



# LEGISLATIVE BUDGET BOARD

## Financing the Judiciary in Texas

### Legislative Primer

**SUBMITTED TO THE 85TH TEXAS LEGISLATURE**

**LEGISLATIVE BUDGET BOARD STAFF**

**SEPTEMBER 2016**

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## **Legislative Primer**

**SUBMITTED TO THE 85<sup>TH</sup> LEGISLATURE  
LEGISLATIVE BUDGET BOARD STAFF**

**FIFTH EDITION  
SEPTEMBER 2016**

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# INTRODUCTION

This primer describes the Texas court system and judicial branch agencies and reviews the funding and revenue sources for each area of the Judiciary. References to appropriated funds reflect the amounts in the Eighty-fourth Legislature, General Appropriations Act (GAA), 2016–17 Biennium. All appropriations, whether for district or appellate courts, prosecutors, judicial retirement benefits, juror pay, or judicial agencies, are detailed in this report. This report also reviews court costs and fees the Judiciary is authorized to impose and how much revenue is generated from collection of those costs and fees.

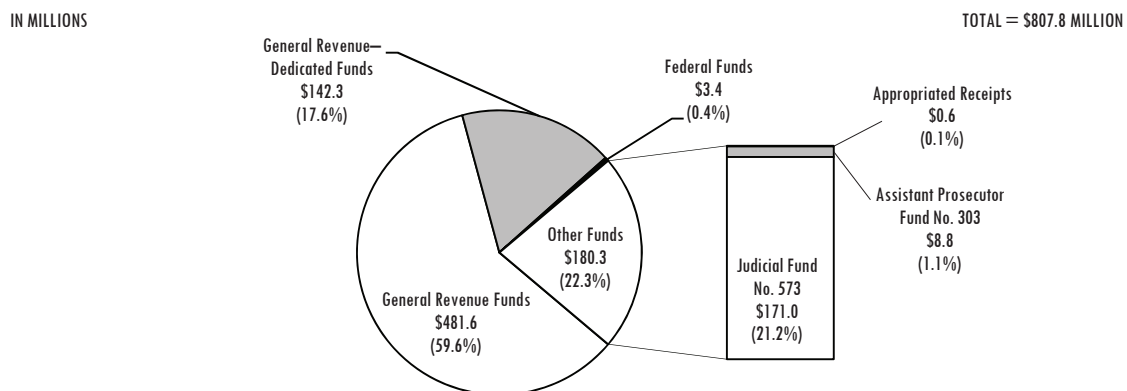
The Eighty-fourth Legislature, 2015, appropriated \$807.8 million in All Funds to the Judiciary for the 2016–17 biennium, which represents less than 0.4 percent of all state appropriations. As **Figure 1** shows, General Revenue Funds are the primary source of funding, also referred to as methods of finance, for the Judiciary, accounting for \$481.6 million, or 59.6 percent. Other Funds compose the next largest portion of judiciary funding at \$180.3 million, or 22.3 percent. This method of finance includes Judicial Fund No. 573 and the Assistant Prosecutor Supplement Fund No. 303. General Revenue–Dedicated Funds constitute the third-largest portion and total \$142.3 million, or 17.6 percent of All Funds. This amount includes Fair Defense Account No.

5073, the Judicial and Court Personnel Training Fund No. 540, the Sexual Assault Program Account No. 5010, and the Statewide Electronic Filing System Fund No. 5157, a majority of which is supported through revenue from civil filing fees. Federal Funds compose the smallest funding portion at 0.4 percent, totaling \$3.4 million.

Amounts in **Figure 1** do not include \$20.2 million in Interagency Contracts, that include: (1) Federal Funds from the Office of the Attorney General for child support court contracts, including administration (\$10.1 million); (2) grants from the General Revenue–Dedicated Compensation to Victims of Crime Account for basic civil legal services for indigent victims of crime (\$5.0 million); and (3) grants from the Criminal Justice Division of the Governor’s Office to the Special Prosecution Unit, headquartered in Huntsville, for prosecution of crimes committed in facilities of the Texas Department of Criminal Justice (\$3.0 million).

A portion of the Judiciary is financed through civil filing fees, court costs, and other fees that are deposited to the credit of General Revenue–Dedicated Funds accounts and Other Funds accounts. The entire state portion of these revenue sources is not appropriated to the courts. For example, the

**FIGURE 1  
JUDICIARY APPROPRIATIONS BY METHOD OF FINANCE, 2016–17 BIENNIUM**



**NOTES:**

- (1) General Revenue–Dedicated Funds include the Fair Defense Account (\$66.3 million), the Statewide Electronic Filing System Account (\$45.5 million), the Judicial and Court Personnel Training Account (\$19.6 million), and the Sexual Assault Program Account No. 5010 (\$10 million).
- (2) Amounts exclude Interagency Contracts totaling \$20.2 million.

SOURCE: Legislative Budget Board.

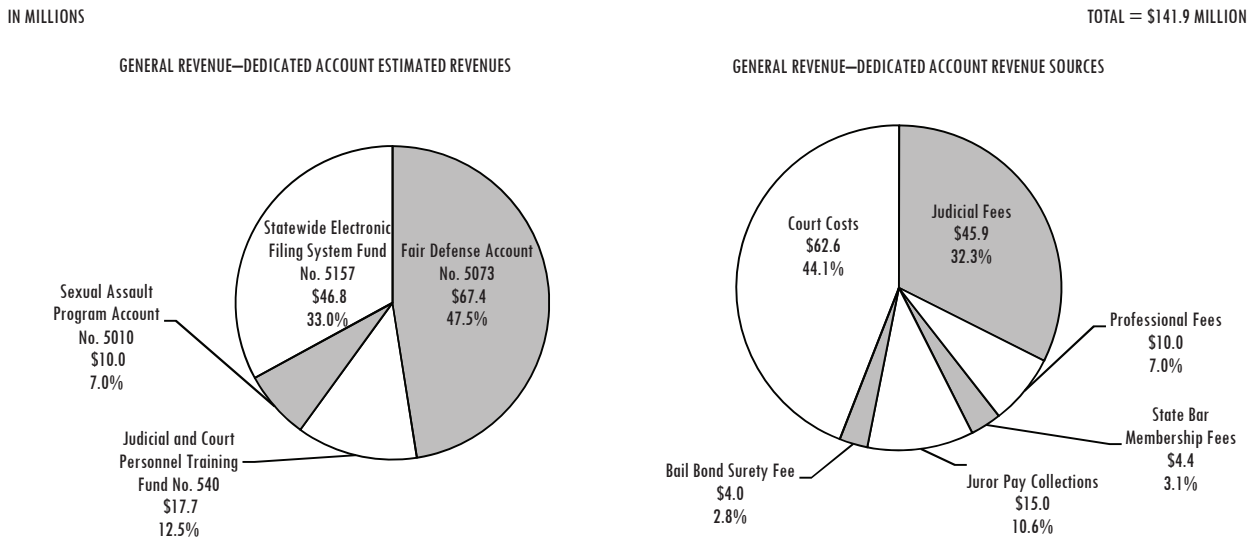
Department of Public Safety and trauma facilities also are appropriated a portion of court revenue. See the Court-generated State Revenue Sources chapter.

**Figure 2** shows the revenue sources for each of the General Revenue–Dedicated Funds used by courts and judicial branch agencies as reflected in the Comptroller of Public Accounts’ Revenue Estimate for the 2016–17 biennium. Civil filing fees and court costs contribute the largest portion of revenue into these accounts, accounting for 76.4 percent of total revenue. Appropriations of General Revenue–Dedicated Funds for the 2016–17 biennium exceed estimated revenues by \$0.4 million; this amount is due to the

appropriation of available balances in the Judicial and Court Personnel Training Fund No. 540 and enacted legislation increasing filing fees revenue allocated to the Statewide Electronic Filing System Fund No. 5157.

**Figure 3** shows the revenue sources for each of the Other Funds used by courts and judicial branch agencies as shown in the Comptroller of Public Accounts’ Revenue Estimate for the 2016–17 biennium. Court costs contribute the largest portion of revenue into these accounts, accounting for 71.3 percent of total revenue. Appropriations of the Judicial Fund exceed estimated revenues by \$1.6 million for the 2016–17 biennium. However, if the fund’s revenues are not sufficient

**FIGURE 2  
JUDICIARY GENERAL REVENUE–DEDICATED ACCOUNTS AND REVENUE SOURCES, 2016–17 BIENNIUM**



**REVENUE SOURCES BY GENERAL REVENUE–DEDICATED ACCOUNT**

FAIR DEFENSE ACCOUNT NO. 5073	STATEWIDE ELECTRONIC FILING SYSTEM FUND NO. 5157	SEXUAL ASSAULT PROGRAM ACCOUNT NO. 5010	JUDICIAL AND COURT PERSONNEL TRAINING FUND NO. 540
<ul style="list-style-type: none"> <li>• 8.0143% of the Consolidated Court Cost</li> <li>• 33.3% of a \$15 cost paid by each surety posting a bail bond</li> <li>• Indigent defense \$2 fee upon criminal conviction</li> <li>• Transfer of juror pay collections</li> </ul>	<ul style="list-style-type: none"> <li>• \$30 filing fee for civil cases in county-level, district, and appellate courts</li> <li>• \$10 filing fee for civil cases in justice courts</li> <li>• \$5 criminal court cost charged upon conviction in a county or district court</li> </ul>	<ul style="list-style-type: none"> <li>• Fees collected from sexually oriented businesses</li> </ul>	<ul style="list-style-type: none"> <li>• 4.8362% of the Consolidated Court Cost</li> <li>• 50.0% of civil filing fees collected by the Courts of Appeals</li> </ul>

NOTES:

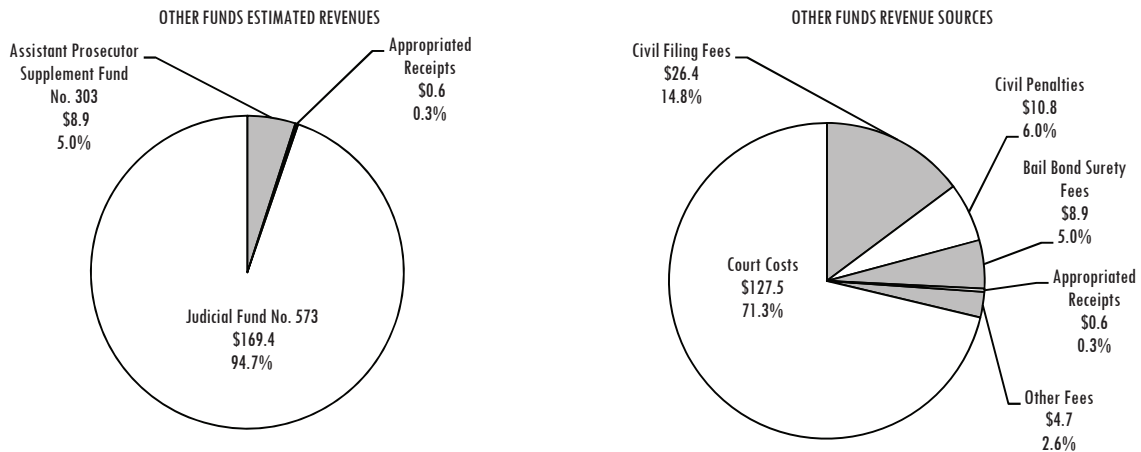
- (1) Totals may not sum due to rounding.
- (2) Amounts shown for General Revenue–Dedicated Sexual Assault Program Account show only the portion of revenues appropriated to the Judiciary from this account.
- (3) Juror pay collections represent a transfer to the General Revenue–Dedicated Fair Defense Account from General Revenue Funds if General Revenue Funds balances are more than \$10.0 million.

SOURCES: Legislative Budget Board, Comptroller of Public Accounts.

**FIGURE 3**  
**JUDICIARY OTHER FUNDS ACCOUNTS AND REVENUE SOURCES, 2016–17 BIENNIUM**

IN MILLIONS

TOTAL = \$178.8 MILLION



**REVENUE SOURCES BY OTHER FUNDS TYPE**

JUDICIAL FUND NO. 573	ASSISTANT STATE PROSECUTOR SUPPLEMENT FUND NO. 303	APPROPRIATED RECEIPTS
<ul style="list-style-type: none"> <li>• \$5.40 of a \$6 Judicial Support court cost imposed upon certain convictions</li> <li>• 50.0% of civil filing fees collected by the 14 Courts of Appeals and a civil filing fee collected by District Courts</li> <li>• Net amount of civil penalties recovered by the Attorney General in an action pursuant to the Texas Business and Commerce Code up to \$50.0 million</li> <li>• Civil filing fees collected by the Supreme Court of Texas and 14 Courts of Appeals in an amount not to exceed \$50</li> </ul>	<ul style="list-style-type: none"> <li>• 66.6% of a \$15 cost paid by each surety posting a bail bond</li> </ul>	<ul style="list-style-type: none"> <li>• Copy fee revenue collected by the Supreme Court of Texas, Court of Criminal Appeals, and the 14 Courts of Appeals</li> <li>• Duplication service fee revenue collected by the State Law Library</li> <li>• Reimbursement of Office of Court Administration travel, equipment, staff salary, and other related expenses</li> </ul>

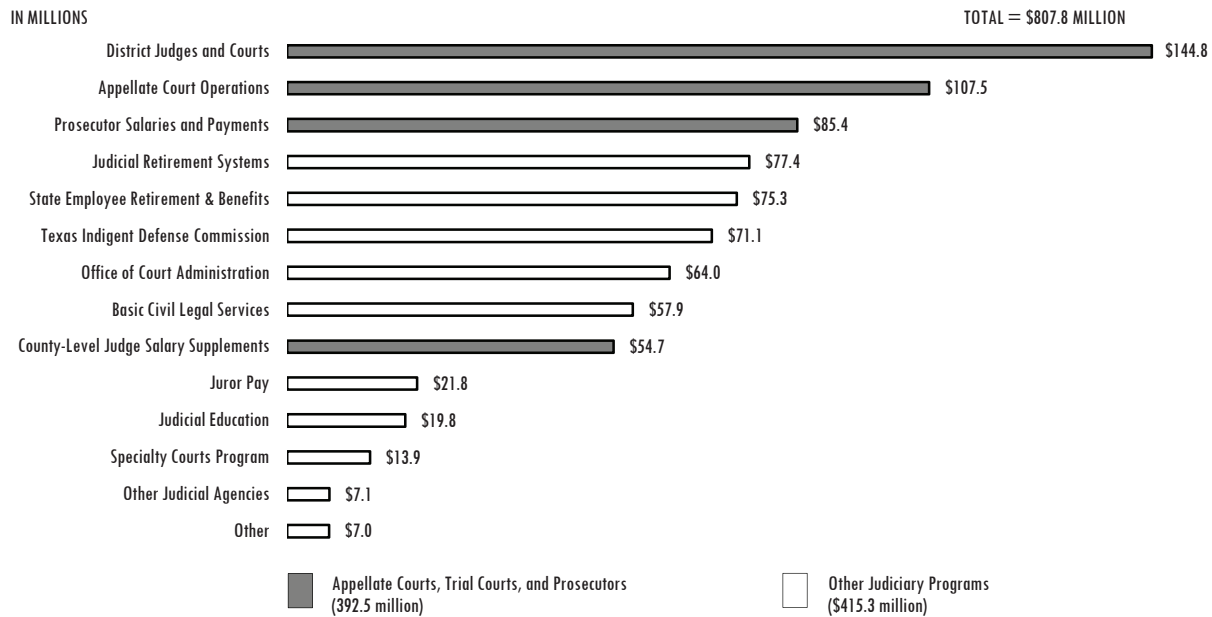
NOTES:  
 (1) Totals may not sum due to rounding.  
 (2) Amounts shown for other fees include additional legal services fees, motor vehicle registration fees, and copy fees.  
 SOURCES: Legislative Budget Board; Comptroller of Public Accounts.

to cover obligations during the 2016–17 biennium, then General Revenue Funds are used to meet any remaining obligations.

Figure 4 shows the Judiciary’s appropriations by function for the 2016–17 biennium, differentiated by whether the appropriation relates to appellate courts, trial courts, and prosecutors, or other judiciary programs. The largest appropriation by function is for district judge salaries and payments at \$144.8 million, followed by operating expenses for the appellate courts at \$107.5 million, prosecutor salaries and payments at \$85.4 million, and judicial retirement costs at \$77.4 million.



**FIGURE 4  
APPROPRIATIONS FOR THE JUDICIARY, 2016–17 BIENNIUM**



**NOTES:**

- (1) Amounts exclude Interagency Contracts totaling \$20.2 million.
- (2) Appellate Court Operations include amounts to carry out court operations of the Supreme Court of Texas, Court of Criminal Appeals, and the 14 Courts of Appeals.
- (3) Office of Court Administration amounts do not include funding for child support or child protection courts or the Texas Indigent Defense Commission, which are shown separately.
- (4) Other Judicial Agencies funding includes appropriations for the State Law Library, State Commission on Judicial Conduct, and Office of Capital and Forensic Writs.
- (5) The Other category includes appropriations for Death Penalty Representation, Indigent Inmate Defense, Witness Expenses, the National Center for State Courts within the Judiciary Section of the Comptroller’s Department; Court Improvement Projects within the Supreme Court of Texas, and Lease Payments for the Judiciary.
- (6) Totals may not sum due to rounding.

SOURCE: Legislative Budget Board.

**OVERVIEW OF TEXAS COURT SYSTEM  
STRUCTURE**

A constitutional amendment in 1891 established the initial structure of the Texas court system. The current judicial structure is composed of appellate courts, district courts, county-level courts, justice of the peace courts, and municipal courts. **Figure 5** shows the court structure of Texas.

**APPELLATE COURTS**

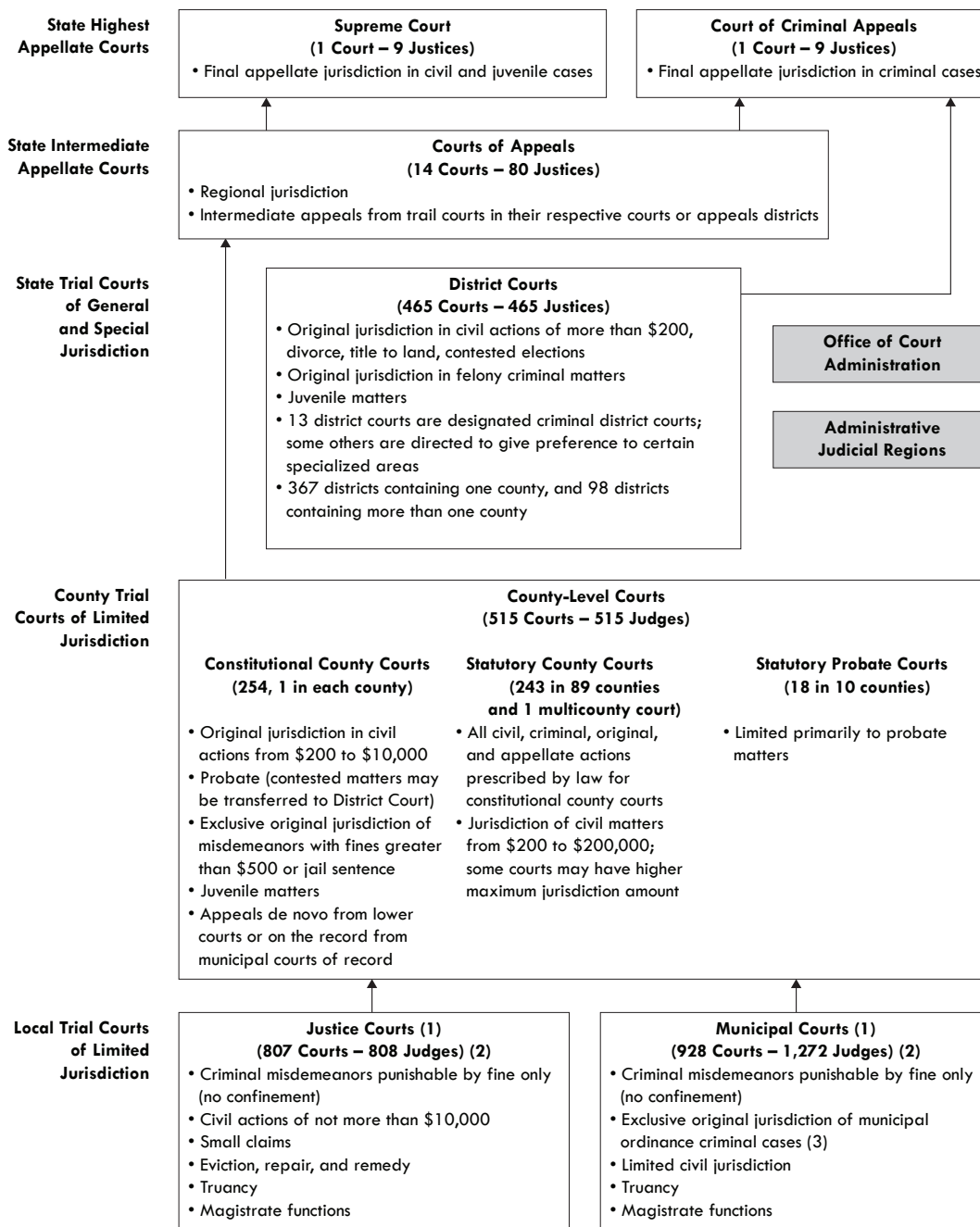
The state’s appellate courts include the Supreme Court of Texas, the Court of Criminal Appeals, and the 14 Courts of Appeals. The Supreme Court of Texas consists of nine justices and is the state’s highest court in civil and juvenile matters. The Court of Criminal Appeals contains nine judges and is the final authority in criminal cases. The 14 Courts of Appeals have intermediate appellate jurisdiction in civil and criminal cases. A chief justice and any number from two to

12 additional justices, as authorized by the Texas Legislature, preside over each court of appeals. As of September 2015, the 14 Courts of Appeals had 80 justices. **Figure 6** shows the geographic locations and primary seats for the 14 Courts of Appeals. Actions of the Eighty-Fourth Legislature, 2015, did not affect appellate court jurisdictions. See the State Funding for Appellate Court Operations chapter.

**DISTRICT COURTS**

As of September 1, 2015, 464 district courts served one or more counties within the 14 Courts of Appeals jurisdictions, with each district court having one judge. The Texas Government Code, Section 74.042, establishes nine administrative judicial regions in Texas, each with a single presiding judge designated by the Governor (see **Figure 7**). The presiding judge of a judicial region is responsible for promulgating and implementing regional rules of

**FIGURE 5  
COURT STRUCTURE OF TEXAS, AS OF SEPTEMBER 1, 2015**

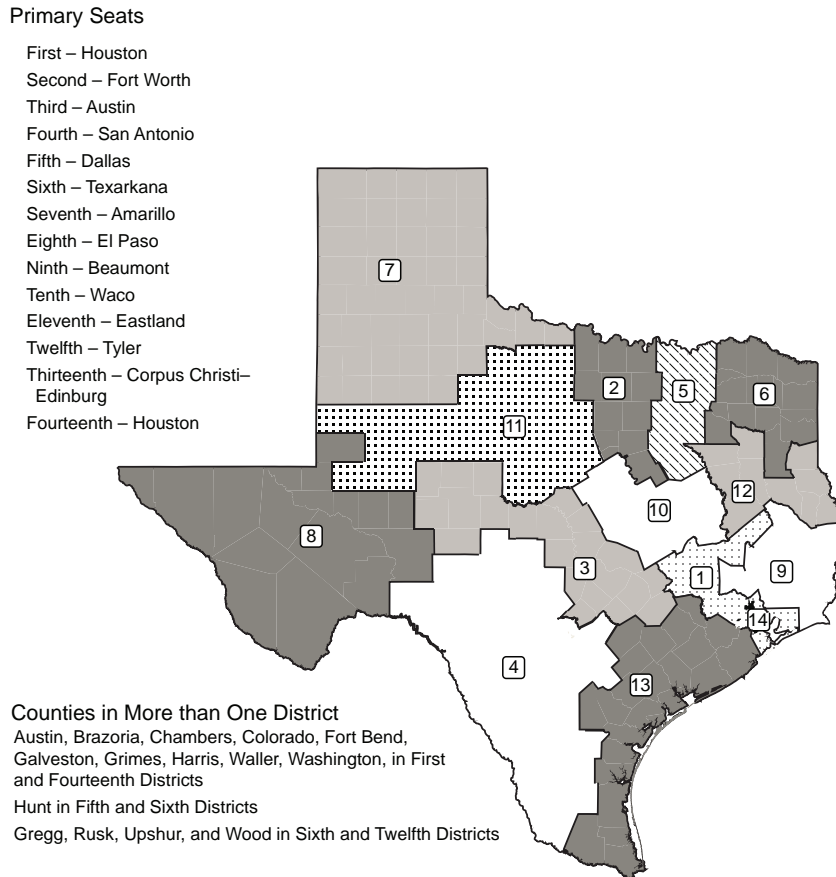


**NOTES:**

- (1) All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial de novo (a completely new trial) in the county-level courts and in some instances in district courts.
- (2) Some municipal courts are courts of record—appeals from those courts are taken on the record to the county-level courts. As of February 2015, 155 courts indicated that they were courts of record; see <http://www.txcourts.gov/media/1097010/Court-Structure-Chart-Sept-2015.pdf>.
- (3) An offense that arises pursuant to a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health; or (2) \$500 for all others.

SOURCE: Office of Court Administration.

**FIGURE 6**  
**TEXAS COURTS OF APPEALS DISTRICTS, 2016–17 BIENNIUM**



SOURCE: Office of Court Administration.

administration; advising local judges on judicial management; recommending changes to the Supreme Court of Texas for the improvement of administration; and acting for local administrative judges in their absence.

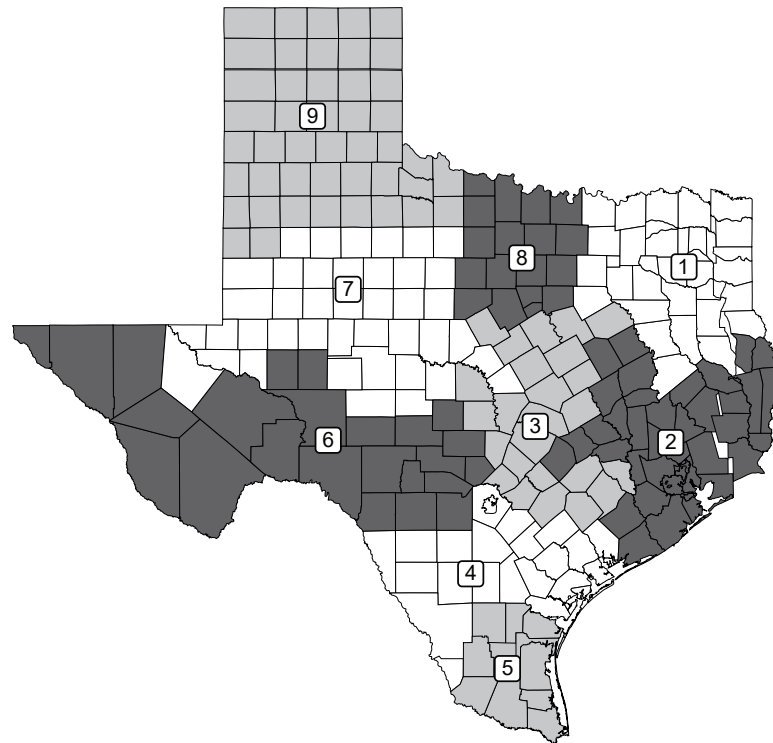
District courts serve as the primary trial courts in the state. Most district courts handle criminal and civil cases. In metropolitan areas, the state district courts might specialize in criminal, civil, or family law matters. In a few locations, courts that serve primarily a criminal jurisdiction are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

Actions of the Eighty-fourth Legislature, 2015, resulted in the establishment of additional district courts and changes to previously established district courts. For more information on these changes and on district courts, see the State Funding for Trial Courts chapter.

**COUNTY COURTS**

The Texas Constitution establishes a single county court in each of the state’s 254 counties. Each constitutional county court has a single judge. The constitutional county courts have original jurisdiction of certain civil actions, probate, certain misdemeanors, and appeals from lower courts. However, not all county courts exercise judicial functions. The Texas Legislature also established statutory county courts, primarily in metropolitan areas, to relieve the county judges of some or all of the judicial duties of their office. These statutory courts include 243 county courts at law in 89 counties, one multicounty court at law serving three counties, and 18 statutory probate courts in 10 counties. Actions of the Eighty-fourth Legislature, 2015, resulted in the establishment of additional county courts and an increase in supplemental funding for some county court judges. See the State Funding for Trial Courts chapter.

**FIGURE 7**  
**TEXAS' NINE ADMINISTRATIVE JUDICIAL REGIONS, 2016–17 BIENNIUM**



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

### LOCAL TRIAL COURTS

Justice of the peace courts have original jurisdiction in criminal cases that are punishable by fine or when no jail time is due. These courts also function as small claims courts and have jurisdiction for forcible entry and eviction actions. The Texas Constitution authorizes from one to eight justice precincts per county, with each court having one justice. The number of justices is determined by the county's population size. As of January 2016, Texas had 807 justice courts.

The constitution also authorizes the Legislature to establish municipal courts. Through this authority, the Legislature has established a municipal court in each incorporated municipality in the state. As of January 2016, 1,272 municipal court judges operated in 928 municipal courts throughout Texas. Municipal courts have original jurisdiction of criminal violations of city ordinances, resolutions, and orders of joint boards that govern local airports.

### JUDICIAL SELECTION IN TEXAS

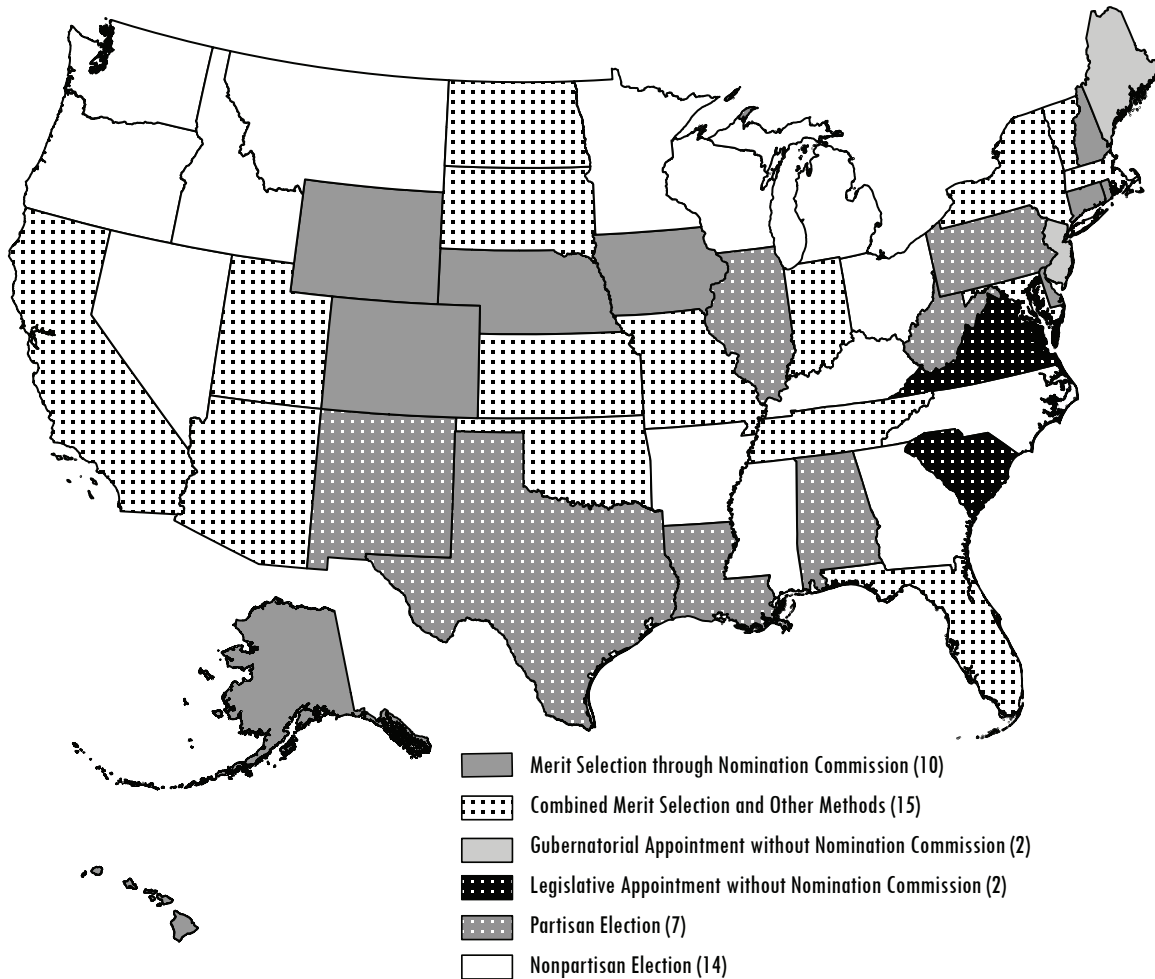
Texas is one of seven states that selects its judges through partisan elections, in which the candidate's party affiliation is

listed on the ballot in the general election. However, in Texas many appellate and district judges first assume the bench when appointed by the Governor to fill a judicial vacancy. Gubernatorial appointments are subject to Senate approval during the subsequent legislative session. Appointed judges are also subject to retention elections, because they must run for office once the appointed term expires.

Ten states use a merit selection process through a nomination commission. In a commission-based system, a nominating commission evaluates candidates and forwards the names of the best-qualified to the governor, who makes an appointment. Fifteen other states select judges through a combination of commission-based appointments and partisan or nonpartisan elections. Selection systems also include nonpartisan elections, and gubernatorial or legislative appointments. **Figure 8** shows judicial selection methods used by the states. Within these categories are considerable variations among the states. For example, although Alabama overall has a partisan election system, eight counties within the state use a judicial nominating commission.



**FIGURE 8**  
**JUDICIAL SELECTION METHODS BY STATE, AS OF JANUARY 1, 2016**



SOURCE: National Center for State Courts.

Debate on changing the judicial election system in Texas to a merit-based retention system is a perennial issue. A merit-based retention system is one in which judges initially would be appointed by the Governor for specified terms, and then would be subject to nonpartisan elections in which voters could approve or reject the judges' retention; or in which appointments would be made by the Governor based upon the recommendations of a nomination commission. Proponents for a merit-based system argue that an appointment-retention system would result in more competent judges to better serve the public, who often are not familiar with the qualifications of judicial candidates and that requiring judges to run for office runs the risk of making the judges beholden to the donors making campaign contributions. Defenders of Texas' elective system say it is the

best means of holding judicial officers accountable for their decisions.

**SIGNIFICANT ACTIONS  
 OF THE EIGHTY-FOURTH LEGISLATURE**

**MAJOR FUNDING ISSUES**

The Eighty-fourth Legislature, 2015, appropriated \$807.8 million in All Funds for the Judiciary, an increase of \$43.3 million or 5.7 percent, from the 2014–15 biennium. This amount includes employee benefit and debt service costs of \$152.7 million and excludes Interagency Contract costs of \$20.2 million.

Appropriations for the appellate courts including the Supreme Court of Texas, the Court of Criminal Appeals

(CCA), and the 14 appellate courts, total \$193.7 million in All Funds, an increase of \$18.9 million, primarily for the following:

- Basic Civil Legal Services (BCLS): an increase of \$8.6 million for the BCLS program, administered through the Supreme Court, for additional grant funding for nonprofit organizations to provide free civil legal services to low-income Texans; program funding totals \$62.9 million and includes \$13.0 million to specifically provide services for victims of sexual assault and for veterans and their families;
- judicial education: an increase of \$1.8 million for the Judicial Education Program, administered through CCA, to provide grants to entities offering continuing legal education, technical assistance, and innocence training for judicial and court personnel; program funding totals \$19.8 million; and
- general operating costs: an increase of \$8.7 million to provide similar funding for similar courts for necessary legal and non-legal staff salary increases to attain salary parity, additional staff, security costs, and operating and travel cost adjustments for the Supreme Court, CCA, and the 14 Courts of Appeals.

