



Legislative Appropriations Request

For Fiscal Years 2026-2027

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

by

Office of the State Prosecuting Attorney

August 16, 2024

FY 2026-27 LEGISLATIVE APPROPRIATIONS REQUEST
Office of the State Prosecuting Attorney

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Administrator's Statement

8/15/2024 11:27:34AM

89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney

THE OSPA SUPPORTS THE ENTIRE JUDICIAL BRANCH

Public service is at the heart of what we do, and to continue providing the highest level of service, it is essential that the Judiciary remains strong and well-supported. To ensure the Judiciary remains a cornerstone of this commitment, the Legislature should increase salaries. Adequate funding is crucial in building a solid foundation for a government and retaining top talent that truly serves its citizens. It is only through the combined support of our courts and judicial agencies that the State can effectively and efficiently meet the needs of all Texans.

THE OSPA'S CONTRIBUTIONS AND NEEDS

In 2023, the Office of the State Prosecuting Attorney (OSPA) proudly marked a century of dedicated service to Texas. Staying true to its legacy, the OSPA continues to prioritize its investment in talent, with nearly all its budget allocated to salaries. These salaries are not just numbers; they reflect the invaluable intellectual capital and steadfast commitment of our three attorneys, ensuring the Office's ongoing excellence and leadership in prosecution.

STATEMENT OF GRATITUDE

The Office of State Prosecuting Attorney (OSPA) is grateful for the Legislature's support and funding to continue successfully serving the citizens of Texas, prosecutors, and law enforcement.

STATUTORY AUTHORITY AND ORGANIZATION

The State Prosecuting Attorney (SPA) is appointed by the Court of Criminal Appeals (CCA) and is statutorily directed to represent the State in criminal cases in both the courts of appeals and the Texas Court of Criminal Appeals—the State's highest criminal court. See TEX. GOV'T CODE §§ 42.001, 42.005. The SPA has only two assistant prosecuting attorneys, see *id.*, and one administrative assistant.

DELIVERY OF EXCEPTIONAL REPRESENTATION: THE OSPA'S CRUCIAL ROLE IN THE DEVELOPMENT OF CRIMINAL JURISPRUDENCE

The OSPA is dedicated to ensuring strict adherence to Texas's criminal statutes and the proper application of constitutional law in a way that supports prosecutors and law enforcement across the state. Our work is centered on filing petitions for discretionary review (PDRs) in the Court of Criminal Appeals (CCA), each meticulously crafted to persuade the Court to address significant legal issues and ultimately rule in the State's favor. In those rare instances where the merits of an issue and policy considerations are evenly balanced, we present both sides, emphasizing the importance of establishing clear guidelines for the judiciary and legal community.

With a deep understanding of CCA precedent, institutional processes, and history, the OSPA carefully selects cases to present, particularly when an intermediate court of appeals has rendered a decision unfavorable to the State.

Our statewide jurisdiction means that our caseload includes matters from both large and small counties. In smaller jurisdictions, where resources and expertise may be limited, the OSPA steps in to handle complex appellate issues in the CCA. Even in larger jurisdictions, where these constraints are less prevalent, we collaborate to craft the best litigation strategies and develop consistent positions on broad procedural and substantive issues.

During the 2023 and 2024 fiscal years (thus far), the OSPA filed 30 briefs and 36 briefs and has reviewed approximately 570 appellate court opinions from the intermediate courts and the Texas Court of Criminal Appeals.

Administrator's Statement

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INTERDEPENDENCY WITH LOCALLY ELECTED PROSECUTORS

The OSPA also regularly supports local prosecutors by offering legal advice and reviewing and refining PDRs and briefs to ensure they meet the highest standards. Importantly, due to its statewide-level position, the OSPA can crowdsource support from local prosecutors in cases that affect their day-to-day operations.

THE OSPA'S CURRENT BUDGET-SAVING EFFORTS

The SPA continues to reduce expenditures by attending only complimentary continuing legal education conferences or attending ones as a presenter.

THE OSPA'S EXCEPTIONAL ITEMS

1. INCREASE STRATEGY A.1.2. STATE PROSECUTOR'S SALARY APPROPRIATION

In the 2020-2021 biennium, Article IX, Sec 18.25 Contingency for HB 2384 created Strategy A.1.2. State Prosecutor's Salary. The bill tied the State Prosecutor's compensation to the Comptroller's Judicial Compensation Package. Since A.1.2. is Estimated and Non-Transferable, the Comptroller will need to increase A.1.2. appropriation to cover the salary and longevity increase to annualize the tier-level change experienced in mid-2025.

