

# Financing the Judiciary in Texas Legislative Primer

SECOND EDITION



PREPARED BY LEGISLATIVE BUDGET BOARD STAFF

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# INTRODUCTION

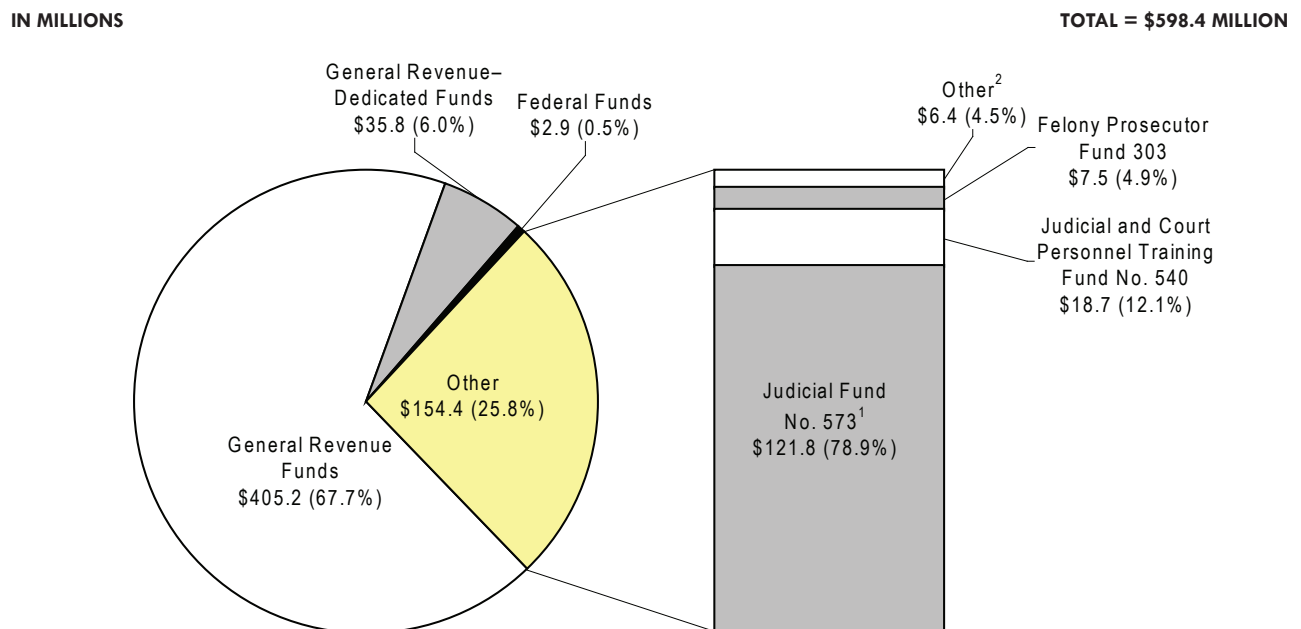
This report summarizes the state’s court system and discusses the different state funding and revenue sources for each area of the judiciary. References to appropriated funds are based on the Eightieth Legislature, 2007, General Appropriations Act (GAA), 2008–09 biennium. All funding provided by the Eightieth 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 Eightieth Legislature appropriated \$598.4 million to the Judiciary for the 2008–09 biennium which represents less than 0.5 percent of all state appropriations. As seen in **Figure 1** the primary source of revenue (also referred to as methods of finance) for the Judiciary is General Revenue Funds, accounting for \$405.2 million, or 67.7 percent. Other Funds, including the Judicial Fund No. 573 and Judicial and Court Personnel Training Fund No. 540, compose the next largest

portion of judiciary funding at \$154.5 million, or 25.8 percent. General Revenue–Dedicated Funds, including the Fair Defense Account, total \$35.8 million, or 6.0 percent. The smallest funding portion of less than 1.0 percent is Federal Funds, which total \$2.9 million. **Figure 1** does not include \$13.8 million in Interagency Contracts, consisting primarily of federal funds from the Office of the Attorney General for child support specialty court contracts, and from the Compensation to Victims of Crime Account for basic civil legal services for indigent victims of crime.

**Figure 2** lists the Judiciary’s appropriations by function for the 2008–09 biennium. The largest appropriation by function is for district judges salaries at \$109.9 million, followed by judicial retirement and benefits costs (Judicial Retirement System I and II) at \$77.0 million.

**FIGURE 1  
JUDICIARY APPROPRIATIONS BY METHOD OF FINANCE  
2008–09 BIENNIUM**



<sup>1</sup>Includes \$6.0 million in estimated benefit and retirement costs allocated to Judicial Fund No. 573.

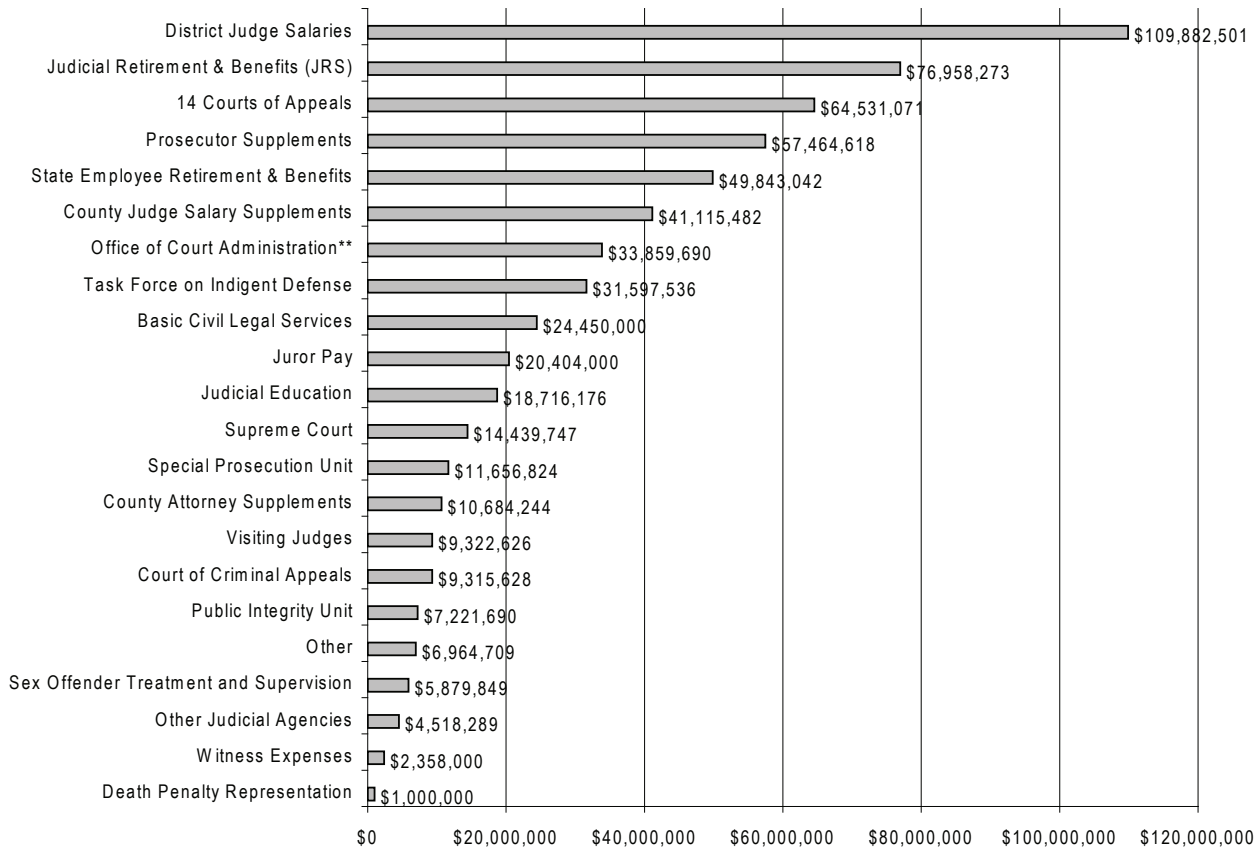
<sup>2</sup>Other = State Highway Fund 6 (\$1.9 million), Criminal Justice Grants (\$2.8 million), and Appropriated Receipts (\$1.6 million).

SOURCE: Legislative Budget Board.



**FIGURE 2  
JUDICIARY APPROPRIATIONS BY FUNCTION**

**TOTAL = \$598.4 MILLION**



\*Total excludes Interagency Contracts, component spending includes Interagency Contracts.

\*\*Includes the Court Reporters' Certification Board (CRCB); and Child Support and Protection Courts (\$16.8 million in appropriations for the 2008–09 biennium).

SOURCE: Legislative Budget Board.

**OVERVIEW OF TEXAS COURT SYSTEM STRUCTURE**

The basic structure of the Texas court system was established by constitutional amendment in 1891. 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**

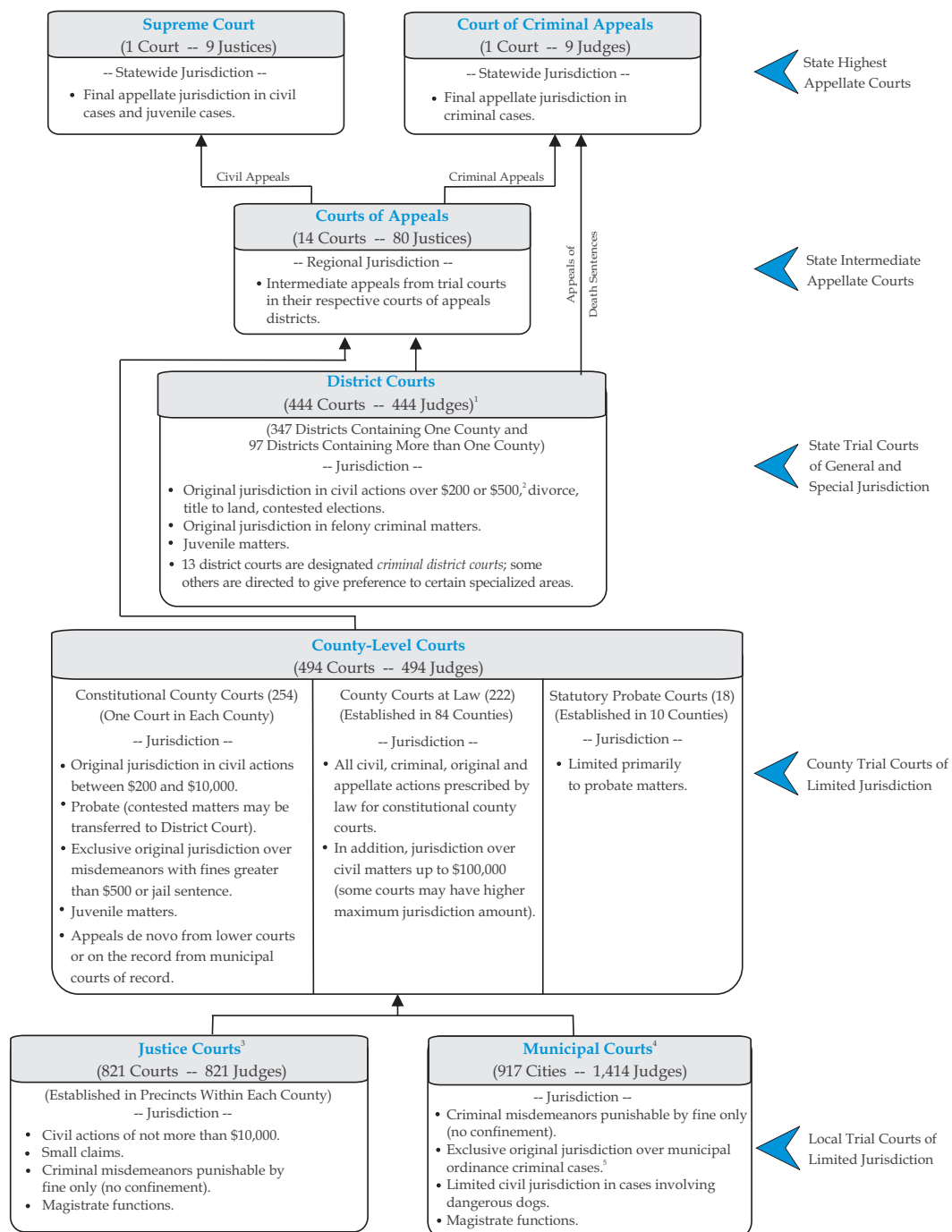
The state's appellate courts include the Supreme Court of Texas, the Court of Criminal Appeals, and the 14 Courts of Appeals. The Supreme Court of Texas consists of nine justices and is the state's highest court in civil and juvenile matters. The Court of Criminal Appeals contains nine judges and is the final authority in criminal cases. The 14 courts of appeals

have intermediate appellate jurisdiction in both civil and criminal cases. Each court of appeals is presided over by a chief justice and anywhere from 2 to 12 additional justices, as authorized by the legislature. As of September 2008, there were a total of 80 justices on the 14 courts of appeals. **Figure 4** reflects the geographic locations and number of justices for the 14 courts of appeals.

**DISTRICT COURTS**

Under the 14 courts of appeals there are 449 district courts that serve one or more counties. The district courts each have one judge. Section 74.042 of the Texas Government Code establishes nine administrative judicial regions in the State of 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

**FIGURE 3**  
**COURT STRUCTURE OF TEXAS AS OF SEPTEMBER 1, 2008**



<sup>1</sup>As of September 1, 2008, there were 444 district courts. The Eightieth Legislature authorized the creation of 5 additional new courts during the 2008–09 biennium for a total of 449 district courts.

<sup>2</sup>The dollar amount is currently unclear.

<sup>3</sup>All justice courts and most municipal courts are note courts of record. Appeals from these courts are held de novo in the county-level courts.

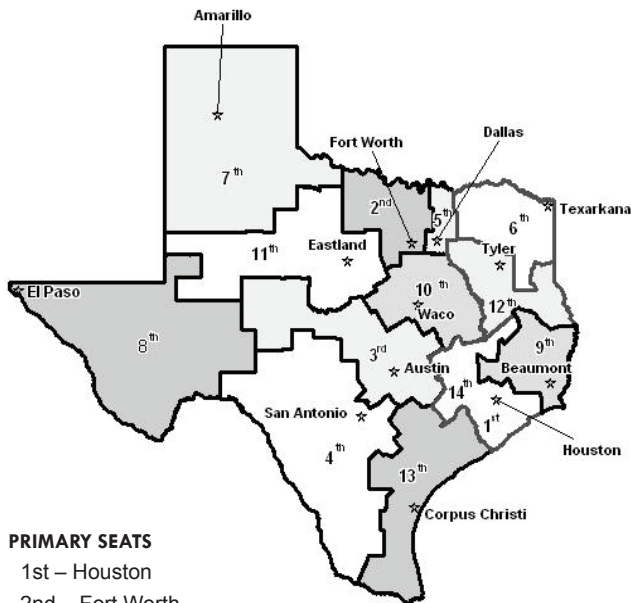
<sup>4</sup>Some municipal courts are courts of record—appeals from these courts are taken at the county-level courts.

<sup>5</sup>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.

SOURCES: Office of Court Administration.



**FIGURE 4  
COURTS OF APPEALS DISTRICTS**



**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**

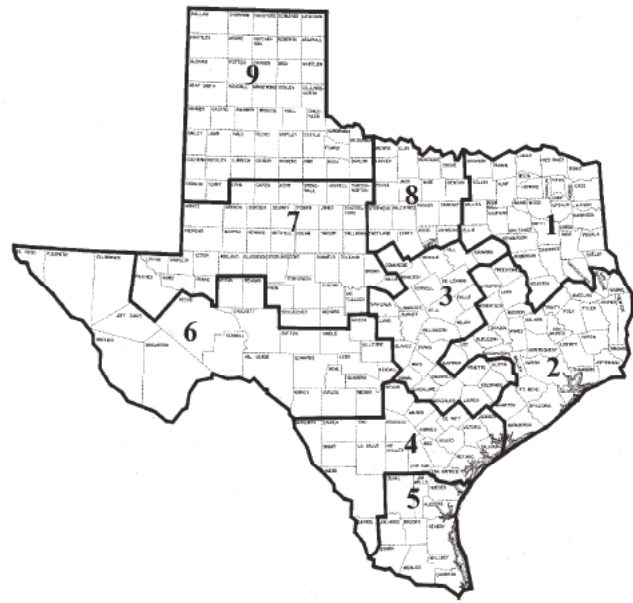
- Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Waller, Washington in 1st and 14th Districts.
- Hunt in 5th and 6th Districts.
- Gregg, Rusk, Upshur, Wood in 6th and 12th Districts.

SOURCE: Office of Court Administration.

regional rules of administration, advising local judges on judicial management, recommending changes to the Supreme Court 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 5  
ADMINISTRATIVE JUDICIAL REGIONS**



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 legislature has also created statutory county courts (primarily in metropolitan areas) to relieve the county judge of some or all of the judicial duties of the office. These statutory courts include 222 county courts at law in 84 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 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 2008, Texas has 821 justice courts.

The Constitution also allows for the creation of municipal courts. As of September 2008, there were municipal courts operating in 917 cities throughout Texas. Municipal courts have original jurisdiction over criminal violations of city

ordinances, resolutions, and orders of joint boards that govern local airports.

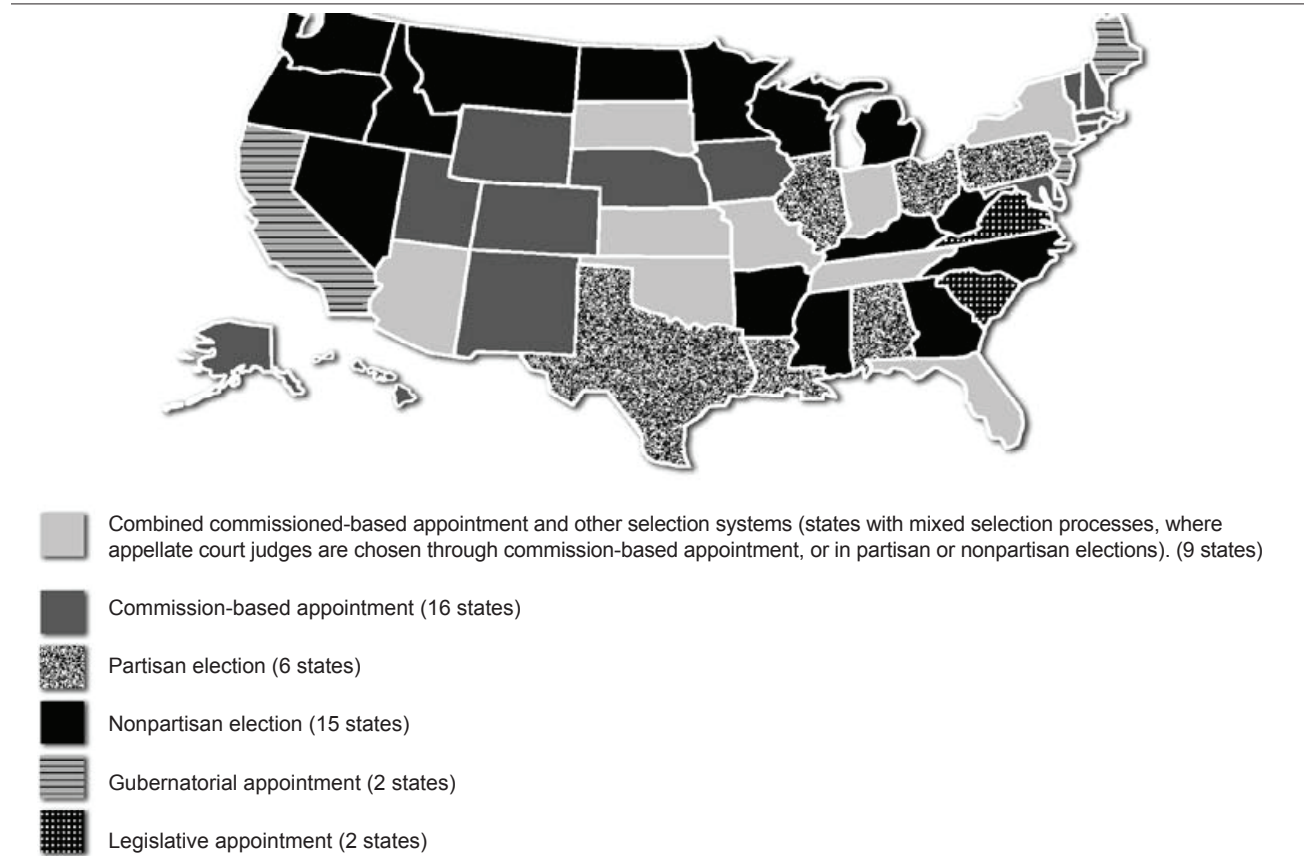
**JUDICIAL SELECTION IN TEXAS**

Texas is one of six states that select its judges through partisan elections, in which the candidate’s party affiliation is listed on the ballot. However, in Texas some appellate and district judges first assume the bench when appointed by the Governor to fill a position vacancy. These same judges must run for office once the judge’s term expires.

Twenty-five states select judges through a combination of commission-based appointments or elections. 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. Selection systems also include non-partisan elections, and gubernatorial or legislative appointments (Figure 6 depicts judicial selection methods used by the states).

Over the years, there have been proposals that would change the current election system 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. Proponents for this 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 judge 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.