Appropriations for all judicial branch agencies—including the Office of Court Administration (OCA), the Office of Capital and Forensic Writs (OCFW), the Office of State Prosecuting Attorney, the State Law Library, the State Commission on Judicial Conduct, and the Judiciary Section of the Comptroller's Department—total \$481.5 million in All Funds, an increase of \$19.2 million, which primarily includes the following:

- electronic filing: an increase of \$17.0 million, from civil filing fee revenues for vendor payments to manage the eFiling system through OCA, which allows the electronic filing of cases, and to provide assistance to courts so that the system can be fully implemented by July 2016; estimated program funding totals \$45.5 million, which includes \$8.5 million due to the enactment of Senate Bill 1139, Eighty-fourth Legislature, 2015, which increased civil filing fees;
- indigent defense: a net decrease of \$13.9 million for the Texas Indigent Defense Commission (TIDC), leaving program funding of \$71.1 million in All Funds to assist counties with establishing, developing, and maintaining indigent defense

services by reviewing annual plans submitted by counties, educating stakeholders on how to administer effective services, awarding competitive discretionary grants, and distributing formula grants to counties. The decreases are due to onetime balances being used in the 2014–15 biennium that are not available in the 2016–17 biennium. Funding is primarily from General Revenue–Dedicated Fair Defense Account No. 5073; however, \$7.5 million in General Revenue Funds is appropriated for the regional public defender office for capital cases (\$3.1 million) and to defray costs to counties for providing indigent defense services (\$4.4 million);

- OCA Child Support and Child Protection Courts: an increase of \$3.7 million, to provide \$24.0 million for 44 child support courts with funding for 44 associate judges and 43 court coordinators; and for 25 child protection courts, including four newly established courts, with funding for 20 associate judges and 25 court coordinators and reporters. This amount also provides an increase in associate judges' salaries to 80 percent of a district judge's salary, or \$112,000; and a salary increase for court staff;
- county judge salary supplement: an increase of \$4.2 million due to the enactment of Senate Bill 1025, Eighty-fourth Legislature, 2015, to increase the county judge salary supplement for certain county judges to 18 percent of a district judge's state salary;
- new trial courts and prosecutor positions: an increase of \$2.3 million due to the enactment of Senate Bill 1139 to establish new district courts and statutory county courts and new prosecutor positions;
- member contributions to the Employees Retirement System (ERS): an increase of \$1.3 million due to the enactment of House Bill 9, Eighty-fourth Legislature, 2015, to increase member contributions to ERS, which results in funding for grants to counties for local compensation to offset the increased costs for this purpose;
- local prosecutor investigation funding: an increase of \$0.5 million due to the enactment of House Bill 1690, Eighty-fourth Legislature, 2015, to defray expenses of local prosecutors relating to the investigation and prosecution of offenses against public administration, including ethics offenses;

- Special Prosecution Unit (SPU): an increase of \$0.5 million for SPU for 3.0 percent pay increases, county-forecasted benefits expenses, and increased accounting expenses for the Criminal, Civil, and Juvenile Divisions. The net increase includes a decrease of \$0.2 million due to the enactment of Senate Bill 746, Eighty-fourth Legislature, 2015, which reforms the process of civilly committing sexually violent predators by placing the responsibility to initiate a commitment with the local prosecutor in the county where the conviction occurred; and
- Timothy Cole Exoneration Commission: an increase of \$0.3 million due to the enactment of House Bill 48, Eighty-fourth Legislature, 2015, to provide for the establishment of the Timothy Cole Exoneration Commission to review convictions after exoneration and prevent wrongful convictions.

### **SIGNIFICANT LEGISLATION**

Enacted legislation from the Eighty-fourth Legislature, 2015, that affected the financing of the judiciary can be separated into three broad categories of legislation related to compensation, revenue and funding, and organization and operations.

### **COMPENSATION**

**House Bill 9 – Increased Member Contributions to the Employees Retirement System (ERS).** The bill eliminates the 90-day membership waiting period, which will allow for retirement contributions by the state and members to ERS Retirement to begin on the first day of employment. The bill also increases the member contribution rate to ERS Retirement from 7.2 percent in fiscal year 2016 and 7.5 percent in fiscal year 2017 to 9.5 percent in each fiscal year of the 2016–17 biennium and beyond. State felony prosecutors are members of ERS.

**Senate Bill 1025 – Constitutional County Judge Salary Supplement Linked to District Judge Pay.** The bill increases the county judge salary supplement for eligible county judges where 40 percent of the judge's functions are judicial to 18 percent of a district judge's state salary (\$140,000), or as set forth in the General Appropriations Act, as adjusted from time to time.

### **REVENUE AND FUNDING**

**House Bill 1079 – Revenue Streams for Basic Civil Legal Services.** The bill expands the types of fines, fees, and other

collections to be allocated to the Judicial Fund for basic civil legal services.

**Senate Bill 1057 – Regional Public Defender Program Funding.** The bill provides authority for TIDC to provide continuing state funding at up to 50 percent of the cost for regional public defender programs and permits TIDC to provide the funds directly to these programs.

### **ORGANIZATION AND OPERATIONS**

**House Bill 48 – Timothy Cole Exoneration Review Commission.** The bill establishes the Timothy Cole Exoneration Review Commission to review and examine Texas cases in which an innocent defendant was convicted and subsequently exonerated after January 1, 2010. The commission is required to submit a detailed report on the case review no later than December 1, 2016, and will be dissolved upon conclusion of that report's submission.

**House Bill 1690 – Investigation and Prosecution of Offenses Against Public Administration.** The bill establishes a Public Integrity Unit within the Texas Ranger Division of the Department of Public Safety. The new unit will assist local prosecutors in investigations of offenses against public administration, and the Comptroller of Public Accounts is directed to reimburse local prosecutors for reasonable costs, including prosecutor and witness travel expenses.

**House Bill 3424 – Report on Guardians of Incapacitated Persons.** The bill requires OCA to conduct a study on the feasibility of developing, implementing, and maintaining a central database containing the names of mentally incapacitated persons who have had guardians appointed, and the names and contact information of guardians. OCA is also required to study the best practices for protecting the privacy of incapacitated persons and the confidentiality of information in the database. OCA is required to report on the study's findings by December 1, 2016.

**Senate Bill 455 – Special Three-Judge District Courts.** The bill permits the Attorney General to petition the Chief Justice of the Supreme Court of Texas to convene a special three-judge district court for a suit filed against the state or a state officer or agency when the suit regards public school finance or involves apportioning of legislative, congressional, judicial, or State Board of Education districts.

**Senate Bill 746 – Civil Commitments of Sexually Violent Predators.** The bill reforms the process of civilly committing sexually violent predators by placing the responsibility to

initiate commitments with local prosecutors in the counties where the convictions occurred.

**Senate Bill 1743 – Expanding Powers and Duties of the Office of Capital Writs.** The bill expands the powers and duties of the Office of Capital Writs beyond post-conviction matters in death penalty cases. These expanded responsibilities include habeas corpus and other post-conviction matters in cases involving certain scientific evidence that becomes available after a conviction. The office is also renamed to the Office of Capital and Forensic Writs (OCFW). The bill authorizes OCFW to consult with law school clinics and other experts to investigate the facts of cases.

*REVENUE AND FUNDING,  
AND ORGANIZATION AND OPERATIONS*

**Senate Bill 1139 – Creation of New District Courts, County-level Courts, and Professional Prosecutors; Increasing Certain Filing Fees.** The bill establishes five new district courts in fiscal year 2016 and two additional district courts in fiscal year 2017. The new courts join 460 courts in operation effective September 1, 2015. The bill also establishes one new professional prosecutor position effective September 1, 2015, and two additional prosecutors in fiscal year 2017, effective January 1, 2017. The bill abolishes the professional prosecutor position in the 25th Judicial District effective January 1, 2017, and establishes the following county-level courts: (1) the Cameron County Court at Law No. 4, effective January 1, 2017; (2) the Cameron County Court at Law No. 5, effective January 1, 2018; (3) the Collin County Court at Law No. 7, effective September 1, 2015; (4) the Fort Bend County Court at Law No. 5, effective January 1, 2016; and (5) the Harris County Criminal Court at Law No. 16, effective January 1, 2016. The bill abolishes the Kendall County Court at Law, effective January 1, 2017. It also removes Mitchell County from the jurisdiction of First Multicounty Court at Law serving Fisher, Mitchell, and Nolan counties, effective September 1, 2019; and directs the state to compensate the administrative county of the court an amount equal to 100 percent of the state salary of a district court judge for the salary of the judge of the Multicounty Court at Law, effective September 1, 2015. The bill also increases the electronic filing fee from \$20 to \$30 in civil cases in the appellate, district, and county-level courts. These funds are used to meet maintenance and operational costs for the statewide electronic case filing system.





# STATE FUNDING FOR APPELLATE COURT OPERATIONS

The appellate system in Texas contains these components:

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

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

## THE SUPREME COURT

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

Other responsibilities of the court include:

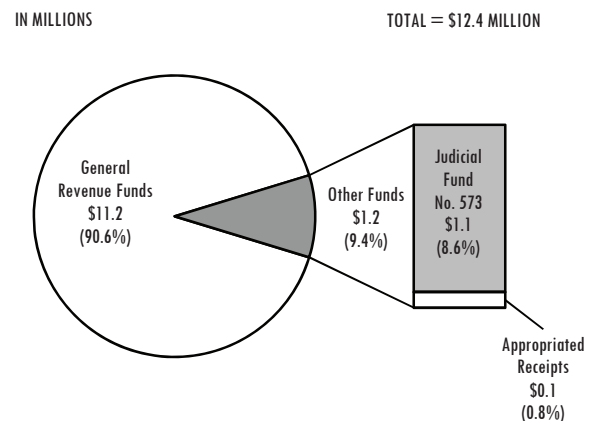
- promulgation and enforcement of rules of civil procedure and evidence;
- licensing and supervision of attorneys;
- appointment of members of the Board of Law Examiners;
- processing of declarations of intent to study law and applications for admission to the State Bar of Texas;
- supervision of the Office of Court Administration and Judicial Branch Certification Commission;
- supervision of funding for programs providing civil legal services for indigents;
- administration of Federal Funds to strengthen courts for children, youth, and families in the

child protection system through operation of the Permanent Commission for Children, Youth, and Families; and

- equalization of the dockets of the 14 Courts of Appeals.

The Eighty-fourth Legislature, 2015, appropriated \$12.4 million for the 2016–17 biennium to support Supreme Court operations. **Figure 9** shows the sources of funding (methods of finance) for state appropriations. Court operations are funded primarily by the General Revenue Fund and Other Funds (Judicial Fund No. 573). General Revenue Funds appropriation increases include \$251,650 each year for legal and nonlegal staff salary increases, \$111,900 for Supreme Court building security additions, \$36,052 to annualize salary increases from the 2014–15 biennium, and \$20,000 for additional court committee travel expenses.

**FIGURE 9**  
**APPROPRIATIONS FOR SUPREME COURT OPERATIONS**  
**2016–17 BIENNIUM**



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

Other Funds appropriations include \$1.1 million from the Judicial Fund for the 2016–17 biennium. Of this amount, an estimated \$200,000 each fiscal year is funded through a \$50 filing fee on civil cases filed in the Supreme Court of Texas or in the 14 Courts of Appeals; this revenue is deposited to the Supreme Court Support Account in the Judicial Fund. All revenues collected from this fee are appropriated for the

court to use on any operations-related expenses. The filing fee generated \$210,580 in fiscal year 2015.

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

The Eighty-fourth Legislature, 2015, appropriated \$230,621 in General Revenue Funds for the 2016–17 biennium to the Supreme Court to fund grants for Multi-District Litigation (MDL) cases at trial and appellate courts, which continues funding at 2014–15 biennial levels. MDL cases are large groups of civil cases that pertain to specific topics (e.g., hurricane-related litigation). Currently, one case—for asbestos-related cases being litigated in Harris County—receives MDL grants. MDL grants can help to pay court personnel costs associated with large-party cases. Grants can also pay the salary of a judge or other court personnel, such as a court coordinator or court reporter to assist the judge in disposition of the MDL cases.

**SUPREME COURT PERFORMANCE**

The Supreme Court disposed of 3,895 matters in fiscal year 2015, including 113 regular causes, 770 petitions for review, and 3,012 other writs and motions. Regular causes involve cases in which four or more of the justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include: direct appeals that the court has agreed to review; and questions of

law certified to it by a federal appellate court that the court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions.

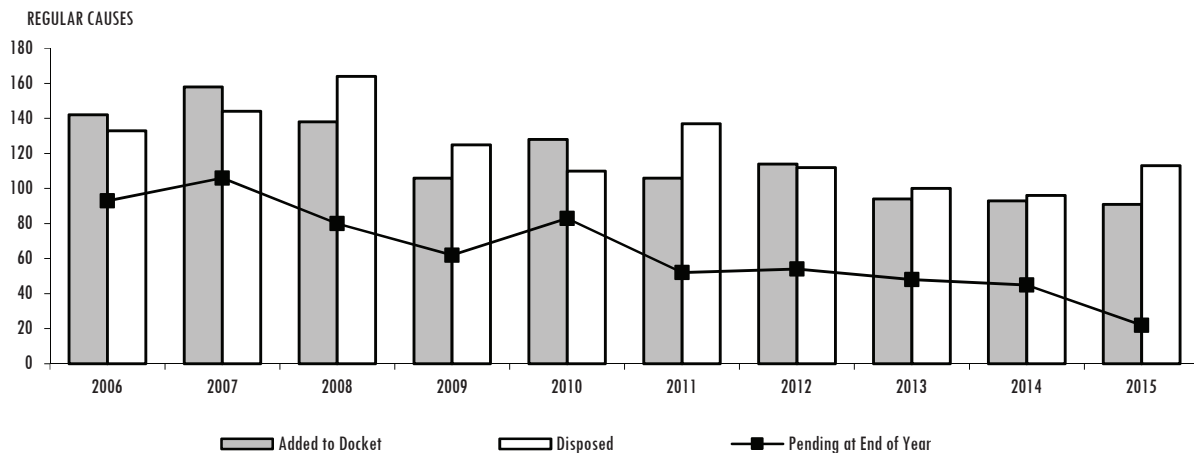
A petition for review is a filing presenting the court with an argument that the court should review a ruling from a court of appeals. Petitioners either may not agree with the appellate court’s judgment or may believe the court of appeals made a procedural error. Petitions for review do not include 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. **Figure 10** shows trends in Regular Causes.

**THE COURT OF CRIMINAL APPEALS**

The Court of Criminal Appeals was established in 1891 and is composed of a Presiding Judge and eight other judges. The court has statewide final appellate jurisdiction in criminal cases. It also has exclusive jurisdiction of 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. Its members are elected to staggered, six-year terms in statewide elections with vacancies subject to gubernatorial appointment and Senate confirmation.

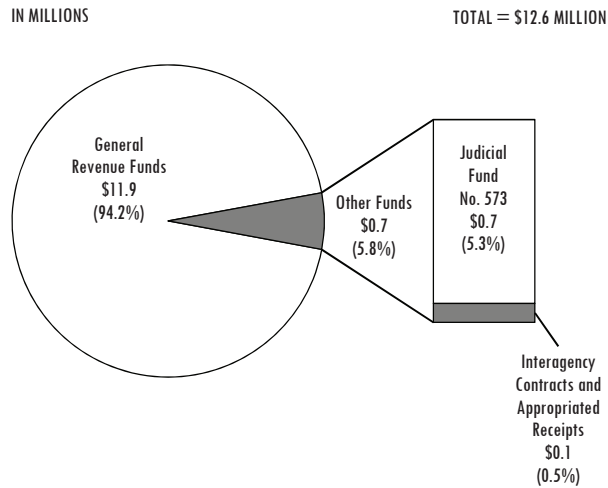
Appropriations for the 2016–17 biennium total approximately \$12.6 million for court operations. **Figure 11** shows court operations by method of finance. Court operations are funded through General Revenue Funds and Other Funds (the Judicial Fund). Appropriations include an

**FIGURE 10**  
**SUPREME COURT REGULAR CAUSES, FISCAL YEARS 2006 TO 2015**



SOURCE: Office of Court Administration.

**FIGURE 11  
APPROPRIATIONS FOR COURT OF CRIMINAL APPEALS  
OPERATIONS, 2016–17 BIENNIUM**



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

increase of \$1.6 million in General Revenue Funds for the following:

- legal staff salary increases to align Court of Criminal Appeals staff attorney salaries with those at the Supreme Court, which raised average attorney salaries from \$82,892 to \$100,157;
- nonlegal staff salary increases to raise average salaries from \$44,080 to \$47,080; and

- funding for an additional staff attorney and deputy clerk (2.0 full-time-equivalent positions) with associated information technology and operating expenses.

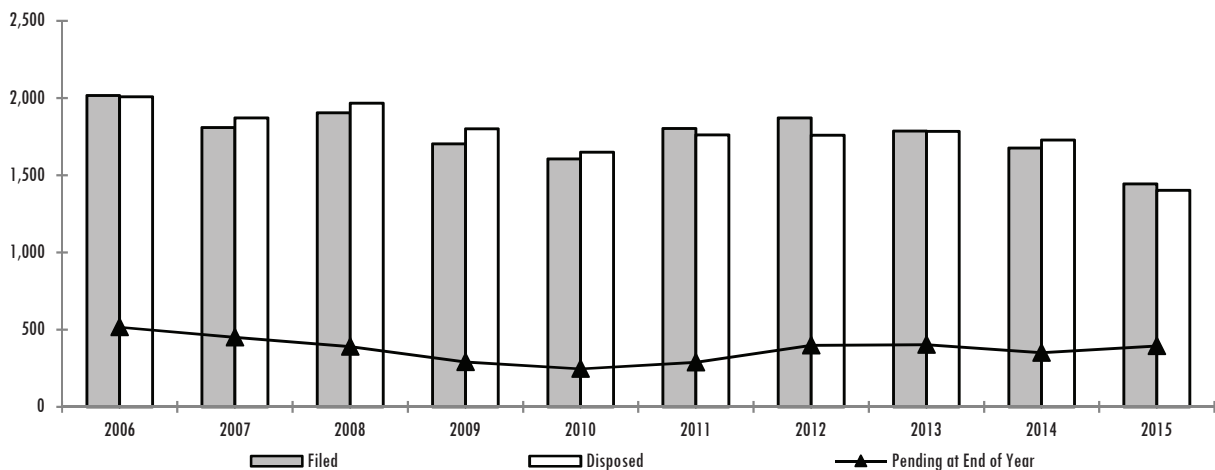
The Court of Criminal Appeals maintains three advisory committees: (1) Rules Advisory Committee; (2) Mental Health Task Force; and (3) Criminal Justice Integrity Unit.

**COURT OF CRIMINAL APPEALS PERFORMANCE**

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

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. The petition may be filed by the state, the defendant, or both. **Figure 12** shows trends in the court’s caseload in petitions for discretionary review. The Court of Criminal Appeals disposed of 1,402 petitions for discretionary review in fiscal year 2015, with 1,444 petitions for discretionary review filed with the court in that year.

**FIGURE 12  
COURT OF CRIMINAL APPEALS PETITIONS FOR DISCRETIONARY REVIEW, FISCAL YEARS 2006 TO 2015**



SOURCE: Office of Court Administration.

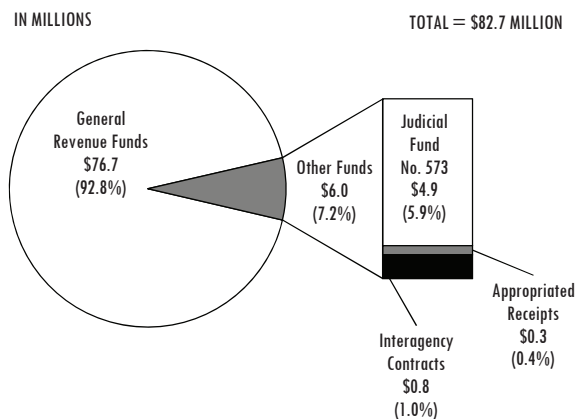
### THE COURTS OF APPEALS

The first intermediate appellate court in Texas was established by the Constitution in 1876, which established a Court of Appeals with appellate jurisdiction in all criminal and civil cases originating in the county courts. A constitutional amendment in 1891 authorized the Legislature to establish intermediate appellate courts at locations throughout the state. The last court of appeals established, the Fourteenth Court of Appeals in Houston, was approved in 1967. Courts of appeals’ jurisdiction does not extend to cases in which the death penalty has been assessed. Appeals in these cases are filed directly in the Court of Criminal Appeals.

The state is divided into 14 court of appeals districts, with one court of appeals in each district (see **Figure 6**, Introduction chapter). Eighty justices are distributed among the 14 Courts of Appeals, and the number of justices at each is set by statute and varies from three to 13. The courts are located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, Tyler, Corpus Christi–Edinburg, and Houston.

The Eighty-fourth Legislature, 2015, appropriated \$82.6 million to support the 14 Courts of Appeals for the 2016–17 biennium. **Figure 13** shows the methods of finance for state appropriations. The General Appropriations Act (GAA) does not include local funds used for appellate court operating costs or appellate court justices’ salary supplements, except as a percentage of available funds in each court’s bill pattern. Nearly all funding for the courts of appeals, approximately 93.0 percent, is in General Revenue Funds (\$76.7 million).

**FIGURE 13**  
**APPROPRIATIONS TO 14 COURTS OF APPEALS**  
**2016–17 BIENNIUM**



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

This amount includes an increase of \$6.4 million in General Revenue Funds appropriated through a block grant across all 14 Courts of Appeals to provide similar funding for same-sized courts. **Figure 14** shows the allocation of the \$6.4 million block grant. The Eighty-fourth Legislature, 2015, also removed appellate court salary limits for chief staff attorneys and other permanent legal staff that are promoted or hired after the beginning of the current biennium.

The state’s 14 Courts of Appeals also are authorized to transfer funds between courts pursuant to the Eighty-fourth Legislature, GAA, 2016–17 Biennium, Article IV, Section 7, Special Provisions – Judiciary. The Chief Justice of the Supreme Court, Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices are authorized to transfer funds between the appellate courts, provided they have received approval by the Legislative Budget Board (LBB) and the Office of the Governor. Additionally, the 2016–17 GAA, Article IV, Section 4, Special Provisions – Judiciary, exempts the appellate courts, including the Courts of Appeals, from limitations on state employment levels, performance rewards and penalties, and limitations on capital budget expenditures.

### VISITING JUDGES

At the intermediate appellate court level, the Chief Justice of the Supreme Court may assign a visiting judge at the request of the chief justice of an appellate court to help control backlogs of cases or to hear special dockets. Additionally, because appellate justices must hear cases in panels of three, appellate courts that employ only three permanent justices must use a visiting judge when one justice must be disqualified or is recused from a case. As a result, the largest expenditure of visiting judge funds at the appellate level is for three-justice courts. Visiting judges who serve appellate courts are compensated at 100.0 percent of the salary of an active appellate justice. Appropriations for the visiting judge program at the appellate courts for the 2016–17 biennium total \$0.7 million in General Revenue Funds and are budgeted at the Judiciary Section of the Comptroller’s Department.

### DOCKET EQUALIZATION

The Supreme Court of Texas is authorized to transfer cases between the 14 Courts of Appeals to equalize the dockets and promote efficiency in the use of court resources. The docket equalization program reduces disparities in the number of new cases filed per justice among the Courts of Appeals. In practice, the appellate justices hearing transferred

**FIGURE 14**  
**ALLOCATION OF \$6.4 MILLION BLOCK GRANT TO COURTS OF APPEALS PROVIDING SIMILAR FUNDING FOR SAME-SIZED COURTS, 2016–17 BIENNIUM**

COURT	JUSTICES	NEW AND RESTORED FTE POSITIONS	SALARY INCREASES	ADDITIONAL FTE POSITIONS	HEALTH AND RETIREMENT CONTRIBUTIONS	OTHER OPERATING COSTS	TOTAL
First	9	3.0	\$369,299	\$360,000	\$10,939	\$0	\$740,238
Second	7	1.0	\$319,624	\$120,000	\$6,594	\$188,060	\$634,278
Third	6	1.0	\$240,000	\$170,000	\$6,150	\$13,426	\$429,576
Fourth	7	2.0	\$284,428	\$177,800	\$6,933	\$123,261	\$592,422
Fifth	13		\$752,756	\$0	\$11,291	\$249,314	\$1,013,361
Sixth	3		\$224,162	\$0	\$3,362	\$16,638	\$244,162
Seventh	4	1.0	\$112,698	\$184,000	\$4,450	\$17,202	\$318,350
Eighth	3	1.0	\$76,155	\$157,000	\$3,497	\$7,005	\$243,657
Ninth	4		\$318,278	\$0	\$4,774	\$0	\$323,052
Tenth	3	1.0	\$0	\$107,510	\$1,612	\$136,056	\$245,178
Eleventh	3		\$244,522	\$0	\$3,668	\$0	\$248,190
Twelfth	3	1.0	\$47,809	\$170,000	\$3,267	\$0	\$221,076
Thirteenth	6	2.0	\$136,437	\$240,000	\$5,647	\$40,036	\$422,120
Fourteenth	9	3.0	\$355,230	\$360,000	\$10,728	\$0	\$725,958
<b>Total</b>	<b>80</b>	<b>16.0</b>	<b>\$3,481,398</b>	<b>\$2,046,310</b>	<b>\$82,912</b>	<b>\$790,998</b>	<b>\$6,401,618</b>

## NOTES:

- (1) FTE = full-time-equivalent positions.
- (2) Amounts for the Second and Fourteenth Courts of Appeals include funding to reclassify law clerks.
- (3) The amount designated as salary increases (\$284,428) for the Fourth Court of Appeals includes \$132,700 to convert two law clerk positions to permanent staff attorneys. The funds to facilitate the conversion are not a salary increase because existing positions will be reclassified and filled by new employees.

SOURCES: Legislative Budget Board; Office of Court Administration.

cases apply the law as it exists in the transferring court's appellate district. This practice avoids disparate effects on litigants and defendants in the cases' original jurisdictions. The Supreme Court issues quarterly orders that transfer cases from courts that have greater new case filing rates to courts that have lesser rates. For fiscal year 2015, the statewide average number of new filings per justice was 116 cases. The number of new cases filed per justice ranged from 75 cases in the Eighth Court of Appeals, El Paso, to 144 cases in the Tenth Court of Appeals, Waco. The average percentage difference in number of filings in the 14 courts from the statewide average before transfers was 13.3 percent.

In fiscal year 2015, 416 cases were transferred among the intermediate appellate courts to equalize workloads. As a result, the average percentage difference in number of filings in the 14 courts from the statewide average was reduced to 3.3 percent, which is less than the 10.0 percent goal established by the Legislature in the 2016–17 GAA, Article IV, Supreme Court of Texas, Rider 3, Equalization. **Figure**

**15** shows a comparison of new filings per justice by court to the statewide average before and after docket equalization.

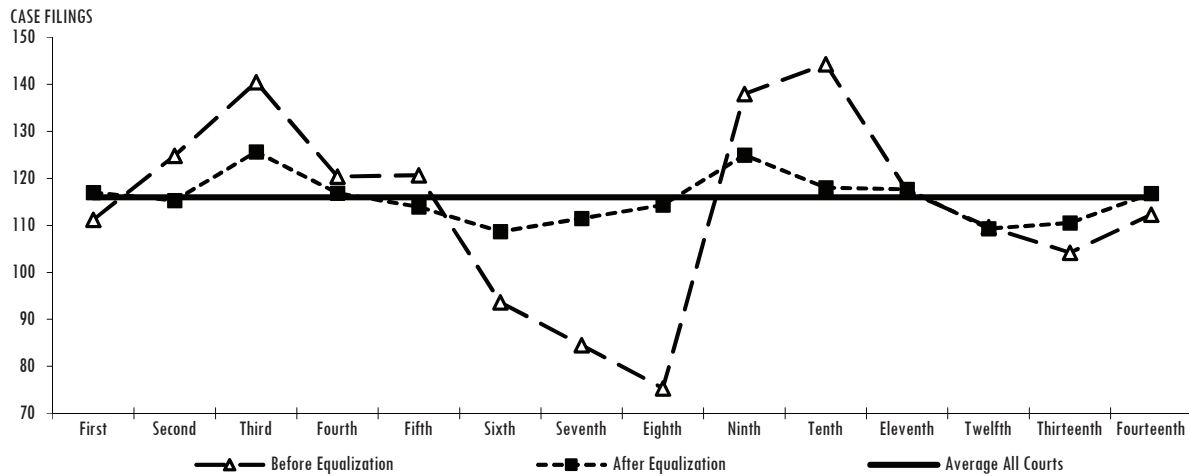
#### APPELLATE COURT PERFORMANCE

The clearance rate for the intermediate appellate courts in fiscal year 2015 was 105.2 percent. A clearance rate measures the number of cases disposed as a percentage of filings during a reporting period. A clearance rate of 100.0 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. During the 10-year period ending in fiscal year 2015, the average clearance rate for the appellate courts ranged from 95.9 percent in fiscal year 2008 to 105.2 percent in fiscal year 2015, as shown in **Figure 16**. The median clearance rate during that period was 102.2 percent.

Across the 10-year period ending in fiscal year 2015, the appellate courts maintained an average of 7,562 pending cases. At the end of 2015, 6,749 cases were pending statewide,

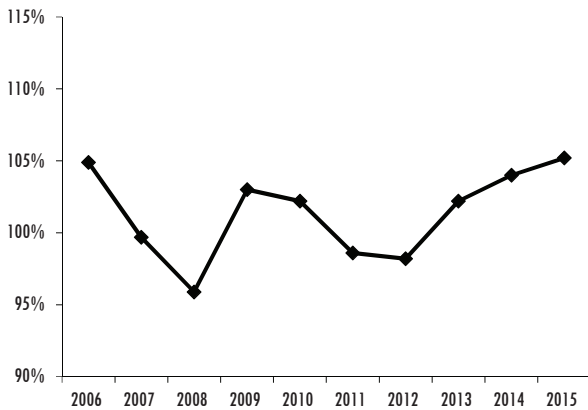


**FIGURE 15**  
NEW FILINGS PER JUSTICE BY COURTS OF APPEALS, FISCAL YEAR 2015



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

**FIGURE 16**  
AVERAGE CLEARANCE RATE FOR 14 COURTS OF APPEALS, FISCAL YEARS 2006 TO 2015



SOURCE: Office of Court Administration.

a decrease of 7.5 percent from the number pending at the end of the previous year.

**LOCAL FUNDS**

The Texas Government Code, Chapter 22, authorizes the use of revenues collected from certain filing fees to support appellate judicial systems at 13 of the 14 courts. These revenues provide funding for operating expenses, contract personnel, and capital equipment. Statute authorizes all Courts of Appeals to receive these local funds, except the Tenth Court of Appeals in Waco, the last remaining court of appeals not receiving such funds.

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. Each county’s commissioners’ court regularly (annually or monthly, depending on the court) forwards the funds collected to the appellate court for expenditure. The chief justice of each court 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 Texas Government Code, Chapter 22, authorization and other local funds collections in fiscal year 2015 are shown by court in **Figure 17**.

**LOCAL FUNDS: SALARY SUPPLEMENT**

Courts of appeals justices also receive a local salary supplement in addition to a state salary through funding provided by counties that reside within each of the Courts of Appeals’ districts. The total amount of this salary supplement is limited by the Texas Government Code, Chapter 659, and county participation is voluntary. Chapter 659 establishes salary limits for the total salary of an appeals court justice from state and county sources. That amount must be \$5,000 less than the state salary paid to a justice of the Texas Supreme Court (\$168,000), or \$163,000. Section 659.012 limits each chief justice of a court of appeals to receive a combined salary of \$2,500 less than the state salary paid to justices of the Supreme Court (\$168,000), or \$165,500. To stay within the salary limit, the maximum additional compensation a justice

**FIGURE 17**  
**APPELLATE COURTS ANNUAL COLLECTIONS AND SALARY SUPPLEMENTS, FISCAL YEAR 2015**

COURT	JUDGES	CHAPTER 22 AND LOCAL FUND COLLECTIONS	COLLECTIONS PER JUDGE	LOCAL SALARY SUPPLEMENT PER JUDGE
First Court of Appeals, Houston	9	\$301,244	\$33,472	\$9,000
Second Court of Appeals, Fort Worth	7	\$158,737	\$22,677	\$9,000
Third Court of Appeals, Austin	6	\$250,285	\$41,714	\$9,000
Fourth Court of Appeals, San Antonio	7	\$251,579	\$35,940	\$9,000
Fifth Court of Appeals, Dallas	13	\$338,753	\$26,058	\$9,000
Sixth Court of Appeals, Texarkana	3	\$77,419	\$25,806	\$8,001
Seventh Court of Appeals, Amarillo	4	\$119,922	\$29,981	\$9,000
Eighth Court of Appeals, El Paso	3	\$94,387	\$31,462	\$7,725
Ninth Court of Appeals, Beaumont	4	\$94,847	\$23,712	\$9,000
Tenth Court of Appeals, Waco	3	\$32,935	\$10,978	\$9,000
Eleventh Court of Appeals, Eastland	3	\$92,444	\$30,815	\$9,000
Twelfth Court of Appeals, Tyler	3	\$98,472	\$32,824	\$9,000
Thirteenth Court of Appeals, Corpus Christi–Edinburg	6	\$178,647	\$29,775	\$9,000
Fourteenth Court of Appeals, Houston	9	\$287,136	\$31,904	\$9,000

NOTE: The Texas Government Code, Chapter 22, authorizes the use of revenues collected from certain filing fees to support appellate judicial systems at all Courts of Appeals except the Tenth Court of Appeals in Waco.

SOURCES: Legislative Budget Board; Office of Court Administration.

may receive from a local source for the 2016–17 biennium is \$9,000. If additional compensation exceeds this amount, then the state portion of the salary is reduced.

All 14 Courts of Appeals had counties provide local salary supplements during fiscal year 2015; however, the number of counties that voluntarily provide a local salary supplement varies by court. In that same year, approximately 70.0 percent of Court of Appeals' justices received the maximum supplement. Additionally, the Texas Government Code, Chapter 22, funds collected in half of the 14 Courts of Appeals were used to reimburse counties providing a local salary supplement for those expenses. The salary supplement for each of the 14 Courts of Appeals in fiscal year 2015 is shown in **Figure 17**.

#### **APPELLATE JUDICIAL SALARIES STATUTORILY LINKED TO DISTRICT JUDGE PAY**

Pursuant to the Texas Government Code, Section 659.012, appellate judicial salaries are statutorily linked to the maximum combined state and local salary of \$158,000 for a district court judge. **Figure 18** shows the total maximum salaries for the 2016–17 biennium for each type of appellate judge or justice. The Chief Justice and Justices of the Supreme Court and the Presiding Judge and judges of the Court of

Criminal Appeals are statewide positions that do not receive a local supplement. The most recent changes in judicial salaries were by the Eighty-third Legislature, Regular Session, 2013, which raised judicial salaries by 12.0 percent, effective September 1, 2013.

#### **LONGEVITY PAY**

Statute authorizes the 16 appellate courts and the Judiciary Section of the Comptroller's Department to provide active judges and justices with longevity pay. Judges receive an amount equal to 3.1 percent of their current monthly salaries for each year of service after 16 years. According to the Employees Retirement System, 23 appellate court judges and justices are eligible to receive longevity pay as of January 2016.