The State Prosecuting Attorney exempt salary cap is currently set at \$154,000. OSPA requests that the cap be increased to \$168,000 to cover the salary increase set to occur in fiscal years 2026 and 2027. This cap is driven by tenure set in Texas Government Code, Section 659.012, rather than the exempt salary group schedule in Article IX.

2. 6% JUDICIAL WIDE INCREASE

Objective: Maintain a highly experienced workforce and ensure the ability to recruit an attorney with 10-15 years of criminal appellate experience if needed.

Context: This is especially important because (1) costs have increased significantly due to inflation, (2) the caliber and complexity of the cases the SPA handles, and the added pressures of high ethical and confidentiality standards and risk to personal security and privacy that accompany working in the judicial branch as a prosecutor, and (3) one of the SPA's attorneys is running for the Third Court of Appeals Place 2 and may need to be replaced if elected.

Two Assistant Prosecutors' Salary Justification

Critical to Success: Competitive salaries are crucial for retaining the Office's prominence and continuity, reflecting the unmatched intellectual capital of its three attorneys.

Comparative Salaries to the SPA General Counsel IV \$135,577 Salaries

Texas Supreme Court General Counsel IV: \$153,956

Court of Criminal Appeals General Counsel III: \$153,956

Thirteenth Court of Appeals General Counsel III: \$142,500

Turnover Concern: The SPA anticipates potential impact from Article IV's average 2023 turnover rate of 16.97%.

Single Administrative Assistant Justification

Essential Support: The administrative assistant is vital due to the SPA's wide-ranging responsibilities, including roles such as Executive Director, CFO, CEO, COO, HR, and ensuring compliance with reporting and auditing requirements.

Specialized Knowledge: Assisting three attorneys requires familiarity with the criminal justice system, case dispositions, appellate procedures, and legal document management.

Impact of Loss: The loss of the current assistant would severely disrupt the SPA's workflow and overall efficiency.

Administrator's Statement

8/15/2024 11:27:34AM

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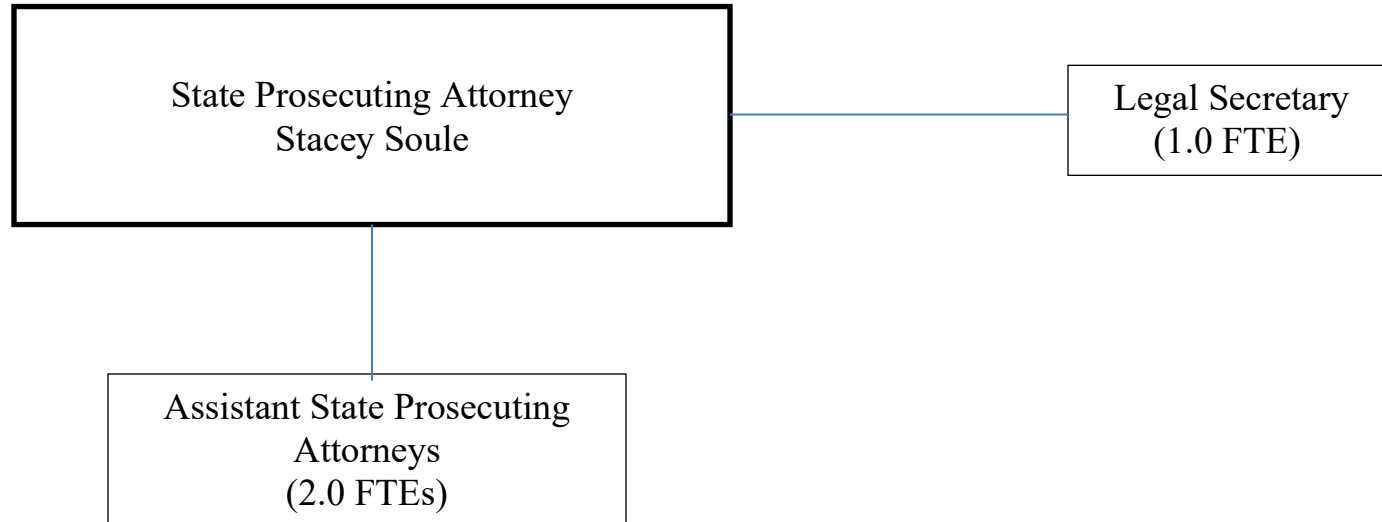
213 Office of the State Prosecuting Attorney

CARRY-OVER AUTHORITY IS RESPECTFULLY REQUESTED

Finally, the SPA asks to retain the authority to carry over unexpended balances within the biennium to ensure flexibility within its already tight budget .