**FIGURE 6**  
**JUDICIAL SELECTION METHODS BY STATE**



SOURCE: American Judicature Society (AJS), [www.judicialselection.us](http://www.judicialselection.us)



# FUNDING APPELLATE COURT OPERATIONS

The appellate system in Texas is composed of (1) the Supreme Court, the court with final appellate jurisdiction in civil and juvenile cases; (2) the Court of Criminal Appeals, the highest state appellate court for criminal cases; and (3) the 14 Courts of Appeals, the intermediate appellate courts for civil and criminal appeals from the trial courts.

Appellate courts do not try cases, have juries, or hear witnesses. Rather, they review actions and decisions of the lower courts on questions of law or allegations of procedural error. In carrying out this review, the appellate courts are usually restricted to the evidence and exhibits presented in the trial court.<sup>1</sup>

## THE SUPREME COURT

The Supreme Court of Texas was created 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.

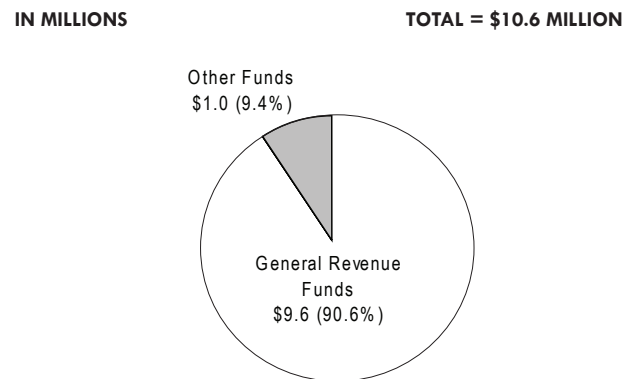
Other responsibilities of the court include:

- the promulgation and enforcement of rules of civil procedure and evidence,
- the licensing and supervision of attorneys,
- the appointment of members of the Board of Law Examiners,
- the processing of declarations of intent to study law and applications for admission to the Bar,
- the supervision of the Office of Court Administration and the Court Reporters' Certification Board,
- the supervision of funding for programs providing civil legal services for indigents, and
- the equalization of the dockets of the 14 Courts of Appeals.

<sup>1</sup>Annual Statistical Report for the Texas Judiciary, Fiscal Year 2007, 5.

The Eightieth Legislature, 2007, appropriated \$10.6 million in the General Appropriations Act (GAA) for the 2008–09 biennium to support Supreme Court operations. **Figure 7** shows the sources of revenue (also referred to as methods of finance) for the \$10.6 million in state appropriations. Court operations are funded out of the General Revenue Fund and Judicial Fund No. 573. A portion of the funding provided out of Judicial Fund No. 573 for court operations is provided by a \$37 filing fee and a new \$4 criminal court cost established to cover the cost of a judicial pay raise. House Bill 11, Seventy-ninth Legislature, Second Called Session, 2005, increased the salaries of Supreme Court justices from \$113,000 to \$150,000, a 33 percent increase. The Chief Justice of the Supreme Court also receives a salary supplement of \$2,500.

**FIGURE 7**  
**SUPREME COURT OPERATIONS APPROPRIATIONS BY**  
**METHOD OF FINANCE**  
**2008–09 BIENNIUM**



SOURCE: Legislative Budget Board.

The Eightieth Legislature also enacted Senate Bill 1182 allowing an additional \$50 filing fee on civil cases filed in the Supreme Court or the 14 Courts of Appeals. The fee is deposited to the new Supreme Court Support Account in Judicial Fund No. 573, and the court may use the funds for any expenses related to court operations. 2008–09 appropriations contingent upon collection of filing fee receipts total \$217,000 per fiscal year. As of September 2008, the filing fee is estimated to generate only \$138,000 per fiscal year.

The Eightieth Legislature appropriated \$483,000 per fiscal year to the Supreme Court for grants to trial and appellate courts in response to Multi-District Litigation (MDL) cases. MDL cases are large groups of civil cases that pertain to specific topics (e.g., asbestos-related litigation). House Bill 15, Eightieth Legislature, 2007, appropriated nearly \$51,000 to the court for the same purpose in fiscal year 2007. As of September 2008, no MDL funds have been expended at either the trial or the appellate court levels.

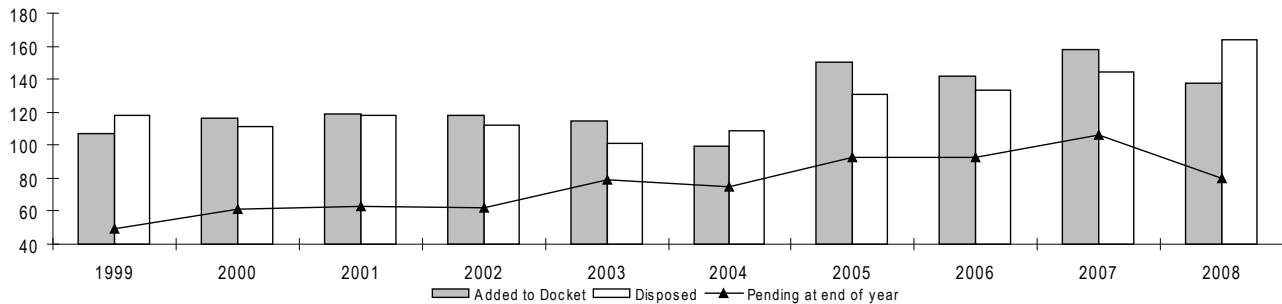
**SUPREME COURT PERFORMANCE**

The Supreme Court disposed of approximately 3,226 matters in fiscal year 2008, including 164 regular causes, 1,153 petitions for review, and 1,905 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 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.<sup>2</sup> 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 **Figures 8 and 9** for trends in Regular Causes and Petitions for Review Filed, respectively.)

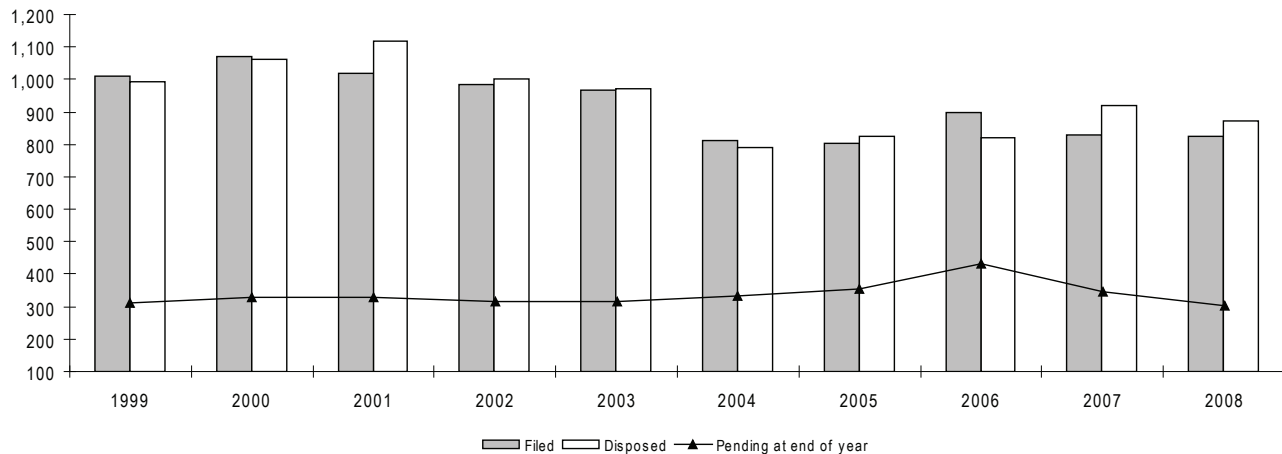
<sup>2</sup>Annual Statistical Report for the Texas Judiciary, Fiscal Year 2007, 22.

**FIGURE 8  
SUPREME COURT  
REGULAR CAUSES  
10-YEAR HISTORY**



SOURCE: Office of Court Administration.

**FIGURE 9  
SUPREME COURT  
PETITIONS FOR REVIEW FILED  
10-YEAR HISTORY**



SOURCE: Office of Court Administration.

**THE COURT OF CRIMINAL APPEALS**

The Court of Criminal Appeals was created 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.

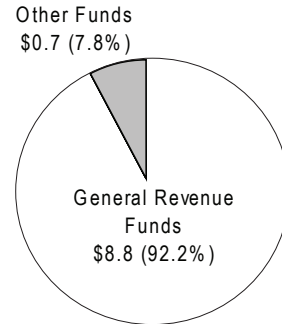
Appropriations for the 2008–09 biennium total \$9.5 million for court operations. **Figure 10** shows the breakdown of court operations by method of finance. Court operations are funded out of the General Revenue Fund and Judicial Fund No. 573 (Other Funds). Funding provided by Judicial Fund No. 573 is for the judicial pay raise adopted by the Seventy-ninth Legislature. House Bill 11, Seventy-ninth Legislature, Second Called Session, 2005, established fees, a \$37 filing fee and a new \$4 criminal court cost, to fund the latest judicial pay raise. House Bill 11 increased the salary of a Court of Criminal Appeals judge from \$113,000 to \$150,000, a 33 percent increase. The Presiding Judge of the Court of Criminal Appeals also receives a salary supplement of \$2,500.

**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

**FIGURE 10  
COURT OF CRIMINAL APPEALS OPERATION  
2008–09 APPROPRIATIONS**

IN MILLIONS TOTAL = \$9.5 MILLION



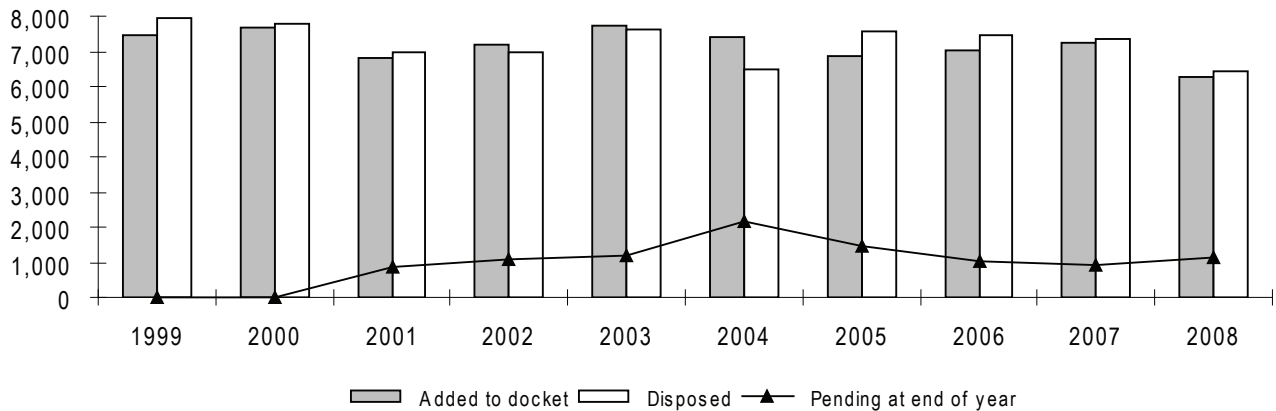
SOURCE: Legislative Budget Board.

writs of certiorari, writs of habeas corpus, writs of mandamus and writs of prohibition.<sup>3</sup> Direct appeals include death penalty appeals, DNA appeals, and appeals involving habeas corpus or extraordinary matters.

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 **Figures 11 and 12** for trends in mandatory caseload and petitions for discretionary review, respectively.)

<sup>3</sup>Ibid, 25.

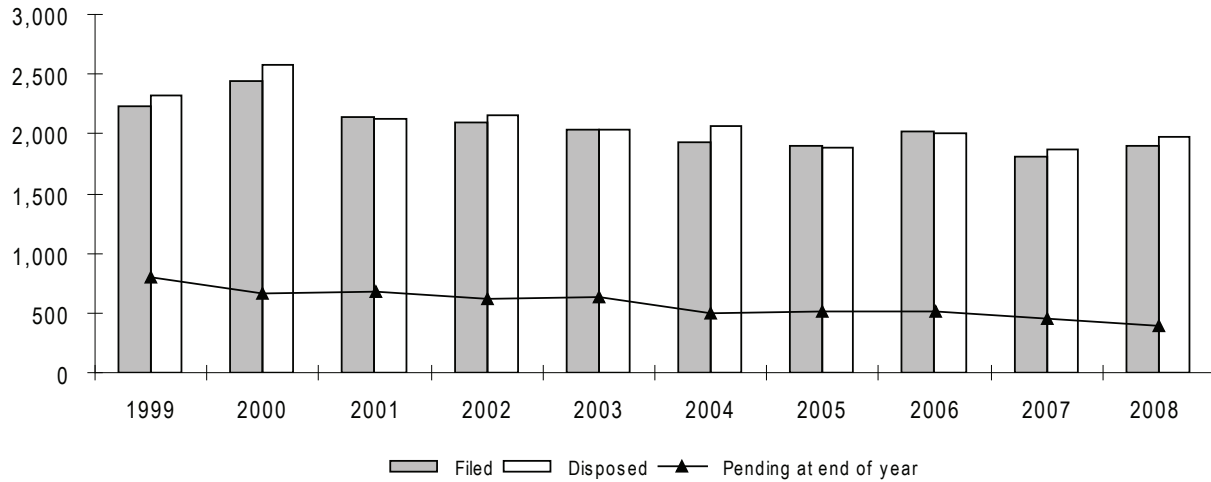
**FIGURE 11  
MANDATORY CASELOAD—COURT OF CRIMINAL APPEALS  
10-YEAR HISTORY**



Source: Office of Court Administration.



**FIGURE 12**  
**PETITIONS FOR DISCRETIONARY REVIEW—COURT OF CRIMINAL APPEALS**  
**10-YEAR HISTORY**



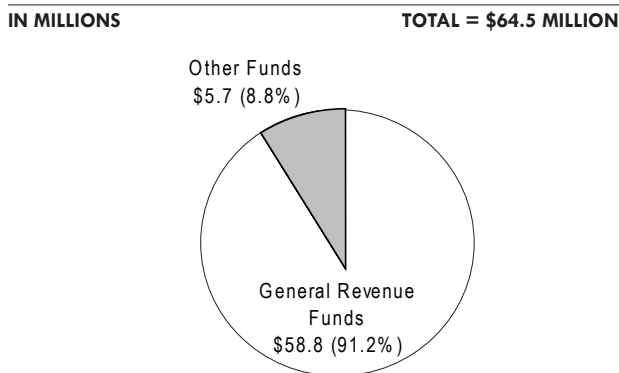
SOURCE: Office of Court Administration.

**THE COURTS OF APPEALS**

The Courts of Appeals have intermediate appellate jurisdiction in civil cases and in criminal cases other than those in which the death penalty has been assessed. The state is divided into 14 court of appeals districts, with one court of appeals in each district, as shown in **Figure 4** in the Introduction Chapter. 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 Eightieth Legislature, 2007, appropriated \$64.5 million in the 2008–09 GAA to support the 14 courts of appeals. **Figure 13** shows the sources of revenue for the \$64.5 million in state appropriations. Nearly all of the funding for the courts of appeals, approximately 91 percent, is provided by the General Revenue Fund. This amount includes a \$4.3 million block grant appropriated to the courts of appeals by the Eightieth Legislature to provide similar funding levels for courts of the same size. The majority of this block grant funding was allocated for reclassifying law clerks to staff attorneys and increasing attorney salaries. (**Figure 14** provides details on the \$4.3 million block grant.)

**FIGURE 13**  
**14 COURTS OF APPEALS**  
**2008–09 APPROPRIATIONS**



SOURCE: Legislative Budget Board.

The remainder of state funding is provided by revenue from a \$37 filing fee on civil cases and a \$4 criminal court cost, which is deposited into Judicial Fund No. 573 (Other Funds). This revenue stream was created by House Bill 11, Seventy-ninth Legislature, Second Called Session, 2005, to fund a judicial pay raise. None of the local funds used for appellate court operating costs or to supplement the salaries of appellate court judges are reflected in the appropriations bill.

The state’s 14 courts of appeals are also provided transferability of funds between the courts via Section 14 of Special Provisions for Article IV of the 2008–09 General Appropriations Act. The Chief Justice of the Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between the appellate courts provided they have

**FIGURE 14  
COURTS OF APPEALS  
ALLOCATION OF \$4.3 MILLION BLOCK GRANT  
2008–09 BIENNIUM**

COURTS OF APPEALS	JUSTICES	FTE POSITIONS REQUESTED	2008–09 GENERAL REVENUE APPROPRIATIONS (IN MILLIONS)	2008–09 BLOCK GRANT	RECLASSIFY LAW CLERKS TO STAFF ATTORNEYS	ATTORNEY STAFF	NON-ATTORNEY STAFF	INCREASE ATTORNEY SALARIES	INCREASE NON-ATTORNEY SALARIES	INCREASE OTHER OPERATING COSTS	TOTAL BLOCK GRANT
5 <sup>th</sup>	13	4	\$9.0	\$876,036		\$390,000	\$64,000	\$32,000	\$85,311	\$304,725	\$876,036
1 <sup>st</sup>	9	4	6.6	677,726		120,000	220,000	160,000	157,726	20,000	677,726
14 <sup>th</sup>	9	3	6.6	658,422	\$324,000		210,000	77,803	36,445	10,174	658,422
2 <sup>nd</sup>	7	1	5.0	334,693	239,952	50,000		44,741			334,693
4 <sup>th</sup>	7	3	5.0	521,191	124,324		264,134	124,234	8,499		521,191
3 <sup>rd</sup>	6	1	4.4	245,181	36,383	120,000		78,254		10,544	245,181
13 <sup>th</sup>	6	0	4.4	246,688	186,743				59,945		246,688
7 <sup>th</sup>	4	0	3.0	60,674				48,431		12,243	60,674
9 <sup>th</sup>	4	0	3.0	111,615				77,286	34,379		111,615
6 <sup>th</sup>	3	0	2.4	144,456				91,000	28,000	25,456	144,456
8 <sup>th</sup>	3	0	2.4	108,461	33,000			69,000		6,461	108,461
10 <sup>th</sup>	3	0	2.3	85,228	23,250			57,500		4,478	85,228
11 <sup>th</sup>	3	0	2.4	103,830				68,800	35,030		103,830
12 <sup>th</sup>	3	1	2.4	106,881		75,000			13,000	18,881	106,881
<b>TOTALS: (ACTUAL)</b>			<b>80</b>	<b>17</b>							
<b>TOTALS (IN MILLIONS):</b>			<b>\$58.8</b>	<b>\$4.3</b>	<b>\$1.0</b>	<b>\$0.8</b>	<b>\$0.8</b>	<b>\$0.9</b>	<b>\$0.6</b>	<b>\$0.4</b>	<b>\$4.3</b>

NOTE: Table amounts may not add because of rounding.  
SOURCES: Legislative Budget Board; Office of Court Administration.

received approval by both the Legislative Budget Board and the Governor’s Office.

**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 employing only three permanent justices must use a visiting judge when one justice must be disqualified or is recused from a case. Visiting judges serving appellate courts are compensated at 100 percent of the salary of an active appellate justice.

**DOCKET EQUALIZATION**

The Supreme Court of Texas is authorized to transfer cases between the courts of appeals to equalize the dockets and promote efficiency in the use of court resources. The docket equalization program was initiated in 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. 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 2008, the statewide average number of new filings per justice was 126 cases prior to any transfers. The number of new cases filed per justice ranged from 90 cases in the Eighth Court of Appeals (El Paso) to 171 cases in the Twelfth Court of Appeals (Tyler). The average percentage difference of the 14 courts from the statewide average was 14.4 percent.

A total of 507 cases were transferred among the intermediate appellate courts in fiscal year 2008 to equalize workloads. As a result, the average percentage difference of the 14 courts from the statewide average was 3.9 percent, which is better than the 10 percent goal established by the legislature in the General Appropriations Act.<sup>4</sup> See **Figure 15** for a comparison of new filings per justice by court.

**LOCAL FUNDS**

Chapter 22 of the Government Code provides collections for supporting “appellate judicial systems” at nine of the fourteen courts through operating expenses, contract personnel, and capital equipment. The nine courts currently authorized by statute to receive these funds include the First and Fourteenth Courts of Appeals in Houston; the Second Court of Appeals in Fort Worth; the Third Court of Appeals in Austin; the Fourth Court of Appeals in San Antonio; the Fifth Court of Appeals in Dallas; the Ninth Court of Appeals in Beaumont; the Eleventh Court of Appeals in Eastland; and the Thirteenth Court of Appeals in Corpus Christi–Edinburg.