**FIGURE 18**  
**APPELLATE JUDICIAL SALARIES AND SALARY SUPPLEMENTS STATUTORILY LINKED TO DISTRICT JUDGE PAY**  
**2016–17 BIENNIUM**

JUDGE	SALARY	LOCAL SUPPLEMENT	MAXIMUM SALARY	JUDICIAL COMPENSATION
District Court Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State salary of \$140,000 (set in the General Appropriations Act), with total salary from state and local sources in an amount not to exceed \$5,000 less than the total salary of a Court of Appeals Justice (\$163,000)
Court of Appeals (Justice)	\$154,000	Up to \$9,000	\$163,000	State salary of 110% of a district judge's state salary, with total salary from state and local sources in an amount not to exceed \$5,000 less than the state salary of a Supreme Court of Texas justice (\$168,000)
Court of Appeals (Chief Justice)	\$156,500	Up to \$9,000	\$165,500	\$2,500 more than other justices of the Court of Appeals
Court of Criminal Appeals (Judge) and Supreme Court (Justice)	\$168,000	No Local Supplement	\$168,000	State salary of 120% of a district judge's state salary
Court of Criminal Appeals (Presiding Judge) and Supreme Court (Chief Justice)	\$170,500	No Local Supplement	\$170,500	\$2,500 more than other justices of the Supreme Court or judges of the Court of Criminal Appeals

## NOTES:

- (1) The salary category shows amounts effective September 1, 2013.  
(2) Judicial compensation is established in the Texas Government Code, §659.012.

SOURCE: Legislative Budget Board.

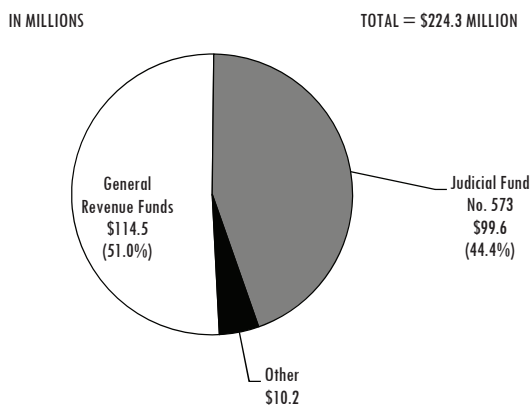
# STATE FUNDING FOR TRIAL COURTS

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

State funding for trial courts includes the base salary for district court judges; salary supplements for constitutional county, statutory county, and statutory probate judges; and associate judges and court personnel for child support and child protection courts serving primarily rural counties. The Eighty-fourth Legislature, 2015, appropriated \$224.3 million to support trial courts. **Figures 19 and 20** show these appropriations by method of finance and by court program.

Funding levels shown in **Figure 20** for district judges include appropriations for district judge salaries and salary supplements, travel, per diem, assistance to the administrative

**FIGURE 19  
APPROPRIATIONS FOR TRIAL COURTS BY METHOD OF  
FINANCE, 2016–17 BIENNIUM**

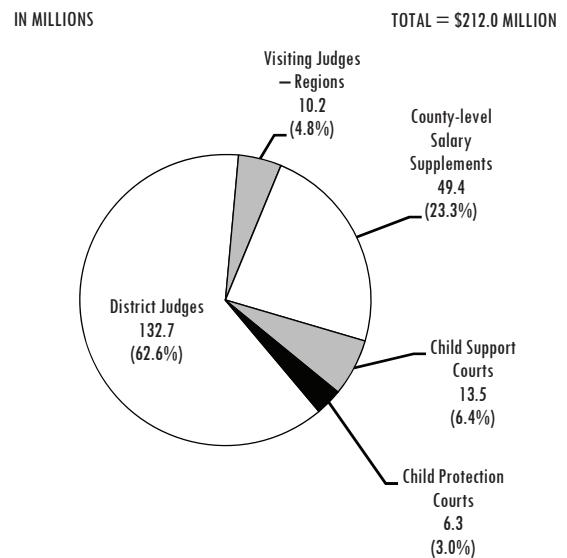


**NOTES:**

- (1) The Other category includes Interagency Contracts from the Office of the Attorney General (\$10.1 million) for Child Support courts and Appropriated Receipts (\$0.1 million).
- (2) Totals may not sum due to rounding.

SOURCE: Legislative Budget Board.

**FIGURE 20  
APPROPRIATIONS FOR TRIAL COURTS BY PROGRAM  
2016–17 BIENNIUM**



NOTE: Totals may not sum due to rounding.

SOURCE: Legislative Budget Board.

judicial regions, multidistrict litigation grants, and court staff and operating expenses for the 435th District Court in Montgomery County through the Judiciary Section, Comptroller's Department and for child support and child protection courts through the Office of Court Administration.

## DISTRICT COURTS

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

The geographical area served by each of the 465 district courts is established by the Legislature, but each county must be served by at least one district court. In sparsely populated areas of the state, several counties may be served by a single district court; an urban county may be served by many district courts. The courts are organized into nine administrative judicial regions, with a single presiding judge

appointed by the Governor for each region (see **Figure 7**, Introduction). Regional presiding judges receive a local supplement of \$33,000 to \$50,000 for additional administrative duties. The supplemental amount depends on the judge’s status as an active, former, or retired district judge (see **Figure 21**). The Office of Court Administration also receives an appropriation of \$0.4 million in All Funds to

provide the regional presiding judges with administrative assistance during the 2016–17 biennium.

The Legislature routinely establishes new district courts. The enactment of Senate Bill 1139, Eighty-fourth Legislature, 2015, established seven district courts. The total number of district courts in operation as of September 1, 2015, was 465, with a district judge paid an annual salary from the state

**FIGURE 21**  
**TRIAL COURT JUDICIAL SALARIES OR SALARY SUPPLEMENTS LINKED TO STATE DISTRICT JUDGE PAY**  
**EFFECTIVE SEPTEMBER 1, 2015**

JUDGE	STATE COMPENSATION	LOCAL COMPENSATION	MAXIMUM SALARY	STATUTORY REFERENCES
District Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State salary of \$140,000 (an amount set in the General Appropriations Act) with total salary from state and local sources not to exceed an amount that is \$5,000 less than the salary of a Court of Appeals Justice (\$163,000), pursuant to §659.012
Presiding Judge of the Administrative Judicial Region (Active District Judge)	\$140,000	Up to \$33,000	\$173,000	State salary of \$140,000 (§659.012); annual local supplement for an active judge set by the Texas Judicial Council and apportioned to each county in the judge’s judicial region based on county population pursuant to §74.051(b)
Presiding Judge of the Administrative Judicial Region (Retired or Former District Judge)	\$140,000	\$35,000 to \$50,000	\$175,000 to \$190,000	State salary of \$140,000 (§659.012); annual local compensation for a retired or former judge set by the Texas Judicial Council and apportioned to each county in the judge’s judicial region based on county population and on a sliding scale related to the number of courts in each region (§74.051(c))
Multicounty Statutory County Judge	\$140,000	At County Discretion	At County Discretion	State salary of \$140,000 (§25.2607(d)); the three counties in the multicounty district must pay a local salary, if any, in a total amount that is not less than \$1,000 less than the total combined salary received by a district judge serving one of the three counties
Statutory County Judge	\$84,000	\$55,000 to \$73,000	\$139,000 to \$157,000	State salary supplement of 60.0% of state pay for district judge, or \$84,000 (§25.0015); counties must pay a local salary in a total amount that is not less than \$1,000 less than the total combined salary received by a district judge in the county (§25.0005); court-specific statutes may exempt certain counties from providing a minimum county salary to the statutory court judge; §25.0005 does not establish a maximum amount for statutory county judge salaries. Some statutory county judges in the state are paid more than these minimums, subject to county discretion
Constitutional County Court Judge	\$25,200	Varies	Varies	Senate Bill 1025, Eighty-fourth Legislature, 2015, increases the state salary supplement of a Constitutional County Court Judge from \$15,000 to 18.0% of a district judge’s state salary (\$25,200) for eligible county judges when 40.0% of the judge’s functions are judicial (§26.006(a)); During fiscal year 2015, 218 constitutional county judges received state salary supplements

NOTES:

(1) State compensation includes associated retirement and benefits that are not included in state salary supplements.

(2) Statutes references are contained within the Texas Government Code.

SOURCE: Legislative Budget Board.

of \$140,000. The Eighty-fourth Legislature, 2015, appropriated \$132.7 million in General Revenue Funds and Other Funds (Judicial Fund No. 573) for district judge salaries in the 2016–17 biennium.

Senate Bill 455, Eighty-fourth Legislature, 2015, authorizes the Attorney General to petition the Chief Justice of the Supreme Court of Texas to convene a special three-judge district court. The special court convenes for a suit filed against the state or a state officer or agency regarding public school finance, or involving apportioning of legislative, congressional, judicial, and State Board of Education districts. A court of appeals justice serves on the three-judge panel. Appeals from this special court will be made directly to the Supreme Court of Texas.

### COUNTY-LEVEL COURTS

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

### CONSTITUTIONAL COUNTY COURTS

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

The constitutional county courts hear probate cases filed in the county, unless a statutory probate court has been established. They have original jurisdiction of 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. The appeal takes the form of a trial

de novo (a completely new trial), unless the appeal is from a designated municipal court of record (where trial proceedings are recorded by a court reporter).

The state provides an annual salary supplement to a county judge if at least 40.0 percent of the functions performed by the judge are judicial functions. Senate Bill 1025, Eighty-fourth Legislature, 2015, increased this supplement from \$15,000 to 18.0 percent of a district judge's salary, or \$25,200, beginning September 1, 2015. The Eighty-fourth Legislature, 2015, provided \$11.3 million in General Revenue Funds and Other Funds (the Judicial Fund) for constitutional county judge supplements for the 2016–17 biennium, of which \$4.2 million is for the supplement increase. As of September 1, 2015, the supplement is received by 218 county judges, representing nearly 86.0 percent of Texas counties.

### COUNTY COURTS AT LAW (STATUTORY COUNTY COURTS)

The legal jurisdiction of the county courts at law, or statutory county courts, varies considerably and is established by the statute that establishes the particular court. Senate Bill 1139, Eighty-fourth Legislature, 2015, established five new statutory county courts. As of September 1, 2015, 243 statutory courts operate in 90 counties, including the 1st Multicounty Court at Law serving Nolan, Fisher, and Mitchell counties. The latter is the state's first multicounty court at law established by statute. Pursuant to Senate Bill 1139, the state will increase compensation for the judge of the 1st Multicounty Court at Law from \$84,000 to \$140,000, an amount equal to 100 percent of a district judge's salary. Effective January 2019, Mitchell County will be removed from the 1st Multicounty Court at Law, and Nolan County will be designated as the administrative county for this court.

The jurisdiction of statutorily established county courts is sometimes concurrent in certain civil and criminal matters with the jurisdiction of the district courts in the county. The civil jurisdiction of most county courts at law varies, but it is usually more than that of the justice of the peace courts and less than that of the district courts. County courts at law usually have appellate jurisdiction in cases appealed from justice of the peace and municipal courts.

The state provides a statutory county judge serving a single court an annual salary supplement of \$84,000, which, pursuant to the Texas Government Code, Section 25.0015, must be 60.0 percent of a district judge's state pay (see **Figure**



21). The Eighty-fourth Legislature, 2015, appropriated \$40.7 million in General Revenue Funds and Other Funds (the Judicial Fund) for statutory county judge salary supplements for the 2016–17 biennium.

**STATUTORY PROBATE COURTS**

The Texas Constitution grants the Legislature the authority to determine which courts have jurisdiction of probate matters. Eighteen statutory probate courts are located in 10 of the state’s 15 largest metropolitan areas. These courts have original and exclusive jurisdiction of each county’s probate matters, guardianship cases, and mental health commitments. In most counties, the constitutional county court has original probate jurisdiction. In some counties, the Legislature has authorized certain statutorily established county courts to share this original jurisdiction so that a county court at law will have concurrent jurisdiction of 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 of personal representatives. Statutory probate judges receive a state salary supplement of \$40,000. Unlike other statutory county judge salaries, state compensation of a statutory probate judge is not linked to the benchmark salary of a district judge (the Texas Government Code, Section

25.00211). Counties are not statutorily required to provide any local compensation beyond this amount. The Eighty-fourth Legislature, 2015, appropriated \$2.7 million from the Judicial Fund (Other Funds) for statutory probate judge salary supplements for the 2016–17 biennium.

**JUDICIAL COMPENSATION FOR TRIAL COURT JUDGES**

Texas trial court judges are compensated through a combination of state and local funding, with amounts linked by statute to the state salary of a district judge. **Figure 21** shows the statutory limits for state and local compensation for trial court judges.

As noted by the Judicial Compensation Commission in its November 2014 report to the Eighty-fourth Legislature, 2015, the total salaries from state and local funds of three statutory county court judges exceed the compensation of state district court judges (up to \$158,000), and two statutory county court judges salaries exceed the compensation of the chief justices and justices of the courts of appeals (up to \$163,000).

In addition to these items linked to the state salary of a district court judge, statute also authorizes additional judicial salary supplements and payments. **Figure 22** shows these supplements, their amounts, and their statutory origins.

**FIGURE 22  
OTHER STATE PAID TRIAL COURT SALARY SUPPLEMENTS AND PAYMENTS, FISCAL YEARS 2016–17**

LOCAL SALARY OR SUPPLEMENT	STATUTORY REFERENCE	ANNUAL AMOUNT
District Judge Travel	Travel expenses for district judges with multicounty jurisdictions; reimbursement may not exceed \$1,500 per county (§24.019)	Varies
Judicial Salary Per Diem	A per diem received when a trial court judge (district, statutory probate, constitutional or statutory county court judge) is assigned to a case outside the district or county (§74.003(c) and §74.061(f))	\$25 per day
Local Administrative Judge Supplement	A judge who serves as an administrative district judge in a county with more than six district courts receives a state salary that is \$5,000 greater than the state salary for a district judge (\$145,000), pursuant to §659.012(d)	\$5,000
District Judge or Retired Judge Presiding Over Multidistrict Litigation	A district judge or retired district judge who presides over multidistrict litigation involving claims for asbestos- or silica-related injuries receives a salary supplement equal to the maximum supplement received by an active district judge serving as a presiding judge of an administrative judicial region (§659.0125)	\$33,000
Longevity Pay	Judges who have completed 16 years of service are entitled to monthly longevity pay (§659.0445); during fiscal year 2015, 85 district judges received longevity pay	3.1% of current monthly state salary
Statutory Probate Judge	A supplement received by each statutory probate judge in the county from the Judicial Fund No. 573 (Other Funds) pursuant to §25.00211	\$40,000

NOTE: Statutes referenced are contained within the Texas Government Code.  
SOURCE: Legislative Budget Board.

## STATE FUNDING FOR DISTRICT COURT OPERATIONS

### 435TH JUDICIAL DISTRICT, MONTGOMERY COUNTY

Before the Eighty-fourth Legislature, 2015, the 435th District Court in Montgomery County had special jurisdiction of civil commitment proceedings for sexually violent predators and criminal offenses for persons failing to follow commitment requirements. The court heard civil commitments filed by the Special Prosecution Unit, and the state paid the salaries of a court reporter, a court coordinator, and other expenses for the court. Petitions to determine whether a person was a sexually violent predator and should be civilly committed were filed in the 435th District Court.

Senate Bill 746, Eighty-fourth Legislature, 2015, repealed the requirement for these petitions to be filed in the 435th District Court. These civil commitment proceedings are now required to be filed in the convicting court for the person's most recent sexually violent offense.

With these reduced responsibilities, funding to the 435th District Court in Montgomery County was decreased by the Eighty-Fourth Legislature, 2015, by \$0.3 million to \$68,799 for each fiscal year of the 2016–17 biennium. Funding was provided to Montgomery County for the court to perform biennial reviews of persons previously committed to the court, dating from the court's establishment, and for transfer of the court's caseload to the offenders' convicting court.

### MULTIDISTRICT LITIGATION

The Texas Government Code, Section 659.0125, authorizes a retired judge that is appointed to a multidistrict litigation (MDL) pretrial court to receive the same compensation and benefits as a district judge serving as a MDL judge. Retired judges that serve on assignment receive a salary ranging from \$140,000 to \$158,000 in state compensation, depending on the county in which the retired judge serves. An MDL judge that serves in asbestos-related or silica-related cases is entitled to a \$33,000 state salary supplement. The total amount ranges from \$173,000 to \$191,000 in compensation. The 2016–17 biennium provides \$579,625 in funding for multidistrict litigation cases, including a grant from the Supreme Court for the salaries of a court reporter, court coordinator, and other expenses in the pretrial court that hears asbestos cases. This amount includes judicial compensation through the Judiciary Section, Comptroller's Department.

## DISTRICT COURT PERFORMANCE

The Office of Court Administration (OCA) is required to report clearance rates on a countywide basis for the district courts, pursuant to Eighty-fourth Legislature, General Appropriations Act (GAA), 2016–17 Biennium, Article IV, OCA, Rider 5, District Court Performance Measures. A clearance rate measures, at the end of a reporting period, the number of cases disposed during that period as a percentage of filings. A clearance rate of 100 percent indicates that the court disposed of the same number of cases during the year as were added during the year, resulting in no change to the court's case backlog.

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

## VISITING JUDGES

The presiding judges of the nine administrative judicial regions assign visiting judges at the trial court level. Civil litigants have a onetime prerogative to remove a visiting judge assigned to their cases. No similar provision exists in criminal cases. Trial courts sometimes may seek visiting judges to adjudicate complex multidistrict civil cases and to manage the regular caseload of trial judges who are involved in high-profile capital cases. **Figure 23** shows the primary reasons district courts request visiting judges.

The Eighty-fourth Legislature, 2015, appropriated \$10.6 million for the 2016–17 biennium for visiting judge salaries and expenses. Actual expenditures in fiscal year 2015 for visiting judges across all nine administrative regions totaled \$5.0 million. Visiting judge expenditures varied by each administrative region. Those regions that had the most trial courts resulted in the highest utilization rate (days of visiting

**FIGURE 23**  
**REASONS FOR REQUESTING A VISITING JUDGE ALL DISTRICT COURTS STATEWIDE, FISCAL YEAR 2015**

REASON	PERCENTAGE OF ALL REQUESTS	REASON	PERCENTAGE OF ALL REQUESTS
Assist with heavy docket	21.6%	Personal emergency	1.6%
Recusal	21.5%	Election contest	0.3%
Vacation	16.0%	Attorney contempt	0.1%
Illness	10.3%	Suit to remove locally elected official	0.0%
Continuing education	7.5%	Other	18.1%
Disqualification	3.0%	<b>Total</b>	<b>100%</b>

SOURCE: Office of Court Administration.

judge service) and, therefore, the highest expenditures. **Figure 7**, Introduction chapter, shows administrative judicial regions.

**Figure 24** shows the number of days of visiting judge service by region and the actual costs of those services. Administrative Judicial Region 2 (Conroe) had the highest utilization (2,566.5 days) and expenditures (more than \$1.5 million). Region 9 (Brownfield) had the lowest utilization (230.0 days) and the lowest expenditures (\$134,862).

Fiscal year 2015 included 260 payroll days for which an active district judge would have been compensated. The visiting judge days of service in fiscal year 2015 shown in **Figure 24** (8,540.0) equate to 32.8 full-time-equivalent positions for district judges.

**VISITING JUDGE COMPENSATION**

According to the Comptroller of Public Accounts, most visiting judges are retired judges. Pursuant to the Texas Government Code, Section 74.061 (b) and (c), visiting judge compensation is based on a district judge’s salary within the county for which the visiting judge is assigned. That compensation is prorated for the time that the visiting judge sits on the assignment and does not include funding for benefits. Pursuant to the Texas Government Code, Section 74.061(h) and (i), retired judges serving as visiting judges in

**FIGURE 24**  
**VISITING JUDGES ACTUAL DAYS OF SERVICE BY REGION FISCAL YEAR 2015**

ADMINISTRATIVE JUDICIAL REGION	EXPENDED	DAYS	COURTS USING VISITING JUDGES
Region 1: Dallas	\$1,156,356	1,956.0	85.0
Region 2: Conroe	\$1,538,565	2,566.5	106.0
Region 3: Seguin	\$448,038	785.5	49.0
Region 4: San Antonio	\$487,560	807.0	41.0
Region 5: Brownsville	\$375,200	648.5	30.0
Region 6: Kerrville	\$191,051	327.5	19.0
Region 7: Midland	\$258,314	443.5	27.0
Region 8: Fort Worth	\$432,290	775.5	52.0
Region 9: Brownfield	\$134,862	230.0	26.0
<b>TOTAL</b>	<b>\$5,022,234</b>	<b>8,540.0</b>	<b>435.0</b>

SOURCE: Judiciary Section, Comptroller’s Department.

a district court are compensated at 100 percent of a district judge’s salary from state and local sources, and former judges who serve on assignment are compensated at 100 percent of a district judge’s state pay. The annualized compensation of a

retired judge as of September 1, 2015, ranges from \$140,000 to \$158,000, depending on the location served. For a former judge, the annualized compensation would be \$140,000.

### **DISTRICT COURT CASELOADS AND VISITING JUDGE FUNDING LEVELS**

The Legislature has historically prioritized establishing new district courts to address caseloads over providing supplementary funding for the visiting judge program because Texas has an elected judiciary. This approach ensures that most cases are heard by an elected judge that is accountable to voters.

Use of a visiting judge to handle caseloads in any one district can be more cost-efficient than establishing a new district court. State costs for the salary and benefits of each new district judge are an estimated \$178,190 per fiscal year, compared to the annualized compensation of a typical visiting judge (\$140,000 to \$158,000). The establishment of a new district court also results in new local costs. Local governments are responsible for funding all other personnel and operating costs related to establishing and maintaining district courts. These costs vary across the state. A visiting judge receives assistance from existing court personnel and facilities, which does not incur new local costs.

**Figure 25** shows trends in case filings, average caseloads per elected district judge, and legislative appropriations for the visiting judge program serving district courts from fiscal years 2006 to 2015. During the 10-year period, cases pending per elected judge have ranged from 2,063 in fiscal year 2009 to 1,896 in fiscal year 2013. Expenditures for the visiting judge program decreased from \$5.4 million in fiscal year 2010 to \$4.5 million in fiscal year 2013. Budget reductions were implemented for the 2012–13 biennium, and appropriations were increased for the 2014–15 biennium due to a 12.0 percent judicial pay raise.

### **CHILD SUPPORT AND CHILD PROTECTION COURTS FUNDED THROUGH THE OFFICE OF COURT ADMINISTRATION**

Since 1993, OCA has been authorized to employ associate judges to hear child support enforcement cases during expedited time frames set by federal requirements. The agency contracts with the Office of Attorney General (OAG) to obtain Federal Funds pursuant to the U.S. Social Security Act, Title IV-D, to pay associate judge salaries and program operating costs. Total 2016–17 biennial appropriations for the Child Support Courts Program are \$15.3 million in All Funds, and provide for 88.5 full-time-equivalent (FTE) positions. These positions include 44 associate judges and 43 court coordinators.

**FIGURE 25  
DISTRICT JUDGE CASELOAD DATA COMPARED TO VISITING JUDGE FUNDING LEVELS  
FISCAL YEARS 2006 TO 2015**

<b>CATEGORY</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
District Judges	432	438	448	449	454	454	456	456	457	459
Visiting Judge Expenditures (in millions)	\$3.6	\$5.1	\$4.6	\$4.4	\$5.4	\$5.1	\$4.7	\$4.5	\$5.1	\$5.0
Annual Percentage Change	7.7%	42.4%	(9.5%)	(5.7%)	24.8%	(5.9%)	(7.5%)	(4.9%)	12.7%	(0.7%)
Cases Added	880,522	889,069	883,079	892,231	890,167	905,844	861,126	858,932	847,051	848,410
Annual Percentage Change	0.4%	1.0%	(0.7%)	1.0%	(0.2%)	1.8%	(4.9%)	(0.3%)	(1.4%)	0.2%
Cases Disposed	844,420	862,068	857,241	860,653	857,891	875,263	852,464	832,077	806,393	815,140
Annual Percentage Change	0.2%	2.1%	(0.6%)	0.4%	(0.3%)	2.0%	(2.6%)	(2.4%)	(3.1%)	1.1%
Cases Pending (as of August 31)	884,302	901,600	910,179	926,505	935,064	882,948	882,826	864,536	907,619	899,694
Annual Percentage Change	2.9%	2.0%	1.0%	1.8%	0.9%	(5.6%)	0.0%	(2.1%)	5.0%	(0.9%)
Cases Pending per Elected Judge	2,047	2,058	2,032	2,063	2,060	1,945	1,936	1,896	1,986	1,960
Annual Percentage Change	1.3%	0.6%	(1.3%)	1.6%	(0.2%)	(5.6%)	(0.5%)	(2.1%)	4.8%	(1.3%)

**NOTES:**

- (1) Docket adjustments between pending cases reported at the end of a fiscal year (August 31), and pending cases reported at the beginning of next fiscal year (September 1) are not shown.
- (2) The Office of Court Administration (OCA) reports that pending cases in fiscal year 2011 decreased, in part, because of reporting problems caused by conversion to new case management systems by several courts statewide.

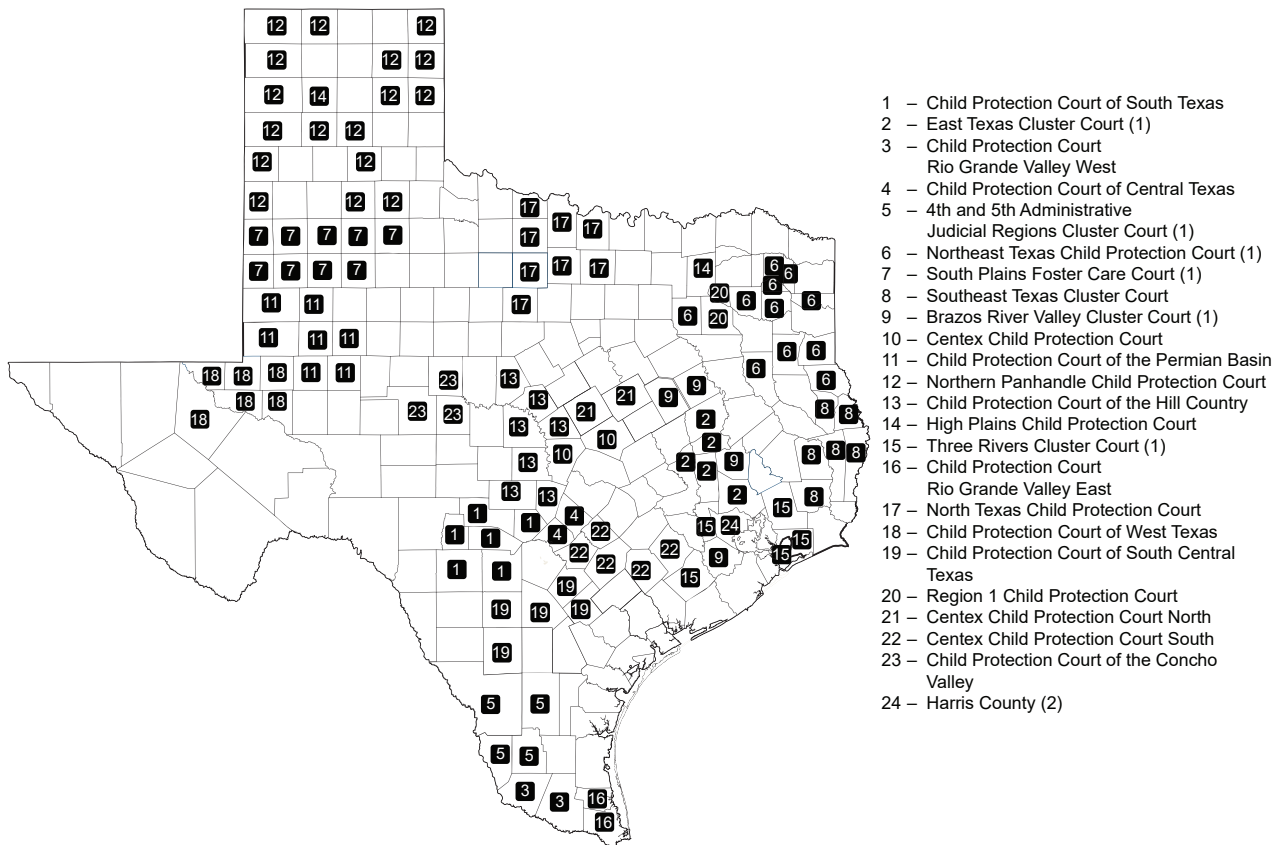
SOURCES: Legislative Budget Board; Comptroller of Public Accounts; Office of Court of Administration.

The OCA also maintains 23 child protection service areas in rural counties, whose primary costs are the salaries of associate judges and assistants. These judges and assistants support rural counties with child protection caseloads. Each child protection service area contains from two to 17 counties. Most service areas employ only one associate judge each; however, at least five service areas employ from two to three judges to handle a higher volume of cases. The Child Protection Courts Program is intended to reduce the time children spend in temporary foster care by expediting the judicial administration of child abuse, neglect, and adoption cases. Total 2016–17 biennial appropriations for the Child Protection Courts Program are \$8.7 million and provide for 49.0 FTE positions. Included in this amount is \$1.8 million for OCA to establish four additional child protection courts.

The Eighty-fourth Legislature, 2015, provided \$1.3 million in All Funds to increase OCA’s associate judge’s salaries to 80.0 percent of a district judge’s salary, or \$112,000, and \$0.2 million in All Funds for a 4.0 percent salary increase for specialty court staff. In addition, enactment of Senate Bill 1139, Eighty-fourth Legislature, 2015, limits the terms of associate judges to four years, with reappointment permitted for subsequent terms. The regional presiding judge that makes appointments to these positions is required to solicit recommendations and to solicit annual performance information from the judges of courts referring cases to the associate judge and from other persons.

Figure 26 shows the locations of the child protection courts and their service areas.

**FIGURE 26**  
**CHILD PROTECTION COURT SERVICE AREAS, AS OF JANUARY 2016**



NOTES:

- (1) These service areas have more than one judge assigned to them.
- (2) The Office of Court Administration provided \$150,990 to Harris County to offset costs for a Child Protection Court, and Harris County provided the remaining funds for management and operation of the court. Harris County will fund this Child Protection Court for the 2016–17 biennium through a combination of state and local funds.

SOURCE: Office of Court Administration.

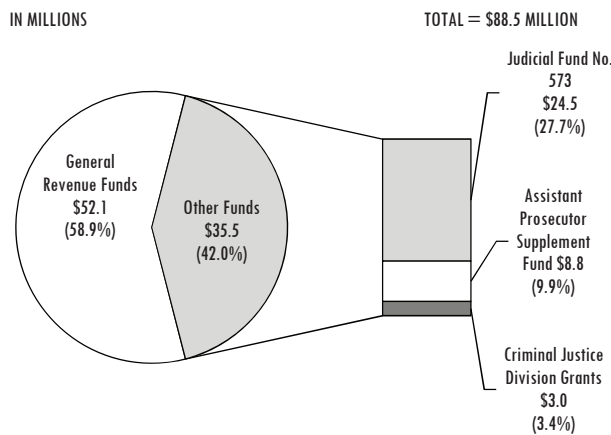


# STATE FUNDING FOR PROSECUTOR SALARIES AND PAYMENTS

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

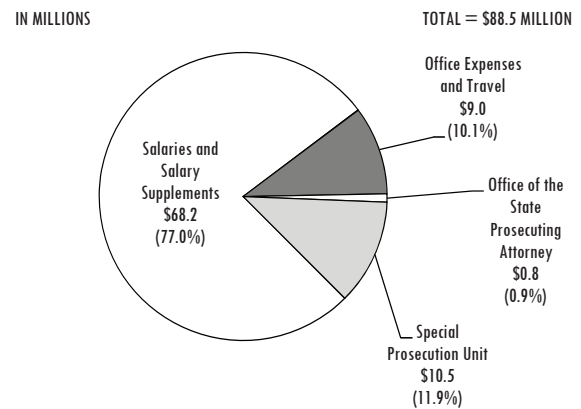
The Eighty-fourth Legislature, 2015, appropriated \$88.5 million for the 2016–17 biennium to support state and local prosecutors. **Figures 27 and 28** show appropriations by method of finance and by programs.

**FIGURE 27**  
**APPROPRIATIONS FOR PROSECUTORS BY METHOD OF FINANCE, 2016–17 BIENNIUM**



NOTES:  
(1) Totals may not sum due to rounding.  
(2) Amounts exclude Interagency Contracts.  
SOURCE: Legislative Budget Board.

**FIGURE 28**  
**APPROPRIATIONS FOR PROSECUTORS BY PROGRAM 2016–17 BIENNIUM**



NOTES:  
(1) Totals may not sum due to rounding.  
(2) Amounts exclude Interagency Contracts.  
SOURCE: Legislative Budget Board.

## PROFESSIONAL PROSECUTORS

Texas has 156 professional prosecutors, as of September 1, 2015. The state pays the salaries of district attorneys, criminal district attorneys, and county attorneys who are prohibited from the private practice of law, pursuant to the Texas Government Code, Chapter 46, referred to as the Professional Prosecutors Act (PPA). These prosecutors operate in jurisdictions in which state felony cases generate enough workload to occupy the prosecutor full-time. Professional prosecutors began to receive 100 percent of the compensation paid to a district judge, or \$140,000, effective September 1, 2013.

The Eighty-fourth Legislature, 2015, appropriated \$44.7 million in General Revenue Funds and Other Funds (Judicial Fund No. 573) to the Judiciary Section, Comptroller’s Department, for salaries of professional prosecutors for the 2016–17 biennium. Pursuant to the Texas Government Code, Section 46.003, a commissioner’s court or courts in the prosecutor’s district may: (1) forgo a local supplement; (2) provide a local supplement to the prosecutor’s state salary in an amount that is not less than the county supplement paid to the county or counties’ highest-paid district judge; or (3) pay a local supplement that exceeds a district judge’s combined salary from state and local sources.



## OFFICE OF THE STATE PROSECUTING ATTORNEY

The Office of the State Prosecuting Attorney (OSPA) was established in 1923. OSPA is charged with representing the state in all proceedings before the Court of Criminal Appeals. The State Prosecuting Attorney, appointed by the Court of Criminal Appeals, may also represent the state in criminal cases before the 14 Courts of Appeals if the State Prosecuting Attorney considers such representation in the interest of the state, or if a local prosecuting attorney requests the OSPA's assistance. Statute includes the State Prosecuting Attorney in the PPA within the Texas Government Code, Chapter 46.

Given their statewide effects, the opinions and decisions of the Court of Criminal Appeals are thoroughly studied by the OSPA. In addition, the OSPA monitors all opinions that the 14 Courts of Appeals issue that reverse a criminal conviction or modify a trial court's judgment. The OSPA focuses on the effect an appellate opinion will have on the state's overall jurisprudence and becomes involved as necessary to advance the state's interests. The OSPA considers a statewide perspective on the issues of greatest importance arising in Texas criminal law, and it functions as the primary source of guidance and assistance for many local prosecutors.

The OSPA was appropriated \$0.8 million in All Funds for the 2016–17 biennium, with more than 94.0 percent in General Revenue Funds. These funds are used by the agency for staff and operating costs. The Eighty-fourth Legislature, 2015, provided a \$29,470 increase for staff attorney pay raises and for increasing Interagency Contract amounts with the Office of Court Administration, the agency that provides administrative support for OSPA. OSPA receives another \$22,500 per fiscal year through an Interagency Contract with the Judiciary Section, Comptroller's Department, for an office apportionment available statewide to prosecutors in districts with populations greater than 50,000.