ORGANIZATIONAL CHART

Office of the State Prosecuting Attorney





C E R T I F I C A T E

Agency Name Office of the State Prosecuting Attorney

This is to certify that the information contained in the agency Legislative Appropriations Request filed with the Legislative Budget Board (LBB) and the Office of the Governor, Budget and Policy Division, is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Office of the Governor will be notified in writing in accordance with House Bill 1, Article IX, Section 7.01, Eighty-eighth Legislature, Regular Session, 2023.

Chief Executive Office or Presiding Judge

Board or Commission Chair

Stacy Soule

Signature

Signature

Stacey Soule

Printed Name

Printed Name

State Prosecuting Attorney

Title

Title

August 16, 2024

Date

Date

Chief Financial Officer

Signature

Printed Name

Title

Date

Budget Overview - Biennial Amounts
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney
Appropriation Years: 2026-27

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS	
	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2026-27	
Goal: 1. Representation of the State before the Court of Criminal Appeals												
1.1.1. Representation Before Cca	657,245	673,396					45,000	45,000	702,245	718,396		37,776
1.1.2. State Prosecutor Salary	328,162	328,162							328,162	328,162		18,458
Total, Goal	985,407	1,001,558					45,000	45,000	1,030,407	1,046,558		56,234
Total, Agency	985,407	1,001,558					45,000	45,000	1,030,407	1,046,558		56,234
Total FTEs									4.0	4.0		0.0

2.A. Summary of Base Request by Strategy

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney

Goal / Objective / STRATEGY	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
1 Representation of the State before the Court of Criminal Appeals					
1 Representation of the State before the Court of Criminal Appeals					
1 REPRESENTATION BEFORE CCA	337,561	329,165	373,080	359,198	359,198
2 STATE PROSECUTOR SALARY	158,710	158,770	169,392	158,770	169,392
TOTAL, GOAL 1	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590
TOTAL, AGENCY STRATEGY REQUEST	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590

2.A. Summary of Base Request by Strategy

8/15/2024 11:28:07AM

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

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Goal / Objective / STRATEGY	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	465,771	473,435	511,972	495,468	506,090
SUBTOTAL	\$465,771	\$473,435	\$511,972	\$495,468	\$506,090
Other Funds:					
777 Interagency Contracts	30,500	14,500	30,500	22,500	22,500
SUBTOTAL	\$30,500	\$14,500	\$30,500	\$22,500	\$22,500
TOTAL, METHOD OF FINANCING	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590

*Rider appropriations for the historical years are included in the strategy amounts.

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 11:28:08AM

Agency code: **213** Agency name: **Office of the State Prosecuting Attorney**

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
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GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$448,710	\$0	\$0	\$0	\$0
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Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$479,317	\$506,090	\$0	\$0
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Regular Appropriations from MOF Table (2026-27 GAA)

\$0	\$0	\$0	\$495,468	\$506,090
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TRANSFERS

SB 30, 88th Leg, Regular Session

\$2,426	\$0	\$0	\$0	\$0
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Comments: 5% sal inc TRNSF in APR 13001

LAPSED APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$(3,991)	\$0	\$0	\$0	\$0
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UNEXPENDED BALANCES AUTHORITY

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: 213		Agency name: Office of the State Prosecuting Attorney				
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>GENERAL REVENUE</u>						
A.1.1. Representation Before CCA (2022-23 GAA)		\$18,626	\$0	\$0	\$0	\$0
Art IV, Special Provisions - Judiciary Section, Unexpended Balances Authority (2024-25 GAA)		\$0	\$(5,882)	\$5,882	\$0	\$0
TOTAL,	General Revenue Fund	\$465,771	\$473,435	\$511,972	\$495,468	\$506,090
TOTAL, ALL	GENERAL REVENUE	\$465,771	\$473,435	\$511,972	\$495,468	\$506,090

