

Grants to Qualified Sheriff's Offices, Constable's Offices and Prosecutor's Offices in Rural Counties

SB 22 from 88(R)

SB 22 (2023) established a “salary assistance” grant program for sheriff’s offices, constable’s offices and prosecutor’s offices in “rural” counties

Comptroller's Role

The Comptroller was required to adopt rules necessary to administer the grant program, including:

- A standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;
- Deadlines to
 - Apply for the grant;
 - Disbursement of grant money; and
 - Spending grant money;
- Procedures for
 - monitoring the disbursement of grant money; and
 - the return of grant money that was not used by a county for a permissible purpose

Sheriff's Offices

Annual Grant Amounts Based Upon County Population* for Sheriff's Offices

Sheriff Office Eligibility

\$250,000 for populations less than 10,000.

\$350,000 for populations over 10,000 but less than 50,000.

\$500,000 for populations over 50,000 but less than 300,000.

**Populations are determined by the most recent federal census.*

Permissible Expenditures for Sheriff's Offices

First

To provide a minimum annual salary of at least:

- \$75,000 for the county sheriff;
- \$45,000 for each deputy who makes motor vehicle stops in the routine performance of their duties; and
- \$40,000 for each jailer whose duties include the safekeeping of prisoners and the security of a jail operated by the county

Definitions for Sheriff's Office Employees

- **County Sheriff** - A person elected or appointed as the county sheriff and who performs the duties of the office after complying with Local Government Code, §85.001.
- **Deputy Sheriff** - A person appointed as deputy sheriff pursuant to Local Government Code, §85.003 who performs motor vehicle stops in the routine performance of their duties.
- **Jailer** - A person employed by the county sheriff as a jailer under Local Government Code, §85.005, who is licensed with a permanent or temporary county jailer license issued under Occupations Code, §1701.301 and §1701.307, or Government Code, §511.00905, and whose duties include the safekeeping of prisoners and the security of a jail operated by the county.

Permissible Expenditures for Sheriff's Offices (Cont.)

Second

(After fully funding the required salary increases)

- To increase the salary of the sheriff, deputies, and jailers (above required minimum annual salary);
- To hire additional deputies or staff for the sheriff's office; or
- To purchase vehicles, firearms, and safety equipment for the sheriff's office

Definitions for Sheriff's Office Equipment

- **Safety equipment** - Safety equipment--Any tangible equipment used by a sheriff's office that is necessary to protect the health and physical safety of a county sheriff or deputy sheriff or county jailer while performing their duties, and may include radio equipment or in-car camera systems added to previously owned vehicles, ballistic helmets, ballