

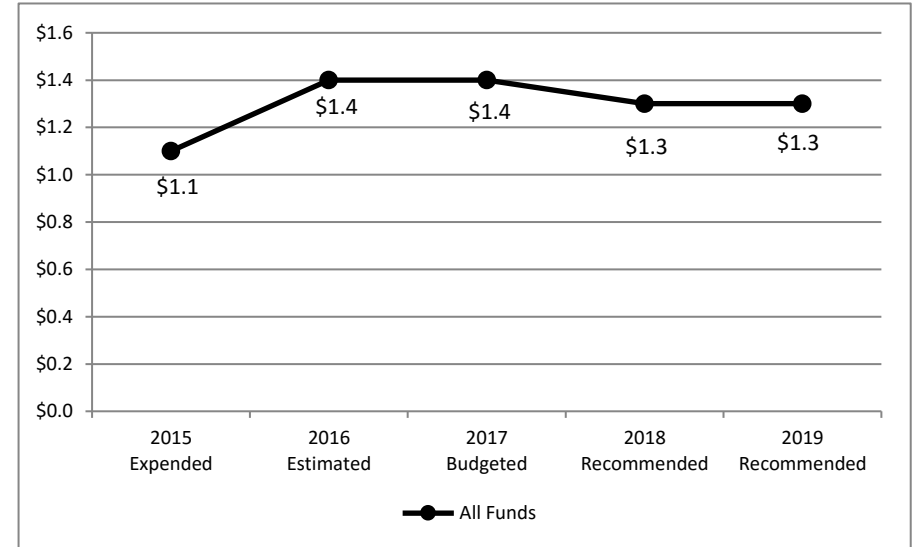
**Office of Capital and Forensic Writs
Summary of Recommendations - House**

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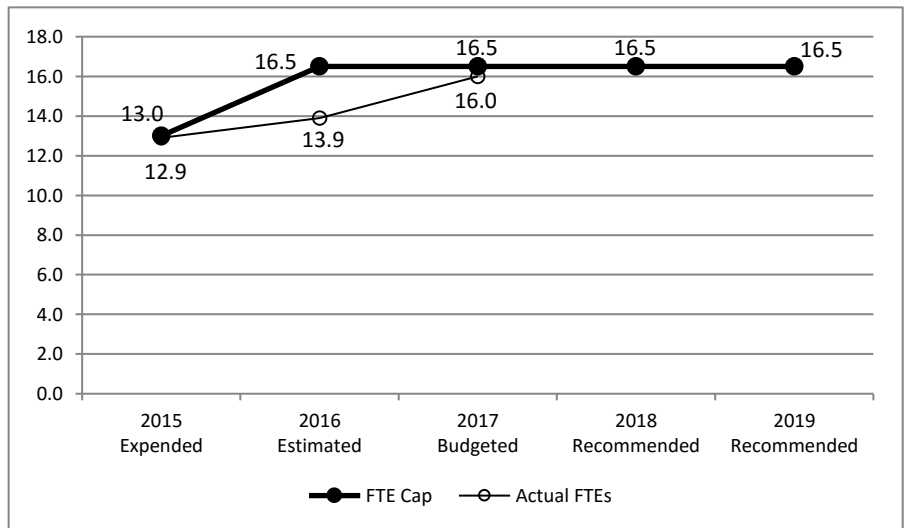
Method of Financing	2016-17 Base	2018-19 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$0	\$0	\$0	0.0%
GR Dedicated Funds	\$2,791,584	\$2,679,921	(\$111,663)	(4.0%)
<i>Total GR-Related Funds</i>	<i>\$2,791,584</i>	<i>\$2,679,921</i>	<i>(\$111,663)</i>	<i>(4.0%)</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$0	\$0	\$0	0.0%
All Funds	\$2,791,584	\$2,679,921	(\$111,663)	(4.0%)

	FY 2017 Budgeted	FY 2019 Recommended	Biennial Change	Percent Change
FTEs	16.0	16.5	0.5	3.1%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2018-19 Recommended) represents an estimated 100% of the agency's estimated total available funds for the 2018-19 biennium.

**Office of Capital and Forensic Writs
Summary of Funding Changes and Recommendations - House**

Funding Changes and Recommendations for the 2018-19 Biennium compared to the 2016-17 Base Spending Level	General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
Funding Changes and Recommendations:						
A) Decreases in funding for expert witnesses that was submitted in the agency's 4 percent reduction.	(\$111,663)	\$0	\$0	\$0	(\$111,663)	A.1.1
TOTAL Funding Changes and Recommendations	(\$111,663)	\$0	\$0	\$0	(\$111,663)	As Listed
<i>Funding Increases</i>	\$0	\$0	\$0	\$0	\$0	As Listed
<i>Funding Decreases</i>	(\$111,663)	\$0	\$0	\$0	(\$111,663)	As Listed

Note: Totals may not sum due to rounding.

**Office of Capital and Forensic Writs
Selected Fiscal and Policy Issues - House**

1. **Forensic Sciences Division:** Enactment of Senate Bill 1743, Eighty-fourth Legislature, 2015, expanded the Office of Capital Writs' responsibilities to include forensic writs in noncapital cases and changed the title of the agency to the Office of Capital and Forensic Writs. The fiscal note for the legislation reflected no significant fiscal impact for the agency during the 2016–17 biennium and anticipated additional costs to hire two attorneys in fiscal year 2018 and an additional attorney in fiscal year 2019 with additional costs for professional services, travel, equipment, and payroll contributions to manage additional cases that would be referred to the agency under the provisions of the bill (total cost of \$403,718 in General Revenue–Dedicated Fair Defense Account No. 5073 excluding benefits) for the 2018–19 biennium.

After conclusion of the Eighty-fourth Legislature, Regular Session, the agency became aware of a growing forensic science issue involving laboratory protocols interpreting DNA samples where multiple contributors may be present which has the possibility of affecting a significantly larger number of cases than originally foreseen in the fiscal note (See also, Items Not Included in Recommendations - House #1 and #2).

2. **General Revenue-Dedicated Fair Defense Account No. 5073: Fair Defense Account:** Appropriations from the General Revenue-Dedicated Fair Defense Account No. 5073 fund the operations of both the Office of Capital and Forensic Writs (OCFW) and the Texas Indigent Defense Commission (TIDC) in addition to the grants provided to the counties for indigent defense services. Anticipated costs from this account total \$62.8 million, which includes recommended appropriations of \$61.7 million (\$31.4 million in fiscal year 2018 and \$30.3 million in fiscal year 2019) to OCFW and TIDC for these purposes and benefit costs of \$1.1 million. Anticipated revenues and available fund balances of \$68.5 million exceed total costs by \$5.7 million, which are also available for appropriation. Revenues deposited to this account are primarily generated from 8.0143 percent of the total collections received through the Consolidated Court Cost that is paid by defendants convicted under certain sections of the Penal Code.

Recommendations include \$2.7 million for OCFW which is a \$0.1 million decrease in funding for expert witnesses that was submitted in the agency's 4 percent reduction (See also, Items Not Included in Recommendations - House #1 and #2).

**Office of Capital and Forensic Writs
Items Not Included in Recommendations - House**

	2018-19 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2020-21
	GR & GR-D	All Funds	FTEs			

Agency Exceptional Items - In Agency Priority Order

1)	General Revenue—Dedicated Fair Defense Account No. 5073 funding for expert witness expenses submitted in the agency's 4 percent reduction (See also, Selected Fiscal and Policy Issues - House #1 and #2).	\$111,663	\$111,663	0.0	No	No	\$111,664
2)	<p>General Revenue-Dedicated Fair Defense No. 5073 funding for the following:</p> <p>a) \$570,952 with additional authority for 2.0 FTEs in fiscal year 2017 and 3.0 FTEs in fiscal year 2018 to meet expanded agency obligations to include forensic writs in noncapital cases due to enactment of Senate Bill 1743, Eighty-fourth Legislature, Regular Session. Increased funding would be used to manage additional cases that would be referred to the agency.</p> <p>b) \$241,812 with additional authority for 2.0 FTEs each year for two investigators to support a backlog of cases awaiting investigation.</p> <p>c) \$90,456 with additional authority for 1.0 FTE each year for an accountant to manage current and anticipated accounting and reporting obligations.</p> <p>Out-year costs assume a 5 percent annual increase due to moderate growth in personnel costs, professional fees and services, and travel costs (See also, Selected Fiscal and Policy Issues - House #1 and #2).</p>	\$903,220	\$903,220	6.0	No	No	\$1,010,557