OTHER FUNDS

777 Interagency Contracts
REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)		\$22,500	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2024-25 GAA)		\$0	\$22,500	\$22,500	\$0	\$0

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 11:28:08AM

Agency code: **213** Agency name: **Office of the State Prosecuting Attorney**

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>OTHER FUNDS</u>					
Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$0	\$0	\$22,500	\$22,500
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art IX, Sec 14.05, UB Authority within the Same Biennium (2022-23 GAA)	\$8,000	\$0	\$0	\$0	\$0
Art IX, Sec 14.05, UB Authority within the Same Biennium (2024-25 GAA)	\$0	\$(8,000)	\$8,000	\$0	\$0
TOTAL, Interagency Contracts	\$30,500	\$14,500	\$30,500	\$22,500	\$22,500
TOTAL, ALL OTHER FUNDS	\$30,500	\$14,500	\$30,500	\$22,500	\$22,500
GRAND TOTAL	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 11:28:08AM

Agency code: 213	Agency name: Office of the State Prosecuting Attorney				
METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2022-23 GAA)	4.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2024-25 GAA)	0.0	4.0	4.0	0.0	0.0
Regular Appropriations from MOF Table (2026-27 GAA)	0.0	0.0	0.0	4.0	4.0
TOTAL, ADJUSTED FTES	4.0	4.0	4.0	4.0	4.0

**NUMBER OF 100% FEDERALLY FUNDED
 FTEs**

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

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89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

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OBJECT OF EXPENSE	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1001 SALARIES AND WAGES	\$423,000	\$448,252	\$474,681	\$464,403	\$474,681
1002 OTHER PERSONNEL COSTS	\$15,952	\$5,230	\$5,420	\$5,590	\$6,500
2001 PROFESSIONAL FEES AND SERVICES	\$410	\$650	\$650	\$650	\$650
2003 CONSUMABLE SUPPLIES	\$690	\$690	\$690	\$690	\$690
2005 TRAVEL	\$1,538	\$2,570	\$2,570	\$2,570	\$2,570
2007 RENT - MACHINE AND OTHER	\$706	\$706	\$1,060	\$1,060	\$1,060
2009 OTHER OPERATING EXPENSE	\$53,975	\$29,837	\$57,401	\$43,005	\$42,439
OOE Total (Excluding Riders)	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590
OOE Total (Riders)					
Grand Total	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590

2.D. Summary of Base Request Objective Outcomes

8/15/2024 11:28:09AM

89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

213 Office of the State Prosecuting Attorney

Goal/ Objective / Outcome	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1 Representation of the State before the Court of Criminal Appeals					
<i>1 Representation of the State before the Court of Criminal Appeals</i>					
KEY 1 Petitions for Discretionary Review Granted by the Ct Criminal Appeals					
	14.00	17.00	17.00	17.00	17.00

2.E. Summary of Exceptional Items Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
 TIME : 11:28:09AM

Agency code: 213

Agency name: Office of the State Prosecuting Attorney

Priority	Item	2026			2027			Biennium	
		GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds	FTEs	GR and GR/Dedicated	All Funds
1	Inflation Relief	\$18,888	\$18,888		\$18,888	\$18,888		\$37,776	\$37,776
2	SPA Supplement	\$14,450	\$14,450		\$4,008	\$4,008		\$18,458	\$18,458
Total, Exceptional Items Request		\$33,338	\$33,338		\$22,896	\$22,896		\$56,234	\$56,234

Method of Financing

General Revenue	\$33,338	\$33,338		\$22,896	\$22,896		\$56,234	\$56,234
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$33,338	\$33,338		\$22,896	\$22,896		\$56,234	\$56,234

Full Time Equivalent Positions

Number of 100% Federally Funded FTEs

2.F. Summary of Total Request by Strategy
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/15/2024
 TIME : 11:28:10AM

Agency code: 213 Agency name: Office of the State Prosecuting Attorney

Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
1 Representation of the State before the Court of Criminal Appeals						
<i>1 Representation of the State before the Court of Criminal Appeals</i>						
1 REPRESENTATION BEFORE CCA	\$359,198	\$359,198	\$18,888	\$18,888	\$378,086	\$378,086
2 STATE PROSECUTOR SALARY	158,770	169,392	14,450	4,008	173,220	173,400
TOTAL, GOAL 1	\$517,968	\$528,590	\$33,338	\$22,896	\$551,306	\$551,486
TOTAL, AGENCY STRATEGY REQUEST	\$517,968	\$528,590	\$33,338	\$22,896	\$551,306	\$551,486
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$517,968	\$528,590	\$33,338	\$22,896	\$551,306	\$551,486

