cases	100% of fee deposited to the state Judicial Fund for the support of the judiciary and to the Basic Civil Legal Services Account.		X	
Indigent Legal Services Fee	\$10 – Non-Family Law Cases \$5 – Family Law Cases	State receives 95% of fee for programs providing basic civil legal services to an indigent.		X	
Judicial Support Fee	\$42	100% of fee deposited to the state Judicial Fund for judicial compensation.		X	X
Bureau of Vital Statistics Adoption Registry Fee	\$15 – Cases requesting adoption of a child	State receives 100% of fee to administer a central adoption file and registry.		X	X
Petition for Non-Disclosure Fee	\$28 – Cases requesting nondisclosure of criminal case history	State receives 100% of petition fee from persons placed on deferred adjudication community supervision who subsequently receive a discharge and dismissal, and who then petition the court for an order of nondisclosure of criminal case proceedings.		X	X
County-Level Court Salary Supplements	\$40	State receives 100% of fee to pay annual salary supplements to county-level judges.		X	
Appellate Judicial System Fees	\$5	Retained locally but used by counties within the appellate region of a court of appeals for the support of court operations. Ten of the 14 Courts of Appeals have local appellate judicial system funding.		X	X
Electronic Filing Fee	\$10 (Justice) \$20 (County or District)	To support statewide court electronic filing system. State receives 100% of each fee.	X		
				X	X

SOURCE: Legislative Budget Board.

General Revenue–Dedicated account. The legislation also authorizes counties to charge an additional \$2 fee per electronic filing transaction for recovery of local system operating costs.

CASE EXAMPLES FOR CRIMINAL OFFENSES

To understand the total charges that may apply to a conviction, it is helpful to examine case examples. Detailed tables of state and local courts are provided in **Appendix D**.

To illustrate the effect of court costs and fees on offenders, six criminal offenses of different levels were analyzed to calculate the total amount of court costs and fees that can be imposed on an offender. **Figure 45** summarizes the total costs for each sample offense. The case examples shown in **Figure 45** include both required state and local court costs plus some optional costs.

In each of these examples, additional amounts may be charged, depending on court policy. Additional explanation of the case examples shown above can be found in **Appendix E**.

FIGURE 45
CASE EXAMPLES SUMMARY

OFFENSE	OFFENSE LEVEL	TOTAL COST TO OFFENDER
Passing a Stopped School Bus	Class C Misdemeanor	\$161.10
Speeding Outside of a School Zone	Class C Misdemeanor	\$137.10
False Report to a Peace Officer	Class B Misdemeanor	\$217.00
Driving While Intoxicated, 2nd	Class A Misdemeanor	\$397.00
Indecent Exposure with a Child	Felony, 3rd Degree	\$656.00

NOTE: Totals do not include the charges for fines, probation, restitution, or other court-ordered obligations.
SOURCES: Legislative Budget Board; Office of Court Administration.

OVERVIEW OF THE COLLECTION IMPROVEMENT PROGRAM

The CIP, administered by the OCA, helps trial-level courts design efficient collection programs for criminal court costs and fees. It began as a voluntary program. In February 1993, Dallas County courts sought to address the problem of low collection rates on court costs, fees, and fines by establishing a formalized court collection program. The OCA piloted this program model in 1996 by helping Brazoria County launch a collections program for its courts. Since then, the OCA's CIP has worked with many court jurisdictions to set up a formal collections process that includes providing up-front information to offenders about total payment costs and a detailed financial application for those offenders who request a payment plan. From 1996 to September 2005, OCA assisted with the development and implementation of voluntary collection programs in 50 counties and 17 cities.

The CIP has two major benefits: (1) It encourages personal responsibility through compliance with court orders, and (2) it increases revenue for both local jurisdictions and the state. Most of the funds collected are retained locally. A portion of the amounts collected is remitted to the state to fund various programs, such as the Crime Victims' Compensation Program.

During the Seventy-ninth Legislature, 2005, legislation was passed to expand the scope of the CIP. This legislation required mandatory participation in the CIP by Texas cities with populations of 100,000 or greater and counties with populations of 50,000 or greater. The law also stated that OCA may grant a waiver if the requesting jurisdiction

demonstrates that is not cost-effective to implement a program.

At the time the law became effective, OCA identified 78 Texas counties and cities that fit the population criteria for having a mandatory program. Of these mandatory programs, one county—Harris—was granted a waiver. Subsequently, based on the 2010 federal decennial census, an additional 8 counties and 5 cities are required to implement a program, resulting in a total of 91 mandatory programs (62 counties and 29 cities).

Senate Bill 387, which was passed by the Eighty-third Legislature, Regular Session, 2013, requires OCA to grant a waiver to a county with a population of 50,000 or more when the population of the county reaches at least 50,000 only because of the Texas Department of Criminal Justice inmate population housed there. Three counties—Anderson, Cherokee, and Rusk—are eligible for a waiver pursuant to this new legislation. Anderson County received a waiver in July 2013, but it plans to continue its program on a voluntary basis. In October 2013, Cherokee and Rusk counties also received waivers.

KEY ELEMENTS OF A COLLECTION IMPROVEMENT PROGRAM

As described by the Office of Court Administration, these are the ten key elements of the Collection Improvement Program:

- Staff or staff time is dedicated to collection activities.
- Expectation that all court costs, fees, and fines are generally due at the time of assessment (sentencing or judgment imposed date).
- Defendants unable to pay in full on the day of assessment are required to complete an application for extension of time to pay.
- Application information is verified and evaluated to establish an appropriate payment plan for the defendant.
- Payment terms are usually strict.
- Alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan.
- Defendants are closely monitored for compliance, and action is taken promptly for noncompliance.

- Telephone contact, letter notification, and possible issuance of an arrest warrant.
- Possible application of statutorily permitted collection remedies, such as programs for nonrenewal of driver's license or vehicle registration.
- A county or city may contract with a private attorney or a public or private vendor to provide collection services on delinquent cases (61+ days) after in-house collection efforts are exhausted.
- A CIP may be implemented at the municipal level, which is a single program that serves all municipal court judges, or at the county level, which, if mandatory, must include participation of all three court levels (district, county, and justice). Program structure at the county level is discretionary and varies depending on the jurisdiction. These are the four common structures:
 - a centralized collections office to serve all the district courts, county-level courts, and justice courts in the county;
 - a court-level structure in which a separate collections office serves each level of court;
 - a decentralized program where, for example, there are separate programs for the district courts, county-level courts, and each justice court; or
 - a bifurcated program in which the county and the Community Supervision and Corrections Department (CSCD) have separate collection programs. The CSCD will collect from offenders placed on community supervision, while the appropriate county program will collect from offenders not placed on community supervision.

IMPLEMENTATION OF MANDATORY COLLECTION IMPROVEMENT PROGRAMS

Criminal courts at any level (municipal, county, district, and justice courts) may implement a collection program. For mandatory programs, each county and city is counted as only one program, even though in the case of counties, county, district, or justice courts may be involved. A program is considered fully implemented if all of the components of the program have been implemented and at least 90 percent court participation has been established. A program classified as having partial implementation either has not yet

implemented all of the components of the program or does not have at least 90 percent court participation. Voluntary programs may have multiple programs within a single county. In a handful of cases, several counties have separate juvenile court collection programs.

As of October 2013, there were 178 active programs. Of these active programs, 87 are mandatory and 91 are voluntary. Of the 87 mandatory programs not granted a waiver, 85 are fully implemented, while two are partially implemented. The 87 mandatory programs in operation include 29 cities and 58 counties (see **Figure 46**).

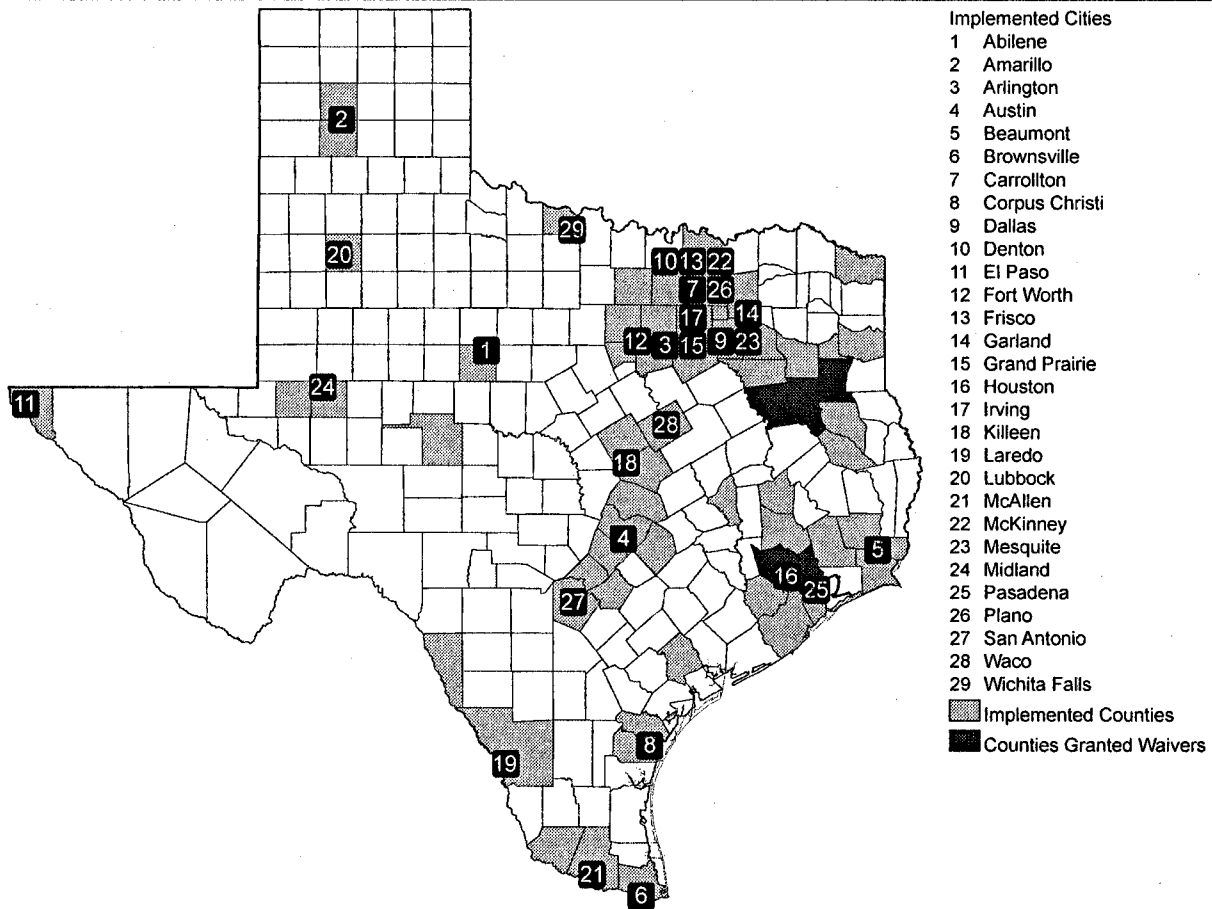
Of the 91 active voluntary programs in operation, 25 are county programs and 66 are municipal programs. Since these programs do not require the same level of scrutiny as the mandated programs, these programs may or may not include all of the key elements of a CIP as outlined by OCA.

COLLECTION IMPROVEMENT PROGRAM AUDIT

Legislation required both the OCA and the Comptroller of Public Accounts (CPA) to have roles in the mandatory expansion of the Collection Improvement Program and gave the CPA responsibility to audit the jurisdictions required to participate in the CIP. The Eighty-second Legislature, Regular Session, 2011, transferred the responsibility for conducting the compliance audits from the CPA to OCA. As a result, OCA established an audit section, which performs audits to verify compliance. The OCA technical support section continues to provide assistance in program implementation, maintenance, and enhanced performance.

As of August 2013, 34 compliance audits for post-program implementation have been completed, including 19 conducted by the CPA and 15 by the OCA audit section. The 19 cities of Abilene, Amarillo, Arlington, Austin, Beaumont, Corpus Christi, Dallas, El Paso, Fort Worth, Garland, Houston, Irving, Laredo, Lubbock, McAllen, Mesquite, Pasadena, Plano, and Waco have passed compliance audits. Also, the 14 counties of Bell, Brazos, Ector, Gregg, Harrison, Liberty, Lubbock, Nacogdoches, Potter, Randall, Taylor, Tom Green, Travis, and Wichita have passed compliance audits. Four cities (Corpus Christi, Laredo, Lubbock, and Waco) and one county (Brazos) failed their initial audits, but passed their reinstatement audits. The City of Grand Prairie also failed its initial audit, but is expected to pass its reinstatement audit scheduled to take place in fiscal year 2014.

FIGURE 46
MANDATORY COLLECTION IMPROVEMENT PROGRAM COMPLIANCE STATUS, OCTOBER 2013



NOTES: Implemented Counties: Angelina, Bastrop, Bell, Bexar, Bowie, Brazoria, Brazos, Cameron, Collin, Comal, Coryell, Dallas, Denton, Ector, El Paso, Ellis, Fort Bend, Galveston, Grayson, Gregg, Guadalupe, Hardin, Harrison, Hays, Henderson, Hidalgo, Hood, Hunt, Jefferson, Johnson, Kaufman, Liberty, Lubbock, Maverick, McLennan, Midland, Montgomery, Nacogdoches, Nueces, Orange, Parker, Potter, Randall, Rockwall, San Patricio, Smith, Starr, Tarrant, Taylor, Tom Green, Travis, Van Zandt, Victoria, Walker, Webb, Wichita, Williamson, and Wise. Counties Granted Waivers: Anderson, Cherokee, Harris, and Rusk.

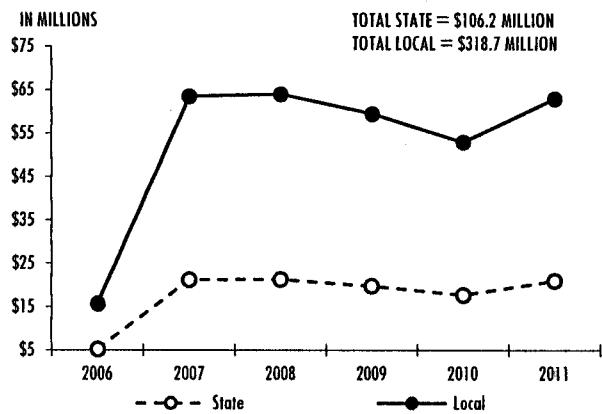
SOURCES: Legislative Budget Board; Office of Court Administration.

REVENUE FROM MANDATORY PROGRAMS

According to OCA and CPA, from fiscal years 2006 to 2011, additional revenue generated by mandatory collection improvement programs generated \$106.2 million for the state and \$318.7 million for local governments. **Figure 47** shows a fiscal-year review of revenue collections at the state and local levels.