TOTAL Items Not Included in Recommendations	\$1,014,883	\$1,014,883	6.0			\$1,122,221
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**Office of Capital and Forensic Writs
Appendices - House**

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* Appendix is not included - no significant information to report

** Information is included in the presentation section of the packet

Office of Capital and Forensic Writs
Funding Changes and Recommendations - House, by Strategy -- ALL FUNDS

Strategy/Goal	2016-17 Base	2018-19 Recommended	Biennial Change	% Change	Comments
POST-CONVICTION REPRESENTATION A.1.1	\$2,791,584	\$2,679,921	(\$111,663)	(4.0%)	Recommendations reflect the following decreases in General Revenue–Dedicated Fair Defense Account No. 5073 submitted in the agency's 4 percent reduction: 1. a \$55,000 decrease due to removal of one-time funding for an office buildout 2. a \$56,663 decrease for agency operating expenses. (See also, Items Not Included in Recommendations - House #1)
Total, Goal A, POST-CONVICTION REPRESENTATION	\$2,791,584	\$2,679,921	(\$111,663)	(4.0%)	
Grand Total, All Strategies	\$2,791,584	\$2,679,921	(\$111,663)	(4.0%)	

**Office of Capital and Forensic Writs
FTE Highlights - House**

Full-Time-Equivalent Positions	Expended 2015	Estimated 2016	Budgeted 2017	Recommended 2018	Recommended 2019
Cap	13.0	16.5	16.5	16.5	16.5
Actual/Budgeted	12.9	13.9	16.0	NA	NA

Schedule of Exempt Positions (Cap)					
Executive Director	\$133,926	\$137,274	\$137,274	\$137,274	\$137,274

**Office of Capital and Forensic Writs
Performance Measure Highlights - House**

	Expended 2015	Estimated 2016	Budgeted 2017	Recommended 2018	Recommended 2019
<ul style="list-style-type: none"> • <i>Number of Writ Applications for Which Hearings are Granted by a Trial Court</i> <p><i>Measure Explanation:</i> A majority of the agency's caseload has reached a stage beyond the point at which the case is granted a hearing.</p>	8	6	4	4	4
<ul style="list-style-type: none"> • <i>Number of New Cases Accepted</i> <p><i>Measure Explanation:</i> A majority of the agency's habeas caseload is presently in a time and resource-intensive period at the live evidentiary hearing stage. As a result, the agency is unable to accept more than seven new cases without presenting a risk to quality representation for its current cases.</p>	4	7	7	7	7
<ul style="list-style-type: none"> • <i>Number of Cases Refused</i> <p><i>Measure Explanation:</i> The number of cases refused by the OCFW during a fiscal year. The agency anticipates the number of cases refused to be only slightly above 2016-17 levels.</p>	1	3	3	4	4
<ul style="list-style-type: none"> • <i>Number of Cases Pending</i> <p><i>Measure Explanation:</i> The number of cases pending by the OCFW at the end of a fiscal year.</p>	46	53	46	46	46

Note: The boundaries of these performance measure were broadened to capture more of the agency's workload for the 2018-19 biennium. These changes were enough to warrant their being considered new measures.

**Office of Capital and Forensic Writs
Summary of Ten Percent Biennial Base Reduction Options - House**

Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Included in Introduced Bill?
			GR & GR-D	All Funds	FTEs			
1)	Eliminate 2.0 FTEs	Eliminate 2.0 FTE unidentified positions which would reduce the number of cases accepted by the agency and decrease the amount of time that the agency can dedicate to investigation and litigation of these cases.	\$133,996	\$133,996	2.0	\$0	5%	No
2)	Eliminate 2.0 FTEs	Eliminate 2.0 FTE unidentified positions which would reduce the number of cases accepted by the agency and decrease the amount of time that the agency can dedicate to investigation and litigation of these cases.	\$133,996	\$133,996	2.0	\$0	5%	No
TOTAL, 10% Reduction Options			\$267,992	\$267,992	4.0	\$0		