2.F. Summary of Total Request by Strategy
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/15/2024
 TIME : 11:28:10AM

Agency code: 213		Agency name: Office of the State Prosecuting Attorney				
Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
General Revenue Funds:						
1 General Revenue Fund	\$495,468	\$506,090	\$33,338	\$22,896	\$528,806	\$528,986
	\$495,468	\$506,090	\$33,338	\$22,896	\$528,806	\$528,986
Other Funds:						
777 Interagency Contracts	22,500	22,500	0	0	22,500	22,500
	\$22,500	\$22,500	\$0	\$0	\$22,500	\$22,500
TOTAL, METHOD OF FINANCING	\$517,968	\$528,590	\$33,338	\$22,896	\$551,306	\$551,486
FULL TIME EQUIVALENT POSITIONS	4.0	4.0	0.0	0.0	4.0	4.0

2.G. Summary of Total Request Objective Outcomes
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/15/2024
 Time: 11:28:10AM

Agency code: **213** Agency name: **Office of the State Prosecuting Attorney**

Goal/ Objective / Outcome

	BL	BL	Excp	Excp	Total	Total
	2026	2027	2026	2027	Request	Request
					2026	2027
1	Representation of the State before the Court of Criminal Appeals					
1	<i>Representation of the State before the Court of Criminal Appeals</i>					
KEY	1 Petitions for Discretionary Review Granted by the Ct Criminal Appeals					
	17.00	17.00			17.00	17.00

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals Service Categories:
 STRATEGY: 1 Representation of the State before the Court of Criminal Appeals Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Output Measures:						
KEY 1	Number of Briefs Filed in All Appellate Courts by the SPA	17.00	24.00	20.00	20.00	20.00
2	Number of Petitions for Discretionary Review Filed by the SPA	13.00	16.00	24.00	24.00	24.00
Explanatory/Input Measures:						
1	Number of Court of Criminal Appeals Cases Reviewed	158.00	128.00	128.00	128.00	128.00
2	Number of Court of Appeals Cases Reviewed	119.00	200.00	200.00	200.00	200.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$269,000	\$294,242	\$310,393	\$310,393	\$310,393
1002	OTHER PERSONNEL COSTS	\$13,552	\$2,780	\$2,780	\$3,140	\$3,860
2001	PROFESSIONAL FEES AND SERVICES	\$410	\$650	\$650	\$650	\$650
2003	CONSUMABLE SUPPLIES	\$690	\$690	\$690	\$690	\$690
2005	TRAVEL	\$1,538	\$2,570	\$2,570	\$2,570	\$2,570
2007	RENT - MACHINE AND OTHER	\$706	\$706	\$1,060	\$1,060	\$1,060
2009	OTHER OPERATING EXPENSE	\$51,665	\$27,527	\$54,937	\$40,695	\$39,975
TOTAL, OBJECT OF EXPENSE		\$337,561	\$329,165	\$373,080	\$359,198	\$359,198

Method of Financing:

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals Service Categories:
 STRATEGY: 1 Representation of the State before the Court of Criminal Appeals Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1	General Revenue Fund	\$307,061	\$314,665	\$342,580	\$336,698	\$336,698
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$307,061	\$314,665	\$342,580	\$336,698	\$336,698
Method of Financing:						
777	Interagency Contracts	\$30,500	\$14,500	\$30,500	\$22,500	\$22,500
SUBTOTAL, MOF (OTHER FUNDS)		\$30,500	\$14,500	\$30,500	\$22,500	\$22,500
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$359,198	\$359,198
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$337,561	\$329,165	\$373,080	\$359,198	\$359,198
FULL TIME EQUIVALENT POSITIONS:		3.0	3.0	3.0	3.0	3.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Office of the State Prosecuting Attorney (SPA) is statutorily authorized, either alone or with the assistance of local district and county attorneys, to represent the State in criminal cases in the fourteen courts of appeals and in the Court of Criminal Appeals. See Tex.Gov't Code §§ 42.001, 42.005.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The Office of the State Prosecuting Attorney is a four-person agency with highly specialized staff. The main factor that drives this strategy is the need to attract and retain highly knowledgeable attorneys to represent the State in the most important and complex criminal appellate cases.