As of November 2013, OCA reports that additional data collected by implementation of mandatory programs is not available for fiscal year 2012, nor for fiscal year 2013. The agency indicates that this is due to inconsistent reporting of certain conviction categories in the caseload data that courts submit, which included several reporting requirements changes that began in fiscal year 2012.

FIGURE 47
ESTIMATED ADDITIONAL REVENUE IN MILLIONS
GENERATED BY MANDATORY CIP
FISCAL YEARS 2006 TO 2011



SOURCES: Office of Court Administration, Comptroller of Public Accounts.

APPENDIX A: DISTRICT COURT PERFORMANCE MEASURES, CLEARANCE RATES, AND BACKLOG INDEX FROM SEPTEMBER 1, 2012, TO AUGUST 31, 2013

Clearance rates are the number of cases disposed or otherwise placed on inactive status divided by the number of cases added to the docket, including reactivated cases. A clearance rate measures how effectively a court disposes of the cases added to its docket. A backlog index is the number of cases pending at the beginning of the year divided by the total number of cases disposed during the year. For example, a backlog index of 1.0 means that the court disposed of the equivalent of the pending caseload in one year.

Criminal cases are counted as one defendant per indictment or information. Civil cases are counted as one per each filed petition, regardless of the number of plaintiffs. Family law cases include divorce, custody, child protective services, and other types of cases adjudicated pursuant to the Texas Family Code. Juvenile cases are counted upon petition for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision.

COUNTY	2012 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Anderson	58,190	94.6%	2.8	106.6%	1.8	125.5%	1.1	*%	0.0
Andrews	16,117	157.1%	1.6	136.6%	1.0	91.6%	0.3		
Angelina	87,597	100.9%	1.6			101.7%	0.8		
Aransas	23,818	123.0%	1.7	107.8%	0.6	113.3%	0.2		
Archer	8,735	168.7%	1.3	121.6%	0.8	97.6%	0.8	20.0%	7.0
Armstrong	1,944	78.6%	9.7	39.1%	8.6	106.3%	2.2	*%	0.0
Atascosa	46,446	122.9%	2.3	92.6%	2.7	125.4%	3.2	33.3%	14.9
Austin	28,618	91.6%	2.3			75.6%	2.8		
Bailey	7,130	143.7%	0.7	79.3%	0.4	96.4%	0.1	*%	0.0
Bandera	20,537	68.8%	2.7	88.0%	1.5	128.6%	0.4	*%	0.0
Bastrop	74,763	111.0%	1.5	90.6%	0.7	93.2%	1.1		
Baylor	3,623	142.4%	1.2	127.6%	0.8	62.1%	1.1	100.0%	0.0
Bee	32,527	90.5%	3.7	58.4%	3.6	85.7%	1.4	44.3%	4.8
Bell	323,037	89.9%	1.6	90.1%	1.2	97.6%	0.5		
Bexar	1,785,704	88.2%	1.3	93.9%	0.9	102.7%	0.3	101.7%	0.1
Blanco	10,655	115.9%	1.3	132.5%	0.7	93.7%	0.4	50.0%	0.0
Borden	616	140.0%	11.6	200.0%	7.3	125.0%	2.2	*%	0.0
Bosque	18,125	103.2%	0.7	105.9%	0.7	81.7%	0.6	*%	0.0
Bowie	93,148	102.3%	1.0	106.4%	0.6	105.3%	0.9		
Brazoria	324,769	102.4%	1.4	103.1%	0.8	97.9%	0.7		
Brazos	200,665	118.8%	0.8	117.6%	0.7	112.5%	0.9	92.2%	2.3
Brewster	9,316	25.9%	26.1	47.6%	4.8	28.3%	6.7		
Briscoe	1,561	264.7%	1.3	131.3%	1.6	500.0%	5.4	*%	0.0
Brooks	7,161	80.9%	5.9	61.9%	1.9	156.4%	4.7	*%	0.0
Brown	37,825	66.9%	1.4	98.1%	1.0	90.8%	0.4	*%	0.0

APPENDIX A — DISTRICT COURT PERFORMANCE MEASURES, CLEARANCE RATES, AND BACKLOG INDEX

COUNTY	2012 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Burleson	17,291	94.7%	4.9	117.3%	1.4	103.7%	2.3	*%	0.0
Burnet	43,448	109.8%	1.5	101.9%	0.7	107.0%	0.4	131.9%	0.4
Caldwell	38,734	103.6%	3.8	74.7%	2.4	87.1%	0.3		
Calhoun	21,609	67.1%	2.4	101.7%	1.5	116.8%	1.4		
Callahan	13,517	100.0%	2.6	90.8%	1.4	100.9%	0.9	*%	0.0
Cameron	415,557	102.6%	0.7	98.7%	0.4	111.3%	0.2	91.9%	0.3
Camp	12,449	76.9%	2.6	62.1%	0.9	144.7%	1.1	75.0%	1.3
Carson	6,157	76.2%	3.1	75.9%	1.2	91.7%	0.6	*%	0.0
Cass	30,166	95.5%	2.1	102.0%	0.9	99.7%	0.5	100.0%	0.0
Castro	8,164								
Chambers	36,196	71.1%	2.4	88.9%	1.3	71.6%	1.2	*%	0.0
Cherokee	51,206	101.3%	5.1	83.3%	1.4	90.9%	0.5	116.2%	1.3
Childress	7,029	96.3%	8.0	66.2%	3.7	97.1%	1.2	*%	0.0
Clay	10,535	110.7%	1.3	100.0%	0.6	114.3%	0.8	175.0%	0.7
Cochran	3,046	53.7%	3.1	93.6%	2.2	93.2%	0.7	*%	0.0
Coke	3,231	171.4%	3.7	81.4%	1.3	134.8%	0.7	*%	0.0
Coleman	8,675	87.1%	2.3	73.5%	1.6	76.8%	1.0	*%	0.0
Collin	834,642	111.9%	0.7	118.0%	0.7	96.7%	0.9	107.1%	0.3
Collingsworth	3,036	145.0%	3.0	51.7%	3.4	90.6%	1.4		*
Colorado	20,696	125.4%	1.5	75.3%	3.5	90.0%	1.4	*%	0.0
Comal	114,384	54.2%	2.9	75.1%	1.4	107.6%	0.8	59.7%	0.6
Comanche	13,765	107.4%	0.9	94.0%	0.7	86.7%	0.5	*%	0.0
Concho	4,010	102.6%	2.7	211.1%	1.2	93.8%	1.0	33.3%	1.0
Cooke	38,688	89.2%	1.8	93.3%	1.1	82.7%	0.6	*%	0.0
Coryell	77,231	128.6%	0.5	111.0%	0.6	102.2%	0.2		
Cottle	1,486								
Crane	4,562	141.9%	1.5	130.6%	1.4	50.0%	7.6	*%	0.0
Crockett	3,743	104.2%	2.9	100.0%	1.7	125.7%	1.5	*%	0.0
Crosby	6,126	90.3%	0.6	100.0%	0.3	113.6%	0.4	66.7%	1.5
Culberson	2,290	64.3%	3.6	104.2%	1.5	158.3%	4.3	*%	0.0
Dallam	6,996	82.0%	2.2	103.0%	1.1	107.5%	0.6	*%	0.0
Dallas	2,453,843	98.6%	0.7	93.8%	1.3	106.7%	0.7	84.9%	2.9
Dawson	13,640	93.3%	2.3	108.4%	0.5	95.2%	0.3	90.9%	0.3
DeWitt	20,465	87.4%	2.5	96.8%	0.8	99.3%	0.5	*%	0.0
Deaf Smith	19,360	140.0%	1.3	92.4%	0.6	99.7%	0.2		
Delta	5,329	210.7%	1.9	98.9%	0.6	79.9%	0.3	160.0%	0.5

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COUNTY	2012 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Denton	707,304	90.4%	0.9	93.0%	0.8	101.9%	0.4		
Dickens	2,323	160.0%	2.6	83.3%	7.7	68.8%	1.5	*%	0.0
Dimmit	10,461	80.2%	1.9	226.2%	1.4	72.6%	1.5	137.5%	0.5
Donley	3,598	161.3%	6.2	84.3%	1.0	113.2%	1.3	*%	0.0
Duval	11,717	59.7%	5.5	79.0%	1.8	97.6%	1.3	46.2%	2.8
Eastland	18,421	74.8%	3.8	93.7%	2.6	103.9%	0.2	64.3%	0.9
Ector	144,325	85.3%	2.2	78.8%	2.3	99.4%	0.9		
Edwards	1,968								
El Paso	827,398	82.6%	6.5	97.0%	0.9	99.9%	2.1	98.1%	0.2
Ellis	153,969	92.4%	2.9	102.4%	0.9	96.4%	0.4	*%	0.0
Erath	39,321	68.5%	2.7	93.9%	1.0	88.1%	0.3	*%	0.0
Falls	17,610	*%	0.0	*%	0.0	*%	0.0	*%	0.0
Fannin	33,831	84.0%	3.3	94.7%	0.9	108.8%	0.5	*%	0.0
Fayette	24,695	84.4%	2.9	83.5%	2.0	93.6%	1.2	14.3%	9.0
Fisher	3,844	121.7%	2.6	97.2%	2.0	103.6%	0.8	*%	0.0
Floyd	6,367	50.8%	2.7	97.7%	0.8	171.7%	0.8	*%	0.0
Foard	1,307	176.9%	4.4	7.7%	43.0	75.0%	4.8	*%	0.0
Fort Bend	627,293	106.8%	1.3	100.7%	0.8	99.7%	0.5	*%	0.0
Franklin	10,640	177.8%	1.3	138.1%	0.7	100.0%	0.4	66.7%	1.0
Freestone	19,515	78.6%	4.4	69.6%	4.2	85.0%	1.7	9.1%	69.0
Frio	17,702	91.5%	4.7	81.7%	3.3	107.3%	0.3	100.0%	6.0
Gaines	18,413	92.6%	1.8	86.3%	0.5	111.0%	1.3	97.0%	0.8
Galveston	300,484	111.0%	0.8	102.7%	0.5	98.6%	0.5	103.8%	3.0
Garza	6,412	76.1%	0.6	108.2%	0.8	90.6%	0.9	*%	0.0
Gillespie	25,153	139.5%	1.8	131.9%	1.7	96.0%	1.5		
Glasscock	1,259	66.7%	2.1	83.3%	1.0	100.0%	0.0	*%	0.0
Goliad	7,351	76.5%	4.5	71.4%	6.0	123.8%	1.2	*%	0.0
Gonzales	20,045	59.3%	3.8	82.4%	1.9	83.5%	2.7	81.3%	1.8
Gray	22,978	121.7%	1.7	97.0%	1.0	126.8%	0.4	127.6%	0.2
Grayson	121,935	97.0%	1.6	84.0%	2.0	100.9%	0.5		
Gregg	122,658	88.6%	1.4	82.5%	0.7	87.3%	1.0		
Grimes	26,783	52.6%	3.0	68.6%	1.5	82.0%	0.8	*%	0.0
Guadalupe	139,841	86.1%	1.6	103.4%	1.2	83.4%	0.9	95.0%	0.5
Hale	36,385	95.2%	1.5	71.6%	2.5	92.1%	0.8	80.8%	0.1
Hall	3,293	110.3%	1.5	84.2%	2.4	104.1%	0.6	*%	0.0
Hamilton	8,307	86.3%	0.9	106.7%	0.6	115.3%	0.5	*%	0.0
Hansford	5,521	100.0%	3.3	74.4%	1.2	52.6%	0.9	*%	0.0

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COUNTY	2012 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Hardeman	4,082	61.9%	15.1	58.0%	7.2	175.0%	5.8	*%	0.0
Hardin	55,190	72.0%	3.0	75.8%	2.0	113.0%	0.4	86.2%	1.5
Harris	4,253,700	104.3%	0.9	103.9%	0.6	96.4%	0.2	97.6%	0.2
Harrison	67,450	135.4%	1.7	107.4%	0.8	98.5%	0.7		
Hartley	6,144	88.2%	1.4	72.1%	1.0	93.4%	0.3	*%	0.0
Haskell	5,901	68.9%	2.1	115.5%	1.0	104.0%	0.6	200.0%	0.5
Hays	168,990	92.0%	1.8	98.4%	1.5	99.9%	0.6		*
Hemphill	4,080	67.6%	1.8	75.8%	6.3	98.0%	0.7	*%	0.0
Henderson	79,094	93.1%	1.2	94.7%	1.3	97.4%	0.8	95.0%	2.0
Hidalgo	806,552	57.1%	2.0	79.5%	1.0	99.8%	0.9		
Hill	35,115	101.7%	2.6	98.8%	1.0	104.5%	0.8	156.8%	0.7
Hockley	23,072	92.1%	2.2	106.1%	0.9	85.6%	0.4	*%	0.0
Hood	52,044	112.4%	0.8	93.1%	0.6	102.3%	0.2	127.3%	0.5
Hopkins	35,469	179.6%	1.0	97.9%	0.9	97.5%	0.4	83.3%	0.4
Houston	23,161	89.6%	1.9	94.0%	1.0	99.7%	0.5	*%	1.0
Howard	35,408	148.6%	1.3	89.9%	1.0	102.0%	0.5		
Hudspeth	3,337	11.2%	73.4	63.6%	11.7	78.2%	4.0	*%	0.0
Hunt	87,079	107.6%	0.7	68.5%	0.7	104.9%	0.3	*%	0.0
Hutchinson	21,922	110.2%	3.0	50.6%	4.1	60.2%	1.6	*%	0.0
Irion	1,573	68.4%	1.4	100.0%	0.7	108.3%	0.8	*%	0.0
Jack	8,983	90.0%	5.0	88.0%	0.7	86.6%	0.7	66.7%	1.5
Jackson	14,255	76.1%	1.9	85.7%	0.8	119.9%	0.7	*%	0.0
Jasper	35,923	84.4%	3.1	67.0%	1.2	74.7%	1.1	95.2%	0.0
Jeff Davis	2,307	70.4%	2.5	94.1%	0.9	69.0%	0.7	*%	0.0
Jefferson	251,813	110.3%	1.6	108.2%	0.5	107.9%	0.4	96.1%	0.1
Jim Hogg	5,249	89.6%	5.7	69.0%	5.2	115.5%	1.6		
Jim Wells	41,754	96.2%	2.3	90.1%	0.9	104.1%	1.7		*
Johnson	153,441	114.0%	1.4	88.1%	0.8	100.3%	0.2	*%	0.0
Jones	19,973	92.5%	3.6	86.0%	1.8	106.1%	1.0		
Karnes	15,233	59.9%	4.7	59.7%	2.3	152.9%	1.7	*%	0.0
Kaufman	106,753	84.3%	2.0	82.9%	1.6	102.5%	1.0	*%	0.0
Kendall	35,956	89.8%	1.5	88.5%	1.1	106.4%	1.2		
Kenedy	431	94.5%	4.3	150.0%	3.3	126.7%	3.0	*%	0.0
Kent	839	433.3%	6.8	400.0%	6.8	58.3%	3.3	300.0%	0.7
Kerr	49,786	98.6%	1.3	95.5%	1.4	96.3%	0.8		
Kimble	4,560	124.5%	1.7	148.1%	0.9	94.9%	0.5	*%	2.0

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COUNTY	2012 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
King	276	20.0%	12.0	133.3%	0.3	33.3%	2.0	*%	0.0
Kinney	3,603	100.0%	3.9	100.0%	2.1	161.1%	1.9	*%	0.5
Kleberg	32,025	66.4%	1.5	98.7%	0.4	104.1%	0.5	*%	0.0
Knox	3,789	20.0%	9.4	7.9%	38.0	133.3%	2.3	*%	0.0
La Salle	7,109	68.8%	2.9	77.6%	3.6	136.5%	3.2	*%	0.0
Lamar	49,811	106.5%	1.5	99.4%	0.6	93.8%	0.2	133.3%	0.3
Lamb	14,008								
Lampasas	20,107	128.7%	1.5	104.1%	1.0	105.7%	0.7	110.0%	0.4
Lavaca	19,468	124.5%	1.6	114.2%	0.7	138.0%	0.8	80.0%	0.3
Lee	16,601	74.5%	3.0	106.3%	0.8	100.7%	1.1	70.0%	14.7
Leon	16,803	82.5%	2.0	109.6%	1.5	97.2%	1.1	100.0%	0.0
Liberty	76,571	36.0%	5.5	91.8%	1.8	99.4%	0.3	*%	0.0
Limestone	23,585	101.5%	1.9	104.5%	1.2	97.0%	0.2	83.3%	0.1
Lipscomb	3,480	72.7%	3.8	93.0%	0.9	50.0%	1.0	*%	0.0
Live Oak	11,664	112.4%	1.5	136.4%	0.8	102.9%	0.2	171.4%	0.5
Llano	19,085	95.0%	1.1	74.4%	1.2	81.9%	0.7	75.0%	1.1
Loving	71	50.0%	1.7	*%	0.0	100.0%	0.0	*%	0.0
Lubbock	285,760	118.7%	0.7	105.4%	0.7	93.8%	0.3	91.4%	0.3
Lynn	5,783	78.3%	2.3	110.0%	0.8	92.1%	0.5	*%	0.0
Madison	13,677	84.8%	2.4	76.1%	1.8	85.6%	0.9	*%	0.0
Marion	10,324	76.6%	5.6	116.0%	1.1	100.4%	0.3	500.0%	0.8
Martin	5,017	150.0%	1.9	114.7%	0.8	127.5%	0.9	*%	0.0
Mason	4,003	111.1%	0.9	107.1%	0.5	115.6%	0.3	50.0%	0.0
Matagorda	36,547	77.1%	3.5	106.1%	1.8	99.1%	0.5	91.8%	0.5
Maverick	55,365								
McCulloch	8,313	86.5%	0.8	91.0%	0.5	92.7%	0.7	76.5%	0.5
McLennan	238,707	81.3%	1.3	94.4%	1.1	99.9%	0.6	99.8%	0.1
McMullen	726	44.7%	2.1	30.0%	1.7	*%	0.0	*%	0.0
Medina	46,765	105.3%	1.3	62.3%	2.1	97.3%	0.4		
Menard	2,240	89.5%	5.7	23.1%	12.5	94.7%	1.7	*%	0.0
Midland	146,645	93.4%	0.9	103.9%	0.9	104.5%	0.2	100.0%	0.0
Milam	24,157	105.4%	1.0	111.7%	0.7	98.1%	0.3	108.3%	0.2
Mills	4,828	118.4%	1.1	92.9%	0.6	68.1%	0.2	*%	0.0
Mitchell	9,336	102.8%	4.8	114.9%	1.3	145.5%	1.0	*%	0.0
Montague	19,565	63.2%	1.8	96.3%	1.1	114.0%	0.4	127.3%	1.0
Montgomery	485,047	98.4%	1.1	111.9%	0.8	88.4%	0.4	89.0%	1.3
Moore	22,313	98.6%	1.3	400.0%	1.0	100.6%	0.2	*%	0.0

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		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Morris	12,787	65.7%	3.6	93.8%	0.6	126.9%	0.7	50.0%	4.0
Motley	1,202	28.6%	1.3	200.0%	2.3	40.0%	1.5	*%	0.0
Nacogdoches	66,034	96.6%	1.8	94.0%	1.1	77.2%	0.6	88.3%	0.9
Navarro	47,979	140.8%	1.7	127.2%	0.0	91.0%	0.9	136.4%	1.8
Newton	14,200	73.7%	2.8	95.5%	1.0	117.2%	1.3	*%	0.0
Nolan	14,924	103.3%	2.0	57.1%	3.0	105.0%	0.4		
Nueces	347,691	78.8%	1.3	82.0%	0.7	103.6%	0.4		
Ochiltree	10,728	81.5%	2.4	74.8%	1.5	44.3%	1.1	*%	0.0
Oldham	2,060	102.0%	2.0	88.9%	2.3	115.3%	1.4	*%	0.0
Orange	82,977	100.2%	3.2	100.9%	0.8	107.0%	0.2		
Palo Pinto	27,856	77.8%	1.4	86.9%	0.8	103.7%	0.4	*%	0.0
Panola	24,020	50.7%	5.0	77.2%	1.6	39.2%	5.7		
Parker	119,712	117.9%	0.8	93.9%	0.6	99.6%	0.4	112.7%	0.3
Parmer	10,183	160.0%	0.7	92.6%	0.5	97.5%	0.2	*%	0.0
Pecos	15,619	99.2%	4.2	101.7%	1.4	100.4%	0.6		
Polk	45,656	82.0%	1.7	103.7%	3.4	98.2%	0.4	*%	0.0
Potter	122,335	112.6%	1.4	89.7%	0.6	103.9%	0.4	*%	0.0
Presidio	7,525	60.0%	5.5	72.2%	1.6	38.2%	2.8		
Rains	10,943	93.3%	1.0	107.8%	0.5	100.4%	0.1	100.0%	0.0
Randall	125,082	95.1%	1.3	92.8%	0.7	104.4%	0.4		
Reagan	3,475	264.3%	1.6	119.0%	0.8	127.6%	0.5	*%	0.0
Real	3,369	150.0%	1.3	92.4%	0.7	65.4%	1.0	*%	0.0
Red River	12,694	118.4%	1.6	122.8%	0.8	97.5%	0.4	100.0%	2.6
Reeves	13,798	89.6%	0.5	107.5%	0.3	100.6%	0.1	*%	0.0
Refugio	7,259	105.1%	2.1	112.0%	0.6	114.8%	0.5		
Roberts	854	92.9%	2.6	75.0%	1.3	55.6%	1.0	*%	0.0
Robertson	16,545	122.6%	1.9	89.5%	0.8	88.9%	0.2	60.0%	0.0
Rockwall	83,021	94.4%	0.6	94.1%	0.5	99.9%	0.1		
Runnels	10,449	92.2%	1.3	85.2%	0.9	106.3%	0.3	50.0%	1.0
Rusk	54,026	97.2%	1.9	*%	0.0	101.6%	0.5	*%	0.0
Sabine	10,433	70.2%	2.9	114.7%	1.8	87.7%	0.9	33.3%	0.0
San Augustine	8,818	76.6%	6.7	90.9%	10.3	69.2%	2.7	100.0%	0.0
San Jacinto	27,126	111.4%	3.4	109.0%	1.9	106.6%	1.4	37.5%	2.0
San Patricio	65,600	84.0%	1.7	89.2%	0.9	98.6%	0.4	90.1%	0.2
San Saba	6,002	57.8%	1.3	73.2%	0.5	102.6%	0.6	66.7%	0.5
Schleicher	3,264	69.2%	2.1	61.1%	0.9	64.6%	0.4	*%	0.0

APPENDIX A — DISTRICT COURT PERFORMANCE MEASURES, CLEARANCE RATES, AND BACKLOG INDEX

COUNTY	2012 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Scurry	17,126	60.8%	4.5	117.2%	1.1	102.6%	0.6	100.0%	0.3
Shackelford	3,356	75.6%	2.5	100.0%	1.7	116.8%	1.1		
Shelby	26,019	89.5%	2.3	94.5%	1.1	93.7%	0.9	70.0%	2.1
Sherman	3,073	108.3%	2.6	82.6%	0.7	90.9%	0.6	*%	0.0
Smith	214,821	104.8%	0.7	96.7%	0.6	110.6%	0.4	*%	0.0
Somervell	8,598	85.5%	2.3	116.2%	0.8	98.8%	0.4	*%	0.0
Starr	61,615	66.0%	3.0	68.6%	5.9	83.0%	2.1	*%	0.0
Stephens	9,464	171.0%	1.5	107.4%	0.8	145.1%	1.6	130.0%	0.2
Sterling	1,191	68.2%	0.7	82.4%	0.6	100.0%	0.6	*%	0.0
Stonewall	1,475	90.0%	5.7	63.2%	2.0	188.9%	1.0	*%	1.0
Sutton	3,950	88.1%	1.6	101.4%	0.8	129.8%	0.4	*%	0.0
Swisher	7,891	142.2%	1.8	101.6%	0.6	92.4%	0.6	*%	0.0
Tarrant	1,880,153	116.9%	1.2	92.1%	0.4	99.5%	0.2	101.7%	0.1
Taylor	133,473	82.0%	1.2	102.9%	0.7	99.6%	0.4	96.0%	0.3
Terrell	917	66.7%	7.0	100.0%	2.0	40.0%	8.0	*%	0.0
Terry	12,613	88.7%	1.1	112.0%	0.6	91.6%	0.2	95.7%	0.6
Throckmorton	1,601	80.0%	9.1	17.4%	7.3	150.0%	1.7	*%	0.0
Titus	32,663	76.2%	3.7	113.6%	0.7	142.0%	0.9	125.0%	2.0
Tom Green	113,281	104.5%	1.0	90.1%	0.6	100.0%	0.3	75.7%	0.4
Travis	1,095,584	85.1%	2.7	99.3%	0.8	90.3%	0.3	87.8%	0.8
Trinity	14,309	57.7%	9.3	83.1%	4.9	93.4%	1.4	80.0%	9.1
Tyler	21,458	73.0%	4.4	101.4%	1.3	85.8%	0.7	50.0%	5.0
Upshur	39,995	116.2%	1.9	94.8%	0.7	105.5%	0.4	45.5%	1.8
Upton	3,283	69.2%	0.9	51.4%	1.1	131.6%	1.3	*%	0.0
Uvalde	26,752	81.1%	0.3	130.3%	0.3	82.0%	0.3	*%	0.0
Val Verde	48,705	56.6%	4.5	87.7%	1.4	129.0%	2.1		
Van Zandt	52,427	134.8%	1.6	107.5%	0.9	94.4%	0.5	*%	0.0
Victoria	89,269	119.4%	1.5	92.3%	0.4	100.6%	0.3	*%	0.0
Walker	68,408	113.8%	1.8	77.0%	1.4	111.3%	1.0		
Waller	44,357	86.7%	3.0			92.7%	1.4		
Ward	10,879	91.4%	0.4	97.9%	0.3	97.0%	0.0	*%	0.0
Washington	34,093	88.3%	0.9			92.1%	0.4		
Webb	259,172	80.0%	1.0	91.0%	0.8	97.6%	0.8		
Wharton	41,285	78.6%	4.3	90.4%	2.1	101.9%	0.6	91.9%	0.1
Wheeler	5,626	120.5%	1.6	108.5%	0.8	95.5%	0.8	100.0%	0.0
Wichita	131,559	93.8%	1.4	90.5%	0.8	98.6%	0.8	116.7%	1.3
Wilbarger	13,258	127.8%	1.8	98.1%	1.4	121.9%	0.4	75.0%	6.0

APPENDIX A — DISTRICT COURT PERFORMANCE MEASURES, CLEARANCE RATES, AND BACKLOG INDEX

COUNTY	2012 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Willacy	22,058	136.4%	1.2	105.7%	0.4	98.6%	1.9	295.3%	0.7
Williamson	456,232	86.9%	1.5	93.6%	1.2	86.5%	0.4	97.3%	0.3
Wilson	44,370	89.8%	1.4	91.3%	1.0	94.2%	0.3	101.0%	0.1
Winkler	7,330	115.8%	3.5	97.4%	2.0	93.5%	0.7		
Wise	60,432	175.2%	1.4	100.0%	1.0	115.9%	0.4		
Wood	42,022	111.4%	1.0	100.0%	0.5	97.0%	0.3	105.0%	0.3
Yoakum	8,075	69.8%	1.6	87.4%	0.8	97.1%	0.8		
Young	18,339	156.9%	1.0	122.6%	0.5	120.6%	0.7	*%	2.0
Zapata	14,290	86.4%	1.3	91.6%	0.6	109.4%	2.0	100.0%	4.8
Zavala	11,961	87.9%	3.3	126.5%	2.7	91.3%	2.5	171.4%	0.5
TOTALS		97.1%	1.4	96.8%	0.9	99.5%	0.5	96.2%	0.6

NOTES:

- (1) A blank cell indicates that either 1) no data was reported from that county, or 2) district courts in that county do not adjudicate certain case categories, such as juvenile cases.
- (2) A * % in a cell indicates a county reports no activity in certain case categories.

APPENDIX B: FREQUENTLY ASKED QUESTIONS

Q: How does Texas fund the state and local judiciary?

A: The Eighty-third Legislature, 2013, appropriated \$757.0 million to the Judiciary for the 2014–15 biennium. This amount represents less than 0.4 percent of all state appropriations. Most of the money used to operate the courts within Texas' Judiciary is provided by the counties or cities, with a lower amount of funds provided by the state.

In addition to these amounts, funding for the Judiciary includes \$17.2 million in Interagency Contracts, which consist of:

1. Federal Funds from the Office of the Attorney General for child support specialty court contracts, including administration (\$9.3 million);
2. grants from the Compensation to Victims of Crime Account for basic civil legal services for indigent victims of crime (\$5.0 million); and
3. grants from the Criminal Justice Division of the Governor's Office to the Special Prosecution Unit headquartered in Huntsville for prosecution of crimes committed in facilities of the Texas Department of Criminal Justice (\$2.9 million).

The state is the sole source of funding for the operations of the Supreme Court of Texas, Court of Criminal Appeals, and the state agencies of the Judicial Branch. The state provides an appropriation to operate the 14 Courts of Appeals. State appropriations provide the entire salaries for the justices of the Supreme Court and the judges on the Court of Criminal Appeals and base salaries for the justices of the courts of appeals and district court judges. Local governments may supplement, up to a statutory cap, the salaries of justices of the courts of appeals and district court judges. Since fiscal year 2008, the state began funding a salary supplement to statutory county judges in an amount equal to 60 percent of the state salary of a district court judge.

Texas' 254 counties provide funding for the daily operations of the district and county-level courts. Counties fund judicial salaries in all of the state's Constitutional County Courts, Statutory County Courts, and Justice of the Peace Courts. City governments provide all of the funding for the operation of the Municipal Courts.

Q: What are the funding sources?

A: The state of Texas funds its judicial operations primarily through General Revenue Funds. Of the \$757.0 million appropriated to the Judiciary for the 2014–15 biennium, \$438.8 million (58.0 percent) is General Revenue Funds. Other Funds in the amount of \$179.5 million make up the next largest portion at 23.7 percent. General Revenue–Dedicated Funds make up \$135.1 million or 17.8 percent. Appropriations for the Judiciary also include \$3.6 million in Federal Funds for the state Court Improvement Program, which funds court programs and pilot projects dealing with child protective services justice issues.

The major fund dedicated by statute for judicial purposes is Judicial Fund No. 573 (Other Funds). The Judicial Fund receives 50 percent of civil filing fees collected by the 14 Courts of Appeals and certain civil filing fees collected by the Supreme Court of Texas, district courts, and county-level courts. Also, the Judicial Fund receives 100 percent of a \$6 court cost in criminal cases collected as a Judicial Support Fee to provide a portion of salary funds for appellate and district judges and the \$84,000 state salary supplement provided to statutory county judges. Prosecutors and county attorneys, whose salaries are linked to district judge pay by statute, also receive a portion of their salaries from this method of finance. Money in the Judicial Fund can be used only for court-related purposes: support of the Judicial Branch of the state; child support and court management as provided by the Texas Government Code, Section 21.007; and basic civil legal services to the indigent as provided by the Texas Government Code, Section 51.943.

Major judicial General Revenue–Dedicated accounts include the Judicial and Court Personnel Training Fund No. 540. The purpose of the fund is to receive court costs on conviction of certain sections of the Penal Code. Defendants convicted of a felony pay \$133, defendants convicted of a Class A or B misdemeanor pay \$83 and defendants convicted of a nonjailable misdemeanor pay \$40. This account receives 4.8362 percent of the total collections from these court costs. Also, 50 percent of the fees collected by the clerks of the courts of appeals under Texas Government Code, Section 51.207, are deposited to this fund. Proceeds are used to provide continuing legal education to judges and court personnel. The Eighty-second Legislature, First Called

Session, 2011, established the Judicial and Court Personnel Training Fund as a dedicated account in General Revenue Funds. Previously the fund had been classified as Other Funds. Unappropriated balances in this new account cannot be used to certify the budget due to a portion of the account's revenue stream originating from civil filing fees.

Another major account is the Fair Defense Account No. 5073 (General Revenue–Dedicated). This is an account that receives court costs from defendants convicted under certain sections of the Penal Code. Defendants convicted of a felony pay \$133, defendants convicted of a Class A or B misdemeanor pay \$83, and defendants convicted of a nonjailable misdemeanor pay \$40. This account receives 8.0143 percent of collections from these court costs. The account is used primarily by the Texas Indigent Defense Commission, which sets standards and gives grants to counties for criminal defense services for indigents. The Office of Capital Writs, which represents indigent defendants who are sentenced to death in post-conviction writs of habeas corpus, also receives its appropriations from the Fair Defense Account.

A new account established by the Comptroller after passage of House Bill 2302, Eighty-third Legislature, Regular Session, 2013, is the General Revenue–Dedicated Statewide Electronic Filing Fund. Funds deposited into this account are drawn from civil filing fees and a court cost and are used to fund the Electronic Filing Manager System (eFileTexas.gov).

The Felony Prosecutor Supplement Fund No. 303 (Other Funds) is an account established in the Treasury to receive two-thirds of the \$15 cost paid by each surety posting a bail bond, and is not to exceed \$30 for all bonds posted by an individual. It is used to fund longevity supplements for eligible assistant prosecutors. The remaining one-third is deposited into the Fair Defense Account. The account is accumulative, except that at the end of each fiscal year, any unexpended balance in the fund in excess of \$1.5 million may be transferred to General Revenue Funds.

Q: How does the state fund drug courts?

A: Pursuant to the Texas Code of Criminal Procedure, Section 102.0178, defendants convicted of an intoxication or drug offense (Class B Misdemeanor or higher) must pay a \$60 court cost. After retaining a 10 percent service fee (\$6), counties may retain an additional 50 percent of the balance (\$27) to support local authorized programs, with the remainder (\$27) being remitted to the state. Otherwise, the state receives \$54 of this court cost, which is deposited to

General Revenue Funds (see **Figure 32** in the chapter on Court-Generated State Revenue Sources). The Texas Code of Criminal Procedure, Section 102.0178, requires that this revenue stream is appropriated to the Governor's Office for drug court grants; however, the drug court account dedication was not exempted from funds consolidation by the Eightieth Legislature.

Nevertheless, state appropriations for drug courts are provided through Trusteed Programs within the Office of the Governor and are then distributed as grants to counties. The Governor's Office was appropriated \$1.5 million for the 2014–15 biennium for the operation and funding of drug court programs. Counties bear all other expenses for drug court operations, some funded all or in part by the counties' portion of the \$60 court cost. (See General Appropriations Act, 2014–15 Biennium, Rider 12, Trusteed Programs within the Office of the Governor Bill Pattern.)

Q: How are Veterans Courts funded?

A: The state does not make a direct appropriation to fund veterans courts; however, the Veterans Commission provides grants to counties that can be used to fund veterans court operations. The Eightieth Legislature, Regular Session, 2007, established the Fund for Veterans Assistance (FVA) Account (Other Funds), which is administered by the Texas Veterans Commission and may be used to provide grants for veterans courts.

Grant amounts have typically been \$40,000. The FVA includes gifts, grants, and interest earnings that are contributed and transferred at the direction of the Legislature. Additional sources of revenue include a lottery game, donations contributed through vehicle registration forms, and tax-deductible public donations. The fund may be used to enhance or improve veterans assistance programs and make grants to local communities.

APPENDIX C: GLOSSARY

Actual Innocence Projects – The first Texas-based Innocence Project began in 2000 at the University of Houston Law Center. The state of Texas funds four law school innocence projects at the University of Houston, the University of Texas at Austin, Texas Tech University, and Texas Southern University. Through the Office of Court Administration and the Texas Indigent Defense Commission, each of these projects is eligible for up to \$100,000 per year in funding. Innocence projects have been formed to identify and assist people who have been convicted of crimes they did not commit. Innocence Projects typically involve law students working under the supervision of professors or attorneys in the community.

Administrative Judicial Region – To aid in the administration of justice, the state's trial courts are divided into nine administrative judicial regions (the Texas Government Code, Section 74.042). The Presiding Judge of each region is designated by the Governor. The duties of a Presiding Judge include: promulgating and implementing regional rules of administration; advising local judges on judicial management; recommending administrative improvements to the Supreme Court of Texas; acting for local administrative judges in their absence; assigning visiting judges; and convening an annual conference of district and statutory county court judges in the region to adopt regional rules of administration.

Appellate Judicial System – This is a funding mechanism whereby appellate courts are provided dedicated county funding for operating expenses. The revenue source for these funds is a \$5 fee for civil cases filed in county, statutory county, probate, or district courts that are located in the appellate court's jurisdiction. At present, only one of the 14 appellate courts—the Tenth Court of Appeals in Waco—is not authorized to be an appellate judicial system.

Civil Filing Fees – a fee charged for the filing of a civil lawsuit and for the filing of certain other documents in the case.

Collection Improvement Program – The Office of Court Administration's Collection Improvement Program is a formalized court collections program that helps improve the collections of court costs, fees, and fines. The state-run Collection Improvement Program focuses on helping local court jurisdictions improve their collection rates for criminal court costs and fees.

Conviction – a judgment of guilt against a criminal defendant.

Court Costs – Court costs are fees charged to convicted offenders for court and criminal justice administration. State and local court costs are assessed to help fund the state and local criminal justice system. Some court costs are directly related to the costs courts incur, but others fund services related to law enforcement, supervision, court-ordered treatments or actions, emergency medical services, and a variety of other programs. Typically, counties retain 10 percent of court costs for local expenditures, but the remaining 90 percent is remitted to the state.

Court Fine – Court fines are the monetary punishment for a specific offense and are assessed locally against individuals upon conviction. Local jurisdictions retain 100 percent of the fine.

Deferred Adjudication – This is a special type of community supervision (probation) whereby the defendant enters a plea of guilty but the judge defers the actual finding of guilt against the defendant. Accordingly, the defendant is not convicted of the crime for which he or she was charged. The defendant will be placed on community supervision for a period of time; if he or she complies with all conditions, the charge will be dismissed at the conclusion of that period. If the defendant fails to comply with all conditions, a hearing is held, and if the court determines that the defendant violated a condition of community supervision, the judge may find the defendant guilty based on the plea. The judge may also sentence the defendant to an amount of jail time within the full range of punishment for the offense.

Law Clerk/Briefing Attorney – Law clerks or briefing attorneys are typically new law school graduates. They usually work for one year as an employee of an appellate court and are assigned to a specific judge or justice to brief cases and assist in operations of the court.

Pro Se – a term for a person who represents himself or herself in court.

Writ of Habeas Corpus – A writ ordering a prisoner to be brought before a judge so that the court may determine if the person is being lawfully detained.

Writ of Mandamus – An extraordinary writ from a superior court commanding a lower court or official to perform or refrain from performing a ministerial act, for which the performance or omission is determined to be an absolute duty under the law and not a matter for the court’s or official’s discretion.

APPENDIX D: COURT COSTS AND FEES

This appendix includes detailed tables of state and local court costs that are imposed in municipal, justice, county-level and district courts. These tables are maintained by the Office of Court Administration (OCA), and periodic updates are available on the agency's website at www.courts.state.tx.us/pubs/pubs-home.asp. Court clerks must prepare a bill of costs in every criminal conviction, and erroneous charges may be challenged by the defendant.

Total charges that may apply to a conviction by class of offense are broken out between costs that are always assessed and costs that may be assessed if service is performed by a peace officer. See Chapter 6, Court-Generated State Revenue Sources, **Figure 43**, for additional information on the purposes or use of state court costs and fees. Also, Appendix

E includes five examples of total state and local court costs charged to persons convicted of particular offenses.

Upon conviction, a court will order a defendant to pay amounts in addition to those shown in these tables, such as the actual fine imposed as monetary punishment for the offense. Other court-ordered obligations may include monthly probation or parole fees and restitution to victims. Participants must also pay fees for drug court and veterans court treatment and counseling programs, and for prostitution prevention programs. Also, pursuant to the driver responsibility program, the Department of Public Safety is authorized to assess surcharges once a driver has been convicted of certain driving offenses.

**FIGURE D1
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL COURTS UPON CONVICTION
EFFECTIVE JANUARY 1, 2014**

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	
Cost Always Assessed											
1 Consolidated Court Cost – Local Government Code §133.102(a)	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$0	\$0	\$0
2 State Traffic Fine – Texas Transportation Code, §542.4031	\$30	\$30	\$30	\$0	\$0	\$0	\$0	\$0	\$30	\$0	\$0
3 Passing School Bus Cost – CCP, Art. 102.014(c)	\$25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4 School Non-Attendance Fee – CCP, Art. 102.014(d)	\$0	\$0	\$0	\$20	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5 Judicial Support Fee – Local Government Code, §133.105(a)	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$0	\$0	\$0
6 Juror Reimbursement Fee – CCP, Art. 102.0045	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$0	\$0	\$0
7 Additional Court Cost – Texas Transportation Code, §542.403	\$3	\$3	\$3	\$0	\$0	\$0	\$0	\$0	\$3	\$0	\$0
8 Indigent Defense Fee – Local Government Code, §133.107	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0	\$0
9 Truancy Prevention Cost – CCP, Art. 102.015	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0	\$0
10 TCLEOSE Court Cost – CCP, Art. 102.022	\$0.10	\$0.10	\$0	\$0	\$0.10	\$0.10	\$0	\$0	\$0	\$0	\$0
TOTAL OF COSTS THAT ARE ALWAYS ASSESSED	\$112.10	\$87.10	\$87	\$74	\$54.10	\$54.10	\$54	\$33	\$0	\$0	\$0

FIGURE D1 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL COURTS UPON CONVICTION
EFFECTIVE JANUARY 1, 2014

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J
Cost Assessed if Service Performed by Peace Officer										
11 Execute/Process Arrest Warrant – CCP, Art. 102.011(a)(2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
12 Serve Writ – CCP, Art. 102.011(a)(4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35
13 Take and Approve Bond – CCP, Art. 102.011(a)(5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
14 Convey Witness (charge per day) – CCP, Art. 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
15 Issue Written Notice to Appear – CCP, Art. 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
16 Make Arrest without a Warrant – CCP, Art. 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
17 Summon Witness – CCP, Art. 102.011(a)(3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
18 Commitment to Jail – CCP, Art. 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
19 Release from Jail – CCP, Art. 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
20 Summon Jury – CCP, Art. 102.011(a)(7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
21 Mileage for Numbers 10–19 (\$0.29/mile) – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X
22 Meals/Lodging for Numbers 10–19 – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X
23 Overtime Costs for Testimony at Trial – CCP, Art. 102.011(i)	X	X	X	X	X	X	X	X	X	X
Cost Assessed if Defendant Failed to Appear										
24 Administrative Fee (OMNI Fee) – Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Cost Assessed if Defendant Fails to Pay Fine and/or Costs										
25 OMNI Fee – Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Cost Assessed if Offense Occurred in School Zone										
26 School Crossing Zone Cost – CCP, Art. 102.014(c)	\$25	\$25	\$25	\$0	\$0	\$0	\$0	\$25	\$0	\$0
Cost Assessed if Payment > 30 days After Judgment										
27 Time Payment Fee – Local Government Code, §133.103	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Cost Assessed if City > 850,000 Has Parking Ordinance										
28 Municipal Parking Offense Cost – CCP, Art. 102.014(a)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2–\$5	\$0
Cost Assessed if City ≤ 850,000 Has Parking Ordinance										
29 Municipal Parking Offense Cost – CCP, Art. 102.014(b)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0–\$5	\$0

FIGURE D1 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL COURTS UPON CONVICTION
EFFECTIVE JANUARY 1, 2014

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J
Cost Assessed if Conviction is by Jury										
30 Jury Fee – CCP, Art. 102.004	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3
Discretionary Costs										
31 Restitution Installment Fee – CCP, Art. 42.037	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12
32 Driving Record Fee – CCP, Art. 45.0511(c-1)	\$12	\$12	\$12	\$0	\$12	\$0	\$0	\$12	\$0	\$0
33 Driving Safety Course Administrative Fee – CCP, Art. 45.0511(f)(1)	≤ \$10	≤ \$10	≤ \$10	\$0	≤ \$10	\$0	\$0	≤ \$10	\$0	\$0
34 Juvenile Case Manager Court Cost – CCP, Art. 102.0174	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5
35 Municipal Court Technology Fee – CCP, Art. 102.0172	≤ \$4	≤ \$4	≤ \$4	≤ \$4	≤ \$4	≤ \$4	≤ \$4	≤ \$4	≤ \$4	≤ \$4
36 Municipal Court Building Security Fee – CCP, Art. 102.017	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3
37 Special Expense Fee – CCP, Art. 45.051(a)	X	X	X	X	X	X	X	X	X	X
38 Driving Safety Course Request Fee – CCP, Art. 45.0511(f)(2)	X	X	X	\$0	X	\$0	\$0	X	\$0	\$0

NOTES:

- (1) Court costs directed primarily to the state are in bold.
- (2) Line 2 fee is not actually a court cost, but rather a mandatory fine.
- (3) Line 29 fee – only one fee may be assessed if two or more defendants are tried jointly.
- (4) X = indefinite amount.
- (5) CCP = Texas Code of Criminal Procedure.
- (6) TCLEOSE = Texas Commission on Law Enforcement Standards and Education.