The revenue source for these 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

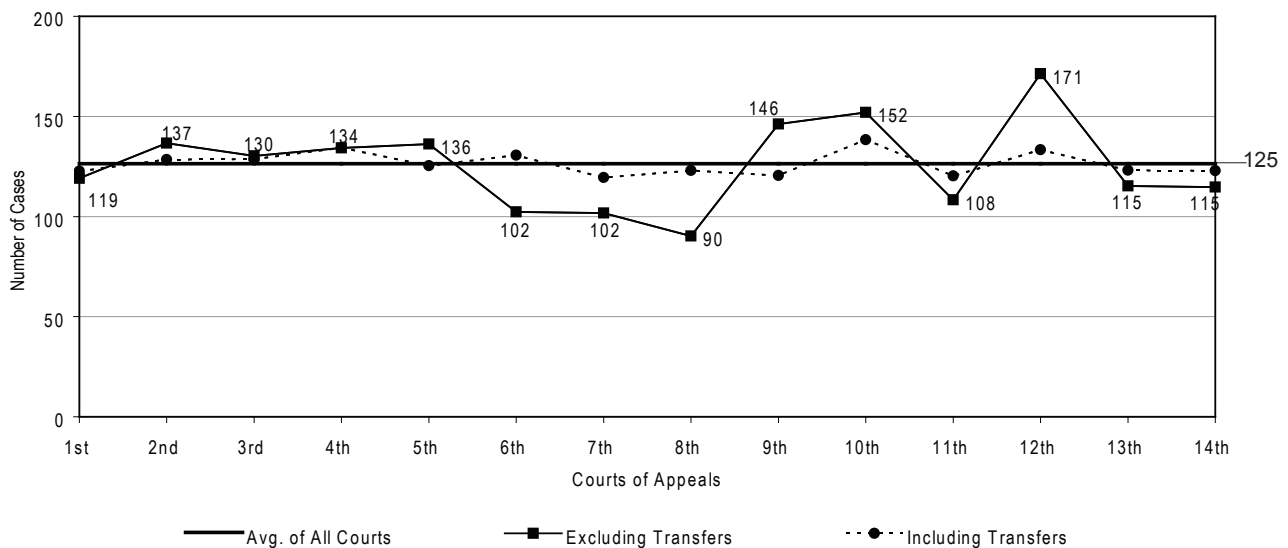
<sup>4</sup>House Bill 1, Eightieth Legislature, 2007, Rider 3, IV-3.

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 may vest management of the fund solely in the chief justice. The fiscal year 2007 collections are indicated per court in **Figure 16**.

**LOCAL SALARY SUPPLEMENT**

Chapter 31 of the Government Code authorizes the counties in each court of appeals district to pay each justice of the court of appeals for that district an amount not to exceed \$15,000 per year for judicial and administrative services rendered. However, Section 650.012 of the Government Code limits the total salary for a justice of a court of appeals to a combined sum from state and county sources of \$5,000 less than the state salary paid to a justice of the Texas Supreme Court, or \$145,000. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$2,500 less than the state salary paid to justices of the Supreme Court, or \$147,500. To stay within the salary limit, the maximum additional compensation a justice may receive is \$7,500. 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 is shown in **Figure 16**.

**FIGURE 15  
NEW FILINGS PER JUSTICE—COURTS OF APPEALS  
FISCAL YEAR 2008**



SOURCE: Office of Court Administration.

**FIGURE 16  
APPELLATE COURTS  
ANNUAL COLLECTIONS AND SALARY SUPPLEMENTS, FISCAL YEAR 2007**

	NUMBER OF JUDGES	CHAPTER 22 COLLECTIONS FY 2007	COLLECTIONS PER JUDGE	LOCAL SALARY SUPPLEMENT PER JUDGE
First Court of Appeals, Houston	9	\$324,768	\$36,085	\$7,500
Second Court of Appeals, Fort Worth	7	\$188,702	\$26,957	\$7,500
Third Court of Appeals, Austin	6	\$186,306	n/a	\$7,500
Fourth Court of Appeals, San Antonio	7	\$269,643	\$38,520	\$7,500
Fifth Court of Appeals, Dallas	13	\$442,946	\$34,073	\$7,500
Sixth Court of Appeals, Texarkana	3	n/a	n/a	\$7,500
Seventh Court of Appeals, Amarillo	4	n/a	n/a	\$7,500
Eighth Court of Appeals, El Paso	3	n/a	n/a	\$7,500
Ninth Court of Appeals, Beaumont	4	n/a	n/a	\$7,500
Tenth Court of Appeals, Waco	3	n/a	n/a	\$7,500
Eleventh Court of Appeals, Eastland	3	\$66,460	n/a	\$7,500
Twelfth Court of Appeals, Tyler	3	n/a	n/a	\$7,500
Thirteenth Court of Appeals, Corpus Christi–Edinburg	6	\$134,627	\$22,438	\$7,500
Fourteenth Court of Appeals, Houston	9	\$407,168	\$45,241	\$7,500

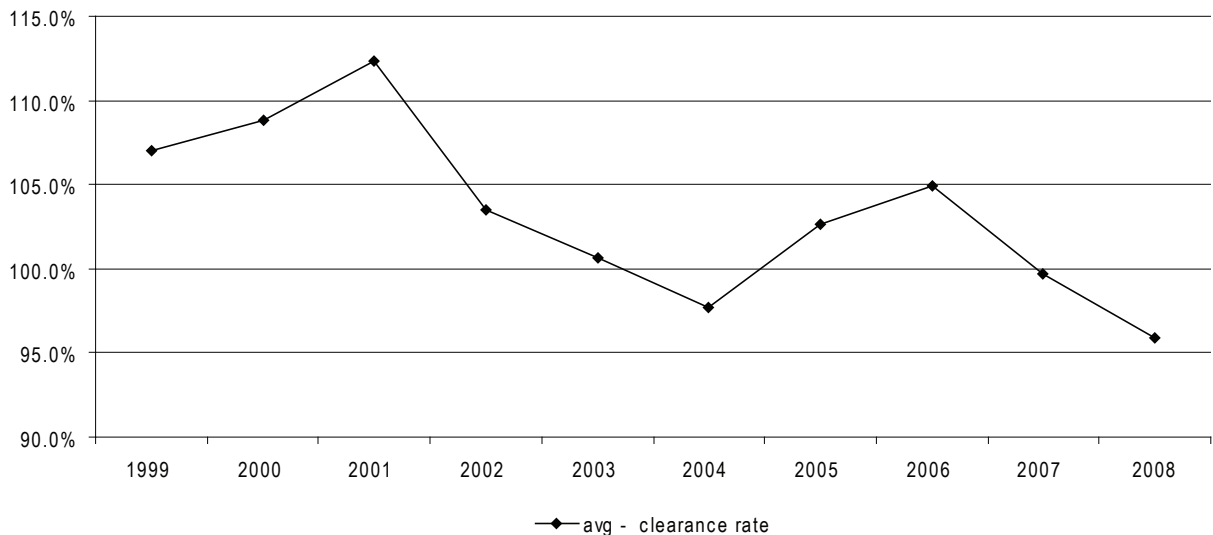
SOURCE: Legislative Budget Board.

**APPELLATE COURT PERFORMANCE**

During the 10 year period ending in fiscal year 2008, the average clearance rate for the appellate courts ranged from a high of 112.3 percent in fiscal year 2001 to a low of 95.9 percent in fiscal year 2008 (see **Figure 17**). During the

10-year period ending in fiscal year 2008, total pending cases at the appellate courts declined from 10,723 to 7,998, a decrease of 34.3 percent.

**FIGURE 17  
AVERAGE CLEARANCE RATE FOR 14 COURTS OF APPEALS  
10-YEAR HISTORY**



SOURCE: Office of Court Administration.

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.

**LONGEVITY PAY**

The Eightieth Legislature, 2007, enacted Senate Bill 1519 entitling active judges and justices to 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. Eligible judges receive \$3,840 annually in longevity pay once they reach 16 years of service and continue to collect the longevity pay each year thereafter. There are currently 104 judges and justices statewide eligible for longevity pay, 17 of which sit on one of the appellate courts.

# STATE FUNDING FOR TRIAL COURTS

Trial courts are courts in which witnesses are heard, testimony is received, exhibits are offered into evidence, and a verdict is rendered. The trial court structure in Texas has several different levels, each level handling different types of cases, with some overlap. 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.

The state of Texas funds the base salary for district court judges; travel expenses for those district judges with jurisdiction in more than one county; salary supplements for constitutional county, statutory county, and statutory probate judges; and salaries for child support and child protection court associate judges. The Eightieth Legislature, 2007, appropriated \$178.3 million in the General Appropriations Act for the 2008–09 biennium to support trial courts (see **Figures 18 and 19** for appropriations).

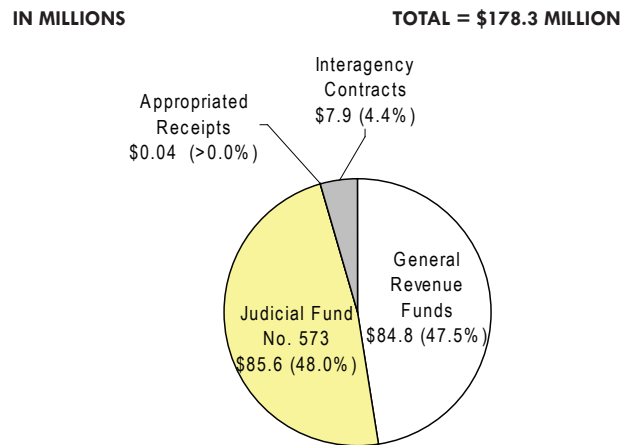
The state salary for district and county-level judges and various salary supplements funded by state appropriations are summarized in **Figure 20**. District and county-level judges also receive local salaries, which are described in **Figure 21**. Under statute, a district judge may receive a local supplement up to \$15,000, for a total of \$140,000 in salary from state and local sources.

Also, some district judges may receive a total of \$173,000 in salary from state and local sources. The Texas Judicial Council sets the local compensation of an active presiding judge of one of the administrative judicial regions in an amount not to exceed \$33,000 per year. Judges handling multi-district litigation cases involving asbestos or silica are also given an annual state-paid supplement up to \$33,000, as determined by the Texas Judicial Council.

## DISTRICT COURTS

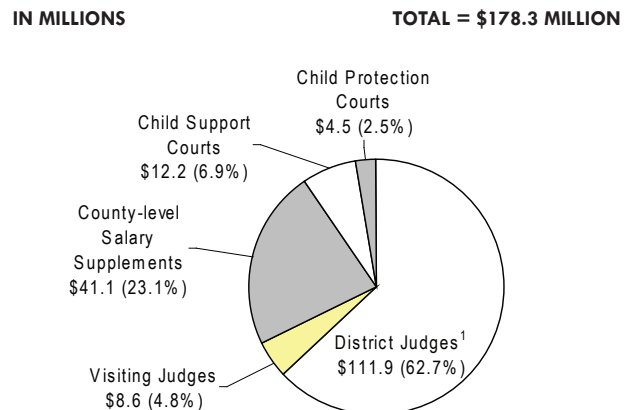
District courts have original jurisdiction in all felony criminal cases, divorce cases, cases involving title to land, election contest cases, civil matters in which the amount in controversy (the amount of money or damages involved) is \$200 or more, and any matters in which jurisdiction is not placed in another trial court. While most district courts try both criminal and

**FIGURE 18**  
2008–09 APPROPRIATIONS FOR TRIAL COURTS  
BY METHOD OF FINANCE



SOURCE: Legislative Budget Board.

**FIGURE 19**  
2008–09 APPROPRIATIONS FOR TRIAL COURTS  
BY PROGRAM



<sup>1</sup>Includes District Judge salaries, travel and per diem; Local Administrative Judge and MDL Salary Supplements; and Assistance to Administrative Judicial Regions.  
SOURCE: Legislative Budget Board.

civil cases, in the more densely populated counties the courts 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, while an urban county may be served by many district courts. The



**FIGURE 20**  
**TRIAL COURT JUDICIAL SALARY SUPPLEMENTS AND PAYMENTS**  
**STATE-FUNDED SUPPLEMENTS**

STATE SALARY/SALARY SUPPLEMENT	EXPLANATION – STATUTORY REFERENCE	ANNUAL AMOUNT
District Judge	State salary	\$125,000
District Judge Travel	Travel expenses for district judges with multi-county jurisdictions. Reimbursement may not exceed \$1,500 per county. (Government Code 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 their district or county. (Government Code 74.003(c), 74.061)	\$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 salary that is \$5,000 greater than the state salary for a district judge (i.e., \$130,000). (Government Code 659.012(d))	\$5,000
Constitutional County Judge	A county judge receives a salary supplement if at least 40 percent of the functions performed by the judge are judicial functions. Currently, 210 county judges receive the supplement. (Government Code 26.006)	\$15,000
Statutory County Judge	A supplement received by each statutory county judge that does not engage in private practice. (Government Code 25.0015)	\$75,000
Statutory Probate Judge	A supplement received by each statutory probate judge in the county from Judicial Fund No. 573 (Government Code 25.00211)	\$40,000

SOURCE: Legislative Budget Board.

**FIGURE 21**  
**TRIAL COURT SALARY SUPPLEMENTS AND PAYMENTS**  
**FROM LOCAL SOURCES/FUNDS**

LOCAL SALARY/SALARY SUPPLEMENT	EXPLANATION – STATUTORY REFERENCE	ANNUAL AMOUNT
Presiding Judge of the Administrative Judicial Region (Active District Judge)	Annual compensation for an active judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region [Government Code 74.051(b)]	Not to exceed \$33,000
Presiding Judge of the Administrative Judicial Region (Retired or Former District Judge)	Annual compensation for an retired or former judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region [Government Code 74.051(c)]	\$35,000 to \$50,000
District Judges	Maximum supplement from county sources (Government Code 659.012)	Up to \$15,000
County-level Judges	varies	varies

SOURCE: Legislative Budget Board.

courts are organized into nine administrative judicial regions, with a single presiding judge over each region appointed by the Governor.

During each legislative session, the legislature routinely creates new district courts. Senate Bill 1951, the Eightieth Legislature, Regular Session, 2007, created 11 new district courts. The total number of district courts that will be in operation as of August 31, 2009 is 449.

### DISTRICT COURT PERFORMANCE

The Seventy-seventh Legislature, 2001, required the Office of Court Administration (OCA) to report clearance rates on

a countywide basis for the district courts. 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.”<sup>1</sup> The clearance rates and backlog indices for the state’s district courts are listed by county in Appendix A.

## DISTRICT COURT WEIGHTED CASELOAD STUDY

The Seventy-ninth Legislature, 2005, enacted Senate Bill 729, which called for a weighted caseload study to analyze the need for creating new district courts. To measure judicial workload, it is assumed that a more complex case takes more time to process. A weighted caseload study assigns case weights by case type, such as serious felonies, less serious felonies, contract, or divorce. Case weights are based upon the amount of time judicial officers (district judges, associate judges, masters, magistrates, and referees) surveyed report spending on each type of case. The results of the 18-month study were published in June 2008 and found that an estimated 650 judicial officers (i.e., district court judges, magistrates, OCA and county-employed associate judges, etc.) are needed in Texas to resolve the number of cases filed in and handled by the district courts.<sup>2</sup> As of October 2007, Texas has approximately 601 judicial officers available to handle district court cases.

Budget constraints prevented OCA from extending the study to include the statutory county courts exercising civil or family law jurisdiction concurrent with district courts. Although such judges were asked to participate in the time study, low participation prevented them from being included in the model.

## 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 case. There is no similar provision in criminal cases.

Among the reasons trial courts seek visiting judges is to adjudicate complex multi-district 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 2005**

REASON FOR REQUEST	PERCENTAGE OF ALL REQUESTS
Assist with heavy docket	31.9%
Vacation	16.5%
Illness	8.6%
Recusal*	8.3%
Continuing education	7.9%
Disqualification*	5.2%
Personal emergency	5.2%
Election contest	0.2%
Attorney contempt	0.2%
Suit to remove locally elected official	0.1%
Other	19.5%

\*Instances of recusal and disqualification are much more prevalent in rural areas of the state where judges are more likely to have worked with one of the attorneys presenting before the court or to know one of the parties involved with the case.

SOURCES: Legislative Budget Board; Office of Court Administration.

The Eightieth Legislature, 2007, appropriated \$4.3 million for each year of the 2008–09 biennium for visiting judge salaries and expenses, which is the same amount appropriated in each fiscal year of the previous biennium. Actual expenditures in fiscal year 2007 for visiting judges across all nine administrative regions totaled \$5.1 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 on page 4** for a map of administrative judicial regions.)

**Figure 23** lists 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 (3,024.0 days) and expenditures (more than \$1.3

<sup>1</sup>Daniel C. Steelman, et al, *Caseflow Management: The Heart of Court Management in the New Millennium* (National Center for State Courts, 2000), 133-34.

<sup>2</sup>Study results can be found at <http://www.courts.state.tx.us/oca/jnas/pdf/WeightedCaseloadStudy.pdf>

**FIGURE 23**  
**VISITING JUDGES ACTUAL DAYS OF SERVICE**  
**FISCAL YEAR 2007**

ADMINISTRATIVE JUDICIAL REGION	FISCAL YEAR 2007 ACTUAL EXPENDITURE	FISCAL YEAR 2007 ACTUAL TOTAL DAYS	TOTAL COURTS IN REGION USING VISITING JUDGES
Region 1: Dallas	\$1,224,187	2,649.5	84
Region 2: Conroe	\$1,328,675	3,024.0	99
Region 3: Seguin	\$469,836	960.5	44
Region 4: San Antonio	\$391,584	860.5	36
Region 5: Brownsville	\$477,681	880.5	23
Region 6: Kerrville	\$283,655	599.5	20
Region 7: Midland	\$173,276	378.5	24
Region 8: Fort Worth	\$502,486	1,074.0	50
Region 9: Brownfield	\$225,230	485.0	25
<b>TOTAL</b>	<b>\$5,096,610</b>	<b>10,912.0</b>	<b>405</b>

SOURCE: Comptroller of Public Accounts.

million). Region 7 (Midland) had the lowest utilization (378.5 days) and the lowest expenditures (\$173,276).

Costs of visiting judges are often considered when determining whether a need exists for creating a new trial court. When a new district court is created, the state costs for salary and benefits of each new district court judge totals \$158,500 annually. (Local governments are responsible for funding all other costs related to creating and maintaining a district court, and these costs vary across the state.) With the enactment of House Bill 3135, Eightieth Legislature, 2007, the authorized compensation to visiting judges serving a district court increased from 85 percent of a district judge's salary to 100 percent (the same as the percentage of salary for visiting judges serving in an appellate court). According to the Comptroller of Public Accounts, most visiting judges are retired judges whose average compensation is \$140,100, or 88 percent of the salary and benefits of a district judge. **Figure 24** presents caseload data and expenditures for visiting judges from fiscal year 1998 through fiscal year 2007.

### CONSTITUTIONAL COUNTY COURTS

As provided in the Texas Constitution, each of the 254 counties of the state has a single county court presided over by a county judge. These courts have concurrent jurisdiction with justice of the peace and district courts in civil cases in which the amount in controversy is between \$200 and \$10,000. Jurisdiction is said to be concurrent when two levels of courts have authority to try the same type of case.

The constitutional county courts generally hear the probate cases filed in the county. 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 one 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).

### COUNTY COURTS AT LAW

In addition to performing judicial functions, the county judge serves as the administrative head of the county government. In the more populated counties, the administrative duties occupy most of the time of the county judge; therefore the legislature has created statutory county courts, also known as county courts at law, and statutory probate courts to relieve the county judge of most, and in some cases all, of the judicial duties usually performed by that office.

The legal jurisdiction of the statutory county courts varies considerably and is established by the statute that creates the particular court. The jurisdiction of statutorily-created 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 is usually more than that of the justice of the peace courts and less than that of the district courts. County courts at law

**FIGURE 24**  
**DISTRICT COURT CASELOAD DATA AND VISITING JUDGE FUNDING LEVELS**  
**10-YEAR HISTORY**

CATEGORY	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Number of District Courts	396	409	418	418	418	424	425	432	438	448
Visiting Judge Expenditures	8,307,109	6,744,306	8,096,417	7,582,061	7,716,486	3,124,997	3,322,353	3,577,881	5,096,610	4,612,695
Annual Percentage Change	1.6	(18.8)	20.0	(6.4)	1.5	(59.5)	6.3	7.7	42.4	(9.5)
Cases Added	723,837	746,370	754,081	789,024	841,794	823,254	914,146	963,792	906,040	870,690
Annual Percentage Change	4.0	3.1	1.0	4.6	6.7	(2.2)	11.0	5.4	(6.0)	(3.9)
Cases Disposed	698,700	725,183	739,027	743,342	792,254	788,328	840,670	844,878	860,860	846,606
Annual Percentage Change	0.1	3.8	1.9	0.6	6.6	(0.5)	6.6	0.5	1.9	(1.7)
Cases Pending (as of 8/31)	766,437	781,312	794,936	824,384	868,035	799,969	913,640	991,823	903,288	901,224
Annual Percentage Change	3.0	1.9	1.7	3.7	5.3	(7.8)	14.2	8.6	(8.9)	(0.2)
Cases Pending per Elected Judge	1,935	1,910	1,902	1,972	2,077	1,887	2,150	2,296	2,062	2,012
Annual Percentage Change	3.0	(1.3)	(0.4)	3.7	5.3	(9.1)	13.9	6.8	(10.2)	(2.4)

## NOTES:

- (1) Expenditure data for fiscal years 1999–2001 was extrapolated from Comptroller's Department, Judiciary Section, Strategy A.1.1, District Judge Salaries, which prior to fiscal year 2002 included visiting judge payments for former judges. Estimates assume no vacancies in district judge positions.
- (2) Expenditures of \$2.9 million authorized under House Bill 3296, Seventy-seventh Legislature, 2001, for retired statutory county judges serving in county-level courts was excluded from the 2002–03 biennium.
- (3) Docket adjustments between pending cases reported at the end of the fiscal year (8/31), and pending cases reported at the beginning of the fiscal year (9/1) are not shown on this chart.

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

usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts.