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals Service Categories:
 STRATEGY: 1 Representation of the State before the Court of Criminal Appeals Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2024 + Bud 2025)</u>	<u>Baseline Request (BL 2026 + BL 2027)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$702,245	\$718,396	\$16,151	\$16,151	Biennialize FY2024-25 Salary Adjustments from GR Limit
			\$16,151	Total of Explanation of Biennial Change

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals Service Categories:
 STRATEGY: 2 State Prosecutor Salary. Estimated and Nontransferable Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Objects of Expense:						
1001	SALARIES AND WAGES	\$154,000	\$154,010	\$164,288	\$154,010	\$164,288
1002	OTHER PERSONNEL COSTS	\$2,400	\$2,450	\$2,640	\$2,450	\$2,640
2009	OTHER OPERATING EXPENSE	\$2,310	\$2,310	\$2,464	\$2,310	\$2,464
TOTAL, OBJECT OF EXPENSE		\$158,710	\$158,770	\$169,392	\$158,770	\$169,392
Method of Financing:						
1	General Revenue Fund	\$158,710	\$158,770	\$169,392	\$158,770	\$169,392
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$158,710	\$158,770	\$169,392	\$158,770	\$169,392
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$158,770	\$169,392
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$158,710	\$158,770	\$169,392	\$158,770	\$169,392
FULL TIME EQUIVALENT POSITIONS:		1.0	1.0	1.0	1.0	1.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The State Prosecuting Attorney is entitled to receive from the state a salary in an amount equal to the state annual salary as set by the General Appropriations Act (in accordance with Section Texas Government Code Section 659.012) paid to a district judge with comparable years of service as the State Prosecuting Attorney. See TEX. GOV'T CODE § 46.003.

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals Service Categories:
 STRATEGY: 2 State Prosecutor Salary. Estimated and Nontransferable Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The State Prosecuting Attorney must have at least five years’ experience in criminal law in Texas. TEX. GOV’T CODE § 42.001(b). In addition to experience in criminal law generally, expertise in criminal appellate law and post-conviction habeas corpus law is required to represent the State’s interests. Further, as the agency head, the SPA acts in an administrative capacity as the agency’s CEO, CFO, CIO, COO, human resources officer, open records officer, etc.

EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2024 + Bud 2025)	Baseline Request (BL 2026 + BL 2027)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$328,162	\$328,162	\$0	\$0	Total of Explanation of Biennial Change

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590
METHODS OF FINANCE (INCLUDING RIDERS):				\$517,968	\$528,590
METHODS OF FINANCE (EXCLUDING RIDERS):	\$496,271	\$487,935	\$542,472	\$517,968	\$528,590
FULL TIME EQUIVALENT POSITIONS:	4.0	4.0	4.0	4.0	4.0

4.A. Exceptional Item Request Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/15/2024**
 TIME: **2:04:34PM**

Agency code: **213** Agency name: **Office of the State Prosecuting Attorney**

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: Judiciary-wide Inflation Relief and Staff Retention and Recruitment Item Priority: 1 IT Component: No Anticipated Out-year Costs: Yes Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-01 Representation of the State before the Court of Criminal Appeals		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	18,609	18,609
2009	OTHER OPERATING EXPENSE	279	279
TOTAL, OBJECT OF EXPENSE		\$18,888	\$18,888
METHOD OF FINANCING:			
1	General Revenue Fund	18,888	18,888
TOTAL, METHOD OF FINANCING		\$18,888	\$18,888

DESCRIPTION / JUSTIFICATION:

SPA Judicial-Branch-Wide Staff Salary 6% Increase Request

Objective: Maintain a highly experienced workforce and ensure the ability to recruit an attorney with 10-15 years of criminal appellate experience if needed.

Context: This is especially important because (1) costs have increased significantly due to inflation, (2) the caliber and complexity of the cases the SPA handles, and the added pressures of high ethical and confidentiality standards and risk to personal security and privacy that accompany working in the judicial branch as a prosecutor, and (3) one of the SPA's attorneys is running for the Third Court of Appeals Place 2 and may need to be replaced if elected.