SOURCE: Office of Court Administration.

DETAILED DESCRIPTION OF OFFENSES IN EACH MISDEMEANOR CATEGORY (MUNICIPAL COURTS)

- A Passing School Bus (Texas Transportation Code, §545.066)
- B Rules of the Road Offense (1) (other than a Parking Offense, Pedestrian Offense, or Passing School Bus Offense) that is a moving violation (2)
- C Rules of the Road Offense (other than a Parking Offense, Pedestrian Offense, or Passing School Bus Offense) that is not a moving violation
- D School Non-Attendance (Texas Education Code, §§25.093, 25.094)
- E Disobeying Warning Signs or Driving Around a Barricade (Texas Transportation Code, §472.022)
- F General fine-only misdemeanor offense that is a moving violation
- G General fine-only misdemeanor offense that is not a moving violation
- H State Parking Offense or State Pedestrian Offense that is a Rules of the Road Offense
- I Violation of Municipal Parking Ordinance
- J (1) State Parking Offense or State Pedestrian Offense that is not a Rules of the Road Offense; or (2) Violation of Municipal Pedestrian Offense

NOTES:

- (1) A rules of the road offense is any offense found in the Texas Transportation Code, Chapters 541-600.
- (2) The list of offenses considered to be moving violations can be found in the Texas Administrative Code, Title 37, §15.89(b). The list is online at info.sos.state.tx.us/fids/201003483-1.html.
- (3) A general fine-only misdemeanor offense is any fine-only misdemeanor offense not listed in Categories A–E and H–J.

SOURCE: Office of Court Administration.

**FIGURE D2
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY JUSTICE COURTS UPON CONVICTION
EFFECTIVE JANUARY 1, 2014**

MISDEMEANOR CATEGORY		A	B	C	D	E	F	G	H	I
Cost Always Assessed										
1	Consolidated Court Cost – Local Government Code, §133.102(a)	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$0	\$0
2	State Traffic Fine – Texas Transportation Code, §542.4031	\$30	\$30	\$0	\$0	\$0	\$0	\$0	\$30	\$0
3	School Non-Attendance Fee – CCP, Art. 102.014(d)	\$0	\$0	\$20	\$0	\$0	\$0	\$0	\$0	\$0
4	Judicial Support Fee – Local Government Code, §133.105(a)	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$0	\$0
5	Juror Reimbursement Fee – CCP, Art. 102.0045	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$0	\$0
6	Justice Court Technology Fund – CCP, Art. 102.0173	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
7	Court Security Fee – CCP, Art. 102.017	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
8	Additional Court Cost – Texas Transportation Code, §542.403	\$3	\$3	\$0	\$0	\$0	\$0	\$0	\$3	\$0
9	Indigent Defense Fee – Local Government Code, §133.107	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0
10	Truancy Prevention Cost – CCP, Art. 102.015	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0
11	TCLEOSE Court Cost – CCP, Art. 102.022	\$0.10	\$0	\$0	\$0.10	\$0.10	\$0	\$0	\$0	\$0
TOTAL OF COSTS THAT ARE ALWAYS ASSESSED		\$95.10	\$95	\$82	\$62.10	\$62.10	\$62	\$62	\$41	\$8
Cost Assessed if Service Performed by Peace Officer										
12	Execute/Process Arrest Warrant – CCP, Art. 102.011(a) (2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
13	Serve Writ – CCP, Art. 102.011(a)(4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35
14	Take and Approve Bond – CCP, Art. 102.011(a) (5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
15	Convey Witness (charge per day) – CCP, Art. 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
16	Issue Written Notice to Appear – CCP, Art. 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
17	Make Arrest without a Warrant – CCP, Art. 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
18	Summon Witness – CCP, Art. 102.011(a)(3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
19	Commitment to Jail – CCP, Art. 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
20	Release from Jail – CCP, Art. 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
21	Summon Jury – CCP, Art. 102.011(a)(7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
22	Mileage for Numbers 11–20 (\$0.29/mile) – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X
23	Meals/Lodging for Numbers 11–20 – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X
24	Overtime Costs for Testimony at Trial – CCP, Art. 102.011(j)	X	X	X	X	X	X	X	X	X

FIGURE D2 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY JUSTICE COURTS UPON CONVICTION
EFFECTIVE JANUARY 1, 2014

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I
Cost Assessed if Defendant Failed to Appear									
25 Administrative Fee (OMNI Fee) – Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Cost Assessed if Defendant Fails to Pay Fine and/or Costs									
26 OMNI Fee – Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Cost Assessed if Payment > 30 days After Judgment									
27 Time Payment Fee – Local Government Code, §133.103	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Cost Assessed if Conviction is by Jury									
28 Jury Fee – CCP, Art. 102.004	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3
Discretionary Costs									
29 Dishonored Check Fee – CCP, Art. 102.0071	\$0	\$0	\$0	\$0	\$0	≤ \$30	\$0	\$0	\$0
30 Restitution Installment Fee – CCP, Art. 42.037	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12
31 Driving Record Fee – CCP, Art. 45.0511(c-1)	\$12	\$12	\$0	\$12	\$0	\$0	\$0	\$12	\$0
32 Driving Safety Course Administrative Fee – CCP, Art. 45.0511(f)(1)	≤ \$10	≤ \$10	\$0	≤ \$10	\$0	\$0	\$0	≤ \$10	\$0
33 Juvenile Case Manager Court Cost – CCP, Art. 102.0174	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5	≤ \$5
34 Transaction Fee – CCP, Art. 102.072	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2
35 Special Expense Fee – CCP, Art. 45.051(a)	X	X	X	X	X	X	X	X	X
36 Driving Safety Course Request Fee – CCP, Art. 45.0511(f)(2)	X	X	\$0	X	\$0	\$0	\$0	X	X

NOTES:

- (1) Court costs directed primarily to the state are in bold.
- (2) Line 8 fee is not actually a court cost, but rather a mandatory fine.
- (3) Line 27 fee – only one fee may be assessed if two or more defendants are tried jointly.
- (4) X = indefinite amount.
- (5) CCP = Texas Code of Criminal Procedure.
- (6) TCLEOSE = Texas Commission on Law Enforcement Standards and Education.

SOURCE: Office of Court Administration.

DETAILED DESCRIPTION OF OFFENSES IN EACH MISDEMEANOR CATEGORY (JUSTICE COURTS)

- A Rules of the Road Offense (1) (other than a Parking or Pedestrian Offense that is a moving violation (2))
- B Rules of the Road Offense (other than a Parking or Pedestrian Offense) that is not a moving violation
- C School Non-Attendance (Texas Education Code, §§25.093, 25.094)
- D Disobeying Warning Signs or Driving Around a Barricade (Texas Transportation Code, §472.022)
- E General fine-only misdemeanor offense that is a moving violation
- F (1) Issuance of Bad Check (Texas Penal Code, §32.41); or (2) Theft (Texas Penal Code, §31.03) or Theft of Service (Texas Penal Code, §31.04) where theft was accomplished by issuing or passing a bad check
- G General fine-only misdemeanor offense that is not a moving violation
- H Parking Offense or State Pedestrian Offense that is a Rules of the Road Offense
- I Parking Offense or Pedestrian Offense that is not a Rules of the Road Offense

NOTES:

- (1) A rules of the road offense is any offense found in the Texas Transportation Code, Chapters 541–600.
- (2) The list of offenses considered to be moving violations can be found in the Texas Administrative Code, Title 37, §15.89(b). The list is online at info.sos.state.tx.us/fids/201003483-1.html.
- (3) A general fine-only misdemeanor offense is any fine-only misdemeanor offense not listed in Categories A–D, F, and H–I.

SOURCE: Office of Court Administration.

FIGURE D3
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY COUNTY COURTS UPON CONVICTION
EFFECTIVE SEPTEMBER 1, 2013

		ORIGINAL JURISDICTION										
MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	K	
Cost Always Assessed												
1 EMS Trauma Fund Cost – CCP, Art. 102.0185	\$100	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
2 Child Abuse Prevention Fund – CCP, Art. 102.0186	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
3 Consolidated Court Cost – Local Government Code, §133.102(a)	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	\$83	
4 Drug Court Cost – CCP, Art. 102.0178	\$60	\$60	\$60	\$0	\$60	\$0	\$0	\$0	\$0	\$0	\$0	
5 DNA Testing Court Cost – CCP, Art. 102.020	\$0	\$0	\$0	\$0	\$0	\$0	\$50	\$0	\$0	\$0	\$0	
6 Juvenile Delinquency Prevention Fee – CCP, Art. 102.0171(a)	\$0	\$0	\$0	\$0	\$0	\$50	\$0	\$0	\$0	\$0	\$0	
7 Clerk's Fee – CCP, Art. 102.005(a)	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	
8 State Traffic Fine – Texas Transportation Code, §542.4031	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$30	\$30	\$0	\$0	
9 Records Management Fee – CCP, Art. 102.005(f)	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	
10 Prosecutor's Fee – CCP, Art. 102.008(a)	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	
11 Judicial Fund Court Cost – Texas Government Code, §§51.702, 51.703	\$15	\$15	\$15	\$15	\$15	\$15	\$15	\$15	\$15	\$15	\$15	
12 Judicial Support Fee – Local Government Code, §133.105(a)	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	
13 Statewide e-Filing Court Cost – Texas Government Code, §51.851(d)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	
14 Juror Reimbursement Fee – CCP, Art. 102.0045	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	
15 County and District Court Technology Fund – CCP, Art. 102.0169	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	
16 Court Security Fee – CCP, Art. 102.017	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	
17 Additional Court Cost – Texas Transportation Code, §542.403	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3	\$3	\$0	\$0	
18 Indigent Defense Fee – Local Government Code, §133.107	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	
19 Moving Violation Fee – CCP, Art. 102.22	\$0.10	\$0.10	\$0	\$0	\$0	\$0	\$0	\$0.10	\$0	\$0.10	\$0	

FIGURE D3 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY COUNTY COURTS UPON CONVICTION
EFFECTIVE SEPTEMBER 1, 2013

		ORIGINAL JURISDICTION										
MISDEMEANOR CATEGORY		A	B	C	D	E	F	G	H	I	J	K
Cost Always Assessed												
20	Drug/Alcohol Rehabilitation Evaluation Court Cost – CCP, Art. 102.018(b)	X	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL OF COSTS THAT ARE ALWAYS ASSESSED		\$372.10	\$372.10	\$372	\$312	\$272	\$262	\$262	\$245.10	\$245	\$212.10	\$212
Cost Assessed if Service Performed by Peace Officer												
21	Execute/Process Arrest Warrant, Capias, Capias Pro Fine – CCP, Art. 102.011(a) (2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
22	Serve Writ – CCP, Art. 102.011(a) (4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35
23	Take and Approve Bond – CCP, Art. 102.011(a) (5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
24	Convey Witness (Charge Per Day) – CCP, Art. 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
25	Arrest without Warrant or Issue Notice to Appear – CCP, 102.011(a) (1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
26	Summon Witness – CCP, Art. 102.011(a) (3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
27	Commitment to Jail – CCP, Art. 102.011(a) (6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
28	Release from Jail – CCP, Art. 102.011(a) (6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
29	Summon Jury – CCP, Art. 102.011(a) (7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
30	Mileage for Numbers 21–28 (\$0.29/mile) – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X	X
31	Meals/Lodging Expense for Numbers 21–28 – CCP, 102.011(b)	X	X	X	X	X	X	X	X	X	X	X
32	Overtime Costs for Testifying at Trial – CCP, 102.011(i)	X	X	X	X	X	X	X	X	X	X	X
Cost Assessed if Defendant Fails to Pay Fine and/or Costs												
33	Administrative Fee (OMNI Fee) – Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Cost Assessed if Payment > 30 days After Judgment												
34	Time Payment Fee – Local Government Code, §133.103	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25

FIGURE D3 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY COUNTY COURTS UPON CONVICTION
EFFECTIVE SEPTEMBER 1, 2013

		ORIGINAL JURISDICTION										
MISDEMEANOR CATEGORY		A	B	C	D	E	F	G	H	I	J	K
Cost Assessed if Conviction is by Jury												
35	Jury Fee – CCP, Art. 102.004	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20
Cost Assessed if DWI Defendant is Visually Recorded												
36	Visual Recording Fee – CCP, Art. 102.018(a)	\$15	\$15	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Discretionary Costs												
37	Restitution Installment Fee – CCP, Art. 42.037(g)	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12
38	Transaction Fee – CCP, Art. 102.072	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2

NOTES:

- (1) This chart applies only to misdemeanor convictions in county-level courts.
- (2) Court costs directed primarily to the state are in bold.
- (3) X = indefinite amount.
- (4) Line 8 fee is not actually a court cost, but rather a mandatory fine.
- (5) Line 10 fee assessed only once if multiple defendants are tried jointly.
- (6) Line 13 court cost may be waived if defendant is indigent.
- (7) CCP = Texas Code of Criminal Procedure.

SOURCE: Office of Court Administration.

County courts are authorized to charge an additional \$2 transaction fee to cover local costs of maintaining an e-filing system. The transaction fee may be charged when one or

more documents are filed in a criminal proceeding. An e-filing transaction fee is not a court cost, and it is charged regardless of whether a defendant is ultimately convicted.

DETAILED DESCRIPTION OF OFFENSES IN EACH MISDEMEANOR CATEGORY (COUNTY COURTS)

- A Driving While Intoxicated (DWI), punishable pursuant to the Texas Penal Code, §49.04(b)
- B Driving While Intoxicated (DWI), punishable pursuant to the Texas Penal Code, §49.04(c), (d)
- C Class A or B Misdemeanor Intoxication Offense other than DWI – Texas Penal Code, §§49.05–49.065
- D Employment Harmful to Children Offense – Texas Penal Code, §43.251
- E Class A or B Misdemeanor Drug Offense – Texas Health and Safety Code, Chapter 481
- F Class A or B Misdemeanor Graffiti Offense – Texas Penal Code, §28.08
- G Public Lewdness or Indecent Exposure Offense – Texas Penal Code, §§21.07, 21.08
- H Class A or B Misdemeanor Rules-of-the-Road Offense (1) that is a moving violation (2)
- I Class A or B Misdemeanor Rules-of-the-Road Offense that is not a moving violation
- J General Class A or B Misdemeanor Offense (3) that is a moving violation
- K General Class A or B Misdemeanor Offense that is not a moving violation

NOTES:

- (1) A rules of the road offense is any offense found in the Texas Transportation Code, Chapters 541–600.
- (2) The list of offenses considered to be moving violations can be found in the Texas Administrative Code, Title 37, §15.89(b). The list is online at info.sos.state.tx.us/fids/201003483-1.html.
- (3) A general Class A or B misdemeanor offense is any Class A or B misdemeanor offense other than an offense listed in columns A–I.

SOURCE: Office of Court Administration.

**FIGURE D4
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY DISTRICT COURTS UPON CONVICTION
EFFECTIVE SEPTEMBER 1, 2013**

FELONY CATEGORY		A	B	C	D	E	F	G	H	I	J
Cost Always Assessed											
1	DNA Testing Court Cost – CCP, Art. 102.020	\$250	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2	Consolidated Court Cost – Local Government Code, §133.102	\$133	\$133	\$133	\$133	\$133	\$133	\$133	\$133	\$133	\$133
3	EMS Trauma Fund Cost – CCP, Art. 102.0185	\$0	\$0	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$0
4	Child Abuse Prevention Fund Cost – CCP, Art. 102.0186	\$100	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$0
5	Drug Court Cost – CCP, Art. 102.0178	\$0	\$0	\$60	\$60	\$0	\$60	\$0	\$0	\$0	\$0
6	Juvenile Delinquency Prevention Fee – CCP, Art. 102.0171(a)	\$0	\$0	\$0	\$0	\$0	\$0	\$50	\$0	\$0	\$0
7	Clerk's Fee – CCP, Art. 102.005(a)	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40
8	State Traffic Fine – Texas Transportation Code, §542.4031	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$30	\$30	\$0
9	Records Management Fee – CCP, Art. 102.005(f)	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
10	Judicial Support Fee – Local Government Code, §133.105(a)	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6
11	Statewide e-Filing Court Cost – Texas Government Code, §51.851(d)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
12	Court Security Fee – CCP, Art. 102.017(a)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
13	Juror Reimbursement Fee – CCP, Art. 102.0045	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
14	County and District Court Technology Fund – CCP, Art. 102.0169	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
15	Indigent Defense Fee – Local Government Code, §133.107	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
16	Moving Violation Fee – CCP, Art. 102.022	\$0	\$0	\$0.10	\$0	\$0	\$0	\$0	\$0.10	\$0	\$0
TOTAL OF COSTS THAT ARE ALWAYS ASSESSED		\$574	\$474	\$384.10	\$384	\$324	\$284	\$274	\$254.10	\$254	\$224
Cost Assessed if Service Performed by Peace Officer											
17	Execute/Process Arrest Warrant, Capias, Capias Pro Fine – CCP, Art. 102.011(a)(2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
18	Serve Writ – CCP, Art. 102.011(a)(4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35
19	Take and Approve Bond – CCP, Art. 102.011(a)(5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10

FIGURE D4 (CONTINUED)
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY DISTRICT COURTS UPON CONVICTION
EFFECTIVE SEPTEMBER 1, 2013

FELONY CATEGORY	A	B	C	D	E	F	G	H	I	J
Cost Assessed if Service Performed by Peace Officer (CONTINUED)										
20 Convey Witness (Charge Per Day) – CCP, Art. 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
21 Arrest without Warrant or Issue Notice to Appear – CCP, Art. 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
22 Summon Witness – CCP, Art. 102.011(a)(3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
23 Commitment to Jail – CCP, Art. 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
24 Release from Jail – CCP, Art. 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
25 Summon Jury – CCP, Art. 102.011(a)(7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
26 Mileage Fees for Numbers 15–23 (\$0.29/mile) – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X
27 Meals/Lodging Expense for Numbers 15–23 – CCP, Art. 102.011(b)	X	X	X	X	X	X	X	X	X	X
28 Overtime Costs for Testifying at Trial – CCP, Art. 102.011(i)	X	X	X	X	X	X	X	X	X	X
Cost Assessed if Defendant is Placed on Community Supervision and Required to Submit DNA Sample under CCP, Art. 42.12, Sec. 11(j)										
29 DNA Testing Court Cost – CCP, Art. 102.020	\$0	\$0	\$34	\$34	\$34	\$34	\$34	\$34	\$34	\$34
Cost Assessed if Payment > 30 days After Judgment										
30 Time Payment Fee – Local Government Code, §133.103	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Cost Assessed if Conviction is by Jury										
31 Jury Fee – CCP, Art. 102.004	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20
Cost Assessed if Defendant is Visually Recorded										
32 Visual Recording Cost – CCP, Art. 102.018(a)	\$0	\$0	\$15	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Discretionary Costs										
33 Restitution Installment Fee – CCP, Art. 42.037(g)	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12
34 Transaction Fee – CCP, Art. 102.072	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2

NOTES:
 (1) Court costs directed primarily to the state are in bold. This chart applies only to felony convictions in the district courts.
 (2) Line 27 fee – only one fee may be assessed if two or more defendants are tried jointly.
 (3) X = indefinite amount.
 (4) Line 8 fee is not actually a court cost, but rather a mandatory fine.
 (5) Line 11 court cost may be waived if defendant is indigent.
 (6) CCP = Texas Code of Criminal Procedure.
 SOURCE: Office of Court Administration.

District courts are authorized to charge an additional \$2 transaction fee to cover local costs of maintaining an e-filing system. The transaction fee may be charged when one or

more documents are filed in a criminal proceeding. An e-filing transaction fee is not a court cost, and it is charged regardless of whether a defendant is ultimately convicted.

**FIGURE D5
DETAILED DESCRIPTION OF OFFENSES IN EACH FELONY CATEGORY (DISTRICT COURTS)**

FELONY CATEGORY

- A 1) Continuous Sexual Abuse of Young Child or Children – Texas Penal Code, §21.02
2) Indecency with a Child – Texas Penal Code, §21.11
3) Sexual Assault of a Child – Texas Penal Code, §22.011(a)(2)
4) Aggravated Sexual Assault of a Child – Texas Penal Code, §22.021(a)(1)(B)
5) Sexual Performance by a Child – Texas Penal Code, §43.25
6) Possession or Promotion of Child Pornography – Texas Penal Code, §43.26
- B 1) Aggravated Kidnapping with intent to commit bodily injury or to violate or abuse sexually – Texas Penal Code, §20.04(a)(4)
2) Continuous Trafficking of Persons – Texas Penal Code, §20A.03
3) Sexual Assault or Aggravated Sexual Assault other than sexual assault of a child – Texas Penal Code, §§22.011, 22.021
4) Prohibited Sexual Contact – Texas Penal Code, §25.02
5) Burglary of Habitation with intent/attempt to commit or commission of a felony other than felony theft – Texas Penal Code, §30.02(d)
6) Compelling Prostitution – Texas Penal Code, §43.05
- C Driving While Intoxicated (DWI), Texas Penal Code, §49.04
- D Felony Intoxication Offense – Texas Penal Code, §§49.045–49.09
- E Employment Harmful to Children – Texas Penal Code, §43.251
- F Felony Drug Offense – Texas Health and Safety Code, Chapter 481
- G Felony Graffiti Offense – Texas Penal Code, §28.08
- H Passing a School Bus if Enhanced to a Felony – Texas Transportation Code, §545.066(c)(2)
Failure of a Motor Vehicle Operator to Stop or Remain at the Scene of an Accident Involving Death or Injury – Texas Transportation Code, §550.021
- I Counterfeit Airbag or Misrepresentation of Airbag Installation if Enhanced – Texas Transportation Code, §550.021
- J All Felonies not in one of the foregoing categories

Source: Office of Court Administration.

APPENDIX E: COURT COSTS AND FEE CASE EXAMPLES

The case examples below provide a summary of the state and local court costs charged to a convicted person for each offense listed as of January 2014. These examples include a mixture of offense types, offense classes, and court types.

None of these examples of costs and fees include fines imposed for the offense, restitution amounts, or monthly probation or parole fees paid by the person convicted of the example offenses. One court cost in these examples, the consolidated court cost, varies by type of offense: \$40 for Class C misdemeanors; \$83 for Class A or B misdemeanors; and \$133 for felonies.

These examples include any revenue sharing between state and local for a given court cost when specified in statute, and that sharing is described in the text of each example. For example, localities are permitted to retain 50 percent of the \$25 time payment fee pursuant to Texas Local Government Code, Section 133.103.

These examples also include any service fees permitted for most state court costs and fees if a local jurisdiction remits fees in a timely manner to the Comptroller. For many state court costs and fees, the local jurisdictions are allowed to retain 10 percent of collected state court cost and fee revenues if those collections are remitted in a timely manner. The 10 percent service fee retention is described in multiple sections of code, including: the Texas Local Government Code, Section 133.058; the Texas Code of Criminal Procedure, Article 102.020(f); and the Texas Code of Criminal Procedure, Article 102.022(f). For the state traffic fine, localities are permitted to keep five percent of the fee if remitted in a timely manner, as outlined in the Texas Transportation Code, Section 542.4031(f). In the case examples, it is assumed that a locality will remit the state fees in a timely manner and therefore be permitted to retain any allowable service fee.

In addition to the court costs and fees listed in each example, a municipality or county is permitted to charge and collect a \$2 electronic filing transaction fee per transaction for any civil or criminal case where documents related to the case are filed electronically. This fee is retained locally and is intended to help recover costs for each jurisdiction implementing a court electronic filing system. This fee is not charged upon

conviction, but upon each electronic filing transaction as it occurs.

EXAMPLE 1 CLASS C MISDEMEANOR PASSING A STOPPED SCHOOL BUS MUNICIPAL COURT

A person who passes a school bus that is stopped and is displaying a visual signal for picking up or dropping off children commits a Class C Misdemeanor. The total court costs and fees imposed would be \$161.10, of which \$101.69 would be remitted to the state and \$59.41 would be retained locally. For this example, it is assumed that the offender does not pay his or her court costs and fines until after the 31st day on which the judgment is imposed, and the court is required to impose a time payment fee of \$25. It is also assumed that the county in which the offense took place does not operate a juvenile case manager program, which results in a 10 percent retention of the cost by the court. In addition to the state fees, it is assumed that a \$5 arrest fee is charged for the services of a local peace officer who serves a written notice to appear in court or makes an arrest without a warrant. The Local Government Code, Section 133.105, specifies that \$0.60 of the \$6 judicial support fee is to be retained locally, and that local government may not retain any additional percentage as a service fee. The Local Government Code, Section 133.103(b), permits the local government to retain 50 percent of the time payment fee. The Texas Transportation Code, Section 542.4031(f), specifies that the local government may retain five percent of the \$30 state traffic fine. The Texas Code of Criminal Procedure, Article 45.0511(c-1), requires the local government to remit the full \$12 fee for a driving record and Texas Online. For the other state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost/fee as a service fee, pursuant to the Local Government Code, Section 133.058.

**FIGURE E1
SAMPLE COURT COSTS AND FEES
FOR PASSING A STOPPED SCHOOL BUS
MUNICIPAL COURT**

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Juror Reimbursement Fee	\$4.00
Consolidated Court Cost	\$40.00
Indigent Defense Fund	\$2.00
Truancy Prevention Court Cost	\$2.00
State Traffic Fine	\$30.00
Moving Violation Fee	\$0.10
Driving Record and Texas Online Fees	\$12.00
Time Payment Fee	\$12.50
<i>State Fees — Subtotal</i>	<i>\$108.00</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(\$6.31)</i>
<i>Final State Fees Received by Comptroller</i>	<i>\$101.69</i>
Local	
Judicial Support Fee	\$0.60
Time Payment Fee	\$12.50
Arrest Fee	\$5.00
Child Safety Fund Fee	\$25.00
Local Traffic Fee	\$3.00
Municipal Court Building Security Fee	\$3.00
Municipal Court Technology Fund	\$4.00
<i>Local Fees — Subtotal</i>	<i>\$53.10</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>\$6.31</i>
<i>Final Local Fees</i>	<i>\$59.41</i>
Total Court Costs and Fees	\$161.10

SOURCES: Legislative Budget Board; Office of Court Administration.

**EXAMPLE 2
CLASS C MISDEMEANOR
SPEEDING OUTSIDE OF A SCHOOL ZONE
JUSTICE COURT**

A person who speeds outside of a school zone commits a Class C Misdemeanor. The total court costs and fees that would be imposed in this example is \$137.10, of which \$101.69 is remitted to the state and \$35.41 is retained locally. For this example, it is assumed that the offender does not pay his or her court costs and fines until after the 31st day on which the judgment is imposed, and the court is

required to impose a time payment fee of \$25. It is also assumed that the county in which the offense took place does not operate a juvenile case manager program, which results in a 10 percent retention of the cost by the court. In addition to the state fees, it is assumed that a \$5 arrest fee is charged for the services of a local peace officer who serves a written notice to appear in court or makes an arrest without a warrant. The Local Government Code, Section 133.105, specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally, and that local government may not retain any additional percentage as a service fee. The Local Government Code, Section 133.103(b), permits the local government to retain 50 percent of the time payment fee. The Texas Transportation Code, Section 542.4031(f), specifies that the local government may retain five percent of the \$30 state traffic fine. The Texas Code of Criminal Procedure, Article 45.0511(c-1), requires the local government to remit the full \$12 fee for a driving record and Texas Online. For the other four state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost/fee as a service fee, pursuant to the Local Government Code, Section 133.058.