### **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 under expedited time frames set by federal requirements. The agency contracts with the Office of Attorney General (OAG) to obtain federal funds (an estimated \$7.9 million for the 2008–09 biennium) under Title IV-D of the Social Security Act to pay associate judge salaries and program operating costs. Total appropriations for the Child Support Courts Program are \$12.2 million for the 2008–09 biennium for 43 courts.

The OCA also maintains 17 Child Protection Courts whose primary costs are the salaries of associate judges and assistants. 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 appropriations for the Child Protection Courts Program is \$4.5 million for the 2008–09 biennium.

### **STATUTORY PROBATE COURTS**

The Texas Constitution grants the legislature the authority to determine which Texas courts have jurisdiction over probate matters. Statutory probate courts are located in 10 of the state's 15 largest metropolitan areas and 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 created 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.

# STATE FUNDING FOR PROSECUTOR SALARIES AND PAYMENTS

The state funds the salaries and certain expenses of felony prosecutors and longevity pay for assistant district attorneys and assistant county prosecutors. 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 Public Integrity Unit in the Travis County District Attorney's Office and the Special Prosecution Unit headquartered in Walker County. The Eightieth Legislature, 2007, appropriated \$87.0 million in the General Appropriations Act for the 2008–09 biennium to support prosecutors. (See **Figure 25** and **Figure 26** for appropriations by method of finance and by programs.)

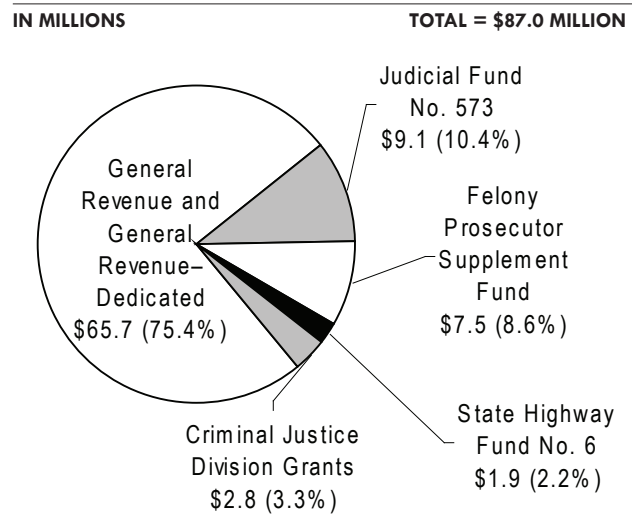
## PROFESSIONAL PROSECUTORS

The state pays the salaries of district attorneys, criminal district attorneys, and county attorneys each of whom are prohibited from the private practice of law under Government Code, Chapter 46, also known as the "Professional Prosecutors Act." The 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 (currently \$125,000), as adjusted from time to time. A commissioners court may add a county supplement to the prosecutor's state salary as long as the supplement is equal to the county supplement paid to the county's highest paid district judge. There were 147 such prosecutors in the state in fiscal year 2008. Separate statutes establish the salary for prosecutors not prohibited from the private practice of law at a level lower than the salary of a district judge. Also, another statute provides an apportionment of state funds for certain counties with district attorneys that do not receive a state salary (see below).

## DISTRICT ATTORNEYS

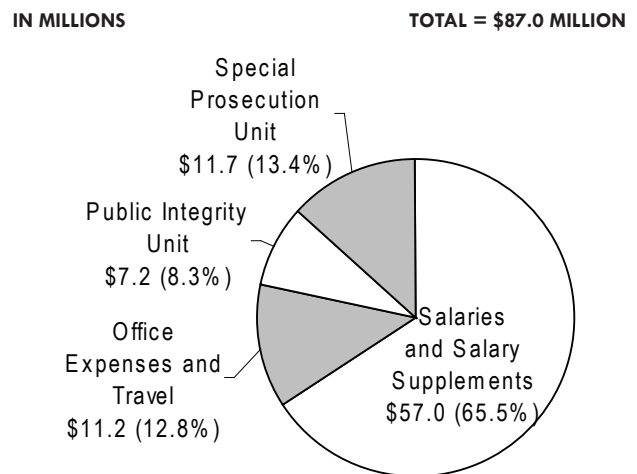
District attorneys compensated under Government Code §41.013 are permitted to engage in the private practice of law. They receive 80 percent of the compensation paid a district judge (currently \$100,000), as adjusted from time to time. There were 5 such prosecutors in the state in fiscal year 2008.

**FIGURE 25**  
**APPROPRIATIONS FOR PROSECUTORS**  
**BY METHOD OF FINANCE**  
**2008–09 BIENNIUM**



SOURCE: Legislative Budget Board.

**FIGURE 26**  
**APPROPRIATIONS FOR PROSECUTORS BY PROGRAM**  
**2008–09 BIENNIUM**



SOURCE: Legislative Budget Board.

## FELONY PROSECUTORS

The state pays the salaries of the Jackson County Criminal District Attorney, the Fayette County Attorney, and the Oldham County Attorney. The Fayette and Oldham county attorneys perform the duties of a district attorney. These prosecutors are permitted to engage in the private practice of



law. The Jackson County and Fayette County prosecutors receive 80 percent of the compensation paid a district judge (currently \$100,000), as adjusted from time to time. Under Government Code §45.280, the Oldham County Attorney's state salary is \$28,500 less than district attorneys receiving 80 percent of a district judge's salary (currently \$71,500).

### **HARRIS COUNTY DISTRICT ATTORNEY**

Under Government Code, Chapter 41, the state makes an apportionment of state funds for prosecution in certain eligible counties where there is a district attorney 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 Harris County and cannot exceed 4 cents per capita under Government Code §41.203. The amount apportioned to Harris County is \$136,023 per year during the 2008–09 biennium. 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**

Under 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. In practice, amounts reimbursed have been limited to an amount not to exceed \$1,750 per county for prosecutors in multi-county districts.

Chapter 43 also provides that a district attorney is entitled to reimbursement from the state for other expenses incurred in the discharge of official duties. Historically, the 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 not to exceed \$34,450 per district for both multi-county districts and single-county districts served by professional prosecutors. Annual amounts for all other single-county districts served by felony prosecutors are limited to \$17,050 per year. Reimbursement limits are not set in statute, but are set in Rider 7 of the bill pattern for the Judiciary Section, Comptroller's Department in the 2008–09 General Appropriations Act.

### **TRAVIS COUNTY ASSISTANT DISTRICT ATTORNEYS**

Historically, the legislature has provided an annual salary supplement of \$2,808 to two Travis County Assistant District Attorneys. The salary supplements are authorized by Government Code §43.132 and amounts paid are set in the bill pattern of the Judiciary Section, Comptroller's Department.

### **COUNTY ATTORNEY SUPPLEMENT**

Under Government Code, Chapter 46, the state funds a salary supplement to constitutional county attorneys who do not have general felony jurisdiction and who are not state prosecutors under the Professional Prosecutors Act. County attorneys are entitled to receive a supplement equal to one-half of the salary of a district judge ( $\$125,000/2 = \$62,500$ ) divided by the total number of counties served by the state prosecutor serving in the county, unless that formula would result in an amount less than one-sixth of a district judge's salary ( $\$125,000/6 = \$20,833$ ), in which case the county attorney is entitled to receive one-sixth of the district judge's salary.

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 in relation to each state prosecutor as 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 \$62,500.

### **ASSISTANT PROSECUTOR LONGEVITY PAY**

The state provides longevity pay in the amount 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 \$125,000 = \$100,000). The funding source for the longevity pay is derived from a \$15 surety bond fee, two-thirds of which is deposited to the Felony Prosecutor Supplement Fund No. 303 (Other Funds) and one-third of which is deposited to the General Revenue-Dedicated Fair Defense Account No. 5073.

**Figure 27** lists all prosecutor salaries and payments.

**FIGURE 27  
PROSECUTOR SALARIES AND PAYMENTS**

PROSECUTOR	STATUTORY AUTHORITY	SALARY/PAYMENT
Professional Prosecutor	State Salary Government Code §46.002 and §46.003	\$125,000
District Attorneys	State Salary Government Code, §41.013	\$100,000
Felony Prosecutors: Jackson County Criminal District Attorney Fayette County Attorney Oldham County Attorney	State Salary Government Code §44.220; §45.175; and §45.280	\$100,000 \$100,000 \$71,500
Harris County District Attorney	State Apportionment Government Code §41.201, §41.203, §43.180 and Local Government Code §154.008	\$136,023
Felony Prosecutor Travel	Travel expenses for prosecutors in multi- county districts Government Code §43.004	An annual amount of \$1,750 per county in multi-county districts
Felony Prosecutor Expenses	Office expenses Amounts set in Rider 6, Page IV-36 of the 2008–09 General Appropriations Act	An annual amount of \$34,450 per district in multi-county districts; \$17,050 per district in single-county districts  An annual amount of \$34,450 for both multi-county and single-county districts for professional prosecutors under Government Code, Chapter 46
Travis County Assistant District Attorneys	Salary Supplement Government Code §43.132	Two annual salary supplements provided at \$2,808 each
County Attorney Supplement	Salary supplement to 254 constitutional county attorneys	If county is served by one state prosecutor, then salary supplement equals \$62,500 divided by the number of counties served by the local state prosecutor or \$20,833, whichever is greater  If county is served by two or more state prosecutors, then salary supplement equals sum of compensation the county attorney would have received if the county was served by only one state prosecutor or \$62,500, whichever is less.
Assistant Prosecutor Longevity Pay	Longevity Pay	\$20 per month for each year of lifetime service credit, not to exceed \$5,000 annually

SOURCE: Legislative Budget Board.

**PUBLIC INTEGRITY UNIT**

State funding for the Public Integrity Unit (PIU) of the Travis County District Attorney's Office totals \$7.2 million for the 2008–09 biennium. The PIU has three divisions responsible for the investigation and prosecution of (1) criminal offenses related to state government; (2) fraud and other crimes

committed by people or companies in the insurance business; and (3) fraud related to the state tax on motor fuels.

The General Investigations Division of the PIU reviews, investigates, and when appropriate prosecutes allegations of criminal activity relating to state government. The type of illegal conduct investigated varies widely and can include offenses committed by state employees in the course of their

employment or by private citizens that interact with state government. Criminal complaints referred to the division commonly involve theft of state money or property, state tax fraud, falsification of government records, and election code and financial reporting violations. Venue for prosecution of criminal cases generally lies in the county where all or part of the offense occurs. The Travis County District Attorney's Office has responsibility for a disproportionate share of offenses relating to state government because the seat of state government, Austin, is located within the county. Statutes in a few specific areas uniquely related to state government, including most state tax fraud, place venue in Travis County regardless of where the offense occurred. The General Investigations Division is funded from General Revenue.

Since the beginning of fiscal year 2008, the General Investigations Division of PIU has received over 200 new complaints. PIU reports that as of August 2008, there are more than 280 active investigations and indicted cases pending on the dockets of the Travis County District Courts. PIU reports that since 1989 the General Investigations Division has obtained convictions in approximately 480 cases, which have resulted in over \$7 million in court-ordered restitution.

The PIU also has statewide responsibilities in the areas of insurance fraud and motor fuels tax fraud. The legislature chose the PIU as the appropriate entity to handle these cases in 1989 when fraud threatened to undermine both the insurance and motor fuels industries. Special venue statutes permit offenses involving the Insurance Code and the motor fuel tax provisions in the Tax Code to be prosecuted in Travis County regardless of where they are committed in the state. These laws also make the Travis County District Attorney's Office the exclusive agency with authority and jurisdiction to prosecute statewide in both of these areas.

The Insurance Fraud Division of the PIU was created in 1989, after legislative hearings involving the State Board of Insurance highlighted numerous allegations of systemic looting of many insurance companies by company officials in Texas. PIU reports that since 1989 there have been 380 prosecutions and convictions resulting in nearly \$20 million in court-ordered restitution and fines. The division handles cases involving fraud that affects the solvency of insurance companies, cases that have statewide impact on the insurance industry, and cases involving the selling of fraudulent insurance plans and policies. Additional priority cases involve financial fraud by company officials, large embezzlements by officials and employees, claims-fraud rings, widespread

schemes with multiple consumer victims, and health care fraud. PIU reports that as of August 2008 there are over 70 active investigations and indicted cases pending. The Insurance Fraud Division is funded from the self-leveling General Revenue Account for Insurance Companies Maintenance Tax and Insurance Department Fees.

The Motor Fuels Tax Fraud Division of the PIU was created in 1989 after the Comptroller estimated the state was losing millions of dollars annually in fuels tax revenue through fraudulent schemes and evasion of taxes. The division works closely with the Comptroller to identify and prosecute persons involved in the motor fuels industry who systematically defraud the state of fuels taxes on a large scale. The PIU reports since 1990 this effort has resulted in more than 190 convictions with more than \$10.5 million in court-ordered restitution. The PIU reports that motor fuels tax fraud cases are often more difficult to prove than most white-collar crime cases. Motor fuels tax fraud may be perpetrated anywhere along the distribution chain of suppliers, transporters, distributors, dealers, licensees, and blenders. Most of the tax evaders conduct business on a cash basis, and paperwork is intentionally avoided to avoid leaving a paper trail. Cases must be proved through collateral sources and the number of individuals involved magnifies the complexity of these cases. The Motor Fuels Tax Fraud Division is funded from State Highway Fund No. 6.

### **SPECIAL PROSECUTION UNIT**

State funding for the Special Prosecution Unit (SPU) totals \$11.7 million for the 2008–09 biennium. The SPU is a governmental entity charged with prosecuting crimes that occur within the Texas Department of Criminal Justice (TDCJ) and also with initiating civil commitment proceedings against sexually violent predators who 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 is divided into three divisions: the Criminal Prison Prosecution Division, the Civil Commitment Division, and the new Juvenile Division. All three divisions are headquartered in Huntsville and operate under the direction of an Executive Director.

The SPU is governed by an executive board of 11 district attorneys who are selected by those 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 from the General Revenue Fund.

The SPU was created by a group of district attorneys in 1984. Since then, the prison population has grown from 38,000 to more than 150,000 inmates in more than 100 private and public units around the state. In 2007, the Criminal Division disposed of 462 cases, including murder, escape, 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 a service in providing 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 bridges the gap between the investigative work done by investigators within the Office of the Inspector General (OIG) for TDCJ, the local law enforcement agencies as well as the district attorney. Personnel from the Criminal Division work closely with the OIG, advising them 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 various 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 Civil Division of the SPU was created by the Seventy-sixth Legislature, 1999, and 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 funding from the General Revenue Fund. Also, the Eightieth Legislature, 2007, enacted legislation that authorizes a \$5 admission fee on certain sexually-oriented businesses, to be deposited to the General Revenue–Dedicated Sexual Assault Program Fund. The Legislature made a \$2.0 million appropriation for civil commitments of sex offenders from this source, but since that time the constitutionality of the fee was challenged and the case is currently pending in the court system.

Under the enacting statute for civil commitments, TDCJ must notify the SPU upon the anticipated release of a person serving a sentence for a sexually violent offense after determining 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 an independent determination of the person's predator status. Due to the SPU's Huntsville location, civil commitment proceedings are almost exclusively held in Montgomery County. 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 the person's predator status before a judge or jury. If the state cannot prove beyond a reasonable doubt that the person is likely to engage in a predatory act of sexual violence, the person can be released from supervision. The SPU reports that since fiscal year 2000, the Civil Division has civilly committed 109 individuals and 16 cases are pending trial.

**STATE PROSECUTING ATTORNEY**

The Eightieth Legislature, 2007, enacted Senate Bill 497, which links the State Prosecuting Attorney’s salary to the Professional Prosecutors Act. Prior to the 2008–09 biennium, the State Prosecuting Attorney’s salary was set separately from other professional prosecutors and was set similarly to other state agency directors as an exempt position in the General Appropriations Act. When the Seventy-ninth Legislature, 2005, passed a judicial pay raise during its Second Called Session, the State Prosecuting Attorney’s salary was not included in the judicial pay raise bill like the state’s other professional prosecutors. The State Prosecuting Attorney’s salary is now linked with other professional prosecutors at \$125,000.

# STATE FUNDING FOR OTHER JUDICIARY PROGRAMS

In addition to salaries and operating costs for appellate courts; salaries for district judges, visiting judges, felony prosecutors, associate judges, and court assistants for child support and protection courts, and salary supplements for county court judges and assistant prosecutors, the legislature funds other programs in the judiciary:

- four judicial agencies—the Office of Court Administration (which includes the Court Reporters Certification Board); and, the Office of the State Prosecuting Attorney, the State Commission on Judicial Conduct, and the State Law Library (combined into Other Judicial Agencies in **Figure 28**);
- the Task Force on Indigent Defense, which is administratively attached to the Office of Court Administration;
- 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);

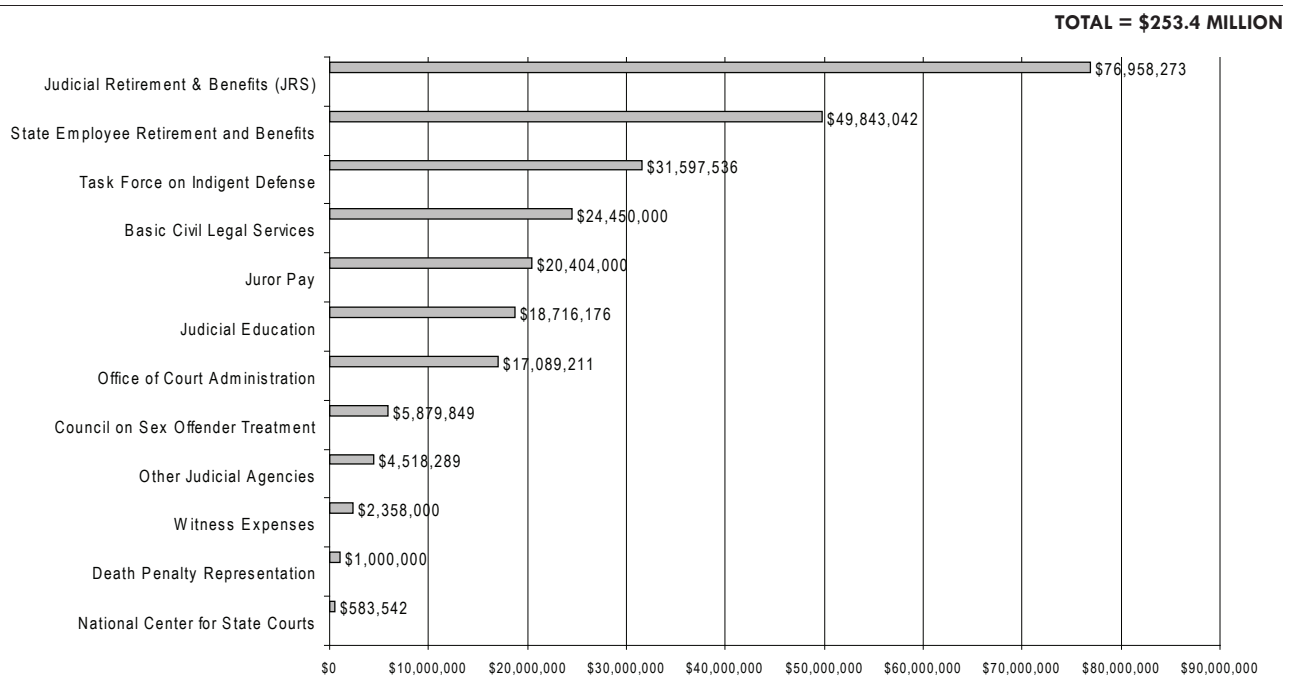
- health insurance, social security and retirement benefits for non-judges employed by the judiciary and judicial agencies (State Employee & Retirement Benefits);
- basic civil legal services for the indigent;
- judicial education;
- witness expenses;
- death penalty representation;
- the National Center for State Courts;
- juror pay; and
- the Council on Sex Offender Treatment.

**Figure 28** depicts the 2008–09 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. The OCA provides information and technical assistance to more than 2,600 state and local

**FIGURE 28  
OTHER JUDICIARY PROGRAMS  
2008–09 BIENNIUM**



SOURCE: Legislative Budget Board.



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 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.

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 branch agencies. Appropriations for fiscal years 2008–09 for information technology total \$11.7 million in General Revenue Funds. Of this amount, \$4.8 million is dedicated to providing information services to the trial courts.

In 1996, the OCA created a Collection Improvement Program (CIP) for county-level courts in Brazoria County to improve collection rates of criminal court costs, fees, and fines. The CIP includes dedicated collections staff and a financial background check of each payee requiring a payment plan. In 2005, the Seventy-ninth Legislature enacted legislation requiring cities with populations of 100,000 or more and counties with populations of 50,000 or more to participate in the program, unless OCA provided the city or county a waiver from program requirements. In the 2008–09 biennium, OCA estimates the mandated programs will generate at least \$49.0 million, including \$47.5 million to General Revenue Related accounts.

#### **TASK FORCE ON INDIGENT DEFENSE**

OCA provides services to the Task Force on Indigent Defense (TFID), a standing committee of the Texas Judicial Council, which sets standards and awards grants to counties for criminal defense services for indigents. The Eightieth Legislature, 2007, enacted legislation that created a new \$2 court cost in criminal convictions to be deposited to the General Revenue–Dedicated Fair Defense Account and increased funding for the TFID by \$12.5 million in addition to the regular 2008–09 appropriation of \$31.6 million.