Two Assistant Prosecutors' Salary Justification

Critical to Success: Salaries are crucial for retaining the Office's prominence and continuity, reflecting the unmatched intellectual capital of its three attorneys.

Comparative Salaries to the SPA General Counsel IV \$135,577 Salaries

Texas Supreme Court General Counsel IV: \$153,956

Court of Criminal Appeals General Counsel III: \$153,956

Thirteenth Court of Appeals General Counsel III: \$142,500

Turnover Concern: The SPA anticipates potential impact from Article IV's average 2023 turnover rate of 16.97%.

Single Administrative Assistant Justification

Essential Support: The administrative assistant is vital due to the SPA's wide-ranging responsibilities, including roles such as Executive Director, CFO, CEO, COO, HR, and ensuring compliance with reporting and auditing requirements.

Specialized Knowledge: Assisting three attorneys requires familiarity with the criminal justice system, case dispositions, appellate procedures, and legal document management.

Agency code: **213** Agency name: **Office of the State Prosecuting Attorney**

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2026</u>	<u>Excp 2027</u>
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Impact of Loss: The loss of the current assistant would severely disrupt the SPA's workflow and overall efficiency.

EXTERNAL/INTERNAL FACTORS:

Assistant Prosecutors: The OSPA faces the risk of losing key employees to larger agencies or the private sector due to higher salaries. Given the agency's significant role in representing the State before the Texas Court of Criminal Appeals, only a few attorneys are qualified for the General Counsel IV position. Therefore, the two OSPA Assistant Prosecutors, with a combined 30 years of specialized experience, are nearly irreplaceable. Their retention is essential for the agency's continued success.

Administrative Assistant: Keeping the sole administrative assistant is crucial for the OSPA's daily operations and continuity. When this position turns over, the three attorneys must take on administrative tasks, which detracts from their core legal work. Additionally, training a new assistant reduces the attorneys' productivity. For a small agency like the OSPA, the administrative assistant's role is vital to maintaining its statutory duties.

PCLS TRACKING KEY:

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Ongoing salary and benefit costs.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2028	2029	2030
\$18,888	\$18,888	\$18,888

4.A. Exceptional Item Request Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
 TIME: 11:28:48AM

Agency code: 213 Agency name: Office of the State Prosecuting Attorney

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: State Prosecuting Attorney Salary Supplement Item Priority: 2 IT Component: No Anticipated Out-year Costs: Yes Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-02 State Prosecutor Salary. Estimated and Nontransferable		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	13,990	3,712
1002	OTHER PERSONNEL COSTS	250	240
2009	OTHER OPERATING EXPENSE	210	56
TOTAL, OBJECT OF EXPENSE		\$14,450	\$4,008
METHOD OF FINANCING:			
1	General Revenue Fund	14,450	4,008
TOTAL, METHOD OF FINANCING		\$14,450	\$4,008

DESCRIPTION / JUSTIFICATION:

In the 2020-2021 biennium, Article IX, Sec 18.25 Contingency for HB 2384 created Strategy A.1.2. State Prosecutor's Salary. The bill tied the State Prosecutor's compensation to the Comptroller's Judicial Compensation Package. Since A.1.2. is Estimated and Non-Transferable, the Comptroller will need to increase A.1.2. appropriation to cover the longevity increase as well as the salary and benefits increase due to the tier level change experienced mid-2025.

EXTERNAL/INTERNAL FACTORS:

Any internal and external factors are discussed above.

PCLS TRACKING KEY:

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Ongoing salary and benefit costs.

4.A. Exceptional Item Request Schedule
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/15/2024**
TIME: **11:28:48AM**

Agency code: **213**

Agency name: **Office of the State Prosecuting Attorney**

CODE	DESCRIPTION	Excp 2026	Excp 2027
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ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2028	2029	2030
\$14,300	\$4,202	\$14,540

Agency code: 213 Agency name: Office of the State Prosecuting Attorney

Code	Description	Excp 2026	Excp 2027
Item Name: Judiciary-wide Inflation Relief and Staff Retention and Recruitment			
Allocation to Strategy: 1-1-1 Representation of the State before the Court of Criminal Appeals			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	18,609	18,609
2009	OTHER OPERATING EXPENSE	279	279
TOTAL, OBJECT OF EXPENSE		\$18,888	\$18,888
METHOD OF FINANCING:			
1	General Revenue Fund	18,888	18,888
TOTAL, METHOD OF FINANCING		\$18,888	\$18,888

