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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/06

SPONSOR Balderas LAST UPDATED \_\_\_\_\_ HB 458

SHORT TITLE Fourth Judicial District Attorney Full-Time SB \_\_\_\_\_

Employees ANALYST Medina

### APPROPRIATION (dollars in thousands)

| Appropriation |         | Recurring<br>or Non-Rec | Fund<br>Affected |
|---------------|---------|-------------------------|------------------|
| FY06          | FY07    |                         |                  |
|               | \$158.0 | Recurring               | General Fund     |
|               |         |                         |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Fourth Judicial District Attorney (4<sup>th</sup> JDA)  
Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Bill 458 appropriates \$158.0 from the general fund to the Fourth Judicial District Attorney for the purpose of providing salaries and benefits for 3 additional FTE; a special program director, a victim advocate and a prosecution assistant. The additional prosecution assistant would assist in the prosecution of domestic violence cases.

### FISCAL IMPLICATIONS

The appropriation of \$158.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year shall revert to the general fund.

The Fourth DA requested these 3 additional positions as base expansion in their FY07 appropriation request at a total cost of \$147.0. Neither the LFC nor the Executive recommended these expansion items. The LFC recommended \$2,584.4 in total general fund appropriations, a 2.6 percent increase over the FY06 operating level. The Executive recommended general fund appropriations of \$2,517.8, a 0 percent increase over FY06.

## **SIGNIFICANT ISSUES**

**Prosecution Assistant/Compliance Monitor.** According to the Fourth Judicial District Attorney, the office received federal Violence Against Women Act (VAWA) grant funding totaling \$34.7 in FY06. Given historic cuts in this policy area at the federal level, the agency is concerned about the potential loss of these federal funds as it would entail the loss of a position in the office that is crucial to the office and to the community. According to the agency, such a loss would hinder the agency’s ability to effectively monitor domestic violence offenders.

**Special Program Director.** The FTE and nonrecurring funding for this position was appropriated in FY06. According to the agency, this position has already had a significant positive impact on the office, wherein the incumbent has been assigned to assist all attorneys in the implementation and maintenance of a new program wherein the office maintains a “hot list” of criminal offenders, and monitors the offenders while on conditions of release. The incumbent reviews all bench warrants in the office, in order to assist the courts and attorneys in locating individuals with outstanding warrants, and is responsible for overseeing office security and maintenance.

**Victim Advocate.** The requested appropriation for this position is to replace federal Victims of Crime Act (VOCA) grant funding with general fund support. The duties of the victim advocate include assisting victims of crime and assisting in the completion of packets sent by the district attorney to the Crime Victims Reparation Commission; assisting victims in all court proceedings; filing court documents upon preparation; distributing discovery to defense counsel; requesting and scheduling of court hearings and notification to victims; and maintaining a calendar and complete maintenance of criminal cases from beginning to end. In FY05, the victim advocate provided services for 475 victims.

## **ADMINISTRATIVE IMPLICATIONS**

The Administrative Office of the Courts (AOC) states that the judiciary supports efforts to properly fund the office of the district attorneys and the Public Defender Department and believes that it is important that all entities within the criminal justice system be provided adequate resources. Furthermore, according to AOC, adequate funding for the Fourth DA could reduce delays in processing domestic violence cases for the court.

## **RELATIONSHIP**

Relates to the appropriation to the Fourth DA in Section 4 of the General Appropriation Act.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If this bill is not enacted, future funding of these three positions, which are currently supported by federal grant funds, may be in jeopardy.

## **POSSIBLE QUESTIONS**

What is the forecasted support from VAWA and VOCA federal grant funding?

DXM/nt