Additionally, beginning in fiscal year 2009, an anticipated \$6.0 million will be transferred from the Juror Pay Subaccount administered by the Judiciary Section, Comptroller's Department for a total appropriation of \$50.1 million. Of this amount, \$48.7 million is available in grants to eligible counties for improving legal services for indigent criminal defendants. The Eightieth Legislature, 2007, also directs the TFID to use \$0.8 million to contract with law schools at the University of Houston, The University of Texas, Texas Tech University, and Texas Southern University for innocence projects. The projects involve students reviewing criminal case convictions to attempt to exonerate the wrongfully convicted and to identify reforms to improve criminal defense practices. All appropriations for the TFID come from the Fair Defense Account, a General Revenue–Dedicated Fund account funded by court costs, surety bond fees, and state bar membership fees.

#### **COURT REPORTERS CERTIFICATION BOARD**

The Court Reporters Certification Board (CRCB) was created in 1977 and consists of 13 members appointed by the Supreme Court of Texas. The board's primary responsibilities are to license shorthand court reporters and to enforce the rules and regulations governing their activities. Since September 1, 2001, court reporting firms have been required to register with the board. The board is responsible for tracking registered court reporting firms, setting and collecting registration fees, and enforcing the rules and regulations governing these firms. All official court reporters must be certified by the Supreme Court of Texas. As of August 31, 2008, there were 2,658 active certified court reporters and 379 registered court reporting firms in Texas. Appropriations for the 2008–09 biennium total approximately \$0.3 million and provide for 3 full-time-equivalent positions. The board is funded solely with General Revenue Funds, supported by the collection of examination and license fees. The Seventy-eighth Legislature, Regular Session, 2003, incorporated the CRCB appropriations into the OCA budget structure and directed OCA to provide administrative support to the CRCB in fulfilling its statutory responsibilities.

#### **GUARDIANSHIP CERTIFICATION BOARD**

The Guardianship Certification Board (GCB) is comprised of eleven members appointed by the Supreme Court and four public members appointed by the Supreme Court from a list of nominees submitted by the Governor. The Seventy-ninth Legislature, 2005, passed Senate Bill 6 which

created the GCB to establish a certification process for individuals other than volunteers who act as private professional guardians or provide guardianship services to wards of the Texas Department of Aging and Disability Services or to wards of guardianship programs. The board is administratively attached to OCA.

#### **PROCESS SERVER REVIEW BOARD**

The Process Server Review Board consists of nine members who are appointed by the Supreme Court of Texas for a three-year term. The Supreme Court approved amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure, effective July 1, 2005, governing statewide certification of process servers. The board works 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, by making recommendations to the Supreme Court on the certification of individuals and the approval of courses. By direction of the court, the OCA provides administrative assistance to the board.

#### **OFFICE OF THE STATE PROSECUTING ATTORNEY**

The Office of the State Prosecuting Attorney (OSPA) was created in 1923 and 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 or may assist a district or county attorney in representing the state before a court of appeals if the State Prosecuting Attorney considers it necessary for the interest of the state, or if asked by the local prosecutor to do so. Given its 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 issued by the 14 Courts of Appeals that reverse a criminal conviction or modify the 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 is the only agency empowered to take a statewide perspective on important issues arising in Texas criminal law and it functions as the primary source of guidance and assistance for many local prosecutors. Appropriations for the OSPA for the 2008–09 biennium total \$0.9 million. Ninety-four percent of OSPA's budget is funded from General Revenue Funds. The agency also receives a \$34,450 annual office apportionment as an Interagency Contract paid to all multi-

county prosecutors throughout the state from the Comptroller's Judiciary Section.

#### **STATE LAW LIBRARY**

The State Law Library was created in 1971 and 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 citizens. The library maintains approximately 100,000 volumes 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. It is authorized to provide an online, computer-based legal research service for state agencies on an interagency contract basis. The library serves as an active disseminator of information and an active participant in cooperative efforts with other libraries, governmental agencies, and state and national organizations. Appropriations for the 2008–09 biennium for the State Law Library total \$1.9 million. Of the appropriated amount, \$1.8 million, or 95 percent, is from General Revenue Funds.

#### **STATE COMMISSION ON JUDICIAL CONDUCT**

The State Commission on Judicial Conduct (SCJC) was created by constitutional amendment in 1965 and 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. There are approximately 3,716 judges and judicial officers under the jurisdiction of the SCJC.

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. Under these governing provisions, the SCJC may dismiss a complaint against a judge, order additional education for a judge, publicly or privately sanction a judge, or after conducting public hearings, recommend to the Supreme Court that a judge be removed or retired. A judge who is publicly or privately sanctioned by the SCJC is entitled to a review of the agency's decision by a special court of review.

Appropriations for the 2008–09 biennium total \$1.8 million, and the agency is funded entirely with General Revenue Funds.

**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. The 2008–09 appropriations for JRS I total \$56.7 million.

To reduce the long-term liabilities associated with a pay-as-you-go retirement plan, this plan 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 16.83 percent of salary for contributing members for each fiscal year. The member’s or judge’s contribution is 6 percent of salary. The 2008–09 appropriations for JRS II total \$20.2 million.

The retirement eligibility requirements for JRS I and JRS II are listed in **Figure 29**, along with the method for calculating the retirement benefit.

**BASIC CIVIL LEGAL SERVICES FOR THE INDIGENT**

The Seventy-fifth Legislature, 1997, established a Basic Civil Legal Services (BCLS) Account in the Judicial Fund No. 573. The legislation, Senate Bill 1534, enacted increases in civil court filing fees to fund the account; those funds are being distributed to nonprofit organizations that provide basic civil legal services to the indigent. Based on the bill, 5 percent of revenue produced by the fees is retained by counties as payment for collecting and remitting fees to the Comptroller of Public Accounts. The Supreme Court established the criteria for eligibility for the fund and appointed the Texas Access to Justice Foundation (TAJF) in 1984 to administer the program. The Foundation receives 3.5 percent of funds received by the program as a service fee. Remaining funds may be distributed only to nonprofit

**FIGURE 29**  
**JRS I AND JRS II RETIREMENT ELIGIBILITY REQUIREMENTS**

JUDICIAL RETIREMENT SYSTEM (JRS) I	JUDICIAL RETIREMENT SYSTEM (JRS) II
<p><b>FULL BENEFIT</b></p> <ul style="list-style-type: none"> <li>At age 65 with 10 years of service and currently holding a judicial office</li> <li>At age 65 with 12 years of service, whether or not currently holding a judicial office</li> <li>At any age with 20 years of service, whether or not currently holding a judicial office</li> <li>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</li> </ul>	<p><b>FULL BENEFIT</b></p> <ul style="list-style-type: none"> <li>At age 65 with 10 years of service and currently holding a judicial office</li> <li>At age 65 with 12 years of service, whether or not currently holding a judicial office</li> <li>At any age with 20 years of service, whether or not currently holding a judicial office</li> <li>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</li> </ul>
<p><b>REDUCED BENEFIT</b></p> <ul style="list-style-type: none"> <li>Age 60 with 10 years of service and currently holding a judicial office</li> <li>Age 60 with 12 years of service, whether or not currently holding a judicial office</li> </ul>	<p><b>REDUCED BENEFIT</b></p> <ul style="list-style-type: none"> <li>Age 60 with 10 years of service and currently holding a judicial office</li> <li>Age 60 with 12 years of service, whether or not currently holding a judicial office</li> </ul>
<p><b>BENEFIT CALCULATION</b></p> <ul style="list-style-type: none"> <li>50 percent of current state salary for judge of court of the same classification on which last served</li> <li>An additional 10 percent if retiree has not been out of office for more than one year at the time of retirement or retiree will accept assignment as a visiting judge</li> <li>Monthly retirement annuities are automatically adjusted each time judicial salaries change.</li> </ul>	<p><b>BENEFIT CALCULATION</b></p> <ul style="list-style-type: none"> <li>50 percent of the judge’s final state salary</li> <li>An additional 10 percent if retiree has not been out of office for more than one year at the time of retirement or retiree will accept assignment as a visiting judge</li> <li>Monthly retirement annuities must be adjusted through legislation.</li> </ul>

SOURCE: Legislative Budget Board.

organizations that provide basic civil legal services to individuals meeting the income eligibility criteria established by the Supreme Court of Texas. To qualify for aid, an individual cannot earn more than \$13,000 per year.

State BCLS funding is only one component of total spending for indigent civil services in Texas. On behalf of the Supreme Court, the TAJF manages the state BCLS grant and additional funding collected through the Texas Interest on Lawyers' Trust Accounts (IOLTA) program. The program generates revenue for legal aid by collecting interest earned on trust accounts. Accordingly, revenue from the IOLTA program can vary substantially based on fluctuation in interest rates. TAJF projected that the Foundation would receive \$28.0 million in interest income from the IOLTA program in fiscal year 2007. However, due to lower interest rates, actual receipts in fiscal year 2007 equaled \$20.0 million. As of December 2008, the Foundation projects a decrease in revenue from the IOLTA program for indigent civil legal services, \$12.1 million in fiscal year 2008, and \$6.0 million in fiscal year 2009. From all sources of funding, Texas legal aid organizations disposed of approximately 107,000 cases in fiscal year 2007. Revenue from all sources received by the TAJF in calendar year 2007 totaled \$89.1 million (see **Figure 30**).

Of the \$24.5 million in 2008–09 appropriations for Basic Civil Legal Services, \$14.5 million is from fees deposited into Judicial Fund No. 573; \$5.0 million is from an interagency contract with the Office of the Attorney General for a Crime Victims Civil Legal Services program; and \$3.0 million is

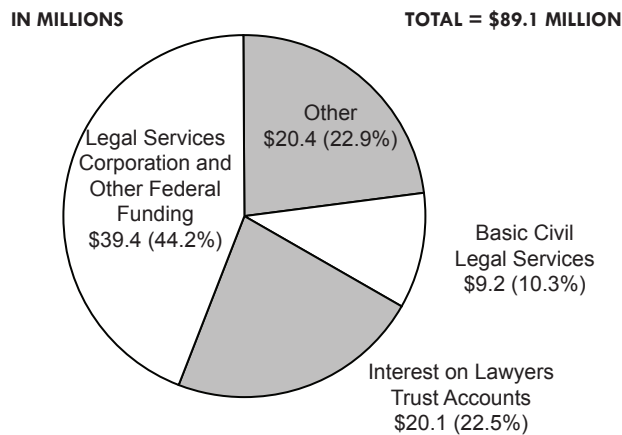
from the General Revenue Fund. The interagency contract with the Office of the Attorney General represents funding from the Compensation to the Victims of Crime Fund No. 469, and is intended to provide civil legal services for indigent victims of crime or indigent immediate family of indigent victims of crime. Legal services include protective orders, housing and/or disability benefit claims.

House Bill 1751, enacted by the Eightieth Legislature, 2007, imposes a \$5 admission fee on certain sexually-oriented businesses. The first \$25 million collected by the state from this fee is deposited as General Revenue–Dedicated Funds to the Sexual Assault Program fund. The court received a \$2 million appropriation from the fund for its Basic Civil Legal Services Program for indigent victims with civil legal problems resulting from sexual assault, such as protective orders, lease terminations and victim compensation and benefits. As of September 2008, the \$5 admission fee is being collected, but not available for expenditure, pending further court developments. (Affected businesses have challenged the legality of the fee.) For those agencies appropriated funds contingent on adoption of House Bill 1751 in fiscal year 2008, the Comptroller of Public Accounts distributed on a pro-rata basis a portion of the unexpended balance in the Sexual Assault Program fund. The court's pro-rata share was approximately \$300,000, which in turn was distributed to a nonprofit organization identified by the TAJF.

**JUDICIAL EDUCATION**

The Court of Criminal Appeals supervises grant programs for judicial and court personnel training, which are funded primarily through the collection of court costs in criminal case convictions. The 2008–09 appropriations from the Judicial and Court Personnel Training Fund No. 540 total

**FIGURE 30  
CIVIL LEGAL SERVICES FOR LOW-INCOME TEXANS  
ALL REVENUE SOURCES**



- court personnel training wing organizations:
  - judiciary, providing training in statutory county,
  - Counties, providing training in constitutional county performed by the judge cent judicial functions;
  - ts Education Center, judges and clerks serving

- The Texas Justice Court Training Center, providing training for justices of the peace, 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; and
- The Center for American and International Law, providing training for judges, prosecutors, and criminal defense attorneys.

During fiscal year 2007, grant expenditures totaled \$8.9 million and 12,205 persons attended training.

The Eightieth Legislature, 2007, enacted Senate Bill 496 authorizing the Court of Criminal Appeals to use more than 3 percent of its annual appropriation from the Judicial and Court Personnel Training Fund No. 540 to administer judicial education programs if the legislature appropriates additional funding for that purpose. Senate Bill 496 also authorizes the use of funds from Judicial and Court Personnel Training Fund No. 540 for programs that provide law enforcement officers, law students, and other participants with actual innocence training.

### **WITNESS EXPENSES**

The 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 is held. The 2008–09 appropriations for witness expenses total \$2.4 million.

### **DEATH PENALTY REPRESENTATION**

The Code of Criminal Procedure, Article 11.071 requires that the state provide compensation for counsel representing death row inmates. The 2008–09 appropriations for Death Penalty Representation total \$1 million.

### **NATIONAL CENTER FOR STATE COURTS**

The legislature appropriates funds to pay for the Texas judiciary's membership in this national organization. The 2008–09 appropriations for the membership total \$0.6 million.

### **JUROR PAY**

Senate Bill 1704, Seventy-ninth Legislature, 2005, increased the minimum amount counties pay jurors from \$6 to \$40 per day after the first day of service. The bill created 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, who uses collections to reimburse the counties for the higher juror pay costs on a quarterly basis. In the event unexpended balances in collections for juror pay exceed \$10 million, the Comptroller must deposit such excess amounts to the General Revenue–Dedicated Fair Defense Account No. 5073 for the Task Force on Indigent Defense to provide additional grants to counties for criminal defense services. Beginning in fiscal year 2009, the Comptroller will transfer an estimated \$6.0 million per fiscal year from the Juror Pay sub-account within the General Revenue Fund to the General Revenue–Dedicated Fair Defense Account No. 5073. The 2008–09 appropriations for juror pay total \$20.4 million.

### **COUNCIL ON SEX OFFENDER TREATMENT**

The Council on Sex Offender Treatment (CSOT) was created in 1983 and consists of seven members appointed by the Governor: three members of the public and four members registered as providers of sex offender treatment. The CSOT's primary responsibilities are to administer the civil commitment program of sexually violent predators referred by the Special Prosecution Unit (SPU) and to establish regulations and provide educational materials regarding the treatment of sex offenders. According to the SPU, 109 individuals have been civilly committed since the program's inception in fiscal year 2000. However, as of August 2008, the CSOT reports that it provided services to an additional 51 persons under civil commitment during fiscal year 2008, due to the high rate of recidivism for this population.

The Eightieth Legislature, 2007, transferred funding for the treatment and supervision of sex offenders who have been civilly committed from the Department of State Health Services (DSHS) to the Judiciary Section, Comptroller's Department. Appropriations added to the Judiciary Section for the 2008–09 biennium total \$5.9 million in General Revenue Funds and provide for 10 full-time-equivalent positions. DSHS will continue to provide direct services for persons under civil commitment as sex offenders through an interagency contract with the Judiciary Section.



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## 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 comprised of appellate courts and local trial courts. Local trial courts include municipal courts, justice courts, small claims courts, county-level courts, and district courts, all with differing levels of jurisdiction. Statewide, there are a greater number of criminal cases disposed than civil cases filed. Accordingly, most state revenue is collected at the trial-court level in the disposition of criminal cases, with \$760.6 million estimated to be collected over the 2008–09 biennium. The state uses revenue generated from criminal case dispositions for many purposes, with an estimated 24 percent of collections deposited to the General Revenue–Dedicated Compensation to the Victims of Crime Fund No. 469. The states' appellate courts do not collect additional court costs from criminal cases on appeal.

Revenue related to the filing of civil cases is collected mostly by county-level and district trial courts. A smaller amount for 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. A total of \$94.8 million is estimated to be collected over the 2008–09 biennium and deposited to the Judicial Fund No. 573 (Other Funds) from civil case filings. The state uses revenue from civil cases to fund a portion of judicial salaries, to provide salary supplements for county-level judges, and to 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 charges the following fees:

- |   |       |
|---|-------|
| (1) petition for review   | \$75  |
| (2) additional fee if petition for review is granted                                  | \$75  |
| (3) original proceeding   | \$75  |
| (4) additional fee if original proceeding is granted                                  | \$75  |
| (5) direct appeals to the Supreme Court   | \$125 |
| (6) any other proceeding filed in the Supreme Court                                   | \$100 |
| (7) additional filing fee deposited to the Supreme Court Account in the Judicial Fund | \$50  |

The Supreme Court clerk also collects a fee of \$10 for the issuance of an attorney's license or certificate affixed with a seal. The Court uses the fee for the preparation and issuance of the license or certificate, and for ceremonies to induct newly licensed attorneys. The Court reports amounts collected in fiscal year 2007 from civil fees, attorney license fees, and copies of court records was \$0.1 million.

The 14 Courts of Appeals charge the following fees for civil proceedings:

- |   |       |
|---|-------|
| (1) appeals to the court of appeals from the district and county courts                     | \$125 |
| (2) original proceeding   | \$75  |
| (3) motion to file or to extend time to file record on appeal from district or county court | \$10  |
| (4) additional filing fee deposited to the Supreme Court Account in the Judicial Fund       | \$50  |

The 14 Courts of Appeals report the amount collected in fiscal year 2007 from civil fees was \$0.5 million.

The Supreme Court, the Court of Criminal Appeals and the 14 Courts of Appeals also assess fees for the publication or sale of copies of court records to publishers and the public. The courts are appropriated collection amounts under Article IX provisions regarding reimbursements, and report the amount collected from this source in fiscal year 2007 was \$0.2 million.

### TRIAL COURT-GENERATED STATE REVENUE

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

#### 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 31** lists state court costs and fees and shows which court type can assess the fee or cost. (Also, see Appendix D.)

#### CIVIL FILING FEES

Most of the state revenue from civil cases is collected by county-level and district courts. **Figure 32** lists state court costs and fees and shows which court type can assess the cost or fee.

**FIGURE 31  
DESCRIPTION OF STATE COURT COSTS AND FEES CHARGED BY TRIAL COURTS**

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST/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
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
Indigent Defense	\$2	To provide support for indigent defendants.	X	X	X	X
Drug Court Program Fee	\$50	To provide support for court-administered drug court programs.			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
Failure to Pay/Appear/ Satisfy Judgment Fee	\$30	State receives \$20 from fee.	X	X	X	X
State Traffic Fine	\$30	Designated for state trauma facilities and emergency care. State receives 95% of remitted fine.	X	X	X	X
Jury Reimbursement Fee	\$4	Reimburses cost for jurors. State receives 90% of fee.	X	X	X	X
Judicial Support Fee	\$6	Provides court-related support. State receives 85% of fee.	X	X	X	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
DNA Testing	\$50 – eligible misdemeanors offenses \$250 – eligible felony offenses	State receives 100% of court cost; 35% goes to state highway system; and 65% goes to criminal justice projects.			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
Juvenile Probation Diversion Fund Court Cost	\$20	Charged per disposition hearing. State receives 90% of fee.			X	X
EMS Trauma Fund	\$100	Used for emergency medical services and trauma facilities. State receives 90% of court cost.			X	X
Restitution Installment Fee	\$12	Optional one-time fee charged when a defendant is require to make restitution in specified installments. State receives 50% of fee, which is deposited to the Crime Victims' Compensation Fund.	X	X	X	X
Statutory County Courts Salary Supplement	\$15	State receives 100% to pay annual salary supplements to county-level judges.			X	

SOURCE: Legislative Budget Board.



**FIGURE 32  
DESCRIPTION OF STATE CIVIL FILING FEES CHARGED BY TRIAL COURTS**

COURT COST OR FEE	AMOUNT	PURPOSE/USE OF COST/FEE	COURT(S) AUTHORIZED TO IMPOSE COST/FEE	
			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 non-disclosure 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 non-disclosure 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

SOURCE: Legislative Budget Board.

**LEGISLATIVE CHANGES DURING THE EIGHTIETH LEGISLATURE**

The Eightieth Legislature, 2007, enacted several bills that affect criminal and civil court fees and revenue:

- House Bill 530, which created a \$50 drug court fee to support drug court programs;
- House Bill 1267, which created a new \$2 court cost to support indigent defense; and
- Senate Bill 600, which increased the criminal court cost and the civil filing fee for Judicial Support.

Due to the changes implemented through these three bills, there are additional revenues expected for the 2008–09 biennium. With these changes, criminal caseloads at the trial court level are expected to generate a total of \$760.6 million

in revenue to the state, including revenues in the 2008–09 Biennial Revenue Estimate (BRE) and new revenues from Senate Bill 1863, Senate Bill 1704, and House Bill 1751. **Figure 33** shows the allocation of the revenues.

As of November 2008, the collected revenues for the items listed in **Figure 33** total \$379.5 million for fiscal year 2008.