**FIGURE E2
SAMPLE COURT COSTS AND FEES
FOR SPEEDING OUTSIDE OF A SCHOOL ZONE
JUSTICE COURT**

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Juror Reimbursement Fee	\$4.00
Consolidated Court Cost	\$40.00
Indigent Defense Fund	\$2.00
Truancy Prevention Court Cost	\$2.00
State Traffic Fine	\$30.00
Moving Violation Fee	\$0.10
Driving Record and Texas Online Fees	\$12.00
Time Payment Fee	\$12.50
<i>State Fees — Subtotal</i>	<i>\$108.00</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(\$6.31)</i>
<i>Final State Fees Received by Comptroller</i>	<i>\$101.69</i>

**FIGURE E2 (CONTINUED)
SAMPLE COURT COSTS AND FEES
FOR SPEEDING OUTSIDE OF A SCHOOL ZONE
JUSTICE COURT**

COURT COST/FEE	AMOUNT CHARGED
Local	
Judicial Support Fee	\$0.60
Time Payment Fee	\$12.50
Arrest Fee	\$5.00
Justice Court Building Security Fee	\$4.00
Justice Court Technology Fund	\$4.00
Local Traffic Court Cost	\$3.00
<i>Local Fees — Subtotal</i>	<i>\$29.10</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>\$6.31</i>
<i>Final Local Fees</i>	<i>\$35.41</i>
Total Court Costs and Fees	\$137.10

Sources: Legislative Budget Board; Office of Court Administration.

**EXAMPLE 3
CLASS B MISDEMEANOR
FALSE REPORT TO A PEACE OFFICER
OR LAW ENFORCEMENT EMPLOYEE
COUNTY COURT AT LAW**

A person commits a Class B Misdemeanor if he or she makes a False Report to a Peace Officer or Law Enforcement Employee. The total amount of court costs and fees that would be imposed in this example is \$217.00, of which \$105.50 is remitted to the state and \$111.50 is retained locally. This example includes a \$5 fee for services of a local peace officer who serves a written notice to appear in court or makes an arrest without a warrant. The Local Government Code, Section 133.105, specifies that \$0.60 of the \$6 judicial support fee is to be retained locally, and that local government may not retain any additional percentage as a service fee. For the \$15 Judicial Fund Court Cost and the \$5 Electronic Filing Court Cost, the local government is required to remit the full amount to the state. For the other three state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost/fee as a service fee, pursuant to the Local Government Code, Section 133.058.

**FIGURE E3
SAMPLE COURT COSTS AND FEES FOR FALSE REPORT
TO A PEACE OFFICER OR LAW ENFORCEMENT EMPLOYEE
COUNTY COURT AT LAW**

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Juror Reimbursement Fee	\$4.00
Consolidated Court Cost	\$83.00
Electronic Filing Court Cost	\$5.00
Indigent Defense Fund	\$2.00
Judicial Fund Court Cost — County Courts	\$15.00
<i>State Fees — Subtotal</i>	<i>\$114.40</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(\$8.90)</i>
<i>Final State Fees Received by Comptroller</i>	<i>\$105.50</i>

COURT COST/FEE	AMOUNT CHARGED
Local	
Judicial Support Fee	\$0.60
Arrest Fee	\$5.00
Clerk Fee	\$40.00
Records Management and Preservation Fee	\$25.00
Prosecutors' Services Fee	\$25.00
County Court Technology Fee	\$4.00
Courthouse Security Fund	\$3.00
<i>Local Fees — Subtotal</i>	<i>\$102.60</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>\$8.90</i>
<i>Final Local Fees</i>	<i>\$111.50</i>
Total Court Costs and Fees	\$217.00

Sources: Legislative Budget Board; Office of Court Administration.

**EXAMPLE 4
CLASS A MISDEMEANOR
DRIVING WHILE INTOXICATED (DWI) OFFENSE
COUNTY COURT AT LAW IN A COUNTY WHICH
HAS ESTABLISHED A DRUG COURT PROGRAM**

The total court costs and fees for a person convicted of Class A Misdemeanor second DWI is \$397.00, excluding fines, probation or parole fees, and a driver's responsibility surcharge. Of this amount, \$219.50 is remitted to the state and \$177.50 is retained locally. It is assumed that a jury trial is used in this example. The Local Government Code, Section 133.105, specifies that \$0.60 of the \$6 judicial support fee is to be retained locally. For the \$60 Drug Court Program Court Cost, the Texas Code of Criminal Procedure, Article

102.0178(e), specifies that the county may retain 10 percent, or \$6, of the total cost as a service fee or 60 percent of amount if the county has established a drug court program. For the \$15 Judicial Fund Court Cost and the \$5 Electronic Filing Court Cost, the local government is required to remit the full amount to the state. For the other four state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost/fee as a service fee, pursuant to the Texas Local Government Code, Section 133.058.

**FIGURE E4
SAMPLE COURT COSTS AND FEES
FOR A CLASS A, DWI OFFENSE
COUNTY COURT AT LAW**

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Juror Reimbursement Fee	\$4.00
Consolidated Court Cost	\$83.00
Electronic Filing Court Cost	\$5.00
Indigent Defense Fund	\$2.00
Drug Court Program Fee	\$60.00
State EMS Trauma Fund	\$100.00
Judicial Fund Court Cost — County Courts	\$15.00
<i>State Fees — Subtotal</i>	<i>\$274.40</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(\$18.90)</i>
<i>Minus 60% of Drug Court Program Fee</i>	<i>(\$36.00)</i>
<i>Final State Fees Received by Comptroller</i>	<i>\$219.50</i>
Local	
Judicial Support Fee	\$0.60
Clerk Fee	\$40.00
Arrest Fee	\$5.00
Jury Fee	\$20.00
Records Management and Preservation Fee	\$25.00
Prosecutors' Services Fee	\$25.00
County Court Technology Fee	\$4.00
Courthouse Security Fund	\$3.00
<i>Local Fees — Subtotal</i>	<i>\$122.60</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>\$18.90</i>
<i>Plus Additional 50% of Drug Court Program Fee</i>	<i>\$36.00</i>
<i>Final Local Fees</i>	<i>\$177.50</i>
Total Court Costs and Fees	\$397.00

SOURCES: Legislative Budget Board; Office of Court Administration.

**EXAMPLE 5
FELONY
INDECENT EXPOSURE WITH A CHILD
(DNA TESTING OFFENSE)
DISTRICT COURT**

In this example, total costs for Indecent Exposure with a Child, third-degree felony, would be \$656.00, excluding fine amounts, restitution, driver's surcharge, and monthly probation fees. Of this amount, \$366.50 is remitted to the state and \$289.50 is retained locally. In this example, it is assumed the defendant will be ordered to pay restitution in installments, and that the court assesses the restitution installment fee. The Texas Code of Criminal Procedure, Article 42.037(g)(1), permits the local government to retain 50 percent of the \$12 restitution installment fee. The Texas Local Government Code, Section 133.105, specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally. For the \$5 Electronic Filing Court Cost, the local government is required to remit the full amount to the state. For the other four state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost/fee as a service fee, pursuant to the Texas Local Government Code, Section 133.058.

**FIGURE E5
SAMPLE COURT COSTS AND FEES
FOR AN INDECENT EXPOSURE WITH A CHILD FELONY
DISTRICT COURT**

COURT COST/FEE	AMOUNT CHARGED
State	
Judicial Support Fee	\$5.40
Juror Reimbursement Fee	\$4.00
Consolidated Court Cost	\$133.00
Electronic Filing Court Cost	\$5.00
Indigent Defense Fund	\$2.00
DNA Testing Court Cost	\$250.00
Restitution Installment Fee	\$6.00
<i>State Fees — Subtotal</i>	<i>\$405.40</i>
<i>Minus Service Fee Retained by Local Government</i>	<i>(\$38.90)</i>
<i>Final State Fees Received by Comptroller</i>	<i>\$366.50</i>
Local	
Judicial Support Fee	\$0.60
Restitution Installment Fee	\$6.00
County Child Abuse Prevention	\$100.00
Clerk Fee	\$40.00
Records Management and Preservation Fee	\$25.00
District Court Technology Fee	\$4.00
Courthouse Security Fund	\$5.00
Jury Fee	\$20.00
Warrant Fee	\$50.00
<i>Local Fees — Subtotal</i>	<i>\$250.60</i>
<i>Plus Service Fee Retained by Local Government</i>	<i>\$38.90</i>
<i>Final Local Fees</i>	<i>\$289.50</i>
Total Court Costs and Fees	\$656.00

SOURCES: Legislative Budget Board; Office of Court Administration.

APPENDIX F: JUDICIAL SALARIES

JUDICIAL COMPENSATION

A majority of Texas' judges and justices receive compensation from a combination of state and local sources. The Texas Government Code defines judge and justice state compensation in relation to the state salary of a district judge from both state and local sources. Pursuant to the Texas Government Code, Sections 659.011 and 659.012, a district judge is paid a state salary of at least \$125,000 or an amount set in the General Appropriations Act. Effective September 1, 2013, a district judge is paid a state salary of \$140,000. From this benchmark, other types of judges and justices receive a state salary or salary supplement of either a fixed dollar amount (appellate judges and justices) or percentage (statutory county judges) above or below that standard. Statute also authorizes local governments to provide a local supplement to state judges, except for the justices and judges on the Supreme Court of Texas and the Court of Criminal Appeals. There are additional statutory linkages relating to these supplements. Appellate and district judges who have completed at least 16 years of service also receive longevity pay equal to 3.1 percent of the judge's current monthly state salary.

Figure F1 shows: the annual state salary of Texas judges and justices for the 2014–15 biennium; the maximum or minimum amount of local supplement that may be provided, if applicable; and the total combined salary for each type of judge or justice. As shown in the figure, it is possible for a presiding judge of an administrative judicial region to be paid a total salary from state and local sources that exceeds the pay of a judge or justice on the Court of Criminal Appeals or the Supreme Court of Texas, including those respective courts' Presiding Judge or Chief Justice.

Judges of statutory county courts receive a state salary supplement equal to 60 percent of the state compensation of a district judge, if the judge does not engage in a private practice while simultaneously performing statutory county court responsibilities. For most jurisdictions, the local salary supplement for a statutory county judge must, at a minimum, make the judge's total salary an amount not less than \$1,000 less than the total salary from both state and local sources of a district judge serving that county. This structure establishes a minimum total salary for statutory county judges, but it does not set a maximum total salary.

**FIGURE F1
APPELLATE AND TRIAL COURT JUDICIAL SALARIES OR SALARY SUPPLEMENTS LINKED TO STATE DISTRICT JUDGE PAY
AS OF SEPTEMBER 1, 2013**

TYPE OF JUDGE	STATE COMPENSATION	LOCAL COMPENSATION	TOTAL SALARY	STATUTORY REFERENCE TEXAS GOVERNMENT CODE
District Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State pay of \$140,000 (an amount set in the General Appropriations Act), with total salary from state and local sources not to exceed an amount that is \$5,000 less than the total salary of a Court of Appeals Justice (\$163,000), pursuant to §659.012
Presiding Judge of the Administrative Judicial Region (Active District Judge)	\$140,000	Up to \$33,000	\$173,000	State pay of \$140,000 (§659.012). Annual local supplement for an active judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region based on county population, pursuant to §74.051(b)
Presiding Judge of the Administrative Judicial Region (Retired or Former District Judge)	\$140,000	\$33,000 to \$50,000	\$175,000 to \$190,000	State pay of \$140,000 (§659.012). Annual local compensation for a retired or former judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region based on county population and on a sliding scale related to the number of courts in each region [§74.051(c)]

FIGURE F1 (CONTINUED)
APPELLATE AND TRIAL COURT JUDICIAL SALARIES OR SALARY SUPPLEMENTS LINKED TO STATE DISTRICT JUDGE PAY
AS OF SEPTEMBER 1, 2013

TYPE OF JUDGE	STATE COMPENSATION	LOCAL COMPENSATION	TOTAL SALARY	STATUTORY REFERENCE TEXAS GOVERNMENT CODE
Court of Appeals (Justice)	\$154,000	Up to \$9,000	\$163,000	State pay of 110% of a district judge's state salary, with total salary from state and local sources in an amount not to exceed \$5,000 less than the state salary provided for a justice of the Supreme Court of Texas, pursuant to §659.012
Court of Appeals (Chief Justice)	\$156,500	Up to \$9,000	\$165,500	\$2,500 more than other Justices of the Court of Appeals, pursuant to §659.012
Court of Criminal Appeals (Judge) Supreme Court (Justice)	\$168,000	No Local Supplement	\$168,000	State pay of 120% of a district judge's state salary, pursuant to §659.012
Court of Criminal Appeals (Presiding Judge) Supreme Court (Chief Justice)	\$170,500	No Local Supplement	\$170,500	\$2,500 more than other justices of the Supreme Court or judges of the Court of Criminal Appeals, pursuant to §659.012
Statutory County Judge	\$84,000	\$55,000 to \$73,000	\$139,000 to \$157,000	State salary supplement of 60% of state pay for district judge (§25.0015). Counties must pay a local salary that results in a total combined salary of no less than \$1,000 less than the total combined salary received by a district judge in the county (§25.0005) The Eighty-third Legislature, Regular Session, 2013, passed House Bill 3153, establishing two statutory county courts in Atascosa and Jim Wells counties. The enacted legislation exempts Atascosa, [see §25.092(d)], and Jim Wells, [see §25.1272(e)], counties from providing a minimum county salary to the statutory county court judges. Accordingly, at the counties' discretion, these two judges may only receive the state salary supplement of \$84,000 as compensation. §25.0005 does not establish a maximum amount for statutory county judge salaries. Some statutory county judges in the state are paid in excess of these minimums, subject to county discretion.

SOURCE: Legislative Budget Board.

As noted by the Judicial Compensation Commission in its November 2012 report to the Legislature, several statutory county judges receive total salaries that exceed the judicial compensation amounts of state appellate judges. For example, in fiscal year 2012, total salaries of 13 statutory county judges in two counties exceeded the state salaries of both the Chief Justice of the Supreme Court of Texas and the Presiding Judge of the Court of Criminal Appeals (\$152,500). The Commission found that total salaries of statutory county judges in an additional 35 counties exceeded the state salaries of court of appeals justices (\$137,500) during fiscal year 2012. Similarly, these discretionary amounts of compensation

also result in instances of statutory county judges being compensated in amounts exceeding the total salary of district judges.

HISTORY OF JUDICIAL COMPENSATION IN TEXAS

State judicial salaries or salary supplements have increased four times since 1995. The latest judicial salary increase, a 12 percent increase, is effective September 1, 2013, and is funded directly in the General Appropriations Act for the 2014–15 biennium. (See Article IV, Special Provisions, Section 11, Appropriation for Judicial Compensation.)

Figure F2 shows a summary of legislative action impacting judicial pay since 1997. Four Legislatures made decisions that increased judicial compensation.

The 12 percent judicial pay raise effective September 1, 2013, was the first pay raise implemented since statutory county judge salaries were linked to district judge pay by the Eightieth Legislature. This linkage may have resulted in an additional annual cost of \$6,000 per statutory county judge in local supplements for some counties. For example, for the 2012–13 biennium, a district judge in a county for which there was no local supplement was paid \$125,000. A statutory county judge in that county could receive a state salary supplement of \$75,000 plus \$49,000, for a total salary of \$124,000 (an amount “not less than \$1,000 less than the total combined salary of a district judge in the county,” pursuant to the Texas Government Code, Section 25.0005). For the 2014–15 biennium, a district judge in a county for

which there is no local supplement is paid \$140,000. A statutory county judge is entitled to a state salary supplement plus \$55,000 for a total salary of \$139,000, which reflects an incremental increase in local expenses of \$6,000.

