



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

TO: State and County Judges
County Treasurers and Auditors
FROM: David Slayton
RE: Effect of Judicial Pay Raise Bill (House Bill 2384, 86th Legislature)
DATE: July 16, 2019

The 86th Texas Legislature enacted a new salary structure for the Texas judiciary that takes effect September 1, 2019. The new salary structure rewards continued service by providing a salary increase for judges who have 4 or more years of service and increases the amount of longevity pay for state judges. The bill also reduced the number of years of actual service needed to be entitled to longevity pay from 16 years to 12 years.

The bill makes the current district judge state salary (\$140,000) the new “base salary” and uses the base salary as a benchmark for salary increases based on years of service. The following is a summary of the changes made by the bill to the salaries of district, county court at law, and statutory probate court judges.

DISTRICT COURT JUDGES

Salary: (Tex. Gov’t Code Sec. 659.012)

District Judge	State Salary	State Longevity Pay	Max County Supplement	Total Max Comp
Base Salary (0-4 years)	\$140,000	\$0	\$18,000	\$158,000
4-8 years	\$154,000	\$0	\$18,000	\$172,000
8+ years	\$168,000	\$0	\$18,000	\$186,000
12+ years (longevity)	\$168,000	\$8,400	\$18,000	\$194,400

How to Calculate Years of Service:

Years of service for purposes of determining the appropriate tier include years of contributing service credit in the Judicial Retirement System Plan I or Plan II while serving as a state district or appellate judge, and years of service as a judge of a statutory county court, multicounty statutory county court, or statutory probate court. It does not include other established service credit, such as military service credit under Secs. 833.103 and 838.103, Tex. Gov’t Code. It also **does not include** service as a municipal judge, justice of the peace, constitutional county court judge, associate judge, referee, master, or magistrate.

Effective Date of Salary Increases: (Tex. Gov’t Code Sec. 659.012(b))

A district or appellate judge or justice is entitled to the increased salary beginning with the pay period following the date the judge accrues the years of service for the higher tier.

District Judge County Supplement: (Tex. Gov't Code Sec. 659.012(a)(1) and 32.001)

HB 2384 did not affect the county supplement amount allowed under Sec. 32.001, Tex. Gov't Code - district judges are still eligible to receive up to \$18,000 annually in county supplements. As is the case under current law, any supplement amount over \$18,000 will result in the district judge's state salary being reduced to maintain the salary differential between district court and court of appeals justices imposed by Sec. 659.012(a)(1), Tex. Gov't Code.

COUNTY COURT AT LAW JUDGES (CCAL)

Salary: (Tex. Gov't Code Sec. 25.0005)

CCAL	Min County Salary (assuming max DJ county supplement)*	Max County Salary
Base Salary (0-4 years)	\$157,000	\$193,400
4-8 years	\$171,000	\$193,400
8+ years	\$185,000	\$193,400
12+ years (longevity)	\$185,000	\$193,400

*If a district judge is not receiving the maximum county supplement amount of \$18,000, the minimum county salary amount for a CCAL judge should be reduced by the difference between the maximum county supplement allowed (\$18,000) and the actual county supplement amount being paid to the district judge.

Minimum Salary: (Tex. Gov't Code Sec. 25.0005(a))

Consistent with current law, a CCAL judge's minimum salary is \$1,000 less than the sum of the annual salary for a district judge with comparable years of service as the CCAL judge plus any state and county contributions and supplements paid to a district judge in the county. This is a minimum salary – a CCAL judge may receive a higher salary than the minimum to which the CCAL judge is entitled. (Note that for purposes of this calculation: 1) the total amount of the county supplement received under Sec. 32.001, Tex. Gov't Code, by a district judge of a multicounty judicial district should be included even if the CCAL judge's county only contributes a portion or none of the district judge's supplement amount; and 2) the salary paid to a regional presiding judge for his or her service as a regional presiding judge is not considered a state or county supplement or contribution).

Maximum Salary: (Tex. Gov't Code Sec. 25.0005(a-2))

HB 2384 added a maximum salary for CCAL judges of \$1,000 less than the highest salary a district judge can earn (highest salary tier with maximum county supplement plus longevity). For the 2020-21 biennium, a CCAL judge's maximum salary is \$193,400 ([DJ Salary of \$168,000 + County Supplement of \$18,000 + Longevity Pay of \$8,400] - \$1,000).

How to Calculate Years of Service: (Tex. Gov't Code Sec. 25.0005(a))

Years of service for purposes of determining the appropriate salary tier include any years of service as a justice or judge of an appellate court, district court, statutory county court, multicounty statutory county court, or statutory probate court. It does not include other established service credit, such as military service credit under Secs. 833.103 and 838.103, Tex. Gov't Code. It **does not include** service as a municipal judge, justice of the peace, constitutional county court judge, associate judge, referee, master, or magistrate.

Effective Date of Salary Increases: (Tex. Gov't Code Sec. 25.0005(a-1))

A CCAL judge is entitled to the increased salary on the first day of the county's fiscal year following the date the CCAL judge becomes eligible for the higher salary. For purposes of implementing HB 2384's new salary requirements, CCAL judges in counties with fiscal years that start on September 1, 2019, will be entitled to the new salary on September 1, 2019. Those in counties with fiscal years that start in October or January will be entitled to the new salary minimum on October 1, 2019, or January 1, 2020, respectively.

State Contribution Toward Salary: (Tex. Gov't Code Sec. 25.0015)

HB 2384 sets the amount of the state contribution provided to counties for each CCAL judge in the county at 60% of a district judge's base pay. The state contribution remains the same regardless of which salary tier the CCAL judge falls under. Because a district judge's base pay under HB 2384 is the same as district judges' current salaries, the amount of the state contribution provided to the counties during the next biennium will be the same as the amount the counties are currently receiving (\$84,000).

STATUTORY PROBATE COURT JUDGES (SPC)

Salary: (Tex. Gov't Code Sec. 25.0023)

SPC Judge	Min County Salary (assuming max DJ supplement)	Max County Salary
Base Salary (0-4 years)	\$158,000	\$193,400
4-8 years	\$172,000	\$193,400
8+ years	\$186,000	\$193,400
12+ years (longevity)	\$186,000	\$193,400

*If a district judge is not receiving the maximum county supplement amount of \$18,000, the minimum county salary amount for a SPC judge should be reduced by the difference between the maximum county supplement allowed (\$18,000) and the actual county supplement amount being paid to the district judge.

Minimum Salary: (Tex. Gov't Code Sec. 25.0023(a))

Consistent with current law, a SPC judge's minimum salary is an amount equal to the sum of the annual salary for a district judge with comparable years of service as the SPC judge plus any state and county contributions and supplements paid to a district judge in the county. This is a minimum salary – a SPC judge may receive a higher salary than the minimum to which the judge is entitled. (Note that for purposes of this calculation: 1) the total amount of the county supplement received under Sec. 32.001, Tex. Gov't Code, by a district judge of a multicounty judicial district should be included even if the SPC judge's county only contributes a portion or none of the district judge's supplement amount; and 2) the salary paid to a regional presiding judge or the presiding judge of the statutory probate courts in the state for their service as presiding judges is not considered a state or county supplement or contribution.)

Maximum Salary: (Tex. Gov't Code Sec. 25.0023(a-2))

HB 2384 added a maximum salary for SPC judges of \$1,000 less than the highest salary a district judge can earn (highest salary tier with maximum county supplement plus longevity). For the 2020-21 biennium, a SPC judge's maximum salary is \$193,400 ([DJ Salary of \$168,000 + County Supplement of \$18,000 + Longevity Pay of \$8,400] - \$1,000).

How to Calculate Years of Service: (Tex. Gov't Code Sec. 25.0023(a))

Years of service for purposes of determining the appropriate salary tier include any years of service as a justice or judge of an appellate court, district court, statutory county court, multicounty statutory county court, or statutory probate court. It does not include other established service credit, such as military service credit under Secs. 833.103 and 838.103, Tex. Gov't Code. It **does not include** service as a municipal judge, justice of the peace, constitutional county court judge, associate judge, referee, master, or magistrate.

Effective Date of Salary Increases: (Tex. Gov't Code Sec. 25.0023(a-1))

A SPC judge is entitled to the increased salary on the first day of the county's fiscal year following the date the SPC judge becomes eligible for the higher salary. For purposes of implementing HB 2384's new salary requirements, SPC judges in counties with fiscal years that start on September 1, 2019, will be entitled to the new salary on September 1, 2019. Those in counties with fiscal years that start in October or January will be entitled to the new salary minimum on October 1, 2019, or January 1, 2020, respectively.

State Contribution Toward Salary: (Tex. Gov't Code Sec. 25.00211)

HB 2384 did not change the amount of the state contribution provided to counties for each SPC judge in the county. It will remain at \$40,000 during the next biennium.

COUNTY PROSECUTORS

Salary/State Contribution: (Tex. Gov't Code Sec. 46.001(2) and 46.0031)

HB 2384 increased the amount of the state's contribution toward a county prosecutor's salary based on the prosecutor's years of service. The percentage of the state's contribution will be based on the salary that a district judge with comparable years of service as the county prosecutor would receive from the state.

How to Calculate Years of Service: (Tex. Gov't Code Sec. 46.001(2) and 46.0031)

Years of service for purposes of determining the appropriate salary tier only include a county prosecutor's years of service as the county prosecutor.

QUESTIONS

If you have questions concerning the implementation of the provisions of HB 2384, please feel free to contact Mena Ramon, OCA's General Counsel, at mena.ramon@txcourts.gov or 512-463-1682. OCA staff will also be available at the Texas Center for the Judiciary's Annual Judicial Conference to answer questions or issues that judges may wish to discuss.