In addition to the bills mentioned previously, there were several bills filed which would have revised the mandate for Collection Improvement Programs, as designed by Senate Bill 1863, Seventy-ninth Legislature, Regular Session, 2005. These revisions included making all programs voluntary and increasing the incentive for local courts to participate. Ultimately, none of these bills passed and the mandate for collection improvement remained. More detailed information

**FIGURE 33  
TOTAL PROJECTED STATE REVENUES FOR CRIMINAL CASES  
2008–09 BIENNIUM**

REVENUE STREAM	AMOUNT
Previously existing revenue (estimated)	\$743,624,096
House Bill 530	3,187,000
House Bill 1267	5,419,927
Senate Bill 600 (criminal)	8,321,508
<b>Total Revenue, 2008–09</b>	<b>\$760,552,531</b>

SOURCE: Legislative Budget Board; Comptroller of Public Accounts.

on this program is provided in the “Overview of the Collection Improvement Program” section.

Civil caseloads are expected to bring in \$94.1 million at the trial court level for the 2008–09 biennium. Previously existing revenues are comprised of civil fees collected to fund judicial programs to provide basic civil legal services for the indigent. Senate Bill 600 increased the annual state supplement paid statutory county judges from \$35,000 to \$75,000, an amount equal to 60 percent of a district judge’s state salary. **Figure 34** shows these revenues.

**FIGURE 34  
TOTAL TRIAL COURT REVENUES FOR CIVIL CASES,  
2008–09 BIENNIUM**

REVENUE STREAM	AMOUNT
Previously existing revenue (estimated)	\$84,684,960
Senate Bill 600 (civil)	9,459,492
<b>Total Revenue, 2008–09</b>	<b>\$94,144,452</b>

SOURCES: Legislative Budget Board; Comptroller of Public Accounts.

**HOUSE BILL 530**

House Bill 530 created a \$50 drug court fee to support drug court programs. The court cost applies Class A and B misdemeanors and felonies for certain intoxication and drug convictions. House Bill 530 is projected to generate \$3.2 million in new General Revenue Funds. All of these funds are expended for drug court programs. As of September 2008, \$679,416 in revenue has been collected for this court cost.

**HOUSE BILL 1267**

House Bill 1267 created a new \$2 court cost to support indigent defense. The court cost applies to any offense other than those relating to parking or pedestrian offenses and is applied in municipal, justice, county, and district courts.

House Bill 1267 is expected to generate \$13.3 million in new General Revenue–Dedicated Funds revenue, deposited to the Fair Defense Account. As of September 2008, \$2.7 million has been collected in revenue for this court cost.

**SENATE BILL 600**

Senate Bill 600 increased the criminal and civil Judicial Support Fee. For criminal cases, the fee was increased from \$4 to \$6. For civil cases, the fee was increased from \$37 to \$42. Senate Bill 600 is expected to generate \$17.8 million in new Other Funds revenue, deposited to Judicial Fund No. 573; \$14.5 million will be expended for annual county judge salary supplements, resulting in a \$790,000 annual cost savings in General Revenue Funds.

**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 impact 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 35** summarizes the total costs for each sample offense. Please note that these totals do not include the charges for fines, probation, restitution, or other court-ordered obligations. The case examples listed in **Figure 35** 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 mentioned above can be found in **Appendix E**.

**OVERVIEW OF THE COLLECTION  
IMPROVEMENT PROGRAM**

The Collection Improvement Program, administered by the Office of Court Administration (OCA), helps trial level courts design efficient collection programs.

In February 1993, Dallas County courts sought to address the problem of low collection rates on court costs, fees, and fines by creating a formalized court collection program. The OCA piloted this program model in 1996 by helping Brazoria County launch a collections program for its courts.

The state-run program helps local court jurisdictions improve collection processes for criminal court costs and fees. Since its inception, the OCA Collection Improvement Program

**FIGURE 35  
CASE EXAMPLES SUMMARY**

OFFENSE	OFFENSE LEVEL	TOTAL COST TO OFFENDER
Dog Leash Violation	Municipal Ordinance	\$57
Passing a Stopped School Bus	Class C Misdemeanor	\$135
Speeding Outside of a School Zone	Class C Misdemeanor	\$128
False Report to a Peace Officer	Class B Misdemeanor	\$208
Driving While Intoxicated, 2nd <sup>1</sup>	Class A Misdemeanor	\$4,873
Indecent Exposure with a Child	Felony, 3rd Degree	\$672

<sup>1</sup>This offense falls under the Driver's Responsibility Program, which adds a surcharge of \$1,500 each year for three years.  
SOURCE: Legislative Budget Board.

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. A detailed financial application is also included for those offenders who request a payment plan. The Collection Improvement Program has two major benefits: it encourages personal responsibility through compliance with court orders and 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. By September 2005, OCA assisted with the development and implementation of voluntary collection programs in 50 counties and 17 cities.

**PARTICIPATING COURTS**

Criminal courts at any level (municipal, county, district, and justice of the peace courts) may implement a collections 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. Voluntary programs may have multiple programs within a single county. In a handful of cases, several counties have separate juvenile court collections programs. As of November 2008, there are 135 active programs. Of these programs, 76 programs are mandated by Senate Bill 1863, Seventy-ninth Legislature, Regular Session, 2005 and 59 programs are voluntary.

**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 non-compliance.
  - Telephone contact, letter notification, and possible issuance of an arrest warrant.
  - Possible application of statutorily-permitted collection remedies, such as programs for non-renewal 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.

OCA has two types of Collection Improvement Programs: municipal, which is one program that serves all municipal court judges, and county, which includes coverage of the three county court levels (district, county, and justice). Programs can be structured in four ways:

- 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 is a separate program for the district courts, a separate program for the county-level courts, and a separate program for 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 those offenders placed on community supervision, while the appropriate county program will collect from those offenders not placed on community supervision.

### OVERVIEW AND IMPLEMENTATION OF SENATE BILL 1863

During the Seventy-ninth Legislature, Regular Session, 2005, Senate Bill 1863, Article 10, expanded the scope of the Collection Improvement Program. This bill required mandatory participation in the Collection Improvement Program by Texas cities with a population of 100,000 or greater and counties with a population of 50,000 or greater.

As of July 2008, 74 of the 78 cities and counties that would be subject to the mandate set by Senate Bill 1863 have implemented full or partial Collection Improvement programs. Programs classified as having partial implementation either have not yet implemented all of the components of the program or do not have at least 90 percent court participation. These programs include Brazoria, Harris, Nueces, and Smith counties. With the exception of Harris County, which has been granted a waiver (the district courts and county courts have a program, the justice courts do not), all of the programs with partial implementation appear to be moving toward full implementation.

Four of the cities and counties subject to the mandate of Senate Bill 1863 have not implemented the Collection Improvement Program. Two of these counties, Parker and Fort Bend, have submitted implementation plans and appear to be working toward implementation. The remaining two, Anderson County and the City of Lubbock, have not implemented programs and have no implementation plans. Anderson County requested a waiver based on the inclusion of its prison population in census records, which placed it within the mandated population requirement; the OCA denied this request. The City of Lubbock has not sought a waiver and has not implemented a program.

Information on implemented and not implemented mandatory Collection Improvement programs is provided in **Figure 36**.

This bill required both the OCA and the Comptroller of Public Accounts to have a role in the mandatory expansion of the Collection Improvement Program. The OCA would continue with the assistance in program implementation and the Comptroller would perform audits, about one year after implementation, to check compliance.

The Comptroller's auditors have completed their pre-implementation collection rate determinations for 56 of the cities and counties with a mandatory Collection Improvement Program. The average pre-implementation collection rate for counties is 29.8 percent and the average pre-implementation collection rate for cities is 56.1 percent. This list includes the pre-implementation collection rates for all counties and cities mandated to implement the program by April 1, 2006, and a partial list of those required to implement by April 1, 2007. The Comptroller's auditors are continuing their determinations of those mandated to implement the program by April 1, 2007. Once the agency completes the pre-implementation collection rate determinations, it will begin post-implementation collection rate determinations. **Figure 37** provides individual city and county pre-implementation collection rates.

### REVENUE FROM MANDATORY PROGRAMS

Revenue from the mandatory expansion for the Collection Improvement Program generated an estimated \$26.4 million during the 2006–07 biennium. For the 2008–09 biennium, an estimated \$49.0 million in all funds is expected to be collected based on the mandatory programs. **Figure 38** shows the allocation of these revenues.

### STATUS OF VOLUNTARY COLLECTION IMPROVEMENT PROGRAMS

OCA has focused its efforts on Senate Bill 1863 implementation since the start of fiscal year 2006. Even with those obligations, as of July 2008, there are 56 voluntary programs in operation. Due to the focus on mandatory programs during the last three fiscal years as well as staff turnover at the local level, the OCA states that some of the voluntary programs are not functioning as originally designed.

The OCA has plans to “recertify” previously reported voluntary collection programs and “certify” new voluntary collection programs. The process will include using the same

**FIGURE 36**  
**SENATE BILL 1863 COLLECTION IMPROVEMENT**  
**COMPLIANCE STATUS, NOVEMBER 2008**

<b>IMPLEMENTED: CITIES</b>		
Abilene	Dallas	McAllen
Amarillo	El Paso	Mesquite
Arlington	Fort Worth	Pasadena
Austin	Garland	Plano
Beaumont	Grand Prairie	San Antonio
Brownsville	Houston	Waco
Carrollton	Irving	Wichita Falls
Corpus Christi	Laredo	
<b>IMPLEMENTED: COUNTIES</b>		
Angelina	Grayson	Nueces
Bastrop	Gregg	Orange
Bell	Guadalupe	Parker
Bexar	Harris*	Potter
Bowie	Harrison	Randall
Brazoria	Hays	San Patricio
Brazos	Henderson	Smith
Cameron	Hidalgo	Starr
Collin	Hunt	Tarrant
Comal	Jefferson	Taylor
Coryell	Johnson	Tom Green
Dallas	Kaufman	Travis
Denton	Liberty	Victoria
Ector	Lubbock	Walker
El Paso	McLennan	Webb
Ellis	Midland	Wichita
Fort Bend	Montgomery	Williamson
Galveston	Nacogdoches	
<b>NOT IMPLEMENTED: NO IMPLEMENTATION PLANS</b>		
City of Lubbock	Anderson County	

\*Harris County was granted a waiver and is not required to implement a Collection Improvement Program.  
 SOURCES: Legislative Budget Board; Office of Court Administration.

Collection Program Survey form that is used with the mandatory programs to verify that a voluntary collection program is in compliance with the requirements of the Collection Improvement Program. The process may include a sampling of cases to verify that voluntary programs are conforming with the various components of the Collection Improvement Program. The OCA developed an online database reporting system to monitor the collection results of

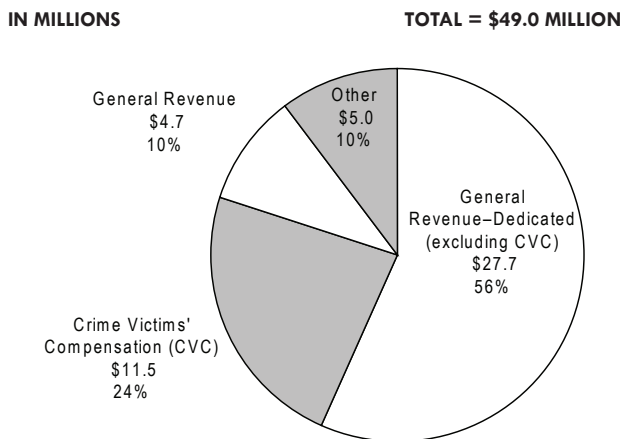
the mandatory programs. Voluntary collection programs will also be required to submit a monthly report on collection activity and results using this database so OCA can continually track their progress. Voluntary county collection programs may include a single court within the county or a program handling a subset of the courts. Unlike mandatory programs, the OCA does not plan to require all courts within a county to participate to count that county as having a voluntary collection program.

**FIGURE 37  
PRE-IMPLEMENTATION COLLECTION RATES**

COUNTY	OVERALL	COUNTY	OVERALL	CITY	OVERALL
Bastrop	37.26%	Kaufman	15.24%	Abilene	47.78%
Bell	35.34%	Liberty	34.51%	Amarillo	51.85%
Bexar	8.46%	Lubbock	47.04%	Arlington	66.27%
Bowie	38.58%	McLennan	42.00%	Austin	67.96%
Brazoria	50.32%	Midland	17.61%	Beaumont	65.09%
Brazos	34.53%	Montgomery	23.71%	Brownsville	53.31%
Cameron	30.83%	Nueces	17.54%	Carrollton	87.73%
Comal	39.74%	Parker	26.47%	Corpus Christi	39.89%
Coryell	37.33%	Potter	16.11%	Dallas	39.57%
Dallas	17.27%	Randall	24.83%	El Paso	51.19%
Ector	27.99%	San Patricio	37.04%	Fort Worth	43.73%
El Paso	23.68%	Smith	17.61%	Garland	49.06%
Galveston	41.07%	Starr	52.23%	Grand Prairie	62.58%
Grayson	28.50%	Taylor	26.11	Houston*	55.59%
Gregg	59.18%	Tom Green	29.49%	Irving	65.18%
Guadalupe	40.70%	Travis	31.32%	Lubbock	59.70%
Harris	25.70%	Victoria	17.61%	Mesquite	37.81%
Harrison	24.78%	Walker	33.35%	Pasadena	42.70%
Hays	44.45%	Wichita	31.49%	Plano	69.26%
Henderson	20.55%	Williamson	29.93%	San Antonio	72.22%
Hidalgo	24.10%			Waco	45.31%
Hunt	32.17%			Wichita Falls	48.72%

\*Computed by the Office of Court Administration.  
SOURCE: Comptroller of Public Accounts; Office of Court Administration.

**FIGURE 38  
ESTIMATED REVENUE FROM COLLECTION  
IMPROVEMENT PROGRAM, 2008–09 BIENNIUM**



SOURCE: Legislative Budget Board.



# APPENDIX A

## DISTRICT COURT PERFORMANCE MEASURES CLEARANCE RATE AND BACKLOG INDEX FROM SEPTEMBER 1, 2007 TO AUGUST 31, 2008 (COUNTIES LISTED IN ALPHABETICAL ORDER)

COUNTY	2007 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Anderson	56,760	97.1%	2.2	89.2%	0.6	*
Andrews	13,140	138.1%	1.9	100.7%	0.6	*
Angelina	82,812	102.4%	2.9	91.8%	0.6	115.8%
Aransas	24,721	95.8%	1.1	96.5%	0.6	*
Archer	9,004	100.0%	1.0	124.0%	0.9	20.0%
Armstrong	2,071	63.9%	4.3	50.0%	4.2	*
Atascosa	43,589	98.9%	1.1	93.5%	0.7	104.5%
Austin	26,610	51.7%	1.9	99.4%	2.1	*
Bailey	6,357	83.9%	0.4	125.8%	0.5	*
Bandera	20,197	95.8%	3.0	94.9%	0.9	*
Bastrop	72,248	90.7%	3.3	102.0%	1.1	*
Baylor	3,836	132.6%	1.0	72.1%	1.9	*
Bee	32,689	105.2%	1.9	96.4%	1.3	85.5%
Bell	276,975	91.6%	1.0	68.1%	0.6	*
Bexar	1,594,493	93.4%	0.9	91.7%	0.9	91.9%
Blanco	9,067	87.8%	0.9	96.1%	1.0	*
Borden	585	54.5%	12.7	*		*
Bosque	17,942	108.4%	0.7	122.2%	0.6	*
Bowie	91,553	97.8%	1.0	73.4%	1.2	*
Brazoria	294,233	118.4%	0.8	93.8%	0.6	*
Brazos	170,954	100.8%	2.4	105.4%	0.5	45.8%
Brewster	9,239	102.7%	1.4	76.4%	2.3	*
Briscoe	1,479	119.2%	1.6	136.4%	1.1	*
Brooks	7,589	102.3%	1.6	121.2%	6.2	*
Brown	38,585	112.1%	1.3	88.4%	1.3	*
Burleson	16,598	72.3%	2.0	77.5%	1.4	*
Burnet	43,689	125.4%	1.3	88.1%	0.8	100.0%
Caldwell	36,705	71.4%	4.5	113.7%	1.1	94.3%
Calhoun	20,352	95.3%	1.3	103.6%	1.1	*
Callahan	13,508	99.1%	1.8	114.6%	1.1	50.0%
Cameron	387,210	92.4%	0.6	82.2%	1.0	92.0%
Camp	12,557	69.4%	6.6	53.5%	3.3	33.3%
Carson	6,358	117.3%	3.1	88.1%	1.8	*
Cass	29,362	185.6%	1.9	70.1%	2.9	100.0%
Castro	7,210	64.7%	0.8	108.8%	0.9	*
Chambers	28,771	88.1%	1.8	129.8%	1.6	*



COUNTY	2007 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Cherokee	48,169	87.8%	4.9	102.0%	2.2	90.0%
Childress	7,556	75.0%	1.7	98.6%	1.7	*
Clay	11,119	104.0%	0.8	137.8%	0.9	100.0%
Cochran	3,088	159.5%	1.9	85.7%	1.5	*
Coke	3,561	83.3%	1.8	60.0%	1.2	*
Coleman	8,550	100.0%	1.3	119.8%	2.0	*
Collin	730,690	90.9%	0.5	101.4%	0.8	99.2%
Collingsworth	2,972	85.8%	2.2	65.5%	2.1	*
Colorado	20,666	91.4%	1.6	97.8%	1.2	*
Comal	105,187	85.4%	2.3	104.8%	0.8	90.2%
Comanche	13,541	119.1%	0.6	115.8%	0.5	*
Concho	3,599	91.8%	3.0	150.0%	1.4	100.0%
Cooke	38,486	92.3%	1.6	124.6%	1.3	*
Coryell	72,156	102.4%	0.8	101.0%	0.6	*
Cottle	1,610	118.2%	1.6	600.0%	0.9	*
Crane	3,862	95.8%	4.2	88.0%	5.2	*
Crockett	3,789	129.5%	2.3	153.0%	0.9	*
Crosby	6,310	108.7%	0.8	124.6%	1.2	50.0%
Culberson	2,484	96.3%	2.1	104.3%	2.9	*
Dallam	6,125	111.4%	1.0	135.5%	0.9	*
Dallas	2,366,511	85.5%	1.0	100.0%	0.7	97.9%
Dawson	13,870	107.5%	1.9	116.2%	1.0	76.9%
De Witt	19,730	104.4%	1.7	96.9%	0.6	*
Deaf Smith	18,452	124.8%	1.0	97.0%	0.8	*
Delta	5,375	112.4%	1.1	108.5%	0.6	100.0%
Denton	612,357	91.2%	0.7	92.8%	0.7	*
Dickens	2,511	44.8%	11.2	104.2%	1.8	*
Dimmit	9,845	140.8%	2.9	151.2%	2.1	350.0%
Donley	3,911	112.2%	2.4	81.7%	3.1	*
Duval	12,187	95.0%	3.6	99.5%	2.3	69.4%
Eastland	18,337	92.2%	2.3	120.0%	0.7	68.4%
Ector	129,570	100.2%	1.3	103.8%	0.8	*
Edwards	1,938	*		*		*
El Paso	734,669	87.6%	1.6	70.3%	3.2	104.0%
Ellis	143,468	90.2%	1.8	85.5%	1.7	*
Erath	35,633	107.9%	1.2	97.4%	0.5	*
Falls	17,149	63.6%	16.0	33.9%	9.8	40.0%
Fannin	33,067	117.4%	2.8	118.4%	1.2	*
Fayette	22,537	92.8%	3.1	92.5%	1.5	47.6%
Fisher	3,957	110.3%	1.8	95.6%	0.6	*

COUNTY	2007 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Floyd	6,655	108.6%	1.1	111.1%	1.8	*
Foard	1,420	183.3%	5.7	12.5%	32.0	*
Fort Bend	509,822	96.5%	0.9	94.1%	1.2	*
Franklin	11,094	95.7%	1.7	87.2%	1.4	57.1%
Freestone	18,797	85.5%	2.0	92.6%	1.5	*
Frio	16,133	120.9%	2.0	83.3%	2.3	266.7%
Gaines	14,925	103.6%	1.2	89.4%	1.3	41.2%
Galveston	283,987	96.0%	1.7	99.4%	0.6	95.8%
Garza	4,700	113.2%	0.8	106.9%	0.8	*
Gillespie	23,507	86.0%	2.5	104.3%	1.1	*
Glasscock	1,174	50.0%	4.3	100.0%	2.0	*
Goliad	7,154	60.0%	4.6	165.6%	1.3	*
Gonzales	19,210	99.3%	2.1	72.7%	1.8	100.0%
Gray	22,047	99.6%	1.5	68.4%	1.3	119.0%
Grayson	118,675	102.0%	1.7	105.9%	0.6	101.9%
Gregg	117,119	94.1%	1.5	89.3%	1.5	119.6%
Grimes	25,603	62.9%	5.5	85.0%	1.0	*
Guadalupe	112,777	101.8%	0.8	107.8%	1.5	127.7%
Hale	35,731	99.0%	0.7	98.4%	0.8	88.8%
Hall	3,482	85.6%	2.3	60.7%	7.1	*
Hamilton	8,138	97.8%	0.7	141.2%	0.6	*
Hansford	5,235	108.9%	2.3	146.2%	2.1	*
Hardeman	4,124	66.7%	6.1	93.0%	5.2	*
Hardin	51,597	67.5%	1.4	79.6%	2.0	223.8%
Harris	3,935,855	102.7%	0.9	91.4%	0.7	99.5%
Harrison	63,504	94.4%	0.6	93.0%	0.5	*
Hartley	5,179	115.8%	0.9	92.6%	1.0	*
Haskell	5,249	96.7%	0.8	105.8%	0.3	112.5%
Hays	141,480	88.9%	1.8	82.5%	1.4	*
Hemphill	3,360	73.6%	3.0	150.0%	0.9	*
Henderson	78,897	99.4%	1.4	116.7%	1.0	50.0%
Hidalgo	710,514	88.0%	3.3	105.0%	0.7	110.4%
Hill	35,352	113.9%	1.3	96.0%	0.9	100.0%
Hockley	22,226	106.1%	1.9	99.0%	0.9	*
Hood	49,170	93.2%	0.7	103.2%	0.6	100.0%
Hopkins	33,769	90.3%	1.2	86.4%	0.7	86.4%
Houston	22,769	80.0%	1.8	107.6%	0.8	*
Howard	32,295	114.0%	1.2	108.8%	1.0	*
Hudspeth	3,294	*		*		*
Hunt	82,945	99.6%	0.8	92.4%	0.7	*