Figure F3 shows district judge state salaries since fiscal year 1995 compared to a District Court Judge salary adjusted using the Consumer Price Index for all Urban Consumers (CPI-U) with fiscal year 1995 as a base. The CPI-U is a measure of how the value of a market basket of consumer goods changes over time, and it is the most common method of identifying inflation or deflation. By adjusting a district judge salary using the CPI-U, it is possible to identify the extent to which the judge’s salary kept pace with inflation. The Legislatures for which each pay increase is associated are shown in the Figure.

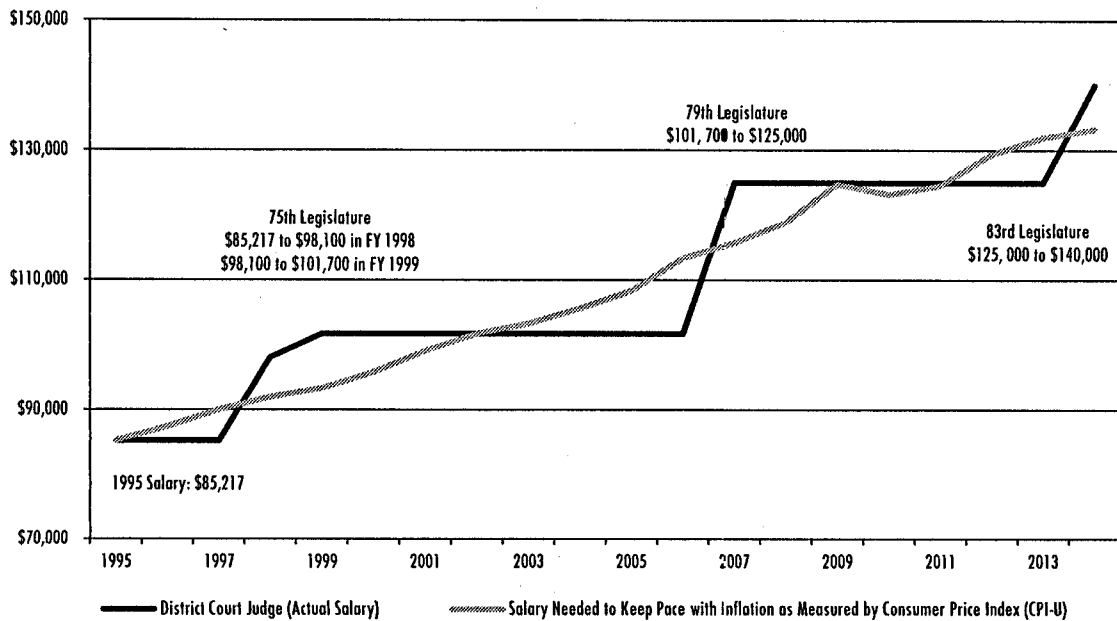
Figure F3 shows that the state salary for a district judge, and by extension judicial salaries in general, have typically

**FIGURE F2
JUDICIAL PAY RAISES BY LEGISLATIVE SESSION SINCE 1997**

LEGISLATIVE SESSION	DESCRIPTION
75th Legislature, Regular Session, 1997, General Appropriations Act	Two judicial pay raises occurred during two consecutive fiscal years: Fiscal Year 1998 <ul style="list-style-type: none"> District judge state salary increased from \$85,217 to \$98,100. A 6.4 percent increase from fiscal year 1997 salary levels, with a 4.5 percent increase for the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals. Fiscal Year 1999 <ul style="list-style-type: none"> District judge state salary increased from \$98,100 to \$101,700. A 3.7 percent increase from fiscal year 1998 salary levels, with a 4.5 percent increase for the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals.
79th Legislature, 2nd Called Session, 2005, House Bill 11	District judge state salary increased from \$101,700 to \$125,000. Funding authorized for judicial pay raises of 22 to 33 percent. Established two new Judicial Support fees to fund the pay raise: <ul style="list-style-type: none"> A \$4 Criminal Conviction Court Cost: For convictions and deferred adjudications in district, county-level, justice of the peace, and municipal court criminal cases, including traffic-related offenses, but excluding cases for pedestrian or parking-related offenses. A \$37 Civil Filing Fee: Applicable to district and county-level courts. Collection: \$3.40 of each court cost collected by local courts is transferred to the Comptroller of Public Accounts, and the remaining \$0.60 is deposited to the general fund of each municipal or country treasury to be used for local purposes.
80th Legislature, Regular Session, 2007, Senate Bill 600	Increased the state-paid supplement for statutory county judges from \$35,000 to \$75,000. Required counties to collect fees and court costs to fund the pay raise: <ul style="list-style-type: none"> Increased the \$4 Judicial Support criminal conviction court cost (see above) to \$6. Increased the \$37 Judicial Support civil filing fee (see above) to \$42.
83rd Legislature, Regular Session, 2013, General Appropriations Act	District judge salary increased from \$125,000 to \$140,000. Funding authorized for judicial pay raises of 12 percent. Increased the state salary supplement of statutory county judges from \$75,000 to \$84,000. This increase may have increased county costs for statutory county judges by \$6,000 in counties that provide local supplements.

Source: Legislative Budget Board.

**FIGURE F3
DISTRICT JUDGE STATE SALARY
FISCAL YEARS 1995 TO 2014**



SOURCES: Legislative Budget Board; Judicial Compensation Commission.

experienced several biennia of static salaries interspersed with significant pay raises. Judicial pay raises have increased compensation to a point beyond the rate of inflation for the years immediately following the pay increase. However, lengthy time periods between pay increases result in judicial compensation that falls below the rate of inflation and deepens as more time passes between pay increases.

JUDICIAL COMPENSATION COMMISSION

The Texas Government Code, Section 35.102, charges the Judicial Compensation Commission with reporting to the Legislature before each legislative session on the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals, the courts of appeals, and the district courts. The next Commission report is due in fall 2014. The Commission is made up of nine gubernatorial appointees and is required to consider eight factors when determining salary recommendations:

- Skill and experience required of the particular judgeship;
- Value of compensable service performed by justices and judges, as determined by reference to judicial

compensation in other states and the federal government;

- Value of comparable services performed in the private sector, including private judging, arbitration and mediation;
- Compensation of attorneys in the private sector;
- Cost of living and changes in the cost of living;
- Compensation from the state presently received by other public officials;
- Other factors traditionally considered;
- Level of overall compensation that is adequate to attract the most highly qualified individuals, from diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns; and
- Before the Judicial Compensation Commission was established, the Seventy-ninth Legislature, 1999, directed the Office of Court Administration to collect information about state judicial turnover to facilitate legislation that ensured adequate and appropriate

compensation of state judges. This responsibility remains with the Office of Court Administration through the Texas Government Code, Section 72.030.

Figure F4 shows a comparison of the salary recommendations made by the Judicial Compensation Commission to the Eighty-third Legislature and judicial salaries that the Eighty-third Legislature funded for the 2014–15 biennium. The Eighty-third Legislature authorized funding for judicial compensation at between 83.9 percent and 92.3 percent of recommended Judicial Compensation Commission amounts.

JUDICIAL PAY RAISE – EIGHTY-THIRD LEGISLATURE

The Eighty-third Legislature, 2013, appropriated \$17.4 million per fiscal year for a 12 percent judicial and prosecutor salary increase in the 2014–15 biennium. **Figure F5** shows judicial compensation during the 2012–13 biennium compared to salaries for the 2014–15 biennium. These compensation amounts show a difference of \$15,000 to \$18,000 in the two biennia.

Although statutory county judges are provided a state salary supplement that is 60 percent of the state pay of a district judge, the Judicial Compensation Commission is not required to include salary recommendations for this type of judge in its recommendations. Statutory county judges are local trial court judges, rather than state trial court judges, and as the Commission notes in its report, many are paid compensation in excess of the maximum combined salary paid to a district judge.

INTERSTATE COMPARISONS ON JUDICIAL COMPENSATION

The National Center for State Courts (NCSC) regularly compiles information on judicial compensation. According to the NCSC's 2013 survey, Texas ranks fifth, sixth, and fifth in judicial pay for highest appellate courts, intermediate appellate courts, and district courts, respectively, among the 10 most populous states. **Figure F6** shows judicial salary rankings for each position. However, when salaries are adjusted using a standard cost-of-living index, Texas ranks third, fourth, and third in judicial pay for the respective positions.

The Texas intermediate appellate judge salary and the district judge salary shown in **Figure F6** include both state compensation (\$154,000 and \$140,000, respectively) and the maximum county-paid supplement (up to \$9,000 and \$18,000, respectively) for total potential compensation of \$163,000 and \$158,000 for the two positions. Texas justices and judges on the Supreme Court and Court of Criminal Appeals do not receive local salary supplements.

FIGURE F4
JUDICIAL COMPENSATION RECOMMENDATIONS
2014–15 BIENNIUM

TYPE OF JUDGE	JUDICIAL COMPENSATION COMMISSION RECOMMENDATIONS FOR 2014–15 BIENNIUM	STATE SALARY 2014–15 BIENNIUM	RECOMMENDED AND ACTUAL 2014–15 SALARY DIFFERENCE	2014–15 SALARY AS A PERCENTAGE OF RECOMMENDED SALARY
Criminal Appeals (Presiding Judge) Supreme Court (Chief Justice)	\$184,791	\$170,500	\$14,291	92.3%
Criminal Appeals (Judge) Supreme Court (Justice)	\$182,291	\$168,000	\$14,291	92.2%
Court of Appeals (Chief Justice)	\$177,100	\$156,500	\$20,600	88.4%
Court of Appeals (Justice)	\$174,600	\$154,000	\$20,600	88.2%
District Judge	\$166,909	\$140,000	\$26,909	83.9%

SOURCE: Legislative Budget Board.

**FIGURE F5
STATE JUDICIAL COMPENSATION
2012–13 AND 2014–15 BIENNIA**

TYPE OF JUDGE	STATE SALARY 2012–13 BIENNium	STATE SALARY 2014–15 BIENNium	SALARY DIFFERENCE BETWEEN BIENNIA
Criminal Appeals (Presiding Judge) Supreme Court (Chief Justice)	\$152,500	\$170,500	\$18,000
Criminal Appeals (Judge) Supreme Court (Justice)	\$150,000	\$168,000	\$18,000
Court of Appeals (Chief Justice)	\$140,000	\$156,500	\$16,500
Court of Appeals (Justice)	\$137,500	\$154,000	\$16,500
District Judge	\$125,000	\$140,000	\$15,000

SOURCE: Legislative Budget Board.

**FIGURE F6
SALARIES FOR APPELLATE AND DISTRICT JUDGES IN THE TEN MOST POPULOUS STATES
(JANUARY 2013 FOR OTHER STATES AND AS OF SEPTEMBER 2013 FOR TEXAS)**

HIGHEST APPELLATE COURT			UNADJUSTED SALARY		COST-OF-LIVING INDEX ADJUSTED SALARY		
POPULATION RANK	STATE	POPULATION (IN MILLIONS)	SALARY	RANK	ADJUSTMENT FACTOR	ADJUSTED SALARY	ADJUSTED RANK
1	California	38.0	\$218,237	1	134.22	\$162,596	6
2	Texas	26.1	\$168,000	5	99.86	\$168,236	3
3	New York	19.6	\$177,000	4	152.78	\$115,853	10
4	Florida	19.3	\$157,976	8	107.03	\$147,600	7
5	Illinois	12.9	\$211,228	2	106.29	\$198,728	1
6	Pennsylvania	12.8	\$199,606	3	108.75	\$183,546	2
7	Ohio	11.5	\$141,600	9	99.53	\$142,269	8
8	Georgia	9.9	\$167,210	6	100.62	\$166,180	4
9	Michigan	9.9	\$164,610	7	99.78	\$164,973	5
10	North Carolina	9.8	\$138,896	10	99.45	\$139,664	9

INTERMEDIATE APPELLATE COURT			UNADJUSTED SALARY		COST-OF-LIVING INDEX ADJUSTED SALARY		
POPULATION RANK	STATE	POPULATION (IN MILLIONS)	SALARY	RANK	ADJUSTMENT FACTOR	ADJUSTED SALARY	ADJUSTED RANK
1	California	38.0	\$204,599	1	134.22	\$152,436	5
2	Texas	26.1	\$163,000	6	99.86	\$163,229	4
3	New York	19.6	\$168,600	4	152.78	\$110,355	10
4	Florida	19.3	\$150,077	8	107.03	\$140,220	7
5	Illinois	12.9	\$198,805	2	106.29	\$187,040	1
6	Pennsylvania	12.8	\$188,337	3	108.75	\$173,183	2
7	Ohio	11.5	\$132,000	10	99.53	\$132,623	9
8	Georgia	9.9	\$166,186	5	100.62	\$165,162	3
9	Michigan	9.9	\$151,441	7	99.78	\$151,775	6
10	North Carolina	9.8	\$133,109	9	99.45	\$133,845	8

FIGURE F6 (CONTINUED)
SALARIES FOR APPELLATE AND DISTRICT JUDGES IN THE TEN MOST POPULOUS STATES
(JANUARY 2013 FOR OTHER STATES AND AS OF SEPTEMBER 2013 FOR TEXAS)

DISTRICT COURT		UNADJUSTED SALARY			COST-OF-LIVING INDEX ADJUSTED SALARY		
POPULATION RANK	STATE	POPULATION (IN MILLIONS)	SALARY	RANK	ADJUSTMENT FACTOR	ADJUSTED SALARY	ADJUSTED RANK
1	California	38.0	\$178,789	2	134.22	\$133,203	6
2	Texas	26.1	\$158,000	5	99.86	\$158,222	3
3	New York	19.6	\$160,000	4	152.78	\$104,726	10
4	Florida	19.3	\$142,178	7	107.03	\$132,840	7
5	Illinois	12.9	\$182,429	1	106.29	\$171,637	1
6	Pennsylvania	12.8	\$173,271	3	108.75	\$159,331	2
7	Ohio	11.5	\$121,350	10	99.53	\$121,922	9
8	Georgia	9.9	\$148,891	6	100.62	\$147,969	4
9	Michigan	9.9	\$139,919	8	99.78	\$140,233	5
10	North Carolina	9.8	\$125,875	9	99.450	\$126,571	8

NOTES:

(1) Texas salaries include maximum local salary supplements, if applicable.

(2) The Council for Community and Economic Research is the source of the cost-of-living index used in this analysis.

SOURCES: Legislative Budget Board; National Center for State Courts.