The Eighty-fourth Legislature, 2015, also appropriated \$8,201 in General Revenue Funds to fund a salary increase for the State Prosecuting Attorney to offset increased member contributions to the Employees Retirement System due to enactment of House Bill 9, Eighty-fourth Legislature, 2015. This amount increases the State Prosecuting Attorney's annual salary from \$140,000 to \$143,500 each year, with an additional \$1,201 for increased benefits costs for the 2016–17 biennium.

## COMPENSATION FOR DISTRICT ATTORNEYS AND PROSECUTORS THAT ENGAGE IN PRIVATE PRACTICE

Separate statutes establish the salary for prosecutors who are not prohibited from the private practice of law at a lower level than the salary of a district judge. The Eighty-fourth Legislature, 2015, provided \$2.2 million in General Revenue Funds and Other Funds (the Judicial Fund) to the Judiciary Section, Comptroller's Department, to pay the salaries of these types of prosecutors. **Figure 29** shows all prosecutor salaries and salary supplements statutorily linked to the benchmark salary of a district judge.

District attorneys compensated pursuant to the Texas Government Code, Section 41.013, are permitted to engage in the private practice of law. They receive a state salary of \$112,000, which is 80 percent of the compensation paid to a district judge (\$140,000). Four such prosecutors received this compensation as of September 1, 2015. No local supplement is required for this type of district attorney.

The state pays the salaries of the Jackson County Criminal District Attorney and the Fayette County Attorney. The Fayette County Attorney performs the duties of a district attorney. These two prosecutors also are permitted to engage in the private practice of law. The Jackson County and Fayette County prosecutors receive a salary of \$112,000, which is 80 percent of the compensation paid a district judge (\$140,000). The Texas Government Code, Sections 44.220 and 44.175, directs the state to compensate these positions at rates authorized pursuant to Section 41.013, or 80 percent of district judge pay. The Jackson County commissioners court may supplement the state salary of the criminal district attorney.

## COUNTY ATTORNEY SALARY SUPPLEMENTS

As an official of county government, county attorneys receive a local salary at the discretion of each county. Pursuant to the Texas Government Code, Section 46.0031, the state funds a salary supplement to county attorneys who do not have general felony jurisdiction and who are not state prosecutors pursuant to the Professional Prosecutors Act. County attorneys' salary supplements range from \$23,333 to \$70,000, with the amount being equal to one-half of the salary of a district judge ( $\$140,000 \div 2 = \$70,000$ ) divided by the total number of counties served by the state prosecutor. However, if that formula results in an amount less than one-sixth of a district judge's salary ( $\$140,000 \div 6 = \$23,333$ ), the county attorney is entitled to receive one-sixth of the

**FIGURE 29**  
**PROSECUTOR SALARIES AND SALARY SUPPLEMENTS STATUTORILY LINKED TO DISTRICT JUDGE PAY, 2016–17 BIENNIUM**

PROSECUTOR	SALARY OR SUPPLEMENT EFFECTIVE SEPTEMBER 1, 2015	LOCAL SALARY OR SUPPLEMENT	MAXIMUM SALARY	STATUTORY REFERENCE
District Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State pay of \$140,000 (an amount set in the General Appropriations Act), with total salary from state and local sources not to exceed an amount that is \$5,000 less than the total salary of a Court of Appeals Justice (\$163,000), pursuant to the Texas Government Code, §659.012
State Prosecuting Attorney	\$143,500	No Local Supplement	\$143,500	100% of state pay for district judge (\$140,000) pursuant to the Texas Government Code, §§46.002 and 46.003  The Eighty-fourth Legislature, 2015, increased the annual state salary for the State Prosecuting Attorney from \$140,000 to \$143,500 to offset the costs of increased member contributions to the Employees Retirement System due to House Bill 9, Eighty-fourth Legislature, 2015
Professional Prosecutor (1)	\$140,000	Varies	Varies	State compensation of 100% of state pay for district judge and, if any, a local supplement in an amount of not less than the local supplement paid to a county's highest-paid district judge pursuant to the Texas Government Code, §§46.002 and 46.003
District Attorneys (1) (2)	\$112,000	No Local Supplement	\$112,000	80% of state pay for a district judge pursuant to the Texas Government Code, §41.013 (four district attorneys eligible)
Harris County District Attorney	\$136,023	At least \$35,000	At least \$171,023	State apportionment pursuant to the Texas Government Code, §§41.201, 41.203, 43.180, and the Texas Local Government Code, §154.008
Felony Prosecutors (1)				The Texas Government Code, §§44.220 and 45.175, directs the state to compensate the following two positions at amounts set pursuant to §41.013, or 80% of state pay for a district judge (\$112,000)
Jackson County Criminal District Attorney	\$112,000	At county discretion	At county discretion	The Texas Government Code, §44.220
Fayette County Attorney	\$112,000	No Local Supplement	\$112,000	The Texas Government Code, §45.175
County Attorney Supplement	\$23,333 to \$70,000	At county discretion	At county discretion	Pursuant to the Texas Government Code, §46.0031, if a county is served by one state prosecutor, then the state salary supplement equals \$70,000 divided by the number of counties served by the local state prosecutor or \$23,333, whichever is greater  If a county is served by two or more state prosecutors, then the state salary supplement equals the sum of compensation the county attorney would have received if the county was served by only one state prosecutor or \$70,000, whichever is less

## NOTES:

(1) House Bill 9, Eighty-fourth Legislature, 2015, increased member contributions to the Employees Retirement System. Appropriations for the 2016–17 biennium include \$1.3 million in General Revenue Funds provided as grants to counties to provide prosecutors with local compensation to offset costs of increased member contributions.

(2) These four district attorneys serve mostly rural counties and are permitted to engage in the private practice of law.

SOURCE: Legislative Budget Board.

district judge’s salary. As of September 1, 2015, 171 county attorneys in the state received state-paid salary supplements.

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

- determining the amount of compensation that would have been provided to each state prosecutor if that state prosecutor was the only state prosecutor serving the county;
- adding those determined amounts of compensation; and
- setting the compensation at the lesser of the sum of those amounts or \$70,000.

The Texas Government Code provides that if computations cause the gross salary of a county attorney to exceed the benchmark salary of a district judge, then these greater amounts may be used for expenses of the county attorney’s office. The Eighty-fourth Legislature, 2015, provided \$12.3 million in General Revenue Funds and Other Funds (Judicial Fund) to the Judiciary Section, Comptroller’s Department, for county attorney supplements for the 2016–17 biennium.

**HARRIS COUNTY DISTRICT ATTORNEY**

Pursuant to the Texas Government Code, Chapter 41, the state makes an apportionment of funds for prosecution in certain eligible counties where a district attorney is not receiving a state salary. In practice, only the Harris County District Attorney is eligible for the apportionment. The Comptroller of Public Accounts deposits the apportionment to the county officers’ salary fund quarterly. The amount deposited annually is based on the population of Harris County and cannot exceed \$0.04 per capita, pursuant to the

Texas Government Code, Section 41.203. As shown in **Figure 29**, the amount apportioned to Harris County is \$136,023 per fiscal year for the 2016–17 biennium. Pursuant to the Texas Government Code, Section 43.180, Harris County must pay the District Attorney a local salary in an amount that is not less than \$35,000 per year. Like other professional prosecutors, the Harris County District Attorney is not authorized to engage in the private practice of law.

**Figure 30** shows all other prosecutor payments required by statute, for which the Eighty-fourth Legislature, 2015, provided an appropriation for the 2016–17 biennium. As shown in **Figure 28**, the state allocates \$9.0 million in General Revenue Funds to the Judiciary Section, Comptroller’s Department, to pay apportionments for prosecutor office and travel expenses.

**PROSECUTOR TRAVEL AND OFFICE EXPENSES**

Pursuant to the Texas Government Code, Chapter 43, prosecuting attorneys engaged in official duties in a county other than the prosecutor’s county of residence are entitled to travel and other necessary expenses, in accordance with travel limits for general state employees. For the 2016–17 biennium, amounts reimbursed are drawn from an appropriation of \$178,500 per fiscal year to the Judiciary Section, Comptroller’s Department

The Texas Government Code, Chapter 46, also provides that a professional prosecutor is entitled to reimbursement from the state for other expenses incurred in the discharge of official duties. Historically, the Texas Legislature has provided funding for these and other expenses of felony prosecutors in the General Appropriations Act. Authorized expenses include salaries of assistant district attorneys, investigators, administrative assistance, supplies, and expenses. Annual

**FIGURE 30  
PROSECUTOR PAYMENTS REQUIRED BY STATUTE, 2016–17 BIENNIUM**

PROSECUTOR	ELIGIBLE EXPENSES	AUTHORIZED PAYMENT	STATUTORY AUTHORITY
Felony Prosecutors	Travel	\$178,500 available annually for apportionment statewide	Travel expenses for prosecutors in multicounty districts pursuant to the Texas Government Code, §43.004
	Office Expenses	An annual amount of \$22,500 per district in districts with populations of more than 50,000; \$27,500 per district in districts with populations of less than 50,000; and, \$11,083 in single-county districts with populations of more than 50,000 (Harris County)	The Texas Government Code, §46.004  Amounts set in the Eighty-fourth Legislature, General Appropriations Act, 2016–17 Biennium, Article IV, Judiciary Section, Comptroller’s Department, Rider 5, Felony Prosecutors: Expenses
Assistant Prosecutor Longevity Pay	Longevity Pay	\$20 per month for each year of lifetime service credit, not to exceed \$5,000 annually	The Texas Government Code, §§41.253 and 41.255(d)

SOURCE: Legislative Budget Board.

amounts authorized are: \$22,500 per office for felony prosecutors serving districts with populations of more than 50,000; \$27,500 per office for felony prosecutors serving districts with populations of less than 50,000; and \$11,083 for the Harris County District Attorney. Appropriations for prosecutor office apportionments total \$8.1 million in General Revenue Funds for the 2016–17 biennium.

In addition to these amounts, the Judiciary Section, Comptroller's Department, was appropriated an additional \$0.5 million for the local costs of investigating and prosecuting offenses against state government due to the enactment of House Bill 1690, Eighty-fourth Legislature, 2015. This legislation established the Public Integrity Unit within the Texas Rangers Division of the Department of Public Safety and establishes the venue for a public integrity prosecution in the county in which the defendant resides or, if an office-holder, then in the county in which the defendant resided at the time of election. The new unit will assist local prosecutors in investigations of offenses against public administration, and the Comptroller is directed to reimburse local prosecutors for reasonable costs, including prosecutor and witness travel expenses.

### **ASSISTANT PROSECUTOR LONGEVITY PAY**

The state provides longevity pay of \$20 per month for each year of lifetime service credit for assistant prosecutors up to \$5,000 annually. Assistant prosecutors receiving longevity pay may not engage in the private practice of law if the prosecutor's salary from all sources is equal to or greater than 80 percent of the state salary paid a district judge (80 percent of \$140,000 = \$112,000). The funding source for the longevity pay is derived from a \$15 surety bond fee, two-thirds of which is deposited to the Assistant Prosecutor Supplement Fund (Other Funds) and one-third of which is deposited to the General Revenue–Dedicated Fair Defense Account. Appropriations for assistant prosecutor longevity pay total \$8.8 million from the Assistant Prosecutor Supplement Fund (Other Funds) to the Judiciary Section, Comptroller's Department, for the 2016–17 biennium.

### **SPECIAL PROSECUTION UNIT**

State funding for the Special Prosecution Unit (SPU) totals \$10.5 million for the 2016–17 biennium in General Revenue Funds and Other Funds (Criminal Justice Division Grants) to the Judiciary Section, Comptroller's Department. The SPU is composed of three divisions: Criminal, Juvenile, and Civil. All three divisions are headquartered in Huntsville and

are led by an executive director. The SPU is governed by an executive board of 11 district attorneys who are selected by district attorneys who have prisons or Texas Juvenile Justice Department 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 Eighty-fourth Legislature, 2015, appropriated \$0.5 million in General Revenue Funds to the Judiciary Section, Comptroller's Department, for salary increases for SPU staff, to meet county-forecasted benefits expenses, and for increased accounting expenses for SPU divisions.

### **CRIMINAL DIVISION**

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 Texas Department of Criminal Justice (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 Office of the Governor and General Revenue Funds.

In fiscal year 1984, a group of district attorneys established the SPU. Since then, the state prison population increased from 38,000 to more than 148,000 inmates in more than 109 private and public units as of August 31, 2015. In fiscal year 2015, the Criminal Division disposed of 528 cases, including murder, possession of contraband, aggravated assault on a public servant, sexual assault, bribery, and possession of a deadly weapon in a penal institution.

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

Criminal Division handles the appellate work that often results from a successful prosecution.

The Criminal Division also works closely with TDCJ and OIG to implement the Texas Safe Prisons Act and the federal Prison Rape Elimination Act, which strive to reduce the number of sexual assaults in prison through prosecution of those who commit such sexual assaults. Venue in these cases is in the county in which the offense occurs; therefore, 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 enable closer cooperation with personnel of TDCJ, OIG, and district attorneys in those regions and enable the Criminal Division to work more closely with prison units across the state. The Eighty-fourth Legislature, 2015, appropriated \$3.7 million in General Revenue Funds and Criminal Justice Division Grants to the Judiciary Section, Comptroller's Department, for the Criminal Division of the Special Prosecution Unit.

#### **JUVENILE DIVISION**

The Juvenile Division is authorized in statute to prosecute crimes that occur in the Texas Juvenile Justice Department (TJJD). The Juvenile Division's duties include prosecuting juveniles, and employees and civilians committing crimes in TJJD facilities. The division's caseload primarily is handled in Corsicana, Edinburg, Beaumont, and Brownwood, based upon facility location. The Juvenile Division filed 222 Juvenile Petitions and disposed of 244 criminal cases in fiscal year 2015. The Eighty-fourth Legislature, 2015, appropriated \$1.7 million in General Revenue Funds and Criminal Justice Division Grants to the Judiciary Section, Comptroller's Department, for the Juvenile Division of the SPU.

#### **CIVIL DIVISION**

The Legislature established the Civil Division of the SPU in fiscal year 2000. From the program's inception to August 31, 2015, the Civil Division committed a cumulative 314 sexually violent predators to ongoing treatment and supervision. Senate Bill 746, Eighty-fourth Legislature, 2015, removed statutory requirements that previously made the Civil Division responsible for initiating and pursuing civil commitment proceedings against sexually violent predators. A sexual predator is defined as a person with a behavioral abnormality that makes the person more likely to engage in a predatory act of violence if the person is unsupervised.

With the enactment of Senate Bill 746, civil commitment proceedings for a person serving a sentence for a sexually violent offense are to take place in the county of the offender's original conviction. TDCJ must notify the court of a person that is scheduled for release and who fits the criteria for a sexually violent predator. The court may then file a petition alleging predator status. A trial date is set within 60 days for a judge or jury to make a determination of the person's predator status. If, as a result of the proceedings, the person is determined to be a predator, the presiding judge must commit the person for outpatient treatment and supervision, including supervised housing. The person is eligible for release if the state can not prove beyond a reasonable doubt that the person was likely to engage in a predatory act of sexual violence. The Texas Civil Commitment Office, an agency that is administratively attached to the Department of State Health Services, provides the treatment and supervision of sex offenders who have been civilly committed.

The Civil Division's responsibilities are to assist local prosecutors with these proceedings through appropriations of \$5.1 million in General Revenue Funds and Criminal Justice Division Grants for the 2016–17 biennium. These appropriations to the Judiciary Section, Comptroller's Department, provide for staff providing technical assistance, expert witnesses costs, and other operating costs and recidivism civil commitment cases for offenders in the program.



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## STATE FUNDING FOR OTHER JUDICIARY PROGRAMS

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

- five judicial agencies—the Office of Court Administration; the Texas Indigent Defense Commission (which is administratively attached to the Office of Court Administration), the State Commission on Judicial Conduct, the State Law Library, and the Office of Capital and Forensic Writs;
- 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;
- basic civil legal services for the indigent;
- juror pay;
- judicial education;
- court improvement projects;
- witness expenses;
- the National Center for State Courts; and
- death penalty representation and indigent inmate defense.

### THE OFFICE OF COURT ADMINISTRATION

The Office of Court Administration (OCA) was established in 1977 and operates by the direction of the Supreme Court of Texas. OCA provides administrative support to the courts and several other judicial entities, some of which are administratively attached to the agency.

### COURT ADMINISTRATION

OCA provides information and technical assistance to more than 2,700 state and local courts to improve the administration of justice and compiles judicial statistics for the Legislature, the executive branch, and the public. OCA serves as staff for the Texas Judicial Council, which conducts studies of the judicial system and makes policy

recommendations to the Governor, the Texas Legislature, and the Supreme Court of Texas. The council includes members of the judiciary, the public, the Legislature, and the State Bar.

In addition, OCA provides services to support Texas courts through programs such as the Texas Court Remote Interpreter Service, which provides free Spanish-language interpreting services by state-licensed court interpreters in all case types through telephone or videoconferencing. Other examples include the Court Consultant Services program, which assists courts in evaluating and implementing case management and administrative programs to improve court efficiency; and the Domestic Violence Resource Program, which provides technical assistance to courts on protective orders and protective order reporting. The Eighty-fourth Legislature, 2015, appropriated \$0.6 million in General Revenue Funds to OCA for a Guardianship Compliance Pilot Project, through which agency staff will review adult guardianship cases to: identify deficiencies by guardians; assist courts in developing best practices to manage guardianship caseloads; and assist courts without a statutory probate court that have a significant number of guardianship cases.

### INFORMATION TECHNOLOGY

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

Appropriations in the 2016–17 biennium for information technology total \$55.8 million in All Funds. This amount includes \$2.5 million in General Revenue Funds greater than 2014–15 biennial spending levels to replace aging security and legacy data analysis systems and for Centralized Accounting and Payroll/Personnel Systems (CAPPS) deployment. This amount also includes \$45.5 million in



General Revenue–Dedicated Statewide Electronic Filing System Account No. 5157 funding for the statewide Electronic Filing Manager system (eFileTexas.gov) for the courts. In December 2012, the Supreme Court ordered electronic filing of civil cases—including family and probate cases—by litigants in appellate, district, and county-level courts. As of December 2015, the eFiling system has been implemented in all Texas counties, in advance of a July 2016 deadline.

The Eighty-third Legislature, Regular Session, 2013, enacted legislation that reduced filing costs for civil cases by replacing a per-document filing fee averaging from \$8 to \$18 per document with a per-case electronic filing fee of between \$10–\$20. In addition, a \$5 court cost was established for criminal convictions in county and district courts. These funds are deposited into the General Revenue–Dedicated Statewide Electronic Filing System Account No. 5157 by the Comptroller of Public Accounts (CPA) to fund the eFiling system. Counties are also permitted to assess an additional \$2 transaction fee to recoup local costs associated with eFileTexas.gov’s statewide implementation.

Senate Bill 1139, Eighty-fourth Legislature, 2015, increased the electronic filing fees for cases filed in appellate, district, and county-level courts from \$20 to \$30 to offset revenue decreases resulting from a decrease in civil case filings during the 2014–15 biennium. This increase is anticipated to raise revenues by \$5.3 million for each year of the 2016–17 biennium.

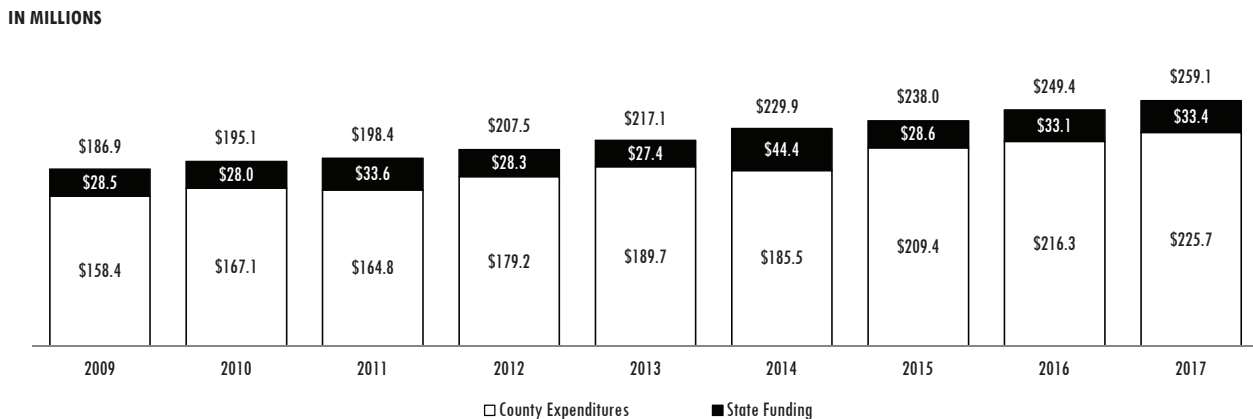
### TEXAS INDIGENT DEFENSE COMMISSION

The Texas Indigent Defense Commission (TIDC) is a standing committee of the Texas Judicial Council that sets standards and awards formula-based and discretionary grants to counties for criminal defense services for the indigent. TIDC is composed of eight ex officio members, including the Presiding Judge of the Court of Criminal Appeals, the Chief Justice of the Supreme Court of Texas, and five additional members appointed by the Governor. OCA provides administrative services to the TIDC.

The cost of providing indigent defense services are met through a combination of state and local funding, with counties absorbing a majority of the cost. **Figure 31** shows indigent defense spending. Since fiscal year 2009, total expenditures have grown 38.6 percent from \$186.9 million to an anticipated \$259.1 million for fiscal year 2017. In fiscal year 2015, state and local expenditures for indigent defense totaled \$238.0 million, with counties funding 88.0 percent of the expense (\$209.4 million) compared to the state’s share of 12.0 percent (\$28.6 million). In fiscal year 2015, courts appointed counsel in 475,609 cases.

The Eighty-fourth Legislature, 2015, appropriated an estimated \$63.6 million from the General Revenue–Dedicated Fair Defense Account No. 5073 and \$7.5 million in General Revenue Funds for a combined \$71.1 million in All Funds for grants to counties to meet indigent defense service costs, discretionary grants for programs such as regional public defender offices, innocence projects, and

**FIGURE 31**  
**LOCAL AND STATE SHARES OF INDIGENT DEFENSE COSTS, FISCAL YEARS 2009 TO 2017**



**NOTES:**

- (1) Amounts shown for fiscal years 2009 to 2015 are actual amounts; amounts shown for fiscal years 2016 and 2017 are budgeted.
- (2) Fiscal year 2014 includes a onetime disbursement of \$15.0 million from unexpended balances in the General Revenue–Dedicated Fair Defense Account No. 5073.

SOURCE: Texas Indigent Defense Commission, January 2016.

TIDC administration for the 2016–17 biennium. TIDC may expend all receipts deposited into the Fair Defense Account during the 2016–17 biennium, and any unexpected balances from prior biennia. For the 2016–17 biennium, \$68.2 million was appropriated for grants to eligible counties to improve legal services for indigent criminal defendants. These funds are distributed through a combination of formula and discretionary grants.

From the \$34.5 million that TIDC has budgeted for grants in fiscal year 2016, \$25.1 million is for formula-based distribution to county indigent defense programs. Formula grant distribution to counties considers factors such as county population and the county's direct indigent defense expenditures for the previous year.

TIDC budgeted the remaining balance of \$9.4 million in fiscal year 2016 for discretionary grants. Discretionary grants include:

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

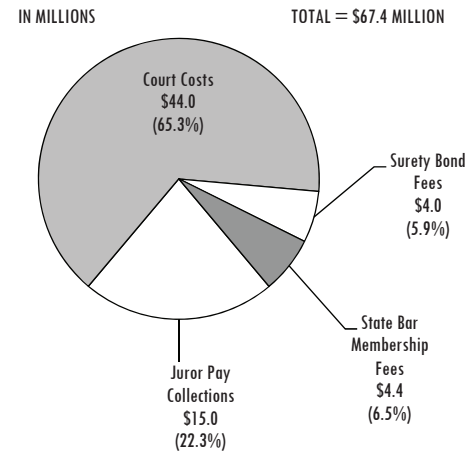
TIDC also supports Texas-based innocence projects. These projects involve law school students reviewing criminal case convictions to exonerate wrongfully convicted individuals and to identify reforms to improve criminal defense practices. When investigations reveal potentially provable cases of actual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

The first innocence project began in 2000 at the University of Houston Law Center. Since then, the program has expanded to six of the state's public law schools: Texas Tech University, the University of Houston, the University of Texas at Austin, Texas Southern University, the University of North Texas, and Texas A&M University. So far, 13 individuals have been exonerated with support from these projects. For the 2016–17 biennium, each of these law

schools is budgeted to receive \$100,000 each fiscal year or a total of \$1.2 million in funds for innocence projects.

**Figure 32** shows major revenue sources for the Fair Defense Account.

**FIGURE 32**  
**REVENUE SOURCES OF GENERAL REVENUE–DEDICATED FAIR DEFENSE ACCOUNT NO. 5073**  
**2016–17 BIENNIUM**



NOTE: Totals may not sum due to rounding.

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

Statute authorizes a \$4 court cost in criminal convictions for juror pay and directs the CPA to deposit any unexpended juror pay collections greater than \$10.0 million to the Fair Defense Account each fiscal year, which will be used by TIDC to provide additional grants to counties. Deposits of these collections to the Fair Defense Account are estimated to be \$7.5 million for each year of the 2016–17 biennium.

#### **JUDICIAL BRANCH CERTIFICATION COMMISSION**

The Judicial Branch Certification Commission (JBCC) oversees regulatory policies and certification of court reporters, guardians, process servers, and licensed court interpreters in its jurisdiction on behalf of OCA and the Supreme Court of Texas. The Eighty-fourth Legislature, 2015, appropriated \$1.1 million in General Revenue Funds for the JBCC for the 2016–17 biennium.

The nine-member JBCC, appointed by the Supreme Court for six-year terms, is supported by four advisory boards pertaining to each of the four professions it regulates. OCA administratively supports the JBCC. Examination and certification fees for each profession that are used to fund JBCC's work are deposited into General Revenue Funds.

JBCC's responsibilities for court reporters include certification of individual court reporters; registration of court-reporting firms; assessment and collection of fees; and enforcement of the rules and regulations governing the court reporting profession. As of January 2016, Texas had 2,226 active certified court reporters and 320 registered court-reporting firms.

JBCC's responsibilities for guardians includes oversight of a certification process for private professional guardians and those who provide guardianship services to a ward of a guardianship program or to wards of the Department of Aging and Disability Services. The JBCC determines the qualifications for obtaining certification, with rules approved by the Supreme Court of Texas; issues certificates to those who meet the requirements; and adopts minimum standards for guardianship services, or other similar but less restrictive types of assistance or services. As of January 2016, 346 certified guardians and 90 provisionally certified guardians were certified statewide.

Process servers are persons certified by order of a court to serve process, which is the delivery of a writ, summons, or other legal paper to the person required to respond. The JBCC's responsibilities for this profession include improving the standards for persons authorized to serve process and reducing the disparity among Texas civil courts for approving persons to serve process. As of January 2016, the state had 3,716 certified process servers.

Licensed court interpreters provide language interpretation services in a court for individuals who do not speak English. The JBCC's responsibilities for this profession include oversight of the certification process including determining the qualifications for certification and issuance of initial and renewal certificates to individuals that meet the requirements and establishing requirements for continuing education. As of January 2016, Texas had 472 certified licensed court interpreters.

#### **TIMOTHY COLE EXONERATION REVIEW COMMISSION**

Due to the enactment of House Bill 48, Eighty-fourth Legislature, 2015, \$0.3 million in General Revenue Funds was appropriated to establish the Timothy Cole Exoneration Commission. The commission's duties and responsibilities include reviewing wrongful convictions, identifying the main causes of those convictions, and making recommendations to prevent future wrongful convictions during the 2016–17 biennium. The commission is administratively attached to OCA and will be abolished on

the date it provides its statutorily required report to the Governor, Legislature, and Texas Judicial Council by December 1, 2016.

#### **STATE LAW LIBRARY**

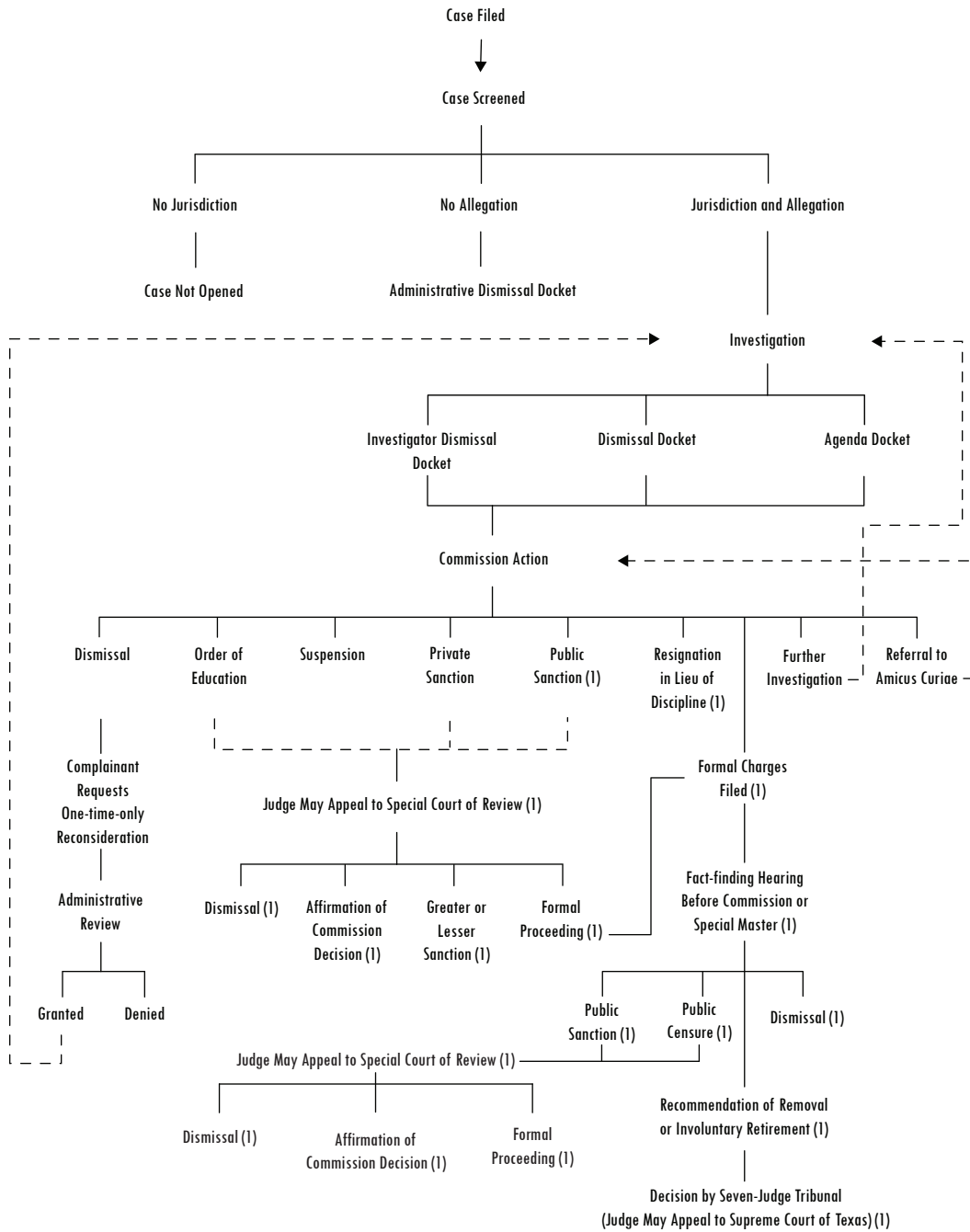
The State Law Library was established in 1971. The library is directed by statute to maintain a legal reference facility for use by the Supreme Court of Texas, the Court of Criminal Appeals, the Office of the Attorney General (OAG), other state agencies, and Texas residents. The library maintains more than 100,000 items of primary and secondary source material on Texas law, information on Texas legal history, federal primary source materials, major law reviews, treatises and monographs on general law, and selected federal publications. Remote access is available online for residents who register with the State Law Library. The library disseminates information and participates in cooperative efforts with other libraries, governmental agencies, and state and national organizations. The 2016–17 biennial appropriations for the State Law Library total \$2.1 million with 12.0 full-time-equivalent (FTE) positions. General Revenue Funds contribute 98.2 percent of this amount, and the remaining funds (\$38,500) are appropriated from Other Funds, including Appropriated Receipts and Interagency Contracts.

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

The State Commission on Judicial Conduct (SCJC) was established by constitutional amendment in 1965. SCJC consists of 13 members appointed by the Supreme Court of Texas, the State Bar of Texas, and the Governor. The agency's constitutional mandate is to investigate, and when it finds judicial misconduct or judicial incapacity, to take appropriate action. These actions include discipline, education, censure, or the filing of formal procedures that could result in removal from office. Approximately 3,900 judges and judicial officers are within SCJC's jurisdiction. **Figure 33** shows of the agency's complaint process.

SCJC 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. The agency receives complaints of judicial misconduct or incapacity from the general public. After an investigation, SCJC can dismiss the complaint; issue an order of additional education, suspension, private, or public sanction; or the judge may resign in lieu of disciplinary action. If the SCJC dismisses a complaint, then the agency

**FIGURE 33**  
**COMMISSION ON JUDICIAL CONDUCT COMPLAINT PROCESS, FISCAL YEAR 2016**



NOTE: (1) Indicates public action, not confidential.  
SOURCE: State Commission on Judicial Conduct.

must provide the complainant a reason why the judge’s conduct did not rise to the level of judicial misconduct.

Judges may appeal commission decisions to a panel of three appellate judges, known as a special court of review, which

presides over a new trial that is open to the public. Additionally, during informal proceedings, SCJC may choose to initiate formal proceedings by filing formal charges against the judge. In the event of formal proceedings, all filings and proceedings in the case become public. After the

notice of formal charges, a fact-finding hearing is conducted either before SCJC or a special master appointed by the Supreme Court of Texas. After a public trial or formal hearing, the commission or special master reports findings of fact to SCJC. The SCJC then votes for dismissal or public censure, public sanction, or recommends removal or involuntary retirement to the Supreme Court. The judge who receives a public sanction or censure can appeal this decision to a special court of review. A recommendation for removal or involuntary retirement is reviewed by a tribunal of seven appellate judges whose ruling may then be appealed to the Supreme Court. In addition, the SCJC is required to undergo Sunset review in 2019, six years before a general 12-year review, and Sunset Advisory Commission staff are authorized access to closed meetings and confidential records for purposes of review. SCJC is also required to host a public hearing every even-numbered year to allow for public input of SCJC's mission and operations.

For the 2016–17 biennium, the Eighty-fourth Legislature, 2015, appropriated \$2.2 million in General Revenue Funds to SCJC. These funds provide for 14.0 FTE positions and include \$0.3 million in funding more than the agency's 2014–15 biennial spending level for a managing attorney position and for salary increases for the agency's executive director and staff attorneys.

## THE OFFICE OF CAPITAL AND FORENSIC WRITS

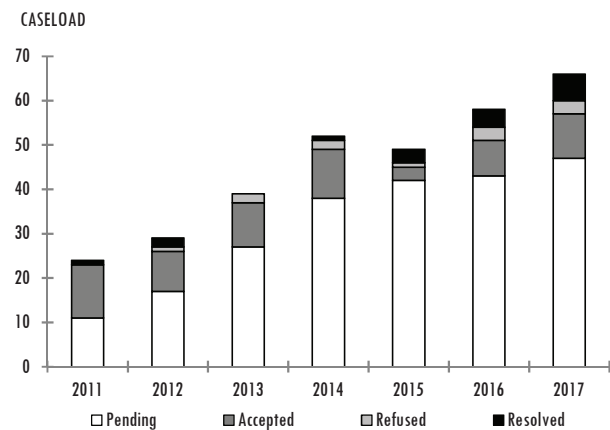
The Office of Capital Writs was established to represent persons sentenced to the death penalty in state post-conviction habeas corpus and related proceedings. Senate Bill 1743, Eighty-fourth Legislature, 2015, expanded the powers and duties of the agency to include representing defendants in cases involving a forensic sciences issue. The legislation also changed the name of the agency to the Office of Capital and Forensic Writs (OCFW).

The Texas Government Code, Section 78.056, requires OCA to provide OCFW with administrative support to maintain an appointments list of eligible criminal defense attorneys. The Texas Government Code, Section 78.052, authorizes OCFW to receive funding from the General Revenue–Dedicated Fair Defense Account. OCFW's 2016–17 biennial appropriations total \$2.8 million in General Revenue–Dedicated Funds from the Fair Defense Account and provide for 16.5 FTE positions each year. Amounts appropriated for the 2016–17 biennium includes increases of \$0.1 million for

a facilities remodel and \$0.2 million for additional staff to support agency operations and to increase legal staff salaries.

**Figure 34** shows OCFW's caseload from fiscal years 2011 to 2015 and estimates for 2016 and 2017. OCFW's pending caseload has grown along with the number of resolved cases. These trends are anticipated to continue through the 2016–17 biennium.

**FIGURE 34**  
**OFFICE OF CAPITAL AND FORENSIC WRITS**  
**CASELOAD HIGHLIGHTS, FISCAL YEARS 2013 TO 2017**



SOURCE: Office of Capital and Forensic Writs.

As shown in **Figure 34**, the Texas Government Code, Section 78.054(a)(2), authorizes OCFW to refuse an appointment (1) if the office determines it has insufficient resources to provide adequate representation for a defendant, or (2) if the appointment would result in a conflict. For example, the OCFW may refuse an appointment that involves a case that has multiple defendants, if the office already has accepted an appointment for one defendant in the case.

## JUDICIAL RETIREMENT SYSTEMS I AND II

The Judicial Retirement System I (JRS I) is a closed, pay-as-you-go retirement plan for state judges and justices who held office before September 1985. No trust fund exists for JRS I, and all benefits are paid by direct appropriations in General Revenue Funds. Appropriations for JRS I total \$53.1 million for the 2016–17 biennium.

To reduce the long-term liabilities associated with a pay-as-you-go retirement plan, JRS I was replaced by the actuarially funded Judicial Retirement System I (JRS II) in 1985. State judges and justices who took office after August 31, 1985, belong to this system. The state retirement contribution is



15.66 percent for the 2016–17 biennium. The judge’s contribution is 6.00 percent of salary, with contributions ceasing after members accrue 20 years of service credit or have served 12 years on an appellate bench and attained the Rule of 70 (in which the sum of the judge’s age and the judge’s amount of service credit in the retirement system equals or exceeds the number 70). The 2016–17 appropriations for JRS II total \$24.3 million in General Revenue.

The retirement eligibility requirements for JRS I and JRS II are shown in **Figure 35**, along with the method for calculating the retirement benefit.

### BASIC CIVIL LEGAL SERVICES FOR THE INDIGENT

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

Using all sources of funding, TAJF estimates that Texas legal aid organizations will dispose of approximately 110,000 cases each year of the 2016–17 biennium. For fiscal year 2016, TAJF provided funding to 31 legal aid providers. To qualify for basic civil legal services aid, an individual cannot have an income of more than 125.0 percent of the federal poverty level, \$30,313 for a family of four. However, certain victims of crime seeking civil legal services in relation to a specific injury may have an income of up to 187.5 percent of the federal poverty level, \$45,469 for a family of four.

State funding for BCLS for the 2016–17 biennium totals \$62.9 million. This amount includes \$20.6 million in General Revenue Funds, \$10.0 million in General Revenue–Dedicated Funds from Sexual Assault Fund No. 5010, \$27.3 million in estimated dedicated revenue deposited into Judicial Fund No. 573 (Other Funds), and \$5.0 million in Other Funds from an Interagency Contract with the OAG. Any revenues deposited to the credit of the Judicial Fund greater than the estimated amounts are automatically appropriated for the same purposes each fiscal year. Total state funding represents an increase from 2014–15 biennial levels of \$13.0 million in All Funds. Of this amount, the Eighty-fourth Legislature, 2015, appropriated a \$3.0 million increase in General Revenue Funds for basic civil legal services for an estimated 3,250 veterans and their families,

**FIGURE 35**  
**JUDICIAL RETIREMENT SYSTEM (JRS) I AND II ELIGIBILITY REQUIREMENTS**

#### FULL BENEFIT

- age 60 with 10 years of service and currently holding a judicial office
- age 65 with 12 years of service, whether or not currently holding a judicial office
- any age with 20 years of service, whether or not currently holding a judicial office
- 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

#### REDUCED BENEFIT

- age 60 with 10 years of service and currently holding a judicial office
- age 60 with 12 years of service, whether or not currently holding a judicial office

#### JRS I BENEFIT CALCULATION

- 50% of current state salary for judge of court of the same classification on which last served; members with 20 years of service may receive an additional 2.3% of state salary for each subsequent year up to a total not to exceed 90%
- additional 10% if retiree has not been out of office for more than one year at the time of retirement or retiree accepts assignment as a visiting judge within one year before retirement
- monthly retirement annuities are automatically adjusted for judicial salary increases

#### JRS II BENEFIT CALCULATION

- 50% of the judge’s final state salary; members with 20 years of service or other qualifications may receive an additional 2.3% of state salary for each subsequent year up to a total not to exceed 90%
- additional 10% if retiree has not been out of office for more than one year at the time of retirement or retiree accepts assignment as a visiting judge within one year after retirement
- monthly retirement annuities adjusted only by legislation

SOURCE: Legislative Budget Board.



and a \$10.0 million increase in General Revenue–Dedicated Funds from Sexual Assault Program for basic civil legal services for an estimated 2,921 victims of sexual assault. Appropriations for the 2016–17 biennium reflect a decrease of \$4.4 million in Other Funds from the Judicial Fund for onetime receipts of civil penalties in the 2014–15 biennium no longer expected in the 2016–17 biennium.

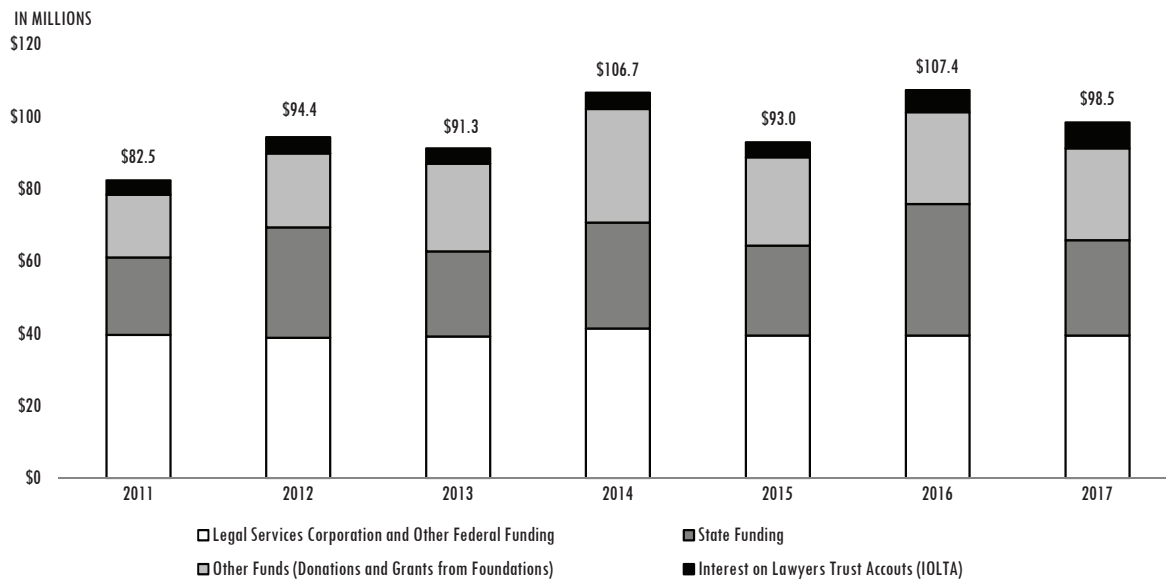
Pursuant to the Texas Government Code, Section 402.007, civil penalties recovered by OAG from settlements of deceptive trade practice litigation are deposited to the Judicial Fund for basic civil legal services to the indigent. Statute caps the total amount of civil penalties credited to the Judicial Fund at \$50.0 million per fiscal year. House Bill 1079, Eighty-fourth Legislature, 2015, expanded the types of civil penalties and other payments recovered by OAG to include any civil penalty or civil restitution, pursuant to the Texas Business and Commerce Code. These recovered funds are credited to the Judicial Fund for use in providing basic civil legal services for the indigent.

State BCLS funding is only one component of total funds available for indigent civil legal services in Texas. Funding for these services is provided through a mix of federal, state, and

private funds. Other funding sources include: federal Legal Services Corporation program funds; donations and grants; and the Texas Interest on Lawyer’s Trust Accounts (IOLTA) program. As a policy decision, previous Legislatures have increased state appropriations (e.g., \$20.0 million during the 2010–11 biennium) when significant reductions in these other available funding sources were anticipated. The Federal Funds, which are provided directly by the Legal Services Corporation to three legal aid organizations that serve clients throughout the state—Lone Star Legal Aid, Texas Rio Grande Legal Aid and Legal Aid of North West Texas—are the single largest funding source, contributing approximately 41.2 percent of total BCLS funding since 2011. During that same period, state funds have on average made up approximately 28.6 percent of total BCLS funding; donations and grants approximately 25.0 percent of total funding; and the Texas IOLTA approximately 5.2 percent of total funding (see **Figure 36**).

IOLTA generates revenue for legal aid by collecting interest earned on trust accounts. These accounts are made up of retainers, filing and expert witness fees, deposits, settlements, or any receipts belonging to the client, rather than the attorney. Texas is one of 47 states where IOLTA participation

**FIGURE 36**  
**BASIC CIVIL LEGAL SERVICES SOURCES OF FUNDING, CALENDAR YEARS 2011 TO 2017**



**NOTES:**

- (1) Amounts shown for 2011 to 2014 are actual amounts; amounts shown for 2015 to 2017 are estimated.
- (2) State amounts for 2016 include \$10.0 million in General Revenue–Dedicated Sexual Assault Program No. 5010 funding for basic civil legal services for victims of sexual assault and \$3.0 million in General Revenue Funds for basic civil legal services for veterans and their families.
- (3) IOLTA amounts for 2016 and 2017 assume an increase in interest rates by the Federal Reserve.

SOURCES: Legislative Budget Board; Texas Access to Justice Foundation.

is mandatory for attorneys that maintain client trust accounts. The interest earned on lawyers' trust accounts began decreasing due to Federal Reserve interest rate changes in response to the economic recession beginning in fall 2007, and the interest remained decreased from that point to the 2014–15 biennium. As a consequence, IOLTA interest income decreased, reaching 0.25 percent. However, IOLTA revenue is expected to increase from \$4.2 million to \$7.2 million during the 2016–17 biennium due to anticipated interest rate increases by the Federal Reserve.

**Figure 36** shows BCLS funding sources from calendar years 2011 to 2017 and estimated amounts for the 2016–17 biennium. Revenue from all sources is estimated to be \$107.4 million for fiscal year 2016 and \$98.5 million for fiscal year 2017.

## JUDICIAL EDUCATION

The Court of Criminal Appeals supervises grant programs for judicial and court personnel training, which are funded mainly by court costs that are collected in criminal case convictions. The 2016–17 biennial appropriations for Judicial Education total \$19.8 million in All Funds.

The Eighty-fourth Legislature, 2015, authorized the Court of Criminal Appeals to permit training entities to retain unused grant funds at the court's discretion for use in the

next fiscal year for providing judicial education. The Legislature also granted the Judicial Education program an unexpended balance authority of funds within the biennium. Appropriations include an additional \$2.0 million from 2014–15 biennial spending levels to enable the court to expend unused balances in General Revenue–Dedicated Judicial and Court Personnel Training Account No. 540. The Legislature also appropriated \$245,000 in Federal Funds for personnel training in death penalty litigation.

**Figure 37** shows the judicial and court personnel training that took place during fiscal year 2015 by training entity. In that year, grant allocations totaled \$8.5 million, and 21,563 people attended training.

Statute authorizes the Court of Criminal Appeals to use no more than 3.0 percent of its annual appropriation from the General Revenue–Dedicated Judicial and Court Personnel Training Fund to administer judicial education programs, unless the Legislature appropriates additional funding for that purpose. The court has budgeted approximately \$0.5 million for administrative costs associated with the Judicial Education program for fiscal year 2015. Statute also authorizes the use of funds from the Judicial and Court Personnel Training Fund for programs that provide law enforcement officers, law students, and other participants with actual innocence training.

**FIGURE 37**  
**JUDICIAL AND COURT PERSONNEL TRAINING, FISCAL YEAR 2015**

ENTITY	PARTICIPANTS	PERSONNEL	GRANT ALLOCATION	PERCENTAGE OF ALLOCATION
Texas Center for the Judiciary	Judges and clerks serving in statutory county, district, and appellate courts, and on actual innocence.	1,951	\$1,691,210	19.9%
Texas Municipal Courts Education Center	Judges and clerks serving municipal courts	6,012	\$1,659,752	19.5%
Texas Justice Court Training Center	Justices of the peace and clerks and constables serving justice of the peace courts	6,055	\$1,654,574	19.5%
Texas District and County Attorneys Association	Prosecutors, investigators, and other personnel representing the government in district-level and county-level trial courts	2,578	\$1,186,590	14.0%
Texas Criminal Defense Lawyers Association	Criminal defense attorneys regularly representing indigent defendants in criminal matters	3,060	\$1,136,946	13.4%
Texas Association of Counties	Judges and clerks serving in constitutional county courts, wherein the functions performed by the judge are at least 40% judicial functions	746	\$389,311	4.6%
Center for American and International Law	Judges, prosecutors, and criminal defense attorneys	991	\$298,386	3.5%
Texas District Court Alliance	District clerks and court personnel	170	\$15,000	0.2%
<b>Total</b>		<b>21,563</b>	<b>\$8,031,769</b>	

SOURCE: Court of Criminal Appeals.

**TEXAS CRIMINAL JUSTICE INTEGRITY UNIT**

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

**COURT IMPROVEMENT PROJECTS AND CHILDREN'S JUSTICE GRANTS TO STATES**

The Permanent Commission on Children, Youth, and Families was established by the Supreme Court of Texas to strengthen court procedures for children, youth, and families in Texas' child protection system. Courts play an important role in determining the future of children in the child protection system because courts are the ultimate arbiter of what happens to children in lawsuits alleging abuse or neglect.

The commission oversees the administration and disbursement of Federal Funds awarded to the Supreme Court for the Court Improvement Program. These grants are available to state court systems to conduct assessments of foster care and adoption laws and their judicial processes, and to develop and implement plans for system improvement. Appropriations for improvement projects in the 2016–17 biennium are estimated at \$3.2 million, with \$1.4 million budgeted to the Supreme Court for grants for these projects.

In addition, federal Children's Justice Act (CJA) funding is awarded to states on a formula basis. The nonprofit Texas Center for the Judiciary (TCJ) has administered these funds since a September 2005 designation by the Governor. TCJ administration is expected to be ongoing in the 2016–17 biennium. Estimated funds for CJA projects for federal fiscal years 2014 to 2015 total \$1.6 million to the Office of Court Administration; portions of these funds are granted to support various projects and scholarship opportunities. The TCJ reports that it disbursed funds to projects including: local Children's Advocacy Centers; Court Appointed Special Advocates programs; training programs to improve access to quality victim advocacy and mental health services for child maltreatment victims and caregivers; and to improve law enforcement's response to cases involving child abuse and neglect.

**WITNESS EXPENSES**

The Texas Code of Criminal Procedure, Articles 24.28 and 35.27, provide for the reimbursement of travel expenses for witnesses called in criminal proceedings who reside outside of the county where the trial takes place. The 2016–17 biennial appropriations for witness expenses total \$2.8 million in General Revenue Funds to the Judiciary Section, Comptroller's Department.

**DEATH PENALTY REPRESENTATION**

The Texas Code of Criminal Procedure, Article 11.071, requires that the state provide compensation up to \$25,000 per appointment for counsel representing death row inmates. Appropriations for Death Penalty Representation to the Judiciary Section, Comptroller's Department, total \$50,000 in General Revenue Funds for the 2016–17 biennium.

**INDIGENT INMATE DEFENSE**

The Texas Code of Criminal Procedure, Article 26.051(i), provides that the state reimburses a county for the defense of indigent inmates that are charged with an offense committed while in the custody of a correctional facility, if it is determined that representation by the Texas Department of Criminal Justice's State Counsel for Offenders would cause a conflict of interest. Appropriations for indigent inmate defense total \$60,000 to the Judiciary Section, Comptroller's Department in General Revenue for the 2016–17.

**NATIONAL CENTER FOR STATE COURTS**

The Texas Legislature appropriates funds to pay for the judiciary's membership in the National Center for State Courts, a national organization. Appropriations for the membership total \$0.9 million in General Revenue Funds for the 2016–17 biennium to the Judiciary Section, Comptroller's Department.

**JUROR PAY**

Statute authorizes counties to pay jurors from \$6 on the first day of service and \$40 per day each day thereafter, and the state reimburses counties for \$34 of the \$40 amount. The state's portion is funded by a \$4 court cost upon conviction of any offense other than those relating to a pedestrian or parking. Counties forward revenue collections to the Comptroller of Public Accounts (CPA), which reimburses the counties for the state's portion of juror pay costs quarterly. If unexpended balances in collections for juror pay exceed \$10.0 million, CPA must deposit such excess amounts to the

General Revenue–Dedicated Fair Defense Account for the Texas Indigent Defense Commission to provide additional grants to counties for criminal defense services. Each fiscal year, the CPA transfers an estimated \$7.5 million from the juror pay subaccount within General Revenue Funds to the General Revenue–Dedicated Fair Defense Account. The 2016–17 appropriations for juror pay total \$21.8 million in General Revenue Funds to the Judiciary Section, Comptroller’s Department.

**OTHER JUDICIARY-RELATED COSTS**

Appropriations in All Funds for the 2016–17 biennium total \$75.3 million for lease payments, health insurance, Social Security, and retirement benefits for nonjudicial personnel employed by the courts and judicial agencies.



## COURT-GENERATED STATE REVENUE SOURCES

The courts collect revenue for the state from both civil cases filed and criminal cases disposed in the court system. The state's judicial system is composed of appellate courts and trial courts. Local trial courts include municipal courts, justice courts, small claims courts, and county-level courts; state trial courts include district courts, all with differing levels of jurisdiction. Statewide, a greater number of criminal cases are disposed than civil cases are filed. During fiscal year 2015, approximately 88.1 percent of state revenue from court costs and fees was collected at the trial-court level in the disposition of criminal cases. The state uses revenue generated from criminal case dispositions for many purposes, which include victim compensation, trauma care, and DNA testing. The states' appellate courts do not collect additional court costs from criminal cases on appeal.

Revenue from the filing of civil cases is collected mostly by county-level and district trial courts. A smaller amount from civil cases is collected by the 14 Courts of Appeals, which have regional jurisdiction of civil cases, and by the Supreme Court of Texas, which has final statewide jurisdiction. The state uses revenue from civil cases to fund a portion of judicial salaries and salary supplements, 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. **Figure 38** shows fees charged by the Supreme Court in fiscal year 2016.

The Supreme Court clerk also collects a fee of \$10 to issue an attorney's license affixed with a seal and to issue an attorney's certificate of good standing. The court uses the fees to prepare and issue the license or certificate and for ceremonies to induct newly licensed attorneys. The court reports that amounts collected in fiscal year 2015 from attorney license fees and certificates of good standing totaled \$75,555.

**Figure 39** shows fees for civil proceedings that the 14 Courts of Appeals charged in fiscal year 2015.

Beginning in fiscal year 2016, the statewide court electronic filing system fee will increase from \$20 to \$30 in the appellate courts to support the statewide court electronic filing system, pursuant to Senate Bill 1139, Eighty-fourth Legislature, 2015. The Supreme Court, the Court of Criminal Appeals,

**FIGURE 38**  
**SUPREME COURT OF TEXAS CIVIL FILING FEES**  
**FISCAL YEAR 2016**

FEE	AMOUNT
Petition for Review (1) (2)	\$155
Additional Fee if Petition for Review is Granted	\$75
Original Proceeding (1) (2)	\$155
Additional Fee if Original Proceeding is Granted	\$75
Direct Appeals to the Supreme Court (1) (2)	\$205
Any Other Proceeding Filed in the Supreme Court (1) (2)	\$180

**NOTES:**

- (1) Amounts for petition for review, original proceeding, direct appeals and any other proceeding include a basic civil legal services fee of \$25; a \$50 filing fee deposited to the Supreme Court Support Account in the Judicial Fund No. 573 (Other Funds); and a \$30 electronic filing fee deposited to the General Revenue—Dedicated Statewide Electronic Filing System Account No. 5157.
- (2) As of September 1, 2015, these fees rose by \$10 from \$20 to \$30 due to an increase in the Electronic Filing Fee pursuant to Senate Bill 1139, Eighty-fourth Legislature, 2015.

SOURCE: Legislative Budget Board.

**FIGURE 39**  
**14 COURTS OF APPEALS CIVIL FILING FEES**  
**FISCAL YEAR 2016**

FEE	AMOUNT
Appeals to the Court of Appeals from District and County Courts (1) (2)	\$205
Original Proceeding (1) (2)	\$155
Motion to File or to Extend Time to File Record on Appeal from District or County Court	\$10

**NOTES:**

- (1) Amounts for appeals and original proceeding include a basic civil legal services fee of \$25 and a \$50 filing fee deposited to the Supreme Court Support Account in the Judicial Fund No. 573 (Other Funds).
- (2) As of September 1, 2015, these fees rose by \$10 from \$20 to \$30 due to an increase in the Electronic Filing Fee pursuant to Senate Bill 1139, Eighty-fourth Legislature, 2015.

SOURCE: Legislative Budget Board.

and the 14 Courts of Appeals also assess fees to publish or sell copies of court records to publishers and the public. The courts are appropriated collection amounts pursuant to the Eighty-fourth Legislature, General Appropriations Act (GAA), 2016–17 Biennium, Article IX, Section 8.02, regarding reimbursements. The amount collected from this source in fiscal year 2015 was \$0.3 million.



**COURT-GENERATED STATE REVENUE**

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

According to the Comptroller of Public Accounts (CPA), actual revenues for fiscal year 2015 totaled \$396.7 million. **Figure 40** shows how fiscal year 2015 actual receipts were allocated among fund types.

**FIGURE 40**  
**CIVIL AND CRIMINAL COURT COST AND FEE REVENUE ALLOCATION BY FUND, FISCAL YEAR 2015**

FUND (ACCOUNT NUMBER)	COST OR FEE BY TYPE	REVENUE CODE	REVENUE	PERCENTAGE OF REVENUE
<b>General Revenue (0001)</b>				
<b>Criminal Court Cost or Fee</b>				
	Abused Children's Counseling	3704	\$14,986	0.0%
	Drug Court Program	3704	\$2,070	0.0%
	Juror Reimbursement Fees	3704	\$15,784,824	4.0%
	Juvenile Probation Diversion	3704	\$99,805	0.0%
	Moving Violations	3704	\$287,713	0.1%
	Peace Officer Services	3706	\$1,012,494	0.3%
	State Traffic Fine (67.0%)	3710	\$56,033,803	14.3%
	Failure to Appear	3793	\$11,493,997	2.9%
	Time Payment	3801	\$9,346,560	2.4%
	<b>Subtotal, Criminal Court Cost or Fee</b>		<b>\$94,076,252</b>	<b>23.7%</b>
<b>Civil Court Cost or Fee</b>				
	Nondisclosure Fee	3704	\$126,498	0.0%
<b>Total, General Revenue Funds</b>			<b>\$94,202,749</b>	<b>23.7%</b>
<b>General Revenue—Dedicated Funds</b>				
<b>Criminal Court Cost or Fee</b>				
Bill Blackwood Law Enforcement Management Institute (0581)	Consolidated Court Cost	3704	\$3,696,515	0.9%
Breath Alcohol Testing (5013)	Consolidated Court Cost	3704	\$940,210	0.2%
Center for Study and Prevention of Juvenile Crime and Delinquency (5029)	Consolidated Court Cost	3704	\$2,053,351	0.5%
Comprehensive Rehabilitation (0107)	Consolidated Court Cost	3704	\$16,669,313	4.3%
Correctional Management Institute (5083)	Consolidated Court Cost	3704	\$2,048,745	0.5%
Crime Stoppers Assistance (5012)	Consolidated Court Cost	3704	\$506,005	0.1%
Crime Victims' Compensation (0469)	Consolidated Court Cost	3704	\$64,203,474	16.4%
Criminal Justice Planning (0421)	Consolidated Court Cost	3704	\$21,424,060	5.5%
Criminal Justice Planning (0421)	DNA Testing (65%)	3704	\$257,675	0.1%
Emergency Radio Infrastructure (5153)	Consolidated Court Cost	3704	\$9,428,820	2.4%
EMS, Trauma Facilities, Trauma Care (5108)	EMS Trauma	3704	\$3,795,939	1.0%
Fair Defense (5073)	Consolidated Court Cost	3704	\$13,575,723	3.5%
Fair Defense (5073)	Indigent Defense \$2 Fee on Criminal Convictions	3704	\$7,820,098	2.0%
Judicial and Court Personnel Training Fund (0540)	Consolidated Court Cost	3704	\$8,234,915	2.1%

**FIGURE 40 (CONTINUED)**  
**CIVIL AND CRIMINAL COURT COST AND FEE REVENUE ALLOCATION BY FUND, FISCAL YEAR 2015**

<b>FUND (ACCOUNT NUMBER)</b>	<b>COST OR FEE BY TYPE</b>	<b>REVENUE CODE</b>	<b>REVENUE</b>	<b>PERCENTAGE OF REVENUE</b>
Law Enforcement Officer Standards and Education (0116)	Consolidated Court Cost	3704	\$8,536,435	2.2%
Statewide Electronic Filing System (5157)	Court Cost	3704	\$851,428	0.2%
Truancy Prevention and Diversion (5164)	Consolidated Court Cost	3704	\$4,884,763	6.9%
Trauma Facility and EMS (5111)	State Traffic Fine (33%)	3710	\$27,026,001	6.9%
Crime Victims' Compensation (0469)	Restitution Installment Fee	3801	\$10,040	0.0%
<b>Subtotal, Criminal Court Cost or Fee</b>			<b>\$169,146,829</b>	<b>42.6%</b>
<b>Civil Filing Fee</b>				
Judicial and Court Personnel Training Fund (0540)	Appellate Court Filing Fee	3711	\$209,321	0.1%
Statewide Electronic Filing System (5157)	Appellate and Trial Court Filing Fee	3711	\$14,455,200	3.7%
<b>Subtotal, Civil Filing Fee</b>			<b>\$41,481,200</b>	<b>10.5%</b>
<b>Total, General Revenue–Dedicated Funds</b>			<b>\$210,628,029</b>	<b>53.1%</b>
<b>Other Funds</b>				
<b>Criminal Court Cost or Fee</b>				
Judicial Fund (0573)	Judicial Fund Fee – Statutory County Courts (Criminal)	3704	\$2,239,871	0.6%
Judicial Fund (0573)	Judicial Support	3704	\$23,595,487	6.0%
Law Enforcement and Custodial Officer Supplement Retirement (0977)	Consolidated Court Cost	3704	\$19,017,613	4.9%
State Highway Fund (0006)	DNA Testing (35.0%)	3704	\$138,748	0.0%
<b>Subtotal, Criminal Court Cost or Fee</b>			<b>\$44,991,719</b>	<b>11.3%</b>
<b>Civil Court Cost or Fee</b>				
Judicial Fund (0573)	Indigent Legal Services	3704	\$9,287,567	2.4%
Judicial Fund (0573)	Judicial Fund Fee – Statutory County Courts (Civil)	3704	\$5,733,360	1.5%
Judicial Fund (0573)	Judicial Support	3704	\$18,572,974	4.7%
Judicial Fund (0573)	District Court Filing Fee	3709	\$12,468,579	3.2%
Judicial Fund (0573)	Appellate Court Filing Fee	3711	\$849,545	0.2%
<b>Subtotal, Civil Court Cost or Fee</b>			<b>\$46,912,025</b>	<b>11.8%</b>
<b>Total, Other Funds</b>			<b>\$91,903,744</b>	<b>23.5%</b>
<b>General Revenue Funds</b>			<b>\$94,202,749</b>	<b>24.0%</b>
<b>General Revenue–Dedicated Funds</b>			<b>\$210,628,029</b>	<b>53.1%</b>
<b>Other Funds</b>			<b>\$91,903,744</b>	<b>23.5%</b>
<b>Federal Funds</b>				<b>0.0%</b>
<b>All Funds</b>			<b>\$396,734,523</b>	<b>100.0%</b>
<b>Total, Criminal Court Cost or Fee</b>			<b>\$349,696,000</b>	<b>11.9%</b>
<b>Total, Civil Court Cost or Fee</b>			<b>\$47,038,523</b>	<b>88.1%</b>

NOTE: Totals may not sum due to rounding.

SOURCES: Legislative Budget Board; Comptroller of Public Accounts.

**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 41** shows regularly assessed state court costs and fees and shows which

court type can assess the fee or cost (See Appendix D.) The state receives 90 percent of most fees because local jurisdictions are permitted to retain 10 percent of most state court costs and fees as a service fee if those fees are remitted in a timely manner to the CPA.

**FIGURE 41  
STATE COURT COSTS AND FEES CHARGED BY TRIAL COURTS, AS OF SEPTEMBER 1, 2015**

COURT COST OR FEE	AMOUNT	PURPOSE	COURT(S) AUTHORIZED TO IMPOSE COST OR FEE			
			MUNICIPAL	JUSTICE	COUNTY	DISTRICT
Consolidated Court Cost	\$40 – Class C \$83 – Class A/B \$133 – Felony	Consolidates a group of previous court costs into one cost. State receives 90% of fee.	X	X	X	X
County and Statutory County Courts Salary Supplement	\$15	State receives 100% to pay annual salary supplements to county-level judges.			X	
DNA Testing	\$34 – Community supervision \$50 – Delinquent child committed to Texas Juvenile Justice Department, or \$34 if not committed \$50 – Misdemeanor \$250 – Felony	Applied to specific offenses. State receives 90% of court cost that is credited to the Department of Public Safety to offset the costs of collecting and analyzing DNA samples.			X	X
Driving Record Fee	\$10	Optional fee for obtaining a copy of a defendant’s driving record. State receives 100% of fee.	X	X	X	X
Electronic Filing Court Cost	\$5	Used to support statewide court electronic filing fee. Deposited to state electronic filing fund. State receives 100% of fee.			X	X
EMS Trauma Fund	\$100	Used for emergency medical services and trauma facilities. State receives 90% of court cost.			X	X
Failure to Pay/Appear/Satisfy Judgment Fee	\$30	State receives \$20 from fee.	X	X	X	X
Indigent Defense	\$2	To provide support for indigent defendants. State receives 90% of fee.	X	X	X	X
Intoxication and Drug Conviction Court Cost	\$60	Used to support drug court programs. Counties may retain 10% of cost as a service fee or 60% of cost if the county has established an authorized drug court program.			X	X
Judicial Support Fee	\$6	Provides court-related support. State receives 90% of fee.	X	X	X	X
Jury Reimbursement Fee	\$4	Reimburses cost for jurors. State receives 90% of fee.	X	X	X	X

**FIGURE 41 (CONTINUED)**  
**STATE COURT COSTS AND FEES CHARGED BY TRIAL COURTS, AS OF SEPTEMBER 1, 2015**

COURT COST OR FEE	AMOUNT	PURPOSE	COURT(S) AUTHORIZED TO IMPOSE COST OR FEE			
			MUNICIPAL	JUSTICE	COUNTY	DISTRICT
Moving Violation Fee	\$0.10	For moving violations; 90% of fee is remitted to the state for the Civil Justice Repository Fund to be used only by the Texas Commission on Law Enforcement (TCOLE)	X	X	X	
Order of Nondisclosure	\$28	Fee assessed to a person petitioning the court for an order of nondisclosure following discharge and dismissal from community supervision for certain nonviolent misdemeanors.			X	X
Peace Officer Services	\$5 – Arrest \$5 – Notice to Appear \$50 – Warrant	Payment for peace officer services. State receives 20% when performed by state personnel.	X	X	X	X
Restitution Installment Fee	\$12	Optional onetime fee charged when a defendant is required to make restitution in specified installments. State receives 50% of 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
Time Payment Fee	\$25	Paid when a defendant cannot pay costs in full within 31 days after judgment. State receives 50% of fee.	X	X	X	X
Truancy Prevention	\$2	Supports truancy prevention and is deposited to General Revenue–Dedicated Truancy Prevention and Diversion Fund No. 5164. State receives 100% of cost if the county does not operate a juvenile case manager program and 50% if the county does operate one.	X	X		

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

#### **CIVIL FILING FEES**

Most of the state revenue from civil cases is collected by county-level and district courts. **Figure 42** lists state court costs and fees and shows which court type can assess the cost or fee. The state receives 90 percent of most fees because local jurisdictions are permitted to retain 10 percent of most state court costs and fees as a service fee if those fees are remitted in a timely manner to the Comptroller.

#### **SIGNIFICANT LEGISLATION**

The Eighty-fourth Legislature, 2015, enacted several bills that relate to or may affect state revenue from criminal court costs and civil filing fees:

- House Bill 941 expands the category of cases to which the \$50 court cost for DNA testing would apply upon conviction, and directs that all of the 90 percent of the fee remitted to the state is credited to the Department of Public Safety to help offset costs of collecting and analyzing DNA samples;

**FIGURE 42**  
**STATE CIVIL FILING FEES CHARGED BY TRIAL COURTS, AS OF SEPTEMBER 1, 2015**

COURT COST OR FEE	AMOUNT	PURPOSE	COURT(S) AUTHORIZED TO IMPOSE COST/FEE		
			JUSTICE	COUNTY	DISTRICT
Appellate Judicial System Fees	\$5	A local fee authorized in statute and retained locally by counties within the appellate region of a court of appeals for the support of court operations. Thirteen of the 14 Courts of Appeals have local appellate judicial system funding.		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
County-Level Court Salary Supplements	\$40	State receives 100% of fee to pay annual salary supplements to county-level judges.		X	
Electronic Filing Fee	\$10 (Justice)	To support statewide court electronic filing system. State receives 100% of each fee.	X		
	\$30 (County or District)			X	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
	\$10			X	
	\$6		X		
Judicial Support Fee	\$42	100% of fee deposited to Other Funds (Judicial Fund) for judicial compensation.		X	X
Petition for Nondisclosure Fee	\$28 – Cases requesting nondisclosure of criminal case history	State receives 100% of petition fee from persons placed on deferred adjudication community supervision who subsequently receive a discharge and dismissal, and who then petition the court for an order of nondisclosure of criminal case proceedings.		X	X
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

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

- Senate Bill 1139 increased the electronic filing fee from \$20 to \$30 in civil cases filed in appellate, district, and county-level courts; funds collected from this fee increase are used for costs associated with operation and management of the statewide electronic filing system;
- Senate Bill 1902 authorizes issuance of an order of nondisclosure at the time of a defendant’s dismissal and discharge from a term of deferred adjudication community supervision for certain nonviolent misdemeanor offenses, if the individual proves to the court to be eligible for an order of nondisclosure and pays a \$28 fine; and

- House Bill 2398 establishes a \$50 court cost to be paid upon a truancy court’s finding that a child engaged in truant conduct, a new civil offense, and repeals the criminal offense of failure to attend school; counties may retain 100 percent of the new court cost to be used for the operation of local truancy courts.

**CASE EXAMPLES FOR CRIMINAL OFFENSES**

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

To show the effect of court costs and fees on offenders, six criminal offenses of different levels were analyzed to calculate the total amount of court costs and fees that can be imposed

on an offender. **Figure 43** shows the total costs for each sample offense including required state and local court costs and some optional costs.

**FIGURE 43**  
**CASE EXAMPLES SUMMARY, AS OF JANUARY 1, 2016**

OFFENSE	LEVEL	TOTAL
Passing a Stopped School Bus	Class C Misdemeanor	\$161.10
Speeding Outside of a School Zone	Class C Misdemeanor	\$137.10
False Report to a Peace Officer	Class B Misdemeanor	\$217.00
Driving While Intoxicated, Second Offense	Class A Misdemeanor	\$397.00
Indecent Exposure with a Child	Felony, Third Degree	\$656.00

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

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

## OVERVIEW OF THE COLLECTION IMPROVEMENT PROGRAM

The Collection Improvement Program (CIP), administered by the Office of Court Administration (OCA), helps trial-level courts implement efficient collection programs for criminal court costs and fees. The program addresses the problem of low collection rates on court costs, fees, and fines by establishing a formalized court collection program, which includes providing up-front information to offenders about total payment costs and a detailed financial application for those offenders who request a payment plan. Statute authorizes mandatory participation in the CIP for Texas cities with populations of 100,000 or greater and counties with populations of 50,000 or greater.

OCA may grant a waiver if the requesting jurisdiction demonstrates that it is not cost-effective to implement a program. The agency is statutorily required to grant a waiver to a county with a population of 50,000 or more when the population of the county reaches at least 50,000 only because of the Texas Department of Criminal Justice inmate population housed there. Three counties—Anderson, Cherokee, and Rusk—are eligible for this waiver pursuant to the statute, with all three counties receiving the waiver in

2013. Although Anderson County received a waiver, the county operates a voluntary program. In addition, Harris County was granted a waiver in 2006, but operates a voluntary program at the district and county court level.

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

As of October 2015, Texas had 187 active programs. Of these active programs, 87 are mandatory and 100 are voluntary (see **Figure 44**). Of the 87 mandatory programs not granted a waiver, all 87 have been fully implemented. The mandatory programs in operation include 29 cities and 58 counties. Of the 100 active voluntary programs in operation, 26 are county programs and 74 are municipal programs. Because these programs do not require the same level of scrutiny as the mandated programs, these programs possibly might include all of the key elements of a collection improvement program as outlined by OCA.

### KEY ELEMENTS OF A COLLECTION IMPROVEMENT PROGRAM

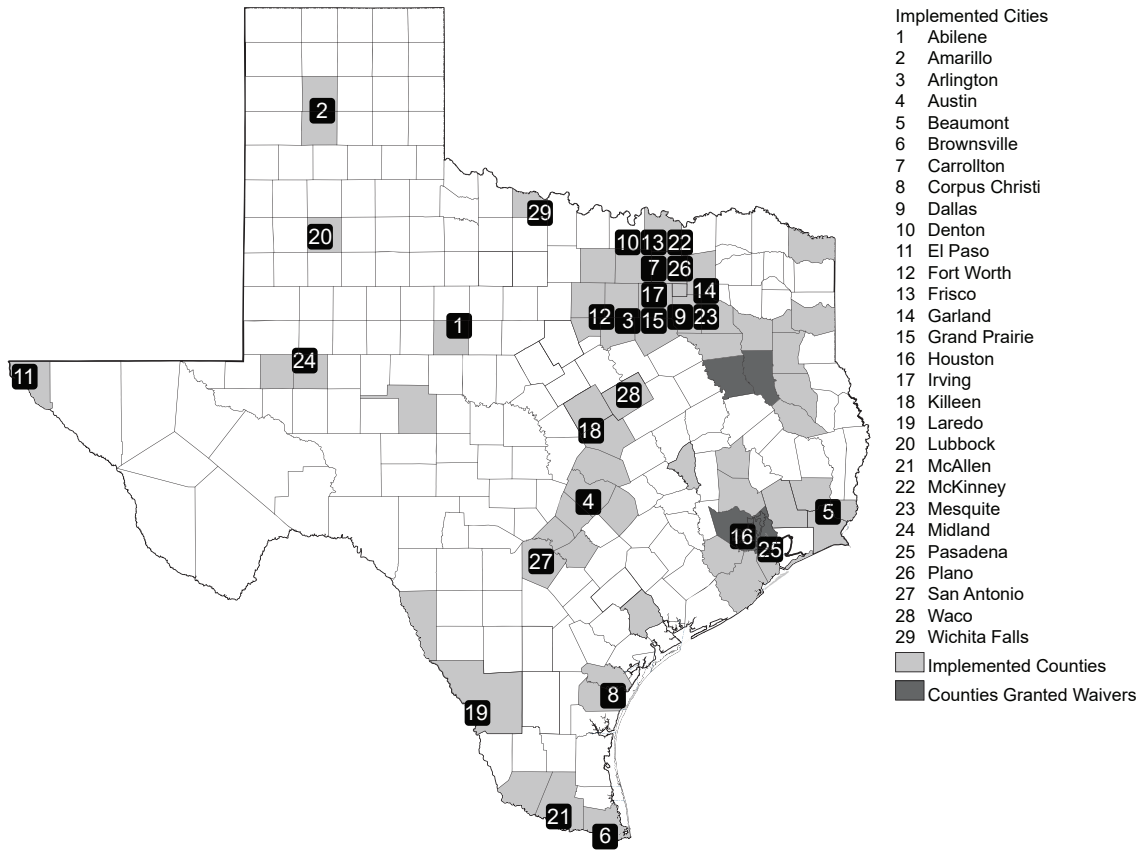
The CIP has two major benefits: (1) It encourages personal responsibility through compliance with court orders, and (2) it increases revenue for local jurisdictions and for the state. Most of the funds collected are retained locally. A portion of the amounts collected is remitted to the state to fund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

As described by the Office of Court Administration, the 10 main elements of the program include the following:

- staff or staff time is dedicated to collection activities;
- expectation that all court costs, fees, and fines typically are due at the time of assessment (sentencing or date judgment is imposed);



**FIGURE 44**  
**MANDATORY COLLECTION IMPROVEMENT PROGRAM COMPLIANCE STATUS, SEPTEMBER 2015**



**IMPLEMENTED COUNTIES:**

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

**COUNTIES GRANTED WAIVERS:**

Anderson	Cherokee	Harris	Rusk
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SOURCES: Legislative Budget Board; Office of Court Administration.

- 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 typically are strict;
- alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan;

- defendants are closely monitored for compliance, and action is taken promptly for noncompliance;
- contact includes telephone, letter notification, and possible issuance of an arrest warrant;
- possible application of statutorily permitted collection remedies, such as programs for nonrenewal of driver's license or vehicle registration; and
- county or city may contract with a private attorney or a public or private vendor to provide collection services on delinquent cases (61+ days) after in-house collection efforts are exhausted;

A CIP may be implemented at the municipal level, which is a single program that serves all municipal court judges, or at the county level. If the county level is mandatory, it must include participation of all three court levels (district, county, and justice). Program structure at the county level is discretionary and varies depending on the jurisdiction. The four common structures include:

- 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, separate programs serve the district courts, county-level courts, and each justice court; or
- a bifurcated program in which the county and the Community Supervision and Corrections Department (CSCD) have separate collection programs. The CSCD will collect from offenders placed on community supervision, and the appropriate county program will collect from offenders not placed on community supervision.

#### **COLLECTION IMPROVEMENT PROGRAM AUDIT**

Statute previously required OCA and CPA to have roles in the mandatory expansion of CIP and gave CPA responsibility to audit the jurisdictions required to participate in the CIP. The Eighty-second Legislature, Regular Session, 2011, transferred the responsibility for conducting the compliance audits from CPA to OCA. As a result, OCA established an audit section, which continues to perform audits to verify compliance. The OCA technical support section also

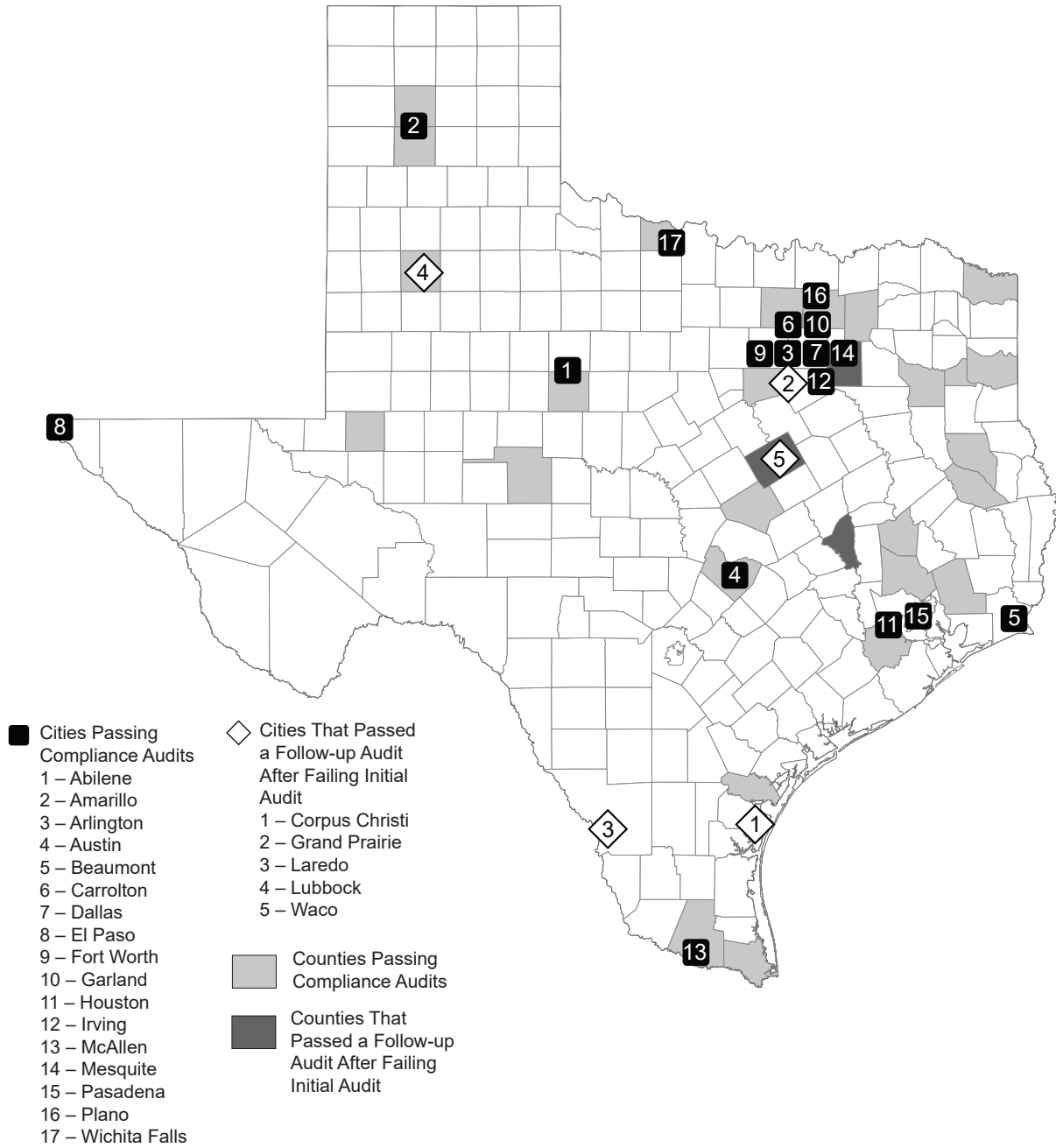
continues to provide assistance in program implementation, maintenance, and enhanced performance.

As of December 2015, 66 compliance audits for post-program implementation have been completed, including 23 conducted by CPA and 43 by the OCA audit section. **Figure 45** shows the counties and cities that have passed a CIP compliance audit either initially or in a subsequent audit after failing the initial audit.

#### **REVENUE FROM MANDATORY PROGRAMS**

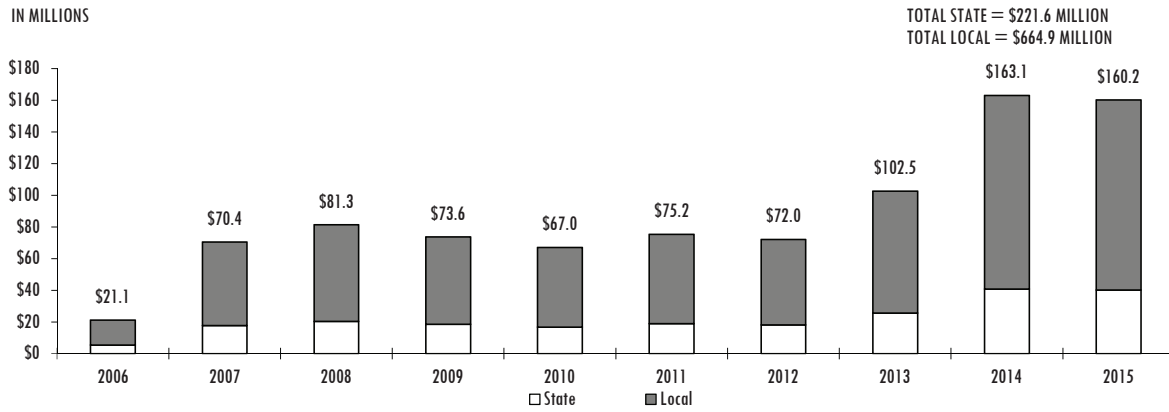
According to OCA and CPA, from fiscal years 2006 to 2015, additional revenue generated by mandatory collection improvement programs generated \$221.6 million for the state and \$664.8 million for local governments. **Figure 46** shows a fiscal-year review of revenue collections at the state and local levels.

**FIGURE 45**  
**COLLECTION IMPROVEMENT PROGRAM COMPLIANCE AUDITS, FISCAL YEAR 2015**



NOTE: As of February 2016, seven counties—Bastrop, El Paso, Galveston, Hays, Orange, Victoria, and Webb—failed the initial audit, and are awaiting a follow-up audit scheduled to take place during fiscal year 2016.  
 SOURCE: Office of Court Administration.

**FIGURE 46**  
**ESTIMATED ADDITIONAL REVENUE GENERATED BY MANDATORY COLLECTION IMPROVEMENT PROGRAM**  
**FISCAL YEARS 2006 TO 2015**



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



## APPENDIX A: DISTRICT COURT PERFORMANCE MEASURES, CLEARANCE RATES, AND BACKLOG INDEX FROM SEPTEMBER 1, 2014, TO AUGUST 31, 2015

**Figure A1** shows fiscal year 2015 clearance rates and backlog index for district courts in all 254 counties in Texas. Clearance rates are the number of cases disposed, or otherwise placed on inactive status, divided by the number of cases added to the docket, including reactivated cases. A clearance rate measures how effectively a court disposes of cases added to its docket. A backlog index reflects the number of cases pending at the beginning of the year divided by the total number of cases disposed during the year. For example, a backlog index of 1.0 means that the court disposed of a number of cases equivalent to the pending caseload in one year.

Caseload data is separated into four broad types: civil cases, family cases, criminal cases, and juvenile cases. Civil cases are counted as one per each petition filed, regardless of the number of plaintiffs. Family law cases include divorce, custody, child protective services, and other types of cases adjudicated pursuant to the Texas Family Code. Criminal cases are counted as one defendant per indictment. Juvenile cases are counted upon petition for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision.

**FIGURE A1  
DISTRICT COURT CLEARANCE RATES AND BACKLOG INDEX, FISCAL YEAR 2015**

COUNTY	2014 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Anderson	57,627	81.4%	3.5	101.2%	2.8	82.2%	1.1	(2)	0.0
Andrews	17,477	60.1%	2.8	87.2%	1.1	102.0%	0.4		
Angelina	87,750	76.7%	2.0			94.9%	0.5		
Aransas	24,972	85.5%	2.0	94.0%	0.6	124.3%	0.5		
Archer	8,811	92.9%	1.9	86.7%	1.2	114.7%	0.7	100.0%	5.5
Armstrong	1,955	76.5%	8.8	118.2%	6.9	120.0%	3.3	(2)	0.0
Atascosa	47,774	87.9%	2.3	100.9%	2.7	102.3%	3.4	179.2%	3.0
Austin	29,114	83.1%	2.1			121.6%	1.6		
Bailey	6,910	76.5%	0.8	95.6%	0.6	90.9%	0.4	(2)	0.0
Bandera	20,892	116.9%	1.2	96.2%	1.0	93.2%	0.4	(2)	0.0
Bastrop	78,069	81.9%	1.5	78.6%	1.1	122.9%	1.3		
Baylor	3,592	79.4%	3.0	105.5%	0.9	148.3%	1.4	(2)	0.0
Bee	32,863	81.1%	3.0	102.2%	3.2	80.4%	2.0	42.1%	11.9
Bell	329,140	84.3%	1.6	92.5%	1.2	100.1%	0.6		
Bexar	1,855,866	94.8%	1.2	95.3%	0.9	101.0%	0.3	97.1%	0.1
Blanco	10,812	94.1%	1.2	100.0%	0.9	120.4%	0.4	100.0%	1.0
Borden	652	87.5%	12.4	166.7%	5.6	(2)	2.4	(2)	0.0
Bosque	17,780	99.5%	0.8	92.9%	0.8	90.2%	0.5	(2)	0.0
Bowie	93,275	100.4%	1.2	89.4%	0.6	76.3%	0.7		
Brazoria	338,124	130.1%	1.1	98.9%	0.7	108.7%	0.6		
Brazos	209,152	98.5%	0.8	96.0%	0.6	113.4%	0.8	82.8%	1.5
Brewster	9,173	42.2%	9.6	110.8%	3.8	115.1%	3.0		
Briscoe	1,536	233.3%	1.5	38.1%	1.9	84.0%	0.4	(2)	0.0
Brooks	7,194	74.7%	5.3	66.7%	2.7	89.3%	9.7	(2)	0.0



**FIGURE A1 (CONTINUED)**  
**COURT CLEARANCE RATES AND BACKLOG INDEX, FISCAL YEAR 2015**

COUNTY	2014 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Burleson	17,253	74.0%	7.1	97.9%	1.3	79.5%	1.9	(2)	0.0
Burnet	44,943	116.1%	1.2	80.5%	0.8	136.4%	0.6	94.2%	0.3
Caldwell	39,810	68.3%	4.1	74.8%	2.7	97.0%	0.4		
Calhoun	21,797	99.1%	2.9	97.6%	1.6	110.1%	1.3		
Callahan	13,513	81.7%	2.8	92.1%	1.5	87.8%	1.1	20.0%	1.0
Cameron	420,392	93.3%	0.9	94.3%	0.5	107.5%	0.3	103.3%	0.7
Camp	12,621	68.8%	4.3	89.7%	1.3	112.5%	0.6	100.0%	1.5
Carson	6,013	103.3%	2.5	215.0%	0.7	123.1%	0.8	(2)	0.0
Cass	30,261	88.8%	2.9	82.6%	1.0	114.6%	0.5	200.0%	0.5
Castro	7,781	88.2%	10.9	136.7%	2.0	90.6%	2.4	(2)	0.0
Chambers	38,145	100.3%	1.8	89.8%	1.1	101.4%	2.0	(2)	0.0
Cherokee	50,902	65.0%	9.6	90.9%	1.3	86.2%	0.5	83.7%	1.0
Childress	7,089	27.5%	16.2	23.9%	12.6	90.6%	1.1	(2)	0.0
Clay	10,370	127.4%	0.9	108.0%	0.7	94.7%	0.7	120.0%	0.3
Cochran	2,935	143.5%	3.0	85.0%	2.9	120.0%	1.6	(2)	0.0
Coke	3,254	176.9%	2.0	29.5%	3.5	92.0%	1.2	(2)	0.0
Coleman	8,430	62.0%	4.3	107.7%	1.8	98.4%	1.4	(2)	0.0
Collin	885,241	90.0%	0.7	92.5%	0.6	92.2%	1.0	103.2%	0.4
Collingsworth	3,017	272.7%	4.6	61.9%	10.8	157.1%	1.8		
Colorado	20,719	74.6%	4.0	59.9%	5.4	84.8%	1.6	(2)	0.0
Comal	123,694	81.9%	2.1	68.7%	1.8	84.3%	1.1	72.9%	1.1
Comanche	13,550	100.8%	0.8	101.1%	0.8	89.0%	0.4	(2)	0.0
Concho	4,050	97.3%	2.7	63.2%	2.6	105.7%	0.8	(2)	0.0
Cooke	38,761	103.4%	1.4	86.1%	1.1	95.1%	0.7	(2)	0.0
Coryell	75,562	62.9%	1.0	70.3%	0.8	107.2%	0.2	(2)	0.0
Cottle	1,415	84.6%	14.5	50.0%	10.3	250.0%	4.6	(2)	0.0
Crane	4,950	113.5%	1.6	98.3%	1.2	90.9%	1.9	(2)	0.0
Crockett	3,812	62.9%	2.2	104.3%	3.5	86.1%	2.1	(2)	0.0
Crosby	5,899	64.8%	2.4	118.3%	0.4	115.9%	0.4	100.0%	0.0
Culberson	2,266	148.5%	4.1	241.7%	1.0	52.4%	3.1	(2)	0.0
Dallam	7,135	110.6%	1.1	93.8%	0.8	93.4%	0.3	(2)	0.0
Dallas	2,518,638	92.0%	0.7	96.0%	1.4	99.7%	0.6	85.1%	4.4
Dawson	13,372	65.4%	2.9	110.0%	0.6	108.7%	0.5	100.0%	0.3
Deaf Smith	19,195	79.3%	1.6	102.5%	0.7	88.4%	0.3		
Delta	5,238	73.1%	2.9	109.6%	0.6	133.0%	0.5	50.0%	1.5
Denton	753,363	102.3%	0.9	89.4%	0.8	100.1%	0.3		
DeWitt	20,684	73.2%	2.4	94.1%	0.7	99.3%	0.3	(2)	0.0
Dickens	2,218	123.1%	3.0	66.7%	7.2	61.5%	0.6	(2)	0.0

**FIGURE A1 (CONTINUED)**  
**DISTRICT COURT CLEARANCE RATES AND BACKLOG INDEX, FISCAL YEAR 2015**

COUNTY	2014 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Donley	3,543	104.0%	12.4	82.6%	1.6	102.6%	1.5	(2)	0.0
Duval	11,533	119.4%	3.9	73.7%	2.4	112.0%	1.3	44.4%	6.6
Eastland	18,176	65.6%	3.1	102.1%	2.8	112.2%	0.3	100.0%	2.2
Ector	153,904	56.2%	12.4	76.9%	10.6	88.1%	3.4		
Edwards	1,879	95.2%	2.4	133.3%	1.0	104.0%	0.7	(2)	0.0
Ellis	159,317	105.0%	2.9	93.0%	1.3	95.1%	0.6	83.9%	0.0
El Paso	833,487	84.1%	6.7	92.0%	1.1	122.5%	2.1	91.3%	0.0
Erath	40,147	107.4%	1.9	94.0%	1.0	97.5%	0.5	(2)	0.0
Falls	16,989	20.5%	11.2	33.1%	10.9	37.5%	2.0	5.7%	97.0
Fannin	33,752	61.7%	4.8	91.0%	1.8	83.2%	0.7	(2)	0.0
Fayette	24,833	105.8%	2.8	84.9%	2.2	93.1%	1.2	42.9%	9.3
Fisher	3,831	100.0%	6.4	140.0%	1.3	75.0%	1.2	(2)	0.0
Floyd	5,949	133.3%	2.4	96.7%	0.8	77.4%	0.2	(2)	0.0
Foard	1,275	52.9%	22.0	50.0%	8.3	150.0%	10.0	(2)	0.0
Fort Bend	685,345	86.9%	1.3	109.1%	0.7	91.0%	0.5	(2)	0.0
Franklin	10,600	93.6%	1.3	105.5%	0.6	103.5%	0.3	(2)	1.0
Freestone	19,762	54.1%	5.4	83.4%	5.4	49.2%	3.1	(2)	0.0
Frio	18,531	61.4%	8.7	95.3%	6.2	128.5%	0.5	100.0%	0.0
Gaines	19,425	77.2%	2.5	81.8%	1.0	52.6%	2.3	137.5%	3.0
Galveston	314,198	88.7%	1.1	97.5%	0.6	102.6%	0.5	102.5%	2.2
Garza	6,435	100.0%	0.8	94.4%	0.8	95.8%	0.9	(2)	0.0
Gillespie	25,520	76.2%	2.9	94.3%	1.9	98.5%	1.4		
Glasscock	1,291	105.1%	1.0	110.0%	0.5	12.5%	1.0	(2)	0.0
Goliad	7,549	57.4%	8.7	109.5%	6.6	142.4%	1.2	(2)	0.0
Gonzales	20,462	78.9%	3.4	97.5%	2.1	114.3%	1.8	114.3%	2.8
Gray	23,044	132.6%	1.5	82.5%	1.2	95.6%	0.3	62.5%	0.3
Grayson	123,534	96.8%	1.8	66.8%	3.0	101.5%	0.5	64.2%	1.0
Gregg	123,204	73.0%	1.5	93.0%	0.9	104.8%	1.0		
Grimes	27,172	54.8%	4.0	75.0%	1.5	130.0%	0.8	(2)	0.0
Guadalupe	147,250	110.4%	1.6	91.2%	1.6	91.8%	0.9	95.8%	0.4
Hale	34,720	77.9%	1.5	94.2%	2.3	97.5%	1.0	76.1%	0.3
Hall	3,147	79.5%	2.6	69.7%	2.3	77.3%	0.9	(2)	0.0
Hamilton	8,199	97.0%	0.8	117.7%	0.6	109.5%	1.2	(2)	0.0
Hansford	5,509	82.4%	2.4	101.9%	0.9	67.6%	0.6	100.0%	0.0
Hardeman	3,928	72.2%	5.6	36.1%	17.6	100.0%	2.8	(2)	0.0
Hardin	55,621	79.3%	4.3	74.4%	2.4	109.8%	0.5	91.7%	1.9
Harris	4,441,370	106.7%	0.8	98.8%	0.6	96.2%	0.3	88.7%	0.3
Harrison	67,336	90.3%	1.5	104.1%	0.8	120.8%	0.6		

**FIGURE A1 (CONTINUED)**  
**DISTRICT COURT CLEARANCE RATES AND BACKLOG INDEX, FISCAL YEAR 2015**

COUNTY	2014 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Haskell	5,769	100.0%	2.5	106.4%	0.7	127.9%	1.1	150.0%	0.3
Hays	185,025	82.9%	2.7	84.9%	1.9	104.7%	0.6		
Hemphill	4,180	36.4%	7.2	81.4%	5.2	104.7%	1.2	(2)	0.0
Henderson	79,290	89.4%	1.5	87.3%	1.7	99.9%	0.6	72.7%	1.0
Hidalgo	831,073	101.8%	2.3	75.1%	1.8	103.5%	0.8	81.4%	0.6
Hill	34,848	156.6%	1.3	123.2%	1.0	99.5%	1.0	89.5%	2.1
Hockley	23,577	80.7%	2.4	99.8%	0.7	74.7%	0.6	(2)	0.0
Hood	53,921	119.9%	0.8	88.0%	0.8	91.1%	0.2	140.0%	0.4
Hopkins	35,921	100.9%	0.8	94.2%	1.3	120.7%	0.4	117.9%	0.4
Houston	22,741	115.9%	1.9	121.2%	1.2	107.3%	0.4	(2)	0.0
Howard	36,651	63.6%	2.0	87.3%	1.0	107.4%	0.2	(2)	0.0
Hudspeth	3,211	20.9%	37.5	266.7%	11.8	148.7%	5.6	(2)	0.0
Hunt	88,493	83.2%	1.2	92.1%	0.8	103.7%	0.3	(2)	0.0
Hutchinson	21,773	56.5%	2.6	61.3%	6.1	118.3%	1.6	(2)	0.0
Irion	1,574	48.0%	3.0	40.0%	3.8	140.0%	0.9	(2)	0.0
Jack	8,855	100.0%	3.8	104.8%	0.7	104.7%	0.8	(2)	0.0
Jackson	14,739	105.9%	2.0	100.9%	0.8	103.5%	0.5	(2)	0.0
Jasper	35,552	77.8%	2.2	57.3%	4.2	128.9%	1.6	109.1%	0.2
Jeff Davis	2,204	131.6%	2.3	114.3%	1.8	181.8%	0.9	(2)	0.0
Jefferson	252,235	92.6%	2.5	89.9%	0.5	115.2%	0.5	100.8%	0.3
Jim Hogg	5,255	63.6%	6.8	42.9%	7.9	209.1%	2.4	(2)	0.0
Jim Wells	41,353	92.9%	2.4	329.8%	0.7	91.4%	1.5		
Johnson	157,456	60.8%	1.8	96.7%	1.0	99.0%	0.2	(2)	0.0
Jones	19,936	62.9%	4.4	65.7%	2.2	121.6%	0.9	(2)	0.0
Karnes	14,906	64.0%	5.8	28.4%	8.1	100.0%	1.9	(2)	0.0
Kaufman	111,236	79.9%	2.6	88.3%	1.9	98.0%	1.0		
Kendall	38,880	70.9%	2.6	82.2%	1.7	87.5%	1.3		
Kenedy	400	78.7%	5.6	14.3%	8.0	95.0%	3.9	(2)	0.0
Kent	785	66.7%	39.5	85.7%	4.8	162.5%	2.6	(2)	0.0
Kerr	50,562	121.0%	1.3	86.4%	0.7	99.9%	0.7		
Kimble	4,438	143.3%	1.2	88.6%	0.9	102.2%	0.4	100.0%	0.0
King	262	200.0%	3.5	66.7%	0.5	(2)	1.0	(2)	0.0
Kinney	3,526	62.8%	4.3	100.0%	3.3	172.7%	0.6	(2)	1.0
Kleberg	32,190	100.4%	1.2	85.8%	0.4	107.1%	0.3	(2)	0.0
Knox	3,858	64.6%	4.1	40.5%	11.1	1,400.0%	3.2	(2)	0.0
La Salle	7,474	136.2%	2.2	174.5%	2.8	73.1%	3.3	(2)	0.0
Lamar	49,523	82.2%	1.2	87.6%	0.6	112.2%	0.2	33.3%	1.0
Lamb	13,574	66.3%	4.6	89.5%	1.0	83.9%	0.8		

**FIGURE A1 (CONTINUED)**  
**DISTRICT COURT CLEARANCE RATES AND BACKLOG INDEX, FISCAL YEAR 2015**

COUNTY	2014 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Lavaca	19,721	76.6%	1.0	110.8%	0.6	90.5%	0.7	75.0%	0.6
Lee	16,742	87.4%	2.6	93.4%	0.7	90.2%	1.1	91.4%	10.7
Leon	16,861	88.9%	2.1	76.0%	2.1	87.1%	1.2	100.0%	0.0
Liberty	78,117	88.4%	4.1	101.2%	1.4	92.9%	0.5	(2)	0.0
Limestone	23,524	79.5%	2.3	96.6%	1.5	106.1%	0.3	104.5%	0.5
Lipscomb	3,553	91.2%	2.8	100.0%	1.0	114.3%	0.6	(2)	0.0
Live Oak	12,091	103.2%	1.1	100.6%	0.7	106.3%	0.3	83.3%	0.0
Llano	19,510	98.4%	1.1	69.3%	1.7	90.7%	0.8	100.0%	3.0
Loving	86	42.1%	1.5	(2)	0.0	(2)	0.0	(2)	0.0
Lubbock	293,974	102.5%	1.0	100.2%	0.5	105.4%	0.3	106.1%	0.2
Lynn	5,771	110.8%	1.6	104.9%	0.8	94.1%	0.6	75.0%	1.3
Madison	13,861	61.9%	2.3	100.7%	1.4	63.6%	0.8	(2)	0.0
Marion	10,149	66.4%	6.7	70.6%	2.7	108.8%	0.4	80.0%	0.3
Martin	5,460	53.5%	2.4	73.6%	1.1	133.3%	1.1	(2)	0.0
Mason	4,071	87.2%	0.9	117.6%	0.6	100.0%	0.2	(2)	0.0
Matagorda	36,519	85.7%	2.8	102.7%	1.5	101.1%	0.3	100.0%	0.4
Maverick	57,023								
McCulloch	8,199	98.6%	0.9	98.0%	0.8	107.9%	0.6	76.9%	0.3
McLennan	243,441	81.8%	1.6	95.9%	1.3	96.8%	0.8	101.5%	0.1
McMullen	805	89.7%	0.8	180.0%	0.9	57.1%	1.6	(2)	0.0
Medina	47,894	105.9%	0.9	92.3%	1.6	81.9%	0.5		
Menard	2,147	93.9%	3.4	80.0%	8.3	157.9%	1.4	(2)	0.0
Midland	155,830	80.6%	0.8	101.6%	0.8	98.3%	0.2	50.0%	0.0
Milam	24,256	80.7%	1.4	86.5%	0.9	94.8%	0.4	83.3%	0.4
Mills	4,870	134.2%	1.3	101.7%	1.1	165.0%	0.5	(2)	0.0
Mitchell	9,076	300.0%	1.6	144.9%	1.3	129.7%	0.8	(2)	0.0
Montague	19,416	109.4%	1.8	92.1%	1.2	98.6%	0.5	53.8%	1.6
Montgomery	518,947	101.9%	0.9	97.2%	0.8	87.0%	0.4		
Moore	22,148	98.5%	1.4	100.0%	1.0	96.6%	0.3	(2)	0.0
Morris	12,743	89.5%	4.8	85.5%	0.9	115.1%	0.6	33.3%	0.0
Motley	1,153	150.0%	3.8	107.7%	0.6	60.0%	2.3	(2)	0.0
Nacogdoches	65,301	83.1%	2.0	94.0%	1.2	94.5%	0.9	83.6%	1.7
Navarro	48,195	127.2%	1.7	154.3%	2.0	88.5%	1.2	100.0%	1.9
Newton	14,138	60.9%	4.0	109.5%	1.0	84.5%	1.3	(2)	0.0
Nolan	15,093	75.3%	3.2	142.1%	2.0	109.3%	0.2	(2)	0.0
Nueces	356,221	76.1%	1.6	54.1%	1.3	104.4%	0.4		
Ochiltree	10,758	53.5%	3.3	98.7%	1.2	116.1%	1.2	(2)	0.0
Oldham	2,070	43.6%	4.5	178.6%	1.2	123.7%	1.0	(2)	0.0

**FIGURE A1 (CONTINUED)**  
**DISTRICT COURT CLEARANCE RATES AND BACKLOG INDEX, FISCAL YEAR 2015**

COUNTY	2014 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Palo Pinto	28,096	91.1%	1.3	103.0%	0.7	95.1%	0.4	(2)	0.0
Panola	23,769	81.9%	4.0	121.4%	1.5	110.3%	1.6		
Parker	123,164	130.8%	0.8	95.9%	0.7	104.9%	0.3	91.1%	0.1
Parmer	9,908	74.1%	0.4	107.4%	0.5	111.0%	0.3	(2)	0.0
Pecos	15,893	260.7%	1.5	113.3%	1.4	109.7%	1.0	(2)	0.0
Polk	46,079	88.0%	2.8	108.7%	4.1	103.1%	0.5	(2)	0.0
Potter	121,627	77.3%	1.1	87.0%	0.6	104.8%	0.4	78.6%	0.0
Presidio	6,976	105.9%	4.1	74.6%	0.6	87.5%	2.6		
Rains	11,032	93.1%	1.3	97.0%	0.6	106.5%	0.2	100.0%	0.4
Randall	128,220	93.1%	1.3	91.0%	0.6	97.8%	0.5		
Reagan	3,755	55.6%	1.9	152.3%	0.9	69.7%	0.1	(2)	0.0
Real	3,371	92.6%	1.1	83.3%	1.7	116.7%	0.7	(2)	0.0
Red River	12,446	85.3%	2.2	101.3%	1.0	116.3%	0.5	262.5%	0.8
Reeves	14,349	87.4%	0.7	110.2%	0.4	89.6%	0.1	(2)	0.0
Refugio	7,302	84.5%	2.1	101.7%	0.6	112.6%	0.3		
Roberts	928	43.8%	5.9	100.0%	1.3	233.3%	0.9	(2)	0.0
Robertson	16,500	84.6%	2.1	98.9%	0.8	96.6%	0.2	86.7%	0.1
Rockwall	87,809	95.3%	0.6	106.2%	0.5	97.4%	0.2		
Runnels	10,416	128.6%	1.2	103.7%	0.9	93.5%	0.2	33.3%	2.0
Rusk	53,923	72.0%	2.2	(2)	0.0	117.2%	0.4	(2)	0.0
Sabine	10,350	129.8%	2.5	93.8%	1.8	95.8%	1.1	(2)	0.0
San Augustine	8,610	102.7%	6.9	101.4%	8.9	78.2%	3.9	(2)	0.0
San Jacinto	27,099	84.4%	3.3	84.9%	1.6	95.1%	1.0	(2)	0.0
San Patricio	66,915	78.8%	2.4	105.3%	0.7	111.3%	0.5	96.1%	0.1
San Saba	5,622	85.7%	1.7	55.4%	2.2	140.4%	0.4	300.0%	1.3
Schleicher	3,162	73.7%	2.6	46.3%	1.1	103.2%	0.6	(2)	0.0
Scurry	17,328	87.3%	4.4	79.4%	1.4	87.7%	0.7	91.7%	0.2
Shackelford	3,343	98.4%	3.1	102.0%	1.3	89.5%	1.2		
Shelby	25,515	66.4%	2.2	91.0%	1.5	63.0%	1.8	28.6%	10.0
Sherman	3,084	60.5%	2.2	70.3%	0.8	66.7%	0.7	(2)	0.0
Smith	218,842	99.5%	1.1	(2)	0.0	101.5%	0.4	(2)	0.0
Somervell	8,694	122.2%	2.0	92.1%	0.8	79.6%	0.4	(2)	0.0
Starr	62,955	85.7%	2.7	24.9%	15.6	109.4%	2.2	(2)	0.0
Stephens	9,405	76.3%	2.0	92.2%	1.0	118.2%	0.9	105.3%	0.1
Sterling	1,339	106.7%	1.0	92.3%	1.4	122.7%	1.0	(2)	0.0
Stonewall	1,403	88.2%	3.7	118.2%	1.6	115.4%	1.3	(2)	0.0
Sutton	3,972	100.0%	2.7	116.7%	0.7	82.7%	0.2	(2)	0.0
Swisher	7,581	48.6%	1.4	131.0%	0.8	93.2%	1.1	(2)	0.0

**FIGURE A1 (CONTINUED)**  
**DISTRICT COURT CLEARANCE RATES AND BACKLOG INDEX, FISCAL YEAR 2015**

COUNTY	2014 POPULATION	CIVIL CASES		FAMILY CASES		CRIMINAL CASES		JUVENILE CASES	
		CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX	CLEARANCE RATE	BACKLOG INDEX
Taylor	135,143	77.0%	1.1	82.9%	1.0	96.3%	0.4	92.5%	0.4
Terrell	927	55.6%	3.0	50.0%	3.3	60.0%	1.8	66.7%	0.0
Terry	12,739	147.3%	0.8	105.2%	0.5	100.0%	0.2	135.7%	0.5
Throckmorton	1,608	(2)	0.0	(2)	0.0	(2)	0.0	(2)	0.0
Titus	32,506	204.8%	1.9	106.1%	0.7	113.3%	0.7	53.3%	1.6
Tom Green	116,608	92.7%	1.1	95.5%	0.8	102.5%	0.3	111.2%	0.3
Travis	1,151,145	99.4%	2.4	91.8%	0.8	93.1%	0.4	86.1%	0.8
Trinity	14,224	16.9%	43.5	13.3%	44.6	223.4%	2.3	50.0%	76.0
Tyler	21,418	123.6%	3.3	96.5%	1.2	149.1%	0.7	66.7%	2.0
Upshur	40,354	125.1%	1.9	115.4%	0.8	93.1%	0.4	33.3%	17.0
Upton	3,454	72.4%	5.3	250.0%	2.1	156.5%	1.9	(2)	0.0
Uvalde	27,117	117.4%	0.6	130.1%	0.2	107.5%	0.8	(2)	0.0
Val Verde	48,974	167.6%	2.1	116.1%	1.2	105.9%	1.8		
Van Zandt	52,910	118.0%	1.8	119.8%	0.9	103.3%	0.7	(2)	1.0
Victoria	91,081	88.5%	1.6	99.4%	0.6	99.7%	0.3	(2)	0.0
Walker	69,789	99.6%	1.8	100.0%	1.2	84.2%	0.9		
Waller	46,820	102.7%	2.6			72.8%	1.1		
Ward	11,625	84.0%	0.6	95.5%	0.3	94.6%	0.1	(2)	0.0
Washington	34,438	119.8%	1.1			104.2%	0.4		
Webb	266,673	81.7%	1.0	92.7%	1.0	103.1%	0.7		
Wharton	41,168	119.2%	3.3	84.9%	2.4	96.4%	0.7	94.5%	0.3
Wheeler	5,714	101.0%	1.8	112.1%	1.0	103.5%	0.8	(2)	1.0
Wichita	132,355	76.3%	1.9	81.4%	1.1	86.8%	0.8	112.2%	1.9
Wilbarger	12,973	68.4%	3.8	93.1%	1.7	131.1%	0.2	(2)	0.0
Willacy	21,903	83.0%	1.4	81.2%	0.7	120.5%	1.5	142.6%	0.4
Williamson	489,250	104.7%	1.6	84.0%	1.4	94.1%	0.3	105.7%	0.5
Wilson	46,402	76.5%	1.7	94.1%	1.1	101.6%	0.3	91.6%	0.0
Winkler	7,821	75.3%	4.2	79.8%	2.3	107.9%	0.5		
Wise	61,638	79.5%	1.1	101.6%	1.0	113.3%	0.4		
Wood	42,852	82.8%	1.1	108.6%	0.6	98.9%	0.4	100.0%	0.2
Yoakum	8,286	85.7%	1.7	92.9%	0.8	82.5%	0.4		
Young	18,350	54.3%	1.8	90.9%	1.5	141.8%	0.8	(2)	0.0
Zapata	14,319	80.2%	1.1	105.3%	0.7	113.1%	2.1	100.0%	9.7
Zavala	12,267	61.1%	3.1	124.3%	2.2	156.3%	1.6	50.0%	2.0
<b>TOTAL</b>	<b>26,956,958</b>	<b>96.1%</b>	<b>1.4</b>	<b>94.9</b>	<b>1.0</b>	<b>100.3%</b>	<b>0.5</b>	<b>91.8%</b>	<b>0.7</b>

## NOTES:

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

(2) The county reports no activity in certain case categories.

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 Eighty-fourth Legislature, 2015, appropriated \$807.8 million to the Judiciary for the 2016–17 biennium. This amount represents less than 0.4 percent of all state appropriations. Most of the funds used to operate the courts within Texas' Judiciary are provided by the counties or cities, with fewer funds provided by the state.

In addition to these amounts, funding for the Judiciary includes \$20.2 million in Interagency Contracts, which includes:

- Federal Funds from the Office of the Attorney General for child support specialty court contracts, including administration (\$10.1 million);
- grants from the General Revenue–Dedicated Compensation to Victims of Crime Account for basic civil legal services for indigent victims of crime (\$5.0 million); and
- grants from the Office of the Governor, Criminal Justice Division, to the Special Prosecution Unit headquartered in Huntsville for prosecution of crimes committed in Texas Department of Criminal Justice facilities (\$3.0 million).

The state is the sole source of funding for the operations of the Supreme Court of Texas, Court of Criminal Appeals, and the six other state agencies of the judicial branch. The state provides an appropriation to operate the 14 Courts of Appeals. State appropriations provide the entire salaries for the justices of the Supreme Court and the judges on the Court of Criminal Appeals, and the base salaries for justices of the courts of appeals and district court judges. Local governments may supplement, up to a statutory cap, the salaries of justices of the courts of appeals and district court judges. Since fiscal year 2008, the state has funded a salary supplement to statutory county judges in an amount equal to 60 percent of the state salary of a district court judge. Senate Bill 1025, Eighty-fourth Legislature, 2015, increases the supplemental compensation paid to constitutional county judges, if at least 40 percent of the functions performed by the judge are judicial functions, from \$15,000 to \$25,200 each year, or an amount equal to 18 percent of a district judge's salary.

Texas' 254 counties provide funding for the daily operations of the district and county-level courts. Counties fund local judicial salaries in all of the state's constitutional county courts, statutory county courts, and justice of the peace courts. City governments provide all of the funding for the operation of the municipal courts.

### **Q: What are the significant funding sources?**

A: Texas funds its judicial operations primarily from General Revenue Funds. Of the \$807.8 million appropriated to the Judiciary for the 2016–17 biennium, \$481.6 million (59.6 percent) is from General Revenue Funds. Other Funds in the amount of \$180.3 million make up the next largest portion at 22.3 percent. General Revenue–Dedicated Funds make up \$142.3 million or 17.6 percent. Appropriations for the Judiciary also include \$3.4 million in Federal Funds for the state Court Improvement Program, which funds court programs and pilot projects dealing with child protective services justice issues. See Chapter 1, Introduction, Figure 1.

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

Major judicial General Revenue–Dedicated accounts include the Judicial and Court Personnel Training Fund No. 540. The purpose of the fund is to receive court costs within the Consolidated Court Cost from defendants convicted of

certain sections of the Texas Penal Code. Defendants convicted of a felony pay \$133, defendants convicted of a Class A or B misdemeanor pay \$83, and defendants convicted of a nonjailable misdemeanor pay \$40. This account receives 4.8362 percent of the total collections from these court costs. Also, 50 percent of the civil filing fees collected by the clerks of the courts of appeals pursuant to the Texas Government Code, Section 51.207, are deposited to this fund. Proceeds are used to provide continuing legal education to judges and court personnel. The Eighty-second Legislature, First Called Session, 2011, established the Judicial and Court Personnel Training Fund as a dedicated account in General Revenue Funds. Previously the fund had been classified as Other Funds. Unappropriated balances in the reconfigured account cannot be used to certify the state budget, due to a portion of the account's revenue stream originating from civil filing fees.

Another significant account is the Fair Defense Account No. 5073 (General Revenue–Dedicated Funds). This account receives 8.0143 percent of collections from the Consolidated Court Cost. The account is used primarily by the Texas Indigent Defense Commission, which sets standards and gives grants to counties for criminal defense services for indigents. The Office of Capital and Forensic Writs, which represents indigent defendants who are sentenced to death in post-conviction writs of habeas corpus, also receives its appropriations from the Fair Defense Account.

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

The Felony Prosecutor Supplement Fund No. 303 (Other Funds) is an account established in the Treasury to receive two-thirds of the \$15 cost paid by each surety posting a bail bond; the amount is not to exceed \$30 for all bonds posted by an individual. The fund is used to fund longevity supplements for eligible assistant prosecutors. The remaining one-third is deposited into the Fair Defense Account. The account is accumulative, except that at the end of each fiscal year, any unexpended balance in the fund in excess of \$1.5 million may be transferred to General Revenue Funds. See Chapter 5, State Funding for Other Judiciary Programs.

**Q: What are specialty courts?**

Specialty courts are criminal courts that serve particular populations alleged to have committed specific offenses.

Their primary focus is on rehabilitation of those whose cases are brought before the court through services designed to reduce the likelihood of a repeat offense. Most state funding is provided through grants distributed by the Criminal Justice Division of the Trusteed Programs within the Office of the Governor ([gov.texas.gov/cjd/programs](http://gov.texas.gov/cjd/programs)). Examples of specialty courts include drug courts, DWI courts, veterans courts, prostitution courts, mental health courts, and juvenile courts. Most specialty courts also receive local funds and are located in counties containing large metropolitan areas.

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

A: Pursuant to the Texas Code of Criminal Procedure, Section 102.0178, defendants convicted of an intoxication or drug offense (Class B misdemeanor or greater) must pay a \$60 court cost. After retaining a 10 percent service fee (\$6), counties may retain an additional 50 percent of the balance (\$27) to support authorized local programs, with the remainder (\$27) being remitted to the state. Otherwise, the state receives \$54 of this court cost, which is deposited to General Revenue Funds. See Chapter 6, Court-Generated State Revenue Sources, **Figure 40**). The Texas Code of Criminal Procedure, Section 102.0178, requires that this revenue stream is appropriated to the Office of the Governor for drug court grants; however, the drug court account dedication was not exempted from funds consolidation by the Eightieth Legislature, 2007.

State appropriations for drug courts are provided through Trusteed Programs within the Office of the Governor and distributed as grants to counties. The Governor's office was appropriated \$1.5 million for the 2016–17 biennium for the operation and funding of drug court programs. Counties bear all other expenses for drug court operations, some funded all or in part by the counties' portion of the \$60 court cost. See the Eighty-fourth Legislature, General Appropriations Act, 2016–17 Biennium, Article I, Trusteed Programs within the Office of the Governor, Rider 13.

**Q: How are veterans treatment courts funded?**

A: Veterans treatment courts are specialized courts for which a veteran that has been arrested or charged with any misdemeanor or felony may be eligible, if the state's attorney consents to the defendant's participation and the veteran suffers from a mental illness or disorder. These courts are intended to reduce recidivism among veterans through treatment to address substance abuse or underlying psychological issues. Senate Bill 1474, Eighty-fourth Legislature, 2015, redesignated veterans court programs as

veterans treatment court programs, expanded eligibility for program participation to defendants that were victims of sexual trauma, and provided these courts more discretion to determine who participates.

The state does not make a direct appropriation to fund veterans courts; however, the Texas Veterans Commission provides grants to counties that can be used to fund veterans court operations. The Eightieth Legislature, 2007, established the Fund for Veterans Assistance (FVA) Account (Other Funds), which is administered by the Veterans Commission and may be used to provide grants for veterans courts. In addition, the Eighty-fourth Legislature, 2015, appropriated \$1.5 million to the Veterans Commission to be used by the agency for veterans treatment court programs.

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



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## APPENDIX C: GLOSSARY

**Actual Innocence Projects** – 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 with the supervision of professors or attorneys in the community. The first Texas-based innocence project began in 2000 at the University of Houston Law Center. The state funds six law school innocence projects at the University of Houston, the University of Texas at Austin, Texas Tech University, Texas Southern University, the University of North Texas, and Texas A&M University. Through the Office of Court Administration and the Texas Indigent Defense Commission, each of these projects is eligible for up to \$100,000 per year in funding.

**Adjudication** – The resolving of a dispute or deciding a case in a judicial proceeding.

**Administrative Judicial Region** – To aid in the administration of justice, the state’s trial courts are divided into nine administrative judicial regions, pursuant to the Texas Government Code, Section 74.042.

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

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

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

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

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

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

**Court of Record** – A court of record is a court that keeps a record of its proceedings that can be used and available as evidence of fact. All justice and most municipal courts are not courts of record. Appeals from these courts are by trial de novo in the county-level courts, and in some instances in the district courts.

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

**Law Clerk or 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.



**Petition for the Adjudication of a Child** – The initiation of an action of the state against a child. An example of such a petition would be for a child alleged to have committed truant conduct.

**Presiding Judge of the Administrative Judicial Region** – The Presiding Judges of each of the nine administrative judicial regions are 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.

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

**Visiting Judge** – A judge appointed to hear a case as a member of a court where that judge does not ordinarily preside. Visiting judges are assigned by the Presiding Judges of the nine administrative judicial regions to cases at the trial court level, upon request by the court.

**Writ of Certiorari** – A writ by which an appellate court decides to review a case at its discretion.

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

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

**Writ of Prohibition** – A writ by which an appellate court prohibits a lower court from acting because it does not have jurisdiction to do so.

## APPENDIX D: COURT COSTS AND FEES

The following figures show state and local court costs that are imposed in municipal, justice, county-level, and district courts. This data is maintained by the Office of Court Administration (OCA), and periodic updates are available on the agency's website. Court clerks must prepare a bill of costs in every criminal conviction, and erroneous charges may be challenged by the defendant.

Total charges that may apply to a conviction by class of offense are shown to include costs that are always assessed and costs that may be assessed if service is performed by a peace officer. See Chapter 6, Court-Generated State Revenue Sources, **Figure 41. Appendix E** shows examples of total

state and local court costs charged to persons convicted of particular offenses.

Upon conviction, a court will order a defendant to pay amounts in addition to those shown in the following figures, such as the actual fine imposed, as monetary punishment for the offense. Other court-ordered obligations may include monthly probation or parole fees and restitution to victims. Participants may also pay participation or service fees for drug courts, veterans treatment courts, counseling programs, and prostitution prevention programs. Pursuant to the Driver Responsibility Program, the Texas Department of Public Safety is authorized to assess surcharges when a driver has been convicted of certain driving offenses.

**FIGURE D1**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J
<b>Cost Always Assessed</b>										
1 Consolidated Court Cost – the Local Government Code §133.102(a)	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$0	\$0	\$0
2 State Traffic Fine (2) – the Texas Transportation Code, §542.4031	\$30	\$30	\$30	\$0	\$0	\$0	\$0	\$30	\$0	\$0
3 Passing School Bus Cost – CCP (5), Article 102.014(c)	\$25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4 School Non-Attendance Fee – CCP, Article 102.014(d)	\$0	\$0	\$0	\$20	\$0	\$0	\$0	\$0	\$0	\$0
5 Judicial Support Fee – the Local Government Code, §133.105(a)	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$0	\$0	\$0
6 Juror Reimbursement Fee – CCP, Article 102.0045	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
7 Additional Court Cost – the Texas Transportation Code, §542.403	\$3	\$3	\$3	\$0	\$0	\$0	\$0	\$3	\$0	\$0
8 Indigent Defense Fee – the Local Government Code, §133.107	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0	\$0
9 Truancy Prevention Cost – CCP, Article 102.015	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0	\$0
10 TCOLE (6) Court Cost – CCP, Article 102.022	\$0.10	\$0.10	\$0	\$0	\$0.10	\$0.10	\$0	\$0	\$0	\$0
<b>Total Costs That are Always Assessed</b>	\$112.10	\$87.10	\$87	\$74	\$54.10	\$54.10	\$54	\$37	\$4	\$4
<b>Cost Assessed if Service Performed by Peace Officer</b>										
11 Execute/Process Arrest Warrant – CCP, Article 102.011(a)(2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
12 Serve Writ – CCP, Article 102.011(a)(4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35

**FIGURE D1 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J
13 Take and Approve Bond – CCP, Article 102.011(a)(5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
14 Convey Witness (charge per day) – CCP, Article 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
15 Issue Written Notice to Appear – CCP, Article 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
16 Make Arrest without a Warrant – CCP, Article 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
17 Summon Witness – CCP, Article 102.011(a)(3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
18 Commitment to Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
19 Release from Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
20 Summon Jury – CCP, Article 102.011(a)(7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
21 Mileage for Conveyance and Travel (\$0.29/mile) (4) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X	X
22 Meals/Lodging for Conveyance and Travel (4) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X	X
23 Overtime Costs for Testimony at Trial (4) – CCP, Article 102.011(i)	X	X	X	X	X	X	X	X	X	X
<b>Cost Assessed if Defendant Failed to Appear</b>										
24 Administrative Fee (OMNI Fee) – the Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
<b>Cost Assessed if Defendant Fails to Pay Fine and/or Costs</b>										
25 OMNI Fee – the Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
<b>Cost Assessed if Offense Occurred in School Zone</b>										
26 School Crossing Zone Cost – CCP, Article 102.014(c)	\$25	\$25	\$25	\$0	\$0	\$0	\$0	\$25	\$0	\$0
<b>Cost Assessed if Payment Is More Than 30 days After Judgment</b>										
27 Time Payment Fee – the Local Government Code, §133.103	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
<b>Cost Assessed if City with Population Greater Than 850,000 Has Parking Ordinance</b>										
28 Municipal Parking Offense Cost – CCP, Article 102.014(a)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2–\$5	\$0
<b>Cost Assessed if City with Population 850,000 or Less Has Parking Ordinance</b>										
29 Municipal Parking Offense Cost (3) – CCP, Article 102.014(b)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0–\$5	\$0
<b>Cost Assessed if Conviction Is by Jury</b>										
30 Jury Fee – CCP, Article 102.004	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3

**FIGURE D1 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY MUNICIPAL COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

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

**MUNICIPAL COURTS OFFENSES BY MISDEMEANOR CATEGORY**

A	Passing School Bus (the Texas Transportation Code, §545.066)
B	Rules of the Road Offense (7) (other than a Parking Offense, Pedestrian Offense, or Passing School Bus Offense) that is a moving violation (8)
C	Rules of the Road Offense (other than a Parking Offense, Pedestrian Offense, or Passing School Bus Offense) that is not a moving violation
D	School Non-Attendance (the Texas Education Code, §§25.093, 25.094)
E	Disobeying Warning Signs or Driving Around a Barricade (the Texas Transportation Code, §472.022)
F	General fine-only misdemeanor offense that is a moving violation (9)
G	General fine-only misdemeanor offense that is not a moving violation (9)
H	State Parking Offense or State Pedestrian Offense that is a Rules of the Road Offense
I	Violation of Municipal Parking Ordinance
J	State Parking Offense or State Pedestrian Offense that is not a Rules of the Road Offense; or Violation of Municipal Pedestrian Offense

NOTES:

- (1) Court costs directed primarily to the state are in bold.
- (2) A state traffic fine is not actually a court cost, but rather a mandatory fine.
- (3) For a municipal parking offense, only one fee may be assessed if two or more defendants are tried jointly.
- (4) X = indefinite amount.
- (5) CCP = the Texas Code of Criminal Procedure.
- (6) TCOLE = Texas Commission on Law Enforcement.
- (7) A rules of the road offense is any offense pursuant to the Texas Transportation Code, Chapters 541 to 600.
- (8) Offenses considered to be moving violations pursuant to the Texas Administrative Code, Title 37, §15.89(b).
- (9) A general fine-only misdemeanor offense is any fine-only misdemeanor offense not listed in Categories A to E and H to J.

SOURCE: Office of Court Administration.

County courts are authorized to charge an additional \$2 transaction fee for each case filed through the e filing system. These funds are not remitted to the state and are used by the county to cover the local costs of maintaining an e filing system.

**FIGURE D2  
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY JUSTICE COURTS UPON CONVICTION  
EFFECTIVE JANUARY 1, 2016**

MISDEMEANOR CATEGORY		A	B	C	D	E	F	G	H	I
<b>Cost Always Assessed</b>										
1	Consolidated Court Cost – the Local Government Code, §133.102(a)	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$0	\$0
2	State Traffic Fine – the Texas Transportation Code, §542.4031	\$30	\$30	\$0	\$0	\$0	\$0	\$0	\$30	\$0
3	School Non-Attendance Fee – CCP (5), Article 102.014(d)	\$0	\$0	\$20	\$0	\$0	\$0	\$0	\$0	\$0
4	Judicial Support Fee – the Local Government Code, §133.105(a)	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$0	\$0
5	Juror Reimbursement Fee – CCP, Article 102.0045	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
6	Justice Court Technology Fund – CCP, Article 102.0173	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
7	Court Security Fee – CCP, Article 102.017	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
8	Additional Court Cost (1) – the Texas Transportation Code, §542.403	\$3	\$3	\$0	\$0	\$0	\$0	\$0	\$3	\$0
9	Indigent Defense Fee – the Local Government Code, §133.107	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0
10	Truancy Prevention Cost – CCP, Article 102.015	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$0	\$0
11	TCOLE (6) Court Cost – CCP, Article 102.022	\$0.10	\$0	\$0	\$0.10	\$0.10	\$0	\$0	\$0	\$0
<b>Total of Costs That are Always Assessed</b>		<b>\$95.10</b>	<b>\$95</b>	<b>\$82</b>	<b>\$62.10</b>	<b>\$62.10</b>	<b>\$62</b>	<b>\$62</b>	<b>\$45</b>	<b>\$12</b>
<b>Cost Assessed if Service Performed by Peace Officer</b>										
12	Execute/Process Arrest Warrant – CCP, Article 102.011(a) (2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
13	Serve Writ – CCP, Article 102.011(a)(4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35
14	Take and Approve Bond – CCP, Article 102.011(a) (5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
15	Convey Witness (charge per day) – CCP, Article 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
16	Issue Written Notice to Appear – CCP, Article 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
17	Make Arrest without a Warrant – CCP, Article 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
18	Summon Witness – CCP, Article 102.011(a)(3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
19	Commitment to Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
20	Release from Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
21	Summon Jury – CCP, Article 102.011(a)(7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
22	Mileage for Conveyance and Travel (\$0.29/mile) (4) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X
23	Meals/Lodging for Conveyance and Travel (4) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X
24	Overtime Costs for Testimony at Trial (4) – CCP, Article 102.011(i)	X	X	X	X	X	X	X	X	X

**FIGURE D2 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY JUSTICE COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

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

**JUSTICE COURTS OFFENSES BY MISDEMEANOR CATEGORY**

- A Rules of the Road Offense (7) (other than a Parking or Pedestrian Offense) that is a moving violation (8)
- B Rules of the Road Offense (other than a Parking or Pedestrian Offense) that is not a moving violation
- C Parent Contributing to Non-attendance offense (the Texas Education Code, §25.093)
- D Disobeying Warning Signs or Driving Around a Barricade (the Texas Transportation Code, §472.022)
- E General fine-only misdemeanor offense that is a moving violation (9)
- F Issuance of Bad Check (the Texas Penal Code, §32.41); or Theft (§31.03) or Theft of Service (§31.04) where theft was accomplished by issuing or passing a bad check
- G General fine-only misdemeanor offense that is not a moving violation (9)
- H State Parking Offense or State Pedestrian Offense that is a Rules of the Road Offense
- I Parking or Pedestrian Offense that is not a Rules of the Road Offense

**NOTES:**

- (1) Court costs directed primarily to the state are in bold.
- (2) Additional court cost is not actually a court cost, but rather a mandatory fine.
- (3) One time payment fee may be assessed if two or more defendants are tried jointly.
- (4) X = indefinite amount.
- (5) CCP = the Texas Code of Criminal Procedure.
- (6) TCOLE = Texas Commission on Law Enforcement.
- (7) A rules of the road offense is any offense pursuant to the Texas Transportation Code, Chapters 541-600.
- (8) Offenses considered to be moving violations are pursuant to Texas Administrative Code, Title 37, §15.89(b).
- (9) A general fine-only misdemeanor offense is any fine-only misdemeanor offense not listed in Categories A to D, F, and H to I.

SOURCE: Office of Court Administration.



District courts are authorized to charge an additional \$2 transaction fee to cover local costs of maintaining an e-filing system. The transaction fee may be charged when one or more documents are filed in a criminal proceeding. An e-filing transaction fee is not a court cost, and it is charged regardless of whether a defendant is ultimately convicted.

**FIGURE D3  
BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY COUNTY COURTS WITH ORIGINAL JURISDICTION UPON  
CONVICTION  
EFFECTIVE JANUARY 1, 2016**

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

**FIGURE D3 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY COUNTY COURTS WITH ORIGINAL JURISDICTION UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	K
<b>Total of Costs That Are Always Assessed</b>	\$367.10	\$367.10	\$367	\$307	\$267	\$257	\$210	\$240.10	\$237	\$207.10	\$207
<b>Cost Assessed if Service Performed by Peace Officer</b>											
18 Execute/Process Arrest Warrant, Capias, Capias Pro Fine – CCP, Article 102.011(a) (2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
19 Serve Writ – CCP, Article 102.011(a)(4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35
20 Take and Approve Bond – CCP, Article 102.011(a)(5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
21 Convey Witness (Charge Per Day) – CCP, Article 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
22 Issue Written Notice to Appear – CCP, 102.011(a) (1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
23 Make Arrest without Warrant– CCP, 102.011(a) (1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
24 Summon Witness – CCP, Article 102.011(a)(3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
25 Commitment to Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
26 Release from Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
27 Summon Jury – CCP, Article 102.011(a)(7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
28 Mileage for Conveyance and Travel (\$0.29/mile) (3) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X	X	X
29 Meals/Lodging for Conveyance and Travel (3) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X	X	X
30 Overtime Costs for Testifying at Trial (3) – CCP, 102.011(i)	X	X	X	X	X	X	X	X	X	X	X
<b>Cost Assessed if Defendant Fails to Pay Fine and/or Costs</b>											
31 Administrative Fee (OMNI Fee) – the Texas Transportation Code, §706.006(a)	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
<b>Cost Assessed if Payment Made More Than 30 days After Judgment</b>											
32 Time Payment Fee – the Local Government Code, §133.103	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25

**FIGURE D3 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY COUNTY COURTS WITH ORIGINAL JURISDICTION UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

MISDEMEANOR CATEGORY	A	B	C	D	E	F	G	H	I	J	K
<b>Cost Assessed if Convicted and Determined to Not Be Indigent or if the Court Chooses to Assess the Cost</b>											
33 Statewide eFiling Court Cost – the Texas Government Code, §51.851(d)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
34 DNA Testing Court Cost No. 2 – CCP, Article 102.020(a) (2)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50	\$0
35 Drug/Alcohol Rehabilitation Evaluation Court Cost (3) – CCP, Article 102.018(b)	X	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Cost Assessed if Conviction is by Jury</b>											
36 Jury Fee – CCP, Article 102.004	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40
<b>Cost Assessed if DWI Defendant is Visually Recorded</b>											
37 Visual Recording Fee – CCP, Article 102.018(a)	\$15	\$15	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Discretionary Costs</b>											
38 Restitution Installment Fee – CCP, Article 42.037(g)	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12
39 Transaction Fee – CCP, Article 102.072	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2	≤ \$2
40 Order of Nondisclosure Fee	\$28	\$28	\$28	\$28	\$28	\$28	\$28	\$28	\$28	\$28	\$28

**COUNTY COURTS OFFENSES BY MISDEMEANOR CATEGORY**

- A Driving While Intoxicated (DWI), punishable pursuant to the Texas Penal Code, §49.04(b)
- B Driving While Intoxicated (DWI), punishable pursuant to the Texas Penal Code, §49.04(c), (d)
- C Class A or B Misdemeanor Intoxication Offense other than DWI – the Texas Penal Code, §§49.05–49.065
- D Employment Harmful to Children Offense – the Texas Penal Code, §43.251
- E Class A or B Misdemeanor Drug Offense – the Texas Health and Safety Code, Chapter 481
- F Class A or B Misdemeanor Graffiti Offense – the Texas Penal Code, §28.08
- G Class A or B Misdemeanor Rules of the Road Offense (7) that is a moving violation (8)
- H Class A or B Misdemeanor Rules of the Road Offense that is not a moving violation
- I General Class A or B Misdemeanor Offense (3) that is a moving violation (3)
- J Public Lewdness – the Texas Penal Code, §21.07; Indecent Exposure – §21.08; Unlawful Disclosure or Promotion of Intimate Visual Material – §21.16; Terroristic Threat (if a Class A Misdemeanor) – §22.07; Enticing a Child – §25.04; Promotion of Prostitution – §43.03; Sale, Distribution, or Display of Harmful Material to Minor – §43.24
- K General Class A or B Misdemeanor Offense that is not a moving violation (9)

NOTES:

- (1) Data applies only to misdemeanor convictions in county-level courts.
  - (2) Court costs directed primarily to the state are in bold.
  - (3) X = indefinite amount.
  - (4) The state traffic fine is not a court cost, but rather a mandatory fine.
  - (5) Prosecutor’s fee assessed only once if multiple defendants are tried jointly.
  - (6) CCP = the Texas Code of Criminal Procedure.
  - (7) A rules of the road offense is any offense pursuant to the Texas Transportation Code, Chapters 541 to 600.
  - (8) Offenses considered to be moving violations are pursuant to the Texas Administrative Code, Title 37, §15.89(b).
  - (9) A general Class A or B misdemeanor offense is any Class A or B misdemeanor offense other than an offense listed in Categories A to I.
- SOURCE: Office of Court Administration.

**FIGURE D4**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY DISTRICT COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

FELONY CATEGORY	A	B	C	D	E	F	G	H	I	J
<b>Cost Always Assessed Upon Conviction (Including Deferred Adjudication)</b>										
1 Consolidated Court Cost – the Local Government Code, §133.102	\$133	\$133	\$133	\$133	\$133	\$133	\$133	\$133	\$133	\$133
2 EMS Trauma Fund Cost – CCP (5), Article 102.0185	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3 Child Abuse Prevention Fund Cost – CCP, Article 102.0186	\$0	\$0	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$0
4 Drug Court Cost – CCP, Article 102.0178	\$60	\$60	\$0	\$0	\$60	\$0	\$0	\$0	\$0	\$0
5 Juvenile Delinquency Prevention Fee – CCP, Article 102.0171(a)	\$0	\$0	\$0	\$0	\$0	\$50	\$0	\$0	\$0	\$0
6 Clerk's Fee – CCP, Article 102.005(a)	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40
7 State Traffic Fine – the Texas Transportation Code, §542.4031	\$0	\$0	\$0	\$0	\$0	\$0	\$30	\$0	\$0	\$0
8 Records Management Fee (2) – CCP, Article 102.005(f)	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
9 Judicial Support Fee – the Local Government Code, §133.105(a)	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6
10 Court Security Fee – CCP, Article 102.017(a)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
11 County and District Court Technology Fund – CCP, Article 102.0169	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
12 Indigent Defense Fee – the Local Government Code, §133.107	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
<b>Total of Costs That are Always Assessed</b>	\$375	\$375	\$315	\$315	\$275	\$265	\$245	\$215	\$215	\$215
<b>Cost Assessed if Convicted and Determined to Not Be Indigent or if the Court Chooses to Assess the Cost</b>										
13 DNA Testing Court Cost No. 1 – CCP, Article 102.020(a)(1)	\$31	\$31	\$31	\$31	\$31	\$31	\$31	\$31	\$31	\$31
14 DNA Testing Court Cost No. 2 – CCP, Article 102.020(a)(2)	\$32	\$32	\$32	\$32	\$32	\$32	\$32	\$32	\$32	\$32
<b>Cost Assessed if Service Performed by Peace Officer</b>										
15 Execute/Process Arrest Warrant, Capias, Capias Pro Fine – CCP, Article 102.011(a)(2)	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
16 Serve Writ – CCP, Article 102.011(a)(4)	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35	\$35
17 Take and Approve Bond – CCP, Article 102.011(a)(5)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
18 Convey Witness (Charge Per Day) – CCP, Article 102.011(c)	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
19 Issue Written Notice to Appear – CCP, Article 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
20 Make Arrest without a Warrant – CCP, Article 102.011(a)(1)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
21 Summon Witness – CCP, Article 102.011(a)(3)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5

**FIGURE D4 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY DISTRICT COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

FELONY CATEGORY	A	B	C	D	E	F	G	H	I	J
22 Commitment to Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
23 Release from Jail – CCP, Article 102.011(a)(6)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
24 Summon Jury – CCP, Article 102.011(a)(7)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
25 Mileage for Conveyance and Travel (\$0.29/mile) (3) (4) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X	X
26 Meals/Lodging for Conveyance and Travel (4) – CCP, Article 102.011(b)	X	X	X	X	X	X	X	X	X	X
27 Overtime Costs for Testifying at Trial (4) – CCP, Article 102.011(i)	X	X	X	X	X	X	X	X	X	X
<b>Cost Assessed if Defendant is Placed on Community Supervision and Required to Submit DNA Sample Pursuant to CCP, Article 42.12, Sec. 11(j)</b>										
28 DNA Testing Court Cost No. 3 – CCP, Article 102.020	\$34	\$34	\$0	\$34	\$34	\$34	\$34	\$0	\$34	\$34
<b>Cost Assessed if Payment Made More Than 30 days After Judgment</b>										
29 Time Payment Fee – the Local Government Code, §133.103	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
<b>Cost Assessed if Convicted and Has Not Been Placed on Deferred Adjudication</b>										
30 Juror Reimbursement Fee – CCP, Article 102.0045	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4	\$4
<b>Cost Assessed if Convicted and Determined to Not Be Indigent or if the Court Chooses to Assess the Cost</b>										
31 Statewide eFiling Court Cost – the Texas Government Code, §51.851(d)	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
<b>Cost Assessed if Conviction is by Jury</b>										
32 Jury Fee – CCP, Article 102.004	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40
<b>Cost Assessed if Defendant is Visually Recorded</b>										
33 Visual Recording Cost – CCP, Article 102.018(a)	\$15	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Discretionary Costs</b>										
34 Restitution Installment Fee – CCP, Article 42.037(g)	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12	\$12

**OFFENSES ASSESSED IN DISTRICT COURTS BY FELONY CATEGORY**

- A Driving While Intoxicated (DWI), the Texas Penal Code, §49.04
- B Felony Intoxication Offense – the Texas Penal Code, §§49.045–49.09
- C (1) Continuous Sexual Abuse of Young Child or Children – the Texas Penal Code, §21.02
- (2) Indecency with a Child – the Texas Penal Code, §21.11
- (3) Sexual Assault of a Child – the Texas Penal Code, §22.011(a)(2)
- (4) Aggravated Sexual Assault of a Child – the Texas Penal Code, §22.021(a)(1)(B)
- (5) Sexual Performance by a Child – the Texas Penal Code, §43.25
- (6) Possession or Promotion of Child Pornography – the Texas Penal Code, §43.26

**FIGURE D4 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY DISTRICT COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

FELONY CATEGORY	A	B	C	D	E	F	G	H	I	J
D	Employment Harmful to Children – the Texas Penal Code, §43.251									
E	Felony Drug Offense – the Texas Health and Safety Code, Chapter 481									
F	Felony Graffiti Offense – the Texas Penal Code, §28.08									
G	(1) Passing a School Bus if Enhanced to a Felony – the Texas Transportation Code, §545.066(c)(2)									
	(2) Counterfeit Airbag or Misrepresentation of Airbag Installation if Enhanced – the Texas Transportation Code, §550.021									
	(3) Failure of a Motor Vehicle Operator to Stop or Remain at the Scene of an Accident Involving Death or Injury – the Texas Transportation Code, §550.021									
H	(1) Aggravated Kidnapping with Intent to Commit Bodily Injury or to Violate or Abuse Sexually – the Texas Penal Code, §20.04(a)(4)									
	(2) Continuous Trafficking of Persons – the Texas Penal Code, §20A.03									
	(3) Sexual Assault or Aggravated Sexual Assault Other Than Sexual Assault of a Child – the Texas Penal Code, §§22.011, 22.021									
	(4) Prohibited Sexual Contact – the Texas Penal Code, §25.02									
	(5) Burglary of Habitation with Intent/Attempt to Commit or Commission of a Felony Other Than Felony Theft – the Texas Penal Code, §30.02(d)									
	(6) Compelling Prostitution – the Texas Penal Code, §43.05									
I	(1) Murder – the Texas Penal Code, §19.02									
	(2) Capital Murder – the Texas Penal Code, §19.03									
	(3) Manslaughter – the Texas Penal Code, §19.04									
	(4) Criminally Negligent Homicide – the Texas Penal Code, §19.05									
	(5) Unlawful Restraint – the Texas Penal Code, §20.02									
	(6) Kidnapping – the Texas Penal Code, §20.03									
	(7) Aggravated Kidnapping (other than pursuant to the Texas Penal Code, §20.04 (a)(4)) – the Texas Penal Code, §20.04									
	(8) Smuggling of Persons – the Texas Penal Code, §20.05									
	(9) Continuous Smuggling of Persons – the Texas Penal Code, §20.06									
	(10) Trafficking of Persons – the Texas Penal Code, §20A.02									
	(11) Improper Relationship Between Educator and Student – the Texas Penal Code, §21.12									
	(12) Improper Photography or Visual Recording – the Texas Penal Code, §21.15									
	(13) Voyeurism – the Texas Penal Code, §21.16									
	(14) Assault – the Texas Penal Code, §22.01									
	(15) Aggravated Assault – the Texas Penal Code, §22.02									
	(16) Injury to a Child, Elderly Individual, or Disabled Individual – the Texas Penal Code, §22.04									
	(17) Abandoning or Endangering Child – the Texas Penal Code, §22.041									
	(18) Deadly Conduct – the Texas Penal Code, §22.05									
	(19) Terroristic Threat – the Texas Penal Code, §22.07									
	(20) Aiding Suicide – the Texas Penal Code, §22.08									



**FIGURE D4 (CONTINUED)**  
**BASIC CRIMINAL COURT COSTS AND FEES IMPOSED BY DISTRICT COURTS UPON CONVICTION**  
**EFFECTIVE JANUARY 1, 2016**

FELONY CATEGORY	A	B	C	D	E	F	G	H	I	J
(21) Tampering with Consumer Product – the Texas Penal Code, §22.09										
(22) Harassment by Persons in Certain Correctional Facilities; Harassment of Public Servant – the Texas Penal Code, §22.11										
(23) Enticing a Child – the Texas Penal Code, §25.04										
(24) Promotion of Prostitution – the Texas Penal Code, §43.03										
(25) Sale, Distribution, or Display of Harmful Material to Minor – the Texas Penal Code, §43.24										
J All felonies not in one of the foregoing categories										

NOTES:  
(1) Court costs directed primarily to the state are in bold. Data applies only to felony convictions in the district courts.  
(2) Records management fee is not actually a court cost, but rather a mandatory fine.  
(3) One mileage for conveyance and travel fee may be assessed if two or more defendants are tried jointly.  
(4) X = indefinite amount.  
(5) CCP = the Texas Code of Criminal Procedure.  
SOURCE: Office of Court Administration.

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## APPENDIX E: COURT COSTS AND FEE CASE EXAMPLES

The following case examples summarize the state and local court costs charged to a convicted person for each offense listed, as of January 2016. These examples include a mixture of offense types, offense classes, and court types.

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

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

These examples also include any service fees permitted for most state court costs and fees if a local jurisdiction remits fees in a timely manner to the Comptroller of Public Accounts. For many state court costs and fees, the local jurisdictions are allowed to retain 10 percent of collected state court cost and fee revenues if those collections are remitted in a timely manner. The 10 percent service fee retention is described in multiple sections of code, including: the Texas Local Government Code, Section 133.058; the Texas Code of Criminal Procedure, Article 102.020(f); and the Texas Code of Criminal Procedure, Article 102.022(f). For the state traffic fine, localities are permitted to keep 5 percent of the fee if remitted in a timely manner, pursuant to the Texas Transportation Code, Section 542.4031(f). In these case examples, it is assumed that a locality will remit the state fees in a timely manner and therefore be permitted to retain any allowable service fee.

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

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

A person who passes a school bus that is stopped and is displaying a visual signal for picking up or dropping off children commits a Class C misdemeanor. The total court costs and fees imposed would be \$161.10, of which \$101.69 would be remitted to the state and \$59.41 would be retained locally. For this example, it is assumed that the offender does not pay his or her court costs and fines until more than 31 days after the judgment is imposed, and the court is required to impose a time payment fee of \$25. It is also assumed that the county in which the offense took place does not operate a juvenile case manager program, which results in a 10 percent retention of the cost by the court. In addition to the state fees, it is assumed that a \$5 arrest fee is charged for the

services of a local peace officer who serves a written notice to appear in court or makes an arrest without a warrant. The Local Government Code, Section 133.105, specifies that \$0.60 of the \$6 judicial support fee is to be retained locally, and that local governments may not retain any additional percentage as a service fee. The Local Government Code, Section 133.103(b), permits local governments to retain 50 percent of the time payment fee. The Texas Transportation Code, Section 542.4031(f), specifies that local governments may retain 5 percent of the \$30 state traffic fine. The Texas Code of Criminal Procedure, Article 45.0511(c-1), requires local governments to remit the full \$12 fee for a driving record and Texas.gov. For the other state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost or fee as a service fee, pursuant to the Local Government Code, Section 133.058.

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

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

NOTE: TCOLE = Texas Commission on Law Enforcement.  
 SOURCES: Legislative Budget Board; Office of Court Administration.

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

A person who speeds outside of a school zone commits a Class C misdemeanor. The total court costs and fees that would be imposed in this example is \$137.10, of which \$101.69 is remitted to the state and \$35.41 is retained locally. For this example, it is assumed that the offender does not pay his or her court costs and fines until more than 31 days after the judgment is imposed, and the court is required to impose a time payment fee of \$25. It is also assumed that the county in which the offense took place does not operate a juvenile case manager program, which results in a 10 percent retention of the cost by the court. In addition to the state fees, it is assumed that a \$5 arrest fee is charged for the services of a local peace officer who serves a written notice to

appear in court or makes an arrest without a warrant. The Local Government Code, Section 133.105, specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally, and that local government may not retain any additional percentage as a service fee. The Local Government Code, Section 133.103(b), permits the local government to retain 50 percent of the time payment fee. The Texas Transportation Code, Section 542.4031(f), specifies that the local government may retain 5 percent of the \$30 state traffic fine. The Texas Code of Criminal Procedure, Article 45.0511(c-1), requires the local government to remit the full \$12 fee for a driving record and Texas.gov. For the other four state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost or fee as a service fee, pursuant to the Local Government Code, Section 133.058.

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

COURT COST OR FEE	AMOUNT	COURT COST OR FEE	AMOUNT
<b>State</b>		<b>Local</b>	
Judicial Support Fee	\$5.40	Judicial Support Fee	\$0.60
Juror Reimbursement Fee	\$4.00	Time Payment Fee	\$12.50
Consolidated Court Cost	\$40.00	Arrest Fee	\$5.00
Indigent Defense Fund	\$2.00	Justice Court Building Security Fee	\$4.00
Truancy Prevention Court Cost	\$2.00	Justice Court Technology Fund	\$4.00
State Traffic Fine	\$30.00	Local Traffic Court Cost	\$3.00
Moving Violation Fee (TCOLE)	\$0.10	<b>Subtotal, Local Fees</b>	<b>\$29.10</b>
Driving Record and Texas.gov Fees	\$12.00	Plus Service Fee Retained by Local Government	\$6.31
Time Payment Fee	\$12.50	<b>Final Local Fees</b>	<b>\$35.41</b>
<b>Subtotal, State Fees</b>	<b>\$108.00</b>		
Minus Service Fee Retained by Local Government	(\$6.31)		
<b>Final State Fees Received by Comptroller</b>	<b>\$101.69</b>		
		<b>Total Court Costs and Fees</b>	<b>\$137.10</b>

NOTE: TCOLE = Texas Commission on Law Enforcement.

SOURCES: Legislative Budget Board; Office of Court Administration.

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

A person commits a Class B misdemeanor if he or she makes a false report to a peace officer or law enforcement employee. The total amount of court costs and fees that would be imposed in this example is \$217.00, of which \$105.50 is remitted to the state and \$111.50 is retained locally. This example includes a \$5 fee for services of a local peace officer

who serves a written notice to appear in court or makes an arrest without a warrant. The Local Government Code, Section 133.105, specifies that \$0.60 of the \$6 judicial support fee is to be retained locally, and that local government may not retain any additional percentage as a service fee. For the \$15 Judicial Fund Court Cost and the \$5 Electronic Filing Court Cost, the local government is required to remit the full amount to the state. For the other three state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost or fee as a service fee, pursuant to the Local Government Code, Section 133.058.

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

COURT COST OR FEE	AMOUNT	COURT COST OR FEE	AMOUNT
<b>State</b>		<b>Local</b>	
Judicial Support Fee	\$5.40	Judicial Support Fee	\$0.60
Juror Reimbursement Fee	\$4.00	Arrest Fee	\$5.00
Consolidated Court Cost	\$83.00	Clerk Fee	\$40.00
Electronic Filing Court Cost	\$5.00	Records Management and Preservation Fee	\$25.00
Indigent Defense Fund	\$2.00	Prosecutors' Services Fee	\$25.00
Judicial Fund Court Cost – County Courts	\$15.00	County Court Technology Fee	\$4.00
<b>Subtotal, State Fees</b>	<b>\$114.40</b>	Courthouse Security Fund	\$3.00
Minus Service Fee Retained by Local Government	(\$8.90)	<b>Subtotal, Local Fees</b>	<b>\$102.60</b>
<b>Final State Fees Received by Comptroller</b>	<b>\$105.50</b>	Plus Service Fee Retained by Local Government	\$8.90
		<b>Final Local Fees</b>	<b>\$111.50</b>
		<b>Total Court Costs and Fees</b>	<b>\$217.00</b>

SOURCES: Legislative Budget Board; Office of Court Administration.

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

The total court costs and fees for a person convicted of Class A Misdemeanor second Driving While Intoxicated charge is \$397.00, excluding fines, probation or parole fees, and a driver's responsibility surcharge. Of this amount, \$219.50 is remitted to the state, and \$177.50 is retained locally. It is assumed that a jury trial is used in this example. The Local

Government Code, Section 133.105, specifies that \$0.60 of the \$6 judicial support fee is to be retained locally. For the \$60 Drug Court Program Court Cost, the Texas Code of Criminal Procedure, Article 102.0178(e), specifies that the county may retain 10 percent, or \$6, of the total cost as a service fee or 60 percent of amount if the county has established a drug court program. For the \$15 Judicial Fund Court Cost and the \$5 Electronic Filing Court Cost, the local government is required to remit the full amount to the state. For the other four state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost or fee as a service fee, pursuant to the Texas Local Government Code, Section 133.058.

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

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

SOURCES: Legislative Budget Board; Office of Court Administration.

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

In this example, total costs for indecent exposure with a child, a third-degree felony, would be \$656.00, excluding fine amounts, restitution, driver’s surcharge, and monthly probation fees. Of this amount, \$366.50 is remitted to the state, and \$289.50 is retained locally. In this example, it is assumed the defendant will be ordered to pay restitution in installments, and that the court assesses the restitution

installment fee. The Texas Code of Criminal Procedure, Article 42.037(g)(1), authorizes the local government to retain 50 percent of the \$12 restitution installment fee. The Texas Local Government Code, Section 133.105, specifies that \$0.60 of the \$6.00 judicial support fee is to be retained locally. For the \$5 Electronic Filing Court Cost, the local government is required to remit the full amount to the state. For the other four state courts costs and fees listed, the local government is permitted to retain 10 percent of the cost or fee as a service fee, pursuant to the Texas Local Government Code, Section 133.058.

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

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

SOURCES: Legislative Budget Board; Office of Court Administration.



## APPENDIX F: JUDICIAL SALARIES

### JUDICIAL COMPENSATION

A majority of Texas' judges and justices receive compensation from a combination of state and local sources. The Texas Government Code defines judge and justice state compensation in relation to the state salary of a district judge from both state and local sources. Pursuant to the Texas Government Code, Sections 659.011 and 659.012, a district judge is paid a state salary of at least \$125,000 or an amount set in the General Appropriations Act. As of September 1, 2015, a district judge is paid a state salary of \$140,000. From this benchmark, other types of judges and justices receive a state salary or salary supplement of either a fixed dollar amount (appellate judges and justices) or a percentage greater or less than that standard (statutory county judges). Statute also authorizes local governments to provide a local supplement to state judges, except for the justices and judges

on the Supreme Court of Texas and the Court of Criminal Appeals. Additional statutory linkages relate to these supplements. Appellate and district judges who have completed at least 16 years of service also receive longevity pay equal to 3.1 percent of the judge's current monthly state salary.

**Figure F1** shows the annual state salary of Texas judges and justices for the 2016–17 biennium; the maximum or minimum amount of local supplement that may be provided, if applicable; and the total combined salary for each type of judge or justice. As shown, the total salary from state and local sources for a presiding judge of an administrative judicial region might be greater than the pay of a judge or justice on the Court of Criminal Appeals or the Supreme Court of Texas, including those respective courts' Presiding Judge or Chief Justice.

**FIGURE F1**  
**APPELLATE AND TRIAL COURT JUDICIAL SALARIES OR SALARY SUPPLEMENTS LINKED TO STATE DISTRICT JUDGE PAY AS OF SEPTEMBER 1, 2015**

JUDGE	STATE COMPENSATION	LOCAL COMPENSATION	MAXIMUM SALARY	STATUTORY REFERENCE (1)
District Judge (Benchmark Salary)	\$140,000	Up to \$18,000	\$158,000	State salary of \$140,000 (an amount set in the General Appropriations Act), with total salary from state and local sources not to exceed an amount that is \$5,000 less than the total salary of a Court of Appeals Justice (\$163,000), pursuant to §659.012
Presiding Judge of the Administrative Judicial Region (Active District Judge)	\$140,000	Up to \$33,000	\$173,000	State salary of \$140,000 (§659.012); annual local supplement for an active judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region based on county population, pursuant to §74.051(b)
Presiding Judge of the Administrative Judicial Region (Retired or Former District Judge)	\$140,000	\$33,000 to \$50,000	\$175,000 to \$190,000	State salary of \$140,000 (§659.012); annual local compensation for a retired or former judge set by the Texas Judicial Council and apportioned to each county in the judge's judicial region based on county population and on a sliding scale related to the number of courts in each region pursuant to §74.051(c)
Court of Appeals (Justice)	\$154,000	Up to \$9,000	\$163,000	State salary of 110% of a district judge's state salary, with total salary from state and local sources in an amount not to exceed \$5,000 less than the state salary provided for a justice of the Supreme Court of Texas, pursuant to §659.012
Court of Appeals (Chief Justice)	\$156,500	Up to \$9,000	\$165,500	\$2,500 more than other Justices of the Court of Appeals, pursuant to §659.012

**FIGURE F1 (CONTINUED)**  
**APPELLATE AND TRIAL COURT JUDICIAL SALARIES OR SALARY SUPPLEMENTS LINKED TO STATE DISTRICT JUDGE PAY**  
**AS OF SEPTEMBER 1, 2015**

JUDGE	STATE COMPENSATION	LOCAL COMPENSATION	MAXIMUM SALARY	STATUTORY REFERENCE (1)
Court of Criminal Appeals (Judge) Supreme Court (Justice)	\$168,000	No Local Supplement	\$168,000	State salary of 120% of a district judge's state salary, pursuant to §659.012
Court of Criminal Appeals (Presiding Judge) Supreme Court (Chief Justice)	\$170,500	No Local Supplement	\$170,500	\$2,500 more than other justices of the Supreme Court or judges of the Court of Criminal Appeals, pursuant to §659.012
Multicounty Statutory County Judge	\$140,000	At County Discretion	At County Discretion	State salary of \$140,000 pursuant to §25.2607(d); the three counties in the multicounty district must pay a local salary, if any, in a total amount that is not less than \$1,000 less than the total combined salary received by a district judge serving one of the three counties
Statutory County Judge	\$84,000	\$55,000 to \$73,000	\$139,000 to \$157,000	State salary supplement of 60% of state pay for district judge (§25.0015); counties must pay a local salary that results in a total combined salary of no less than \$1,000 less than the total combined salary received by a district judge in the county (§25.0005);  §25.0005 does not establish a maximum amount for statutory county judge salaries; some statutory county judges in the state are paid more than these minimums, subject to county discretion
Constitutional County Court Judge	\$25,200	Varies	Varies	State salary supplement of 18% of state pay for district judge for eligible county judges where 40% of the judge's functions are judicial, pursuant to §26.006(a)

NOTE: All statutory references refer to sections of the Texas Government Code, unless otherwise noted.  
 SOURCE: Legislative Budget Board.

Judges of statutory county courts receive a state salary supplement equal to 60 percent of the state compensation of a district judge, or \$84,000, if the judge does not engage in a private practice while simultaneously performing statutory county court responsibilities. For most jurisdictions, the local salary supplement for a statutory county judge must, at a minimum, make the judge's total salary an amount not less than \$1,000 less than the total salary from both state and local sources of a district judge serving that county. This structure establishes a minimum total salary for statutory county judges, but it does not set a maximum total salary. Court-specific statutes may exempt certain counties from providing a minimum county salary to the statutory county judge.

As noted by the Judicial Compensation Commission in its November 2014 report to the Legislature, some statutory county judges receive total salaries that exceed the judicial compensation amounts of state district and appellate judges.

For example, in fiscal year 2014, the total salaries of statutory county judges in five counties exceeded the maximum salary of a district judge (\$154,000) with salaries ranging from \$158,064 to \$167,292; and statutory county judges in two counties exceeded the maximum salaries of court of appeals justices (\$163,000).

Senate Bill 1139, Eighty-fourth Legislature, 2015, increased the compensation of the judge of the First Multicounty Court at Law from \$84,000 to \$140,000, an amount equal to 100 percent of a district judge's salary. The three counties served by this court provide no local compensation unless the district judge salary within the county is \$142,000 or higher. Senate Bill 1025, Eighty-fourth Legislature, 2015, increased the constitutional county court judge supplement from \$15,000 to 18 percent of a district judge's salary, or \$25,200, beginning September 1, 2015, for a county judge, if at least 40 percent of the functions performed by the judge are judicial functions.

## HISTORY OF JUDICIAL COMPENSATION IN TEXAS

State judicial salaries or salary supplements have increased five times since 1995. The latest judicial salary increase, a state-paid salary supplement increase for constitutional county court judges, was effective September 1, 2015. **Figure F2** shows these increases.

The 12.0 percent judicial pay raise effective September 1, 2013, was the first pay raise implemented since statutory county judge salaries were linked to district judge pay by the Eightieth Legislature, 2007. This linkage resulted in an additional annual cost of \$6,000 per statutory county judge in local supplements for some counties. For example, before

the 12.0 percent judicial pay raise, a district judge in a county that paid no local supplement was paid \$125,000. A statutory county judge in that county could receive a state salary supplement of \$75,000 plus \$49,000 in local supplements, for a total salary of \$124,000 (an amount “not less than \$1,000 less than the total combined salary of a district judge in the county,” pursuant to the Texas Government Code, Section 25.0005). Beginning in the 2014–15 biennium, a district judge in a county that paid no local supplement was paid \$140,000. A statutory county judge is entitled to a state salary plus a supplement of \$55,000, for a total salary of \$139,000, which reflects an incremental increase in those counties’ expenses of \$6,000. This additional expense is ongoing in the 2016–17 biennium.

**FIGURE F2**  
**JUDICIAL PAY INCREASES SINCE 1997**

LEGISLATION	INCREASE
Seventy-fifth Legislature, General Appropriations Act, 1998–99 Biennium	Two judicial pay raises occurred during two consecutive fiscal years: <b>Fiscal Year 1998</b> <ul style="list-style-type: none"> <li>• district judge state salary increased from \$85,217 to \$98,100; and</li> <li>• a 6.4% increase from fiscal year 1997 salary levels, with a 4.5% increase for the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals</li> </ul> <b>Fiscal Year 1999</b> <ul style="list-style-type: none"> <li>• district judge state salary increased from \$98,100 to \$101,700; and</li> <li>• a 3.7% increase from fiscal year 1998 salary levels, with a 4.5% increase for the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals</li> </ul>
House Bill 11, Seventy-ninth Legislature, Second Called Session, 2005	District judge state salary increased from \$101,700 to \$125,000. Funding authorized for judicial pay raises of 22.0% to 33.0%. Established two new Judicial Support fees to fund the pay raise: <ul style="list-style-type: none"> <li>• a \$4 Criminal Conviction Court Cost for convictions and deferred adjudications in district, county-level, justice of the peace, and municipal court criminal cases, including traffic-related offenses, but excluding cases for offenses by a pedestrian or parking-related offenses; and</li> <li>• a \$37 Civil Filing Fee applicable to district and county-level courts;</li> <li>• collection: \$3.40 of each court cost collected by local courts is transferred to the Comptroller of Public Accounts, and the remaining \$0.60 is deposited to the general fund of each municipal or county treasury to be used for local purposes.</li> </ul>
Senate Bill 600, Eightieth Legislature, 2007	Increased the state-paid supplement for statutory county judges from \$35,000 to \$75,000. Required counties to collect fees and court costs to fund the pay raise through the following: <ul style="list-style-type: none"> <li>• increased the \$4 Judicial Support criminal conviction court cost (see House Bill 11, 2005, previous row) to \$6; and</li> <li>• increased the \$37 Judicial Support civil filing fee (see House Bill 11, 2005, previous row) to \$42.</li> </ul>
Eighty-third Legislature, General Appropriations Act, 2014–15 Biennium	District judge salary increased from \$125,000 to \$140,000. Funding authorized for judicial pay raises of 12%. Increased the state salary supplement of statutory county judges from \$75,000 to \$84,000. This increase may have increased county costs for statutory county judges by \$6,000 in counties that provide local supplements.
Senate Bill 1025 and Senate Bill 1139, Eighty-fourth Legislature, 2015	Senate Bill 1025 increased the state-paid salary supplement for constitutional county judges from \$15,000 to 18% of a district judge’s salary, or \$25,200. Senate Bill 1139 increased the state-paid supplement of the judge serving the state’s first multicounty statutory court from \$84,000 (60% of the state pay of a district judge) to 100% of a district judge’s state pay, or \$140,000.

SOURCE: Legislative Budget Board.

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

**Figure F3** shows that the state salary for a district judge, and by extension judicial salaries in general, have typically experienced several biennia of static salaries interspersed with significant pay raises. Judicial pay raises have increased compensation to a point beyond the rate of inflation for the years immediately following the pay increase. However, it is anticipated that a district judge’s salary will decrease to less than the rate of inflation within the next several years and will decrease further without a salary increase.

**JUDICIAL COMPENSATION COMMISSION**

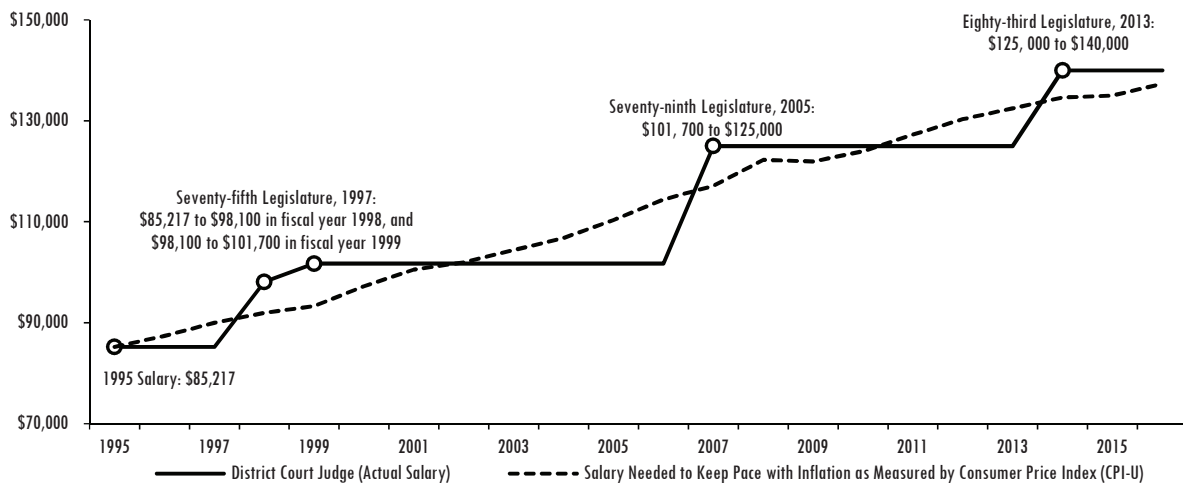
The Texas Government Code, Section 35.102, charges the Judicial Compensation Commission (JCC) with making recommendations to the Legislature before each legislative session on the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals, the courts of appeals, and the district courts. The next JCC report is due in December 2016. The JCC is made up of nine gubernatorial appointees and is

required to consider eight factors when determining salary recommendations:

- skill and experience required of the particular judgeship;
- value of compensable service performed by justices and judges, as determined by reference to judicial compensation in other states and the federal government;
- value of comparable services performed in the private sector, including private judging, arbitration, and mediation;
- compensation of attorneys in the private sector;
- cost of living and changes in the cost of living;
- state compensation received by other public officials;
- other factors traditionally considered; and
- level of overall compensation that is adequate to attract the most highly qualified individuals, from diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns.

Before the JCC was established, the Seventy-sixth Legislature, 1999, directed the Office of Court Administration (OCA) to collect information about state judicial turnover to facilitate legislation that ensured adequate and appropriate

**FIGURE F3**  
**DISTRICT JUDGE STATE SALARY, FISCAL YEARS 1995 TO 2016**



SOURCES: Legislative Budget Board; Judicial Compensation Commission.

compensation of state judges. This responsibility remains with the OCA pursuant to the Texas Government Code, Section 72.030.

For the 2016–17 biennium, the JCC recommended: (1) a 5 percent increase to a district judge’s salary and all salaries statutorily linked to district judge pay; (2) that the salaries of child protection court and child support court associate judges appointed by the regional presiding judges be linked to 90 percent of a district judge’s salary; and (3) that legislation be passed requiring the JCC’s salary recommendations to be shown as the salaries for judges in the bill patterns of the 16 appellate courts and the Judiciary Section, Comptroller’s Department, for the introduced versions of the General Appropriations Act.

**Figure F4** shows a comparison of the salary recommendations made by the JCC for judicial compensation to the Eighty-fourth Legislature, 2015. The Legislature authorized funding for judicial compensation at 95 percent of recommended JCC amounts.

**FIGURE F4**  
**JUDICIAL COMPENSATION COMMISSION RECOMMENDATIONS LINKED TO A DISTRICT JUDGES’ SALARY**  
**2016–17 BIENNIUM**

JUDGE	RECOMMENDATION	STATE SALARY	DIFFERENCE	SALARY AS A PERCENTAGE OF RECOMMENDED AMOUNT
Criminal Appeals (Presiding Judge) Supreme Court (Chief Justice)	\$178,900	\$170,500	\$8,400	95%
Criminal Appeals (Judge) Supreme Court (Justice)	\$176,400	\$168,000	\$8,400	95%
Court of Appeals (Chief Justice)	\$164,200	\$156,500	\$7,700	95%
Court of Appeals (Justice)	\$161,700	\$154,000	\$7,700	95%
District Judge	\$147,000	\$140,000	\$7,000	95%

SOURCE: Legislative Budget Board.

## INTERSTATE COMPARISONS ON JUDICIAL COMPENSATION

The National Center for State Courts (NCSC) regularly compiles information on judicial compensation. According to the NCSC's survey of judicial salaries as of July 2015, Texas ranks fifth, sixth, and fifth in judicial pay for highest appellate courts, intermediate appellate courts, and district courts, respectively, in unadjusted salaries, among the 10 most populous states. **Figure F5** shows judicial salary rankings for each position. However, when salaries are adjusted using a standard cost-of-living index, Texas ranks fourth, fifth, and second in judicial pay for the respective positions.

The Texas intermediate appellate judge salary and the district judge salary shown in **Figure F5** include both state compensation (\$154,000 and \$140,000, respectively) and the maximum county-paid supplement (up to \$9,000 and \$18,000, respectively) for total potential compensation of \$163,000 and \$158,000 for the two positions. Texas justices and judges on the Supreme Court and Court of Criminal Appeals do not receive local salary supplements.

**FIGURE F5**  
SALARIES FOR APPELLATE AND DISTRICT JUDGES IN THE 10 MOST POPULOUS STATES AS OF JULY 2015 FOR OTHER STATES AND AS OF SEPTEMBER 2015 FOR TEXAS

HIGHEST APPELLATE COURT			UNADJUSTED SALARY		COST-OF-LIVING INDEX-ADJUSTED SALARY		
POPULATION RANK	STATE	POPULATION (IN MILLIONS)	SALARY	RANK	ADJUSTMENT FACTOR	ADJUSTED SALARY	ADJUSTED RANK
1	California	39.1	\$230,750	1	134.67	\$171,339	3
2	Texas	27.5	\$168,000	5	101.51	\$165,501	4
3	Florida	20.3	\$162,200	8	104.58	\$155,097	7
4	New York	19.8	\$192,500	4	152.68	\$126,077	10
5	Illinois	12.9	\$220,873	2	112.15	\$196,949	1
6	Pennsylvania	12.8	\$203,409	3	114.83	\$177,140	2
7	Ohio	11.6	\$141,600	9	98.48	\$143,784	8
8	Georgia	10.2	\$167,210	6	103.28	\$161,902	6
9	North Carolina	10.0	\$139,896	10	102.11	\$137,005	9
10	Michigan	9.9	\$164,610	7	100.57	\$163,674	5
INTERMEDIATE APPELLATE COURT			UNADJUSTED SALARY		COST-OF-LIVING INDEX-ADJUSTED SALARY		
POPULATION RANK	STATE	POPULATION (IN MILLIONS)	SALARY	RANK	ADJUSTMENT FACTOR	ADJUSTED SALARY	ADJUSTED RANK
1	California	39.1	\$216,330	1	134.67	\$160,632	4
2	Texas	27.5	\$163,000	6	101.51	\$160,575	5
3	Florida	20.3	\$154,140	7	104.58	\$147,390	7
4	New York	19.8	\$177,900	4	152.68	\$116,515	10
5	Illinois	12.9	\$207,882	2	112.15	\$185,366	1
6	Pennsylvania	12.8	\$191,926	3	114.83	\$167,140	2
7	Ohio	11.6	\$132,000	10	98.48	\$134,036	8
8	Georgia	10.2	\$166,186	5	103.28	\$160,911	3
9	North Carolina	10.0	\$134,109	9	102.11	\$131,337	9
10	Michigan	9.9	\$151,441	8	100.57	\$150,580	6

**FIGURE F5 (CONTINUED)**  
**SALARIES FOR APPELLATE AND DISTRICT JUDGES IN THE 10 MOST POPULOUS STATES**  
**AS OF JULY 2015 FOR OTHER STATES AND AS OF SEPTEMBER 2015 FOR TEXAS**

DISTRICT COURT		UNADJUSTED SALARY			COST-OF-LIVING INDEX-ADJUSTED SALARY		
POPULATION RANK	STATE	POPULATION (IN MILLIONS)	SALARY	RANK	ADJUSTMENT FACTOR	ADJUSTED SALARY	ADJUSTED RANK
1	California	39.1	\$189,041	2	134.67	\$140,369	5
2	Texas	27.5	\$158,000	5	101.51	\$155,650	2
3	Florida	20.3	\$146,080	7	104.58	\$139,683	6
4	New York	19.8	\$174,000	4	152.68	\$113,960	10
5	Illinois	12.9	\$190,758	1	112.15	\$170,096	1
6	Pennsylvania	12.8	\$176,572	3	114.83	\$153,769	3
7	Ohio	11.6	\$121,350	10	98.48	\$123,222	9
8	Georgia	10.2	\$156,252	6	103.28	\$151,292	4
9	North Carolina	10.0	\$126,875	9	102.11	\$124,253	8
10	Michigan	9.9	\$139,919	8	100.57	\$139,123	7

## NOTES:

- (1) Texas salaries include maximum local salary supplements, if applicable.
- (2) Cost-of-living index from the Council for Community and Economic Research, an international membership organization.
- (3) Totals may not sum due to rounding.

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