COUNTY	2007 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Hutchinson	21,845	100.6%	2.8	105.6%	1.1	79.5%
Irion	1,743	64.7%	2.5	108.3%	1.8	150.0%
Jack	8,833	67.4%	3.2	126.5%	1.0	66.7%
Jackson	14,093	94.3%	1.2	90.1%	1.8	*
Jasper	34,553	94.3%	1.6	89.1%	1.3	*
Jeff Davis	2,264	61.5%	3.9	50.0%	3.0	*
Jefferson	241,975	100.9%	0.8	118.7%	0.8	93.3%
Jim Hogg	4,973	89.6%	2.0	109.0%	1.2	*
Jim Wells	41,119	123.6%	1.4	103.1%	1.3	*
Johnson	149,797	90.2%	0.9	96.9%	0.8	*
Jones	19,295	106.4%	2.0	127.6%	1.0	*
Karnes	15,067	198.5%	1.7	206.3%	0.6	*
Kaufman	96,373	132.3%	0.6	121.5%	1.0	*
Kendall	31,342	91.6%	1.3	86.9%	1.1	*
Kenedy	394	67.1%	2.3	51.1%	2.5	*
Kent	735	76.2%	5.1	1,000.0%	2.0	*
Kerr	47,860	96.8%	1.4	85.6%	1.6	*
Kimble	4,461	152.8%	0.8	116.2%	1.1	350.0%
King	291	175.0%	1.7	*		*
Kinney	3,320	85.9%	1.2	105.4%	1.3	20.0%
Kleberg	30,390	117.3%	0.6	106.0%	1.0	*
Knox	3,524	165.0%	1.7	163.3%	2.4	100.0%
La Salle	6,009	81.2%	3.9	217.2%	5.5	*
Lamar	49,255	101.0%	0.8	103.0%	0.6	100.0%
Lamb	13,901	75.9%	2.7	119.9%	1.0	*
Lampasas	20,877	161.0%	0.7	105.8%	1.0	115.4%
Lavaca	18,754	111.4%	1.1	61.5%	0.5	100.0%
Lee	16,356	118.9%	3.1	137.7%	1.1	46.2%
Leon	16,462	107.5%	1.0	85.7%	0.4	*
Liberty	75,434	121.9%	2.4	102.5%	1.2	*
Limestone	22,421	50.9%	6.8	86.9%	0.7	115.4%
Lipscomb	3,033	134.6%	1.5	106.3%	1.3	*
Live Oak	11,349	63.9%	4.2	84.7%	9.3	125.0%
Llano	18,394	105.1%	1.0	96.8%	1.3	*
Loving	55	90.0%	1.4	*		*
Lubbock	260,901	104.5%	0.6	100.7%	0.9	145.6%
Lynn	5,882	112.6%	0.6	146.4%	0.6	90.0%
Madison	13,379	94.3%	1.6	156.5%	0.9	*
Marion	10,741	129.5%	2.7	94.8%	0.9	145.5%
Martin	4,464	79.3%	3.5	263.6%	2.4	*

COUNTY	2007 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Mason	3,890	125.8%	0.7	78.8%	1.3	100.0%
Matagorda	37,024	94.4%	1.9	92.2%	0.6	163.3%
Maverick	51,656	145.2%	2.4	89.4%	2.3	105.0%
McCulloch	7,862	102.3%	1.0	82.1%	0.7	100.0%
McLennan	228,123	86.4%	1.3	96.0%	0.6	101.1%
McMullen	874	124.1%	1.0	69.2%	0.4	100.0%
Medina	43,826	108.1%	0.7	124.1%	1.2	*
Menard	2,134	79.4%	1.7	77.8%	2.6	100.0%
Midland	126,408	92.8%	1.1	101.5%	0.7	100.0%
Milam	24,855	114.2%	1.4	100.8%	0.6	91.4%
Mills	5,031	110.4%	2.4	147.8%	0.9	*
Mitchell	9,275	106.5%	1.6	83.5%	0.5	*
Montague	19,656	100.1%	1.2	93.7%	0.4	75.0%
Montgomery	412,638	93.0%	1.1	98.3%	1.2	*
Moore	20,081	78.3%	1.0	86.0%	0.9	91.4%
Morris	13,064	107.5%	1.0	89.5%	1.1	60.0%
Motley	1,287	283.3%	4.4	260.0%	2.0	*
Nacogdoches	62,435	92.5%	1.9	117.3%	1.5	26.1%
Navarro	49,396	90.1%	0.9	105.9%	1.1	119.5%
Newton	13,827	80.3%	6.7	74.1%	12.7	*
Nolan	14,614	58.0%	1.9	105.8%	1.0	*
Nueces	321,135	103.9%	0.6	106.6%	0.5	82.8%
Ochiltree	9,587	96.7%	1.1	114.7%	0.6	*
Oldham	2,075	128.6%	2.4	101.5%	2.1	*
Orange	82,669	108.5%	1.5	104.9%	1.4	*
Palo Pinto	27,321	107.5%	1.0	123.4%	0.8	*
Panola	23,002	102.6%	3.6	134.8%	2.2	*
Parker	108,687	96.2%	0.8	102.2%	0.7	88.9%
Parmer	9,423	101.7%	0.6	113.6%	0.6	*
Pecos	15,969	79.0%	3.3	97.4%	1.4	*
Polk	46,332	88.9%	2.8	105.4%	1.1	*
Potter	120,775	107.5%	1.4	99.7%	0.7	*
Presidio	7,575	176.4%	3.4	114.8%	2.9	*
Rains	11,211	108.2%	0.9	99.3%	0.6	64.7%
Randall	113,036	104.4%	0.8	108.5%	0.6	*
Reagan	3,053	97.2%	2.3	153.3%	1.6	*
Real	2,965	101.2%	1.4	160.7%	1.1	*
Red River	13,108	101.1%	1.7	122.6%	1.2	70.0%
Reeves	11,183	97.9%	0.4	108.5%	0.5	*
Refugio	7,358	94.3%	3.7	119.0%	1.3	*

COUNTY	2007 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Roberts	831	76.5%	3.5	125.0%	1.0	*
Robertson	15,819	108.9%	1.0	107.0%	0.6	77.3%
Rockwall	73,810	102.1%	0.7	111.8%	0.9	76.6%
Runnels	10,362	108.6%	1.0	115.4%	0.6	125.0%
Rusk	48,568	104.2%	2.2	117.1%	1.0	*
Sabine	10,138	153.3%	1.5	111.5%	2.8	100.0%
San Augustine	8,639	72.2%	6.8	106.3%	4.1	100.0%
San Jacinto	24,818	119.3%	1.8	90.0%	1.0	188.9%
San Patricio	68,520	99.8%	2.0	97.9%	1.1	121.4%
San Saba	5,968	101.0%	2.0	273.3%	1.9	183.3%
Schleicher	2,811	55.2%	0.9	60.7%	2.1	150.0%
Scurry	16,011	107.3%	1.8	78.3%	1.9	100.0%
Shackelford	3,161	68.7%	2.5	107.7%	1.2	*
Shelby	26,512	113.7%	1.1	102.9%	0.8	126.3%
Sherman	2,905	47.8%	2.1	350.0%	1.4	*
Smith	198,705	109.7%	0.7	113.7%	0.5	*
Somervell	7,757	90.1%	1.0	79.0%	1.3	*
Starr	61,833	75.5%	3.0	94.3%	2.8	*
Stephens	9,538	123.5%	1.2	77.8%	3.8	44.4%
Sterling	1,245	100.0%	2.5	85.7%	0.7	*
Stonewall	1,405	73.3%	4.3	133.3%	0.6	*
Sutton	4,303	181.8%	1.2	98.8%	1.6	*
Swisher	7,700	137.8%	1.1	98.7%	1.4	*
Tarrant	1,717,435	95.7%	0.8	98.7%	0.5	99.9%
Taylor	126,540	85.1%	1.2	96.7%	1.2	164.5%
Terrell	934	88.2%	1.1	110.0%	1.3	100.0%
Terry	12,189	97.3%	1.1	134.0%	0.8	168.0%
Throckmorton	1,664	62.2%	2.0	500.0%	1.2	*
Titus	29,392	136.2%	2.3	83.0%	1.2	125.0%
Tom Green	106,342	105.2%	1.1	139.0%	0.6	129.0%
Travis	974,365	103.5%	1.5	103.7%	1.9	90.8%
Trinity	14,168	109.0%	3.2	103.7%	0.7	41.7%
Tyler	20,403	98.4%	1.5	106.7%	1.0	128.6%
Upshur	37,924	95.9%	1.1	93.9%	0.6	45.5%
Upton	3,052	125.0%	1.5	131.4%	1.5	*
Uvalde	26,581	111.3%	0.9	99.0%	1.3	*
Val Verde	48,029	82.1%	1.5	79.3%	1.8	*
Van Zandt	52,055	89.5%	2.0	86.6%	1.1	100.0%
Victoria	86,291	96.0%	0.8	95.9%	0.6	100.0%

COUNTY	2007 POPULATION	CIVIL CASES		CRIMINAL CASES		JUVENILE CASES
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE
Walker	63,902	105.1%	2.0	107.3%	1.1	*
Waller	35,933	111.1%	2.0	96.4%	1.3	*
Ward	10,268	94.1%	0.3	98.6%	0.5	*
Washington	32,034	92.2%	1.1	88.9%	1.2	*
Webb	233,152	125.0%	0.9	119.9%	1.6	*
Wharton	40,897	90.3%	1.6	81.7%	0.7	106.3%
Wheeler	4,793	76.1%	1.2	105.5%	1.4	100.0%
Wichita	128,025	123.5%	1.1	101.7%	0.5	102.7%
Wilbarger	14,037	84.7%	1.8	134.8%	0.5	80.0%
Willacy	20,513	163.6%	1.1	87.6%	1.7	92.3%
Williamson	373,363	92.4%	1.4	131.4%	0.3	112.6%
Wilson	39,264	91.1%	1.4	118.0%	1.0	109.5%
Winkler	6,543	111.2%	3.6	158.3%	0.9	*
Wise	57,589	91.8%	1.3	90.8%	0.9	100.0%
Wood	42,004	96.7%	0.9	110.9%	0.8	101.1%
Yoakum	7,447	95.7%	0.7	75.0%	0.9	*
Young	17,683	99.8%	1.7	71.8%	2.2	*
Zapata	13,605	73.2%	2.0	118.7%	2.0	135.3%
Zavala	11,665	150.0%	43.7	*	52.0	*
<b>TOTALS</b>	<b>23,904,380</b>	<b>97.0%</b>	<b>1.2</b>	<b>97.5%</b>	<b>0.9</b>	<b>98.2%</b>

\* No Data Reported.

SOURCE: Office of Court Administration.





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## APPENDIX B

### FREQUENTLY ASKED QUESTIONS

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

A: The Eightieth Legislature, 2007, appropriated \$598.4 million to the Judiciary in the 2008–09 biennium. This amount represents less than 0.5 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 lesser amount of funds provided by the state.

The state provides full funding for the operations of the Supreme Court, Court of Criminal Appeals, and the state agencies of the Judicial Branch. The state provides an appropriation for the operation of the 14 Courts of Appeals. State appropriations provide the entire salaries for the justices of the Supreme Court as well as the judges on the Court of Criminal Appeals. The State of Texas also provides a basic salary for the justices of the Courts of Appeals and the District Court judges. Local governments are allowed under state statute to supplement the salaries of District Court judges.

Texas’ 254 counties provide funding for the daily operations of the district courts, and provide funding including the salaries of the judges for all of the state’s Constitutional County Courts, County Courts at Law, and the Justice of the Peace Courts. Many counties also provide supplemental pay to the judges of the Courts of Appeals and the District Courts that reside in the county. 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 Fund. Of the total \$598.4 million appropriated to the Judiciary in 2008–09, \$405.2 million (67.7 percent) is General Revenue Funds. Other Funds totaling \$154.5 million make up the next largest portion at 25.8 percent. General Revenue–Dedicated Funds total \$35.8 million or 6.0 percent. Total appropriations for the Judiciary also include \$2.9 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. The Judicial Fund receives one-half of judicial fees collected by the 14 Courts of Appeals and 100 percent of judicial filing fees collected by the Supreme Court

under Revenue Code 3711 and filing fees collected by district courts classified under Revenue Code 3709. Money in the 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 §21.007, Government Code; and, basic civil legal services to the indigent as provided by §51.943, Government Code.

One of the major judicial funds is 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 non-jailable 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 Government Code 51.207 are deposited here. Funds are used to provide continuing legal education to judges and court personnel. The account is accumulative, except that the end of each fiscal year, any unexpended balance in the fund in excess of \$500,000 may be transferred to the General Revenue Fund.

Another major account is the General Revenue–Dedicated Fair Defense Account No. 5073. This is an account in the General Revenue Fund 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 non-jailable misdemeanor pay \$40. This account receives 6.0143 percent of the total collections from these court costs. The account is used by the Task Force on Indigent Defense which sets standards and awards grants to counties for criminal defense services for indigents.

Felony Prosecutor Supplement Fund No. 303 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 the General Revenue Fund.

**Q: How does the state fund drug courts?**

A: The Eightieth Legislature, 2007, enacted House Bill 530, which funnels appropriations for drug courts through Trusteed Programs within the Office of the Governor and are then distributed as grants to counties. The Governor's Office was appropriated \$929,000 in fiscal year 2008 and \$2.3 million in fiscal year 2009 relating to the operation and funding of drug court programs.

**Q: When was the most recent judicial pay raise?**

A: The last judicial pay raise was authorized by House Bill 11, Second-Called Session, Seventy-ninth Legislature, 2005, and provided 23 percent to 33 percent pay raises for judges and professional prosecutors. House Bill 11 increased salaries for judges in the state's appellate, district, and certain constitutional county courts effective December 1, 2005 (fiscal year 2006). Visiting judges' salaries were also increased as their pay is a percentage of the salary paid to active appellate and district court judges. House Bill 11 also provided salary increases for professional prosecutors and district attorneys as well as an increase in the county attorney supplement. In addition, House Bill 11 significantly increased the pay for most statutory county court judges. Many statutes (e.g., Government Code §25.1862 applying to Parker County) dealing with statutory county court judges in certain counties tie the salary of the statutory county court judge to the salary of the district judge in the county. So when the district judge's salary increases, the statutory county court judge's salary follows. The counties, not the state, must fund this increase.

The last judicial pay raise prior to House Bill 11 was enacted by rider in the General Appropriations Act for the 1998-99 Biennium (see Article IV, Special Provisions, Sec. 8, Judicial Salaries). This was a two-fold increase, with the first increase, the equivalent of a 6 percent increase, occurring in fiscal year 1998 (an effective date of September 1, 1997); and a second increase in fiscal year 1999 (an effective date of September 1, 1998), which provided for an overall increase above the 1997 judicial salary levels of 10 percent. The percentage increase for the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals, at 5 percent in fiscal year 1998 and an overall increase of 9 percent above 1997 levels as of September 1, 1998, was slightly less than the amounts provided to appellate and district court judges and prosecutors. Another judicial pay raise was attempted, but

failed to be enacted in the General Appropriations Act for the 2002-03 Biennium.

House Bill 3199, Eightieth Legislature, 2007, created the Judicial Compensation Commission, which is made up of nine gubernatorial appointees, and charged 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, the Court of Criminal Appeals, the courts of appeals, and the district courts. The Commission will make its first ever recommendations to the Eighty-first Legislature, which convenes in January 2009.

**Figure B1** provides a detailed breakout of current judge and prosecutor salaries as of December 1, 2005, the effective date of House Bill 11. According to the Office of Court Administration, Texas currently ranks second and fourth in judicial pay for trial court and intermediate appellate court judges, respectively, among the 10 most populous states.

**Q: How was the most recent judicial pay raise funded?**

A: To fund the increase in judicial compensation, House Bill 11 created two new fees: a \$4 criminal conviction court cost and a \$37 civil filing fee. The \$37 civil filing fee applies to civil fees filed in district and county-level courts. The \$4 court cost for convictions and deferred adjudications in district, county-level, justice of the peace, and municipal court criminal cases include traffic-related offenses but excludes cases for pedestrian or parking related offenses. The Comptroller of Public Accounts collects \$3.40 of each court cost and the remaining \$0.60 is deposited to the general fund of each municipal or county treasury to be used for local court purposes. Both the \$4 criminal conviction court cost and the \$37 civil filing fee are projected to generate \$62.9 million in revenue for the 2008-09 biennium.

**FIGURE B1**  
**JUDICIAL SALARIES & SUPPLEMENTS AS OF DECEMBER 1, 2005**

JUDGES	STATUTORY AUTHORITY	SALARY / PAYMENT
<b>Supreme Court</b>		
Chief Justice	State Salary	\$152,500
Justice (8)	Government Code §659.012	\$150,000
<b>Court of Criminal Appeals</b>		
Chief Justice	State Salary	\$152,500
Justice (8)	Government Code §659.012	\$150,000
<b>14 Courts of Appeals</b>		
Chief Justice (14)	State Salary	\$140,000
Justice (66)	Government Code §659.012	\$137,500
<b>District Courts</b>		
District Judge (427)	State Salary Government Code §659.012	\$125,000
<b>Constitutional County Courts</b>		
Constitutional County Court Judge (210)	Salary Supplement Government Code §26.006	\$15,000
<b>Visiting Judge</b>		
Appellate Court	State Salary	100 percent of an appellate judge
District Court	State Salary	85 percent of a district judge
<b>PROSECUTORS</b>		
Professional Prosecutors	State Salary Government Code §46.002 and §46.003	\$125,000
District Attorneys	State Salary Government Code, §41.013	\$100,000
Felony Prosecutors:	State Salary	
Jackson County Criminal District Attorney	Government Code §44.220; §45.175;	\$100,000
Fayette County Attorney	and §45.280	\$100,000
Oldham County Attorney		\$71,500
County Attorney Supplement	Salary Supplement Government Code §46.0031	If county is served by one state prosecutor, then salary supplement equals \$62,500 divided by the number of counties served by the local state prosecutor or \$20,833, whichever is greater.  If county is served by two or more state prosecutors, then salary supplement equals sum of compensation the county attorney would have received if the county was served by only one state prosecutor or \$62,500, whichever is less.

SOURCE: Legislative Budget Board.



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## APPENDIX C

### GLOSSARY

*Actual Innocence Projects* – The first Texas-based Innocence Project was founded 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 Task Force on Indigent Defense, 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. Where investigations reveal potentially provable cases of actual innocence, the students then work with attorneys to pursue remedies for the inmate through the courts or clemency procedures. Thus far, 32 individuals have been exonerated by DNA testing, and several more have had their wrongful convictions overturned on other grounds.

*Administrative Judicial Region* – To aid in the administration of justice, the state’s trial courts are divided into nine administrative judicial regions (§74.042, Government Code). 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; 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 appellate operating expenses. The revenue source for these funds is a \$5 fee for civil cases filed in county, statutory county, probate, or district courts located in the appellate court’s jurisdiction. At present, five of the fourteen appellate courts—the Sixth Court of Appeals in Texarkana, the Seventh Court of Appeals in Amarillo, the Eighth Court of Appeals in Beaumont, the Tenth Court of Appeals in Waco, and the Twelfth Court of Appeals in Tyler—are not authorized to be appellate judicial systems.

*Conviction* – a judgment of guilt against a criminal defendant.

*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 they were charged. The defendant will be placed on community supervision for a period of time and, if he or she complies with all conditions, at the conclusion of the period the charge will be dismissed. If the defendant fails to comply with all conditions, a hearing is held, and if the court determines that the defendant did indeed violate a condition of their community supervision, the judge may proceed to 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.

*Metropolitan Courts* – A rider in the Supreme Court’s bill pattern, Seventy-sixth Legislature, General Appropriations Act, 2000–01 Biennium, provided \$990,000 in each year of the 2000–01 biennium to be used for the purpose of Metropolitan Court Backlog Reduction. The rider applied to the First, Fifth, and Fourteenth Courts of Appeals. These three courts compose the Dallas court and the two Houston-area courts of appeals and are considered the state’s metropolitan courts.

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

*Court fine* – Court fines are monetary fines that are assessed against individuals upon conviction for a specific offense.

*Court Costs* – Court costs are fees charged to convicted offenders for court administration. Where court costs differ specifically from court fines is that they are monetary charges that are not for specific instances, but reimbursement costs to the court for its general administration of the case. Defendants convicted of a felony pay a \$133 court cost, while those convicted of a Class A or B Misdemeanor must pay \$83.

*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 rate for criminal court costs and fees.

# APPENDIX D: COURT COSTS AND FEES

**FIGURE D1**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS, AS APPLICABLE**

OFFENSE/DESCRIPTION	INDIGENT DEFENSE FUND	STATE CONSOLIDATED COURT COST	STATE JURY REIMBURSEMENT FEE	STATE JUDICIAL SUPPORT FEE	STATE TRAFFIC FINE	STATE EMS TRAUMA FUND	STATE DNA TESTING	DRUG COURT PROGRAM FEE	TOTAL STATE COURT COSTS AND FEES	MUNICIPAL TRAFFIC FUND	MUNICIPAL CHILD SAFETY	TOTAL MUNICIPAL COURT COSTS AND FEES	TOTAL COURT COSTS AND FEES
<b>Municipal Ordinance:</b> Parking authorized by Transportation Code §542.202 – \$542.203 (Powers of Local Authorities and Limitation on Local Authorities)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Note 1	Note 1	Note 1
<b>Municipal Ordinance:</b> All Other Municipal Offenses (except Pedestrian, for which no court costs/fees are imposed)	\$2.00	\$40.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	\$62.00	N/A	N/A	N/A	\$52.00
<b>Class C Misdemeanor:</b> Education Code §25.093, Parent Contributing to Nonattendance and §25.094, Failure to Attend School	\$2.00	\$40.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	\$62.00	N/A	\$20.00	\$20.00	\$72.00
<b>Class C Misdemeanor:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian in a School Zone	N/A	N/A	N/A	N/A	\$30.00	N/A	N/A	N/A	\$30.00	\$3.00	\$25.00	\$28.00	\$58.00
<b>Class C Misdemeanor:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – Parking and Pedestrian outside a School Zone	N/A	N/A	N/A	N/A	\$30.00	N/A	N/A	N/A	\$30.00	\$3.00	N/A	\$3.00	\$33.00
<b>Class C Misdemeanor:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – School Bus [Amounts shown reflect Class C Misdemeanor, although this offense can be a Class A if serious bodily injury occurs, or a State Jail Felony if this is a subsequent offense.]	\$2.00	\$40.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$82.00	\$3.00	\$25.00	\$28.00	\$110.00
<b>Class C Misdemeanor:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (In a School Crossing Zone)	\$2.00	\$40.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$82.00	\$3.00	\$25.00	\$28.00	\$110.00



**FIGURE D1 (CONTINUED)  
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS, AS APPLICABLE**

OFFENSE/DESCRIPTION	INDIGENT DEFENSE FUND	STATE CONSOLIDATED COURT COST	STATE JURY REIMBURSEMENT FEE	STATE JUDICIAL SUPPORT FEE	STATE TRAFFIC FINE	STATE EMS TRAUMA FUND	STATE DNA TESTING	DRUG COURT PROGRAM FEE	TOTAL STATE COURT COSTS AND FEES	MUNICIPAL TRAFFIC FUND	MUNICIPAL CHILD SAFETY	TOTAL MUNICIPAL COURT COSTS AND FEES	TOTAL COURT COSTS AND FEES
<b>Class C Misdemeanor:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – Other (Outside a School Crossing Zone)	\$2.00	\$40.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$82.00	\$3.00	N/A	\$3.00	\$85.00
<b>Class C Misdemeanors:</b> All Other Offenses (except handicapped parking violations, for which no costs or fees are applicable)	\$2.00	\$40.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	\$62.00	N/A	N/A	N/A	\$52.00
<b>Class A or B Misdemeanors:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – (In a School Crossing Zone)	\$2.00	\$83.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$125.00	\$3.00	\$25.00	\$28.00	\$153.00
<b>Class A or B Misdemeanors:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – (Outside a School Crossing Zone)	\$2.00	\$83.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$125.00	\$3.00	N/A	\$3.00	\$128.00
<b>Class A or B Misdemeanors:</b> Most Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$2.00	\$83.00	\$4.00	\$6.00	N/A	\$100.00	N/A	*\$50.00	\$245.00	N/A	N/A	N/A	\$245.00
<b>Class A or B Misdemeanors:</b> Health and Safety Code, Chapter 481 Offenses (Controlled Substance Offenses)	\$2.00	\$83.00	\$4.00	\$6.00	N/A	N/A	N/A	*\$50.00	\$145.00	N/A	N/A	N/A	\$145.00
<b>Class A or B Misdemeanors:</b> Penal Code, DNA Testing Offenses	\$2.00	\$83.00	\$4.00	\$6.00	N/A	N/A	\$50.00	N/A	\$145.00	N/A	N/A	N/A	\$145.00
<b>Class A or B Misdemeanors:</b> All Other Offenses	\$2.00	\$83.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	\$95.00	N/A	N/A	N/A	\$95.00
<b>Felonies:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – (In a School Crossing Zone)	\$2.00	\$133.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$175.00	\$3.00	\$25.00	\$28.00	\$203.00
<b>Felonies:</b> Transportation Code, Title 7, Subtitle C (Rules of the Road) – (Outside a School Crossing Zone)	\$2.00	\$133.00	\$4.00	\$6.00	\$30.00	N/A	N/A	N/A	\$175.00	\$3.00	N/A	\$3.00	\$178.00

**FIGURE D1 (CONTINUED)  
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS, AS APPLICABLE**

OFFENSE/DESCRIPTION	INDIGENT DEFENSE FUND	STATE CONSOLIDATED COURT COST	STATE JURY REIMBURSEMENT FEE	STATE JUDICIAL SUPPORT FEE	STATE TRAFFIC FINE	STATE EMS TRAUMA FUND	STATE DNA TESTING	DRUG COURT PROGRAM FEE	TOTAL STATE COURT COSTS AND FEES	MUNICIPAL TRAFFIC FUND	MUNICIPAL CHILD SAFETY	TOTAL MUNICIPAL COURT COSTS AND FEES	TOTAL COURT COSTS AND FEES
<b>Felonies:</b> Penal Code, Chapter 49 Offenses (Intoxication and Alcoholic Beverage Offenses)	\$2.00	\$133.00	\$4.00	\$6.00	N/A	\$100.00	N/A	\$50.00	\$295.00	N/A	N/A	N/A	\$295.00
<b>Felonies:</b> Health and Safety Code, Chapter 481 Offenses (Controlled Substance Offenses)	\$2.00	\$133.00	\$4.00	\$6.00	N/A	N/A	N/A	\$50.00	\$195.00	N/A	N/A	N/A	\$195.00
<b>Felonies:</b> Penal Code, DNA Testing Offenses	\$2.00	\$133.00	\$4.00	\$6.00	N/A	N/A	\$250.00	N/A	\$395.00	N/A	N/A	N/A	\$395.00
<b>Felonies:</b> All Other Offenses	\$2.00	\$133.00	\$4.00	\$6.00	N/A	N/A	N/A	N/A	\$145.00	N/A	N/A	N/A	\$145.00

\*Applies to Class B or higher misdemeanor.  
 NOTE 1: Up to \$5.00 court cost for cities with population < 850,000 that have adopted appropriate ordinance, regulation, or order (optional). From \$2.00 to \$5.00 court cost for cities with population > 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).  
 SOURCES: *Court Costs, Fee and Fines*, November 2007 and December 2007, Comptroller of Public Accounts; *Texas Judicial Report*, January 2008, Office of Court Administration, Texas Judicial Council.

**FIGURE D2**  
**OTHER CRIMINAL COURT COSTS AND FEES IMPOSED (AS APPLICABLE) BY MUNICIPAL, JUSTICE, COUNTY, OR DISTRICT COURTS**

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
<b>Arrest Fee:</b> For issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law, or for making an arrest without a warrant. When service is performed by a peace officer employed by the state, 20 percent (\$1.00) is sent to the state.	\$1.00	\$4.00	\$5.00
<b>Warrant Fee:</b> For executing or processing an issued arrest warrant or <i>capias</i> . When service is performed by a peace officer employed by the state, 20 percent (\$10.00) is sent to the state.	\$10.00	\$40.00	\$50.00
<b>Service of a Summons (for a defendant or child's parents):</b> Fee of \$35.00.	N/A	\$35.00	\$35.00
<b>Summoning a Jury:</b> Fee of \$5.00.	N/A	\$5.00	\$5.00
<b>Summoning a Witness:</b> Fee of \$5.00 for serving a subpoena.	N/A	\$5.00	\$5.00
<b>Other Costs Related to Services of Peace Officers under Code of Criminal Procedure, Art. 102.011:</b> Actual for overtime paid for time spent testifying in the trial of a case or traveling to and from testifying in the trial of a case. (Costs for services other than the preceding listed services vary from \$5.00 to \$10.00 and in some cases include mileage reimbursements.)	N/A	Varies	Varies
<b>Failure to Appear Fee:</b> If a city or county has contracted with the Department of Public Safety (DPS) to provide information necessary for the department to deny renewal of driver's licenses, a fee is charged for (a) each complaint or citation reported to DPS under Transportation Code, Chapter 706, unless the person is acquitted of the charges for which the person failed to appear or (b) failing to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the courts order. The fee is due when (1) the court enters the judgment on the underlying offense reported to the department; (2) the underlying offense is dismissed; or (3) bond or other security is provided.	\$20.00	\$4.00	*\$30.00
<b>Driving Record Fee:</b> Optional fee imposed for obtaining a copy of the defendant's driving record from the Texas Department of Public Safety.	\$10.00	N/A	\$10.00
<b>Texas Online Fee:</b> Optional fee imposed for obtaining a copy of the defendant's driving record electronically via Texas Online.	\$2.00	N/A	\$2.00
<b>Time Payment Fee:</b> Imposed on a person who pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution. One-half (\$12.50) is sent to the state.	\$12.50	\$12.50	\$25.00
<b>Restitution Installment Fee:</b> Imposed when the court requires a defendant to make restitution in specified installments under Code of Criminal Procedure, Article 42.037(g)(1). The state portion goes into the Compensation to Victims of Crime Fund.	\$6.00	\$6.00	\$12.00
<b>Juvenile Case Manager Court Cost:</b> Imposed if governing body has passed required ordinance. Not to exceed \$5.00. (Municipal, Justice, or County Courts only)	N/A	\$5.00	\$5.00
<b>Expungement Fee:</b> Charged for each application filed to expunge the record of an offense (except traffic) involving a minor.	N/A	\$30.00	\$30.00

\*DPS contracts with OmniBase for services related to the Failure to Appear program; \$6.00 of the total cost is distributed to OmniBase.

SOURCES: *Court Costs, Fee and Fines*, November 2007 and December 2007, Comptroller of Public Accounts; *Texas Judicial Report*, January 2008, Office of Court Administration, Texas Judicial Council.

**FIGURE D3**  
**OTHER CRIMINAL COURT COSTS AND FEES IMPOSED (AS APPLICABLE) BY MUNICIPAL AND JUSTICE COURTS**

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
<b>Jury Fee:</b> Imposed per conviction in a justice or municipal court when conviction is by a jury or when a defendant requests a jury trial and withdraws the request within less than 24 hours of the time of the trial.	N/A	\$3.00	\$3.00
<b>Municipal Court Building Security Fee:</b> Imposed if governing body has passed required ordinance.	N/A	\$3.00	\$3.00
<b>Municipal and Justice Court Technology Fee:</b> Imposed for conviction of a misdemeanor offense if governing body has passed required ordinance. Not to exceed \$4.00.	N/A	\$4.00	\$4.00
<b>Justice Court Security Fee:</b> Misdemeanors in justice court.	N/A	\$4.00	\$4.00
<b>Justice Court Technology Fee:</b> Imposed by justice courts for conviction of a misdemeanor offense. Not to exceed \$4.00.	N/A	\$4.00	\$4.00
<b>Administrative Fees:</b> Imposed for dismissing certain charges under the Transportation Code and under the Parks and Wildlife Code. (Some not to exceed \$10.00; some not to exceed \$20.00; some not to exceed the amount of the maximum fine that could be imposed.)	N/A	Varies	Varies
<b>Teen Court Fee:</b> Optional fee to cover the cost of the teen court program. Fee not to exceed \$10.00, except may be up to \$20.00 in courts in the Texas–Louisiana border region.	N/A	\$10.00	\$10.00
<b>Teen Court Administrative Fee:</b> Optional fee to cover the costs of administering a teen court program (Art. 45.05, Code of Criminal Procedure). Fee not to exceed \$10.00, except may be up to \$20.00 in courts in the Texas–Louisiana border region.	N/A	\$10.00	\$10.00
<b>Special Expense Warrant Fee:</b> Not to exceed \$25.00 per warrant, imposed for failure to appear or violation of promise to appear if the governing body has passed the required ordinance. Also imposed at the conclusion of a deferral period upon dismissal of the charge.	N/A	25.00	25.00

SOURCES: *Court Costs, Fee and Fines*, November 2007 and December 2007, Comptroller of Public Accounts; *Texas Judicial Report*, January 2008, Office of Court Administration, Texas Judicial Council.

**FIGURE D4  
OTHER CRIMINAL COURTS COSTS AND FEES IMPOSED BY COUNTY AND DISTRICT COURTS, AS APPLICABLE (COSTS AND FEES ARE COLLECTED BY APPLICABLE COURT CLERK AND PAID TO/RETAINED LOCALLY BY MUNICIPALITY OR COUNTY, AS APPROPRIATE OR AS OTHERWISE NOTED.)**

COURT COST/FEE	STATE COURT COSTS AND FEES	LOCAL COURT COSTS AND FEES	COMBINED TOTAL OF COURT COSTS AND FEES
<b>Clerk's Fee</b>	N/A	\$40.00	\$40.00
<b>Records Management and Preservation Fee</b>	N/A	\$25.00	\$25.00
<b>Courthouse Security Fee:</b> Misdemeanors in Municipal Court, County Court at Law, or District Court	N/A	\$3.00	\$3.00
<b>Courthouse Security Fee:</b> Misdemeanors in Justice Court	N/A	\$4.00	\$4.00
<b>Courthouse Security Fee:</b> Felonies	N/A	\$5.00	\$5.00
<b>Fee for Services of Prosecutors:</b> Misdemeanors and Gambling Offenses	N/A	\$25.00	\$25.00
<b>Judicial Fund Court Cost:</b> Court cost on conviction of any criminal offense in statutory county courts and constitutional county courts only, including cases in which probation or deferred adjudication is granted. However, convictions arising under any law that regulates pedestrians or the parking of motor vehicles are not included.	\$15.00	N/A	\$15.00
<b>Juvenile Delinquency Prevention and Graffiti Eradication Fee</b>	N/A	\$50.00	\$50.00
<b>Juvenile Probation Diversion Fund Court Cost:</b> Imposed if a disposition hearing is held; collected only if the child, parent, or other person responsible for the child's support is financially able to pay it.	\$18.00	\$2.00	\$20.00
<b>Breath Alcohol Testing Court Cost</b>	N/A	\$22.50	\$22.50
<b>Visual Recording Fee</b>	N/A	\$15.00	\$15.00
<b>Cost of Evaluation Court Cost:</b> Actual cost of evaluation	N/A	Varies	Varies
<b>Transaction Administrative Fee:</b> Transactions related to collection of fines, fees, restitution, or other court costs. May be collected by court clerk, county attorney, sheriff, constable, justice of the peace, or community supervision and corrections department.	N/A	\$2.00	\$2.00
<b>Jury Fee:</b> Imposed per conviction when conviction is by a jury in a county or district court.	N/A	\$20.00	\$20.00
<b>Appealed Cases Deferred Special Expense</b>	N/A	Not to Exceed Assessed Fine	Not to Exceed Assessed Fine
<b>County Child Abuse Prevention Court Cost</b>	N/A	\$100.00	\$100.00

SOURCES: *Court Costs, Fee and Fines*, November 2007 and December 2007, Comptroller of Public Accounts; *Texas Judicial Report*, January 2008, Office of Court Administration, Texas Judicial Council.

# APPENDIX E

## COURTS COSTS AND FEES—CASE EXAMPLES

None of the costs, fees, and totals listed in these examples include fines imposed for the offense.

### MUNICIPAL ORDINANCE VIOLATION— DOG LEASH LAW [MUNICIPAL COURT]

The minimum total court costs and fees for violating an ordinance requiring dog owners to keep their pets on a leash would be \$52, which does not include any fine amounts charged. All of the costs and fees would be submitted to the state. For the purposes of this example, it is assumed the court must also impose \$5 in Arrest Fees for the services of a peace officer issuing a written notice to appear in court or for making an arrest without a warrant, for a total of \$57 in court costs and fees. The \$52 in court costs would be sent to the state and the arrest warrant fee of \$5 would be retained locally, except if the arrest warrant was served by a state peace officer, in which case \$1 would be sent to the state and \$4 would be retained locally.

**FIGURE E1**  
**SAMPLE COURT COSTS AND FEES FOR MUNICIPAL PET LEASH ORDINANCE VIOLATION**

COURT COST OR FEE	AMOUNT CHARGED
Required	\$52
Optional or Applied	5
<b>Total Court Cost and Fees</b>	<b>\$57</b>

SOURCE: Legislative Budget Board.

### 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 minimum amount of required court costs and fees that could be imposed on the violator is \$110 (\$82 to the state and \$28 retained locally). For this example, it is assumed that the offender does not pay their 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, bringing the total court costs and fees imposed to \$135. One-half of the Time Payment Fee would be sent to the State.

**FIGURE E2**  
**SAMPLE COURT COSTS AND FEES FOR PASSING A STOPPED SCHOOL BUS**

COURT COST OR FEE	AMOUNT CHARGED
Required	\$110
Optional or Applied	25
<b>Total Court Cost and Fees</b>	<b>\$135</b>

SOURCE: Legislative Budget Board.

### 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 minimum amount of required court costs and fees that could be imposed on the violator is \$93 (\$82 to the state and \$11 retained locally). Other allowable costs and fees applied in this example total \$35, which includes the Time Payment Fee of \$25; and a Driving Record Fee of \$10. The total cost to the offender for state and local court costs and fees in this example is \$128.

**FIGURE E3**  
**SAMPLE COURT COSTS AND FEES FOR SPEEDING OUTSIDE OF A SCHOOL ZONE**

COURT COST OR FEE	AMOUNT CHARGED
Required	\$93
Optional or Applied	35
<b>Total Court Cost and Fees</b>	<b>\$128</b>

SOURCE: Legislative Budget Board.

**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 minimum amount of required court costs and fees that would be imposed on the violator is \$203 (\$110 to the state, and \$93 retained locally). The applied local court costs assumed for this example includes a \$5 fee for services of a peace officer for issuing a written notice to appear in court or for making an arrest without a warrant.

**FIGURE E4  
SAMPLE COURT COSTS AND FEES FOR FALSE REPORT TO A  
PEACE OFFICER OR LAW ENFORCEMENT EMPLOYEE**

COURT COST OR FEE	AMOUNT CHARGED
Required	\$203
Optional or Applied	5
<b>Total Court Cost and Fees</b>	<b>\$208</b>

SOURCE: Legislative Budget Board.

**CLASS A MISDEMEANOR—  
SECOND DRIVING WHILE INTOXICATED  
(DWI) OFFENSE  
[COUNTY COURT AT LAW IN A COUNTY WHICH HAS NOT  
ESTABLISHED A DRUG COURT PROGRAM]**

Total minimum court costs and fees for a person convicted of Class A Misdemeanor, second DWI is \$353, excluding fines and probation fees (\$260 to the state and \$93 locally). If the Driver’s Responsibility Surcharge is included, a cost of \$4,500 (\$1,500 per year for three years) is added to the total cost in this example. In addition to the total required state and local court costs and fees for this offense of \$353, other applied or optional fees total \$20 for a Jury Fee. Please note that the Driver’s Responsibility Surcharge, while not a court cost, is included to illustrate the impact it has on the financial obligations of DWI offenders.

**FIGURE E5  
SAMPLE COURT COSTS AND FEES FOR CLASS A, SECOND  
DWI OFFENSE**

COURT COST OR FEE	AMOUNT CHARGED
Required	\$353
Optional or Applied <sup>1</sup>	20
Driver’s Responsibility Program Surcharge <sup>2</sup> (\$1,500 per year for three years)	4,500
<b>Total Court Cost, Fees, and Other Obligations<sup>3</sup></b>	<b>\$4,873</b>

<sup>1</sup>This example makes assumptions about the optional or applied fees charged; see text above.

<sup>2</sup>This example includes the yearly surcharge for a driver’s license under then Driver’s Responsibility Program for the offense of a second DWI.

<sup>3</sup>This total does not include the fines, which are determined locally and generally retained locally, or monthly probation fees.

SOURCE: Legislative Budget Board.

**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 \$672, excluding fine amounts, restitution, and monthly probation fees. The required court costs and fees charged total \$590, which includes a \$250 DNA testing fee (\$395 to the state and \$195 retained locally). Assumed optional or applied costs and fees include a Warrant Fee, \$50; a Restitution Installment Fee, if restitution is ordered by the court, of \$12, and a Jury Fee of \$20.

**FIGURE E6  
SAMPLE COURT COSTS AND FEES FOR INDECENT EXPOSURE  
WITH A CHILD, FELONY**

COURT COST OR FEE	AMOUNT CHARGED
Required	\$590
Optional or Applied	82
<b>Total Court Cost and Fees</b>	<b>\$672</b>

SOURCE: Legislative Budget Board.