Agency code: 213 Agency name: Office of the State Prosecuting Attorney

Code	Description	Excp 2026	Excp 2027
Item Name: State Prosecuting Attorney Salary Supplement			
Allocation to Strategy: 1-1-2 State Prosecutor Salary. Estimated and Nontransferable			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	13,990	3,712
1002	OTHER PERSONNEL COSTS	250	240
2009	OTHER OPERATING EXPENSE	210	56
TOTAL, OBJECT OF EXPENSE		\$14,450	\$4,008
METHOD OF FINANCING:			
1 General Revenue Fund		14,450	4,008
TOTAL, METHOD OF FINANCING		\$14,450	\$4,008

4.C. Exceptional Items Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
TIME: 11:28:49AM

Agency Code: **213** Agency name: **Office of the State Prosecuting Attorney**

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals
 STRATEGY: 1 Representation of the State before the Court of Criminal Appeals

Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Exp 2026	Exp 2027
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	18,609	18,609
2009 OTHER OPERATING EXPENSE	279	279
Total, Objects of Expense	\$18,888	\$18,888

METHOD OF FINANCING:

1 General Revenue Fund	18,888	18,888
Total, Method of Finance	\$18,888	\$18,888

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Inflation Relief

4.C. Exceptional Items Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/15/2024
TIME: 11:28:49AM

Agency Code: **213** Agency name: **Office of the State Prosecuting Attorney**

GOAL: 1 Representation of the State before the Court of Criminal Appeals

OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals

Service Categories:

STRATEGY: 2 State Prosecutor Salary. Estimated and Nontransferable

Service: NA Income: NA Age: NA

CODE DESCRIPTION	Exp 2026	Exp 2027
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	13,990	3,712
1002 OTHER PERSONNEL COSTS	250	240
2009 OTHER OPERATING EXPENSE	210	56
Total, Objects of Expense	\$14,450	\$4,008

METHOD OF FINANCING:

1 General Revenue Fund	14,450	4,008
Total, Method of Finance	\$14,450	\$4,008

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

State Prosecuting Attorney Salary Supplement

6.A. Historically Underutilized Business Supporting Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/15/2024
 Time: 11:28:51AM

Agency Code: 213 Agency: Office of the State Prosecuting Attorney

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2022			Total Expenditures FY 2022		HUB Expenditures FY 2023			Total Expenditures FY 2023	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2023		
11.2%	Heavy Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
21.1%	Building Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
32.9%	Special Trade	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
23.7%	Professional Services	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$4,103	26.0 %	0.0%	-26.0%	\$0	\$6,521	
21.1%	Commodities	21.1 %	0.0%	-21.1%	\$0	\$0	21.1 %	0.0%	-21.1%	\$0	\$380	
	Total Expenditures		0.0%		\$0	\$4,103		0.0%		\$0	\$6,901	

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

Special Prosecuting Attorney Office (SPA) attained or exceeded 0 of 2 or 0.00% of its applicable HUB procurement goals in fiscal year 2022. SPA attained or exceeded 1 of 2 or 50% of its applicable HUB procurement goals for FY23.

Applicability:

Heavy Construction, Building Construction, Special Trade Professional Services: These categories were not applicable to SPA operations in either FY22 or FY23. SPA does not have any strategies or programs related to these categories.

Factors Affecting Attainment:

Other services: SPA's performance in FY22 of 0% did not exceed the statewide goal of 26.00%. SPA'S FY23 performance of 0 % did not exceed the statewide goal of 26.00% in this category.

Commodities: SPA achieved a HUB expenditure percentage of 0.00% in FY22, which did not exceed the statewide goal for this category of 21.10%. In FY23 SPA had HUB expenditures in this category of 100%.

The procurements for FY22 and FY23 for SPA are specialized and do not include the capability to search for HUBs.

Agency Code: **213** Agency: **Office of the State Prosecuting Attorney**

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

SPA has no current Mentor Protégé program participants at this time.

HUB Program Staffing:

The Office of Court Administration (OCA) currently handles the procurements for this agency. SPA currently has no full or part time Procurement or HUB Coordinator.

Current and Future Good-Faith Efforts:

OCA will continue to procure for SPA with a good faith effort to use HUBS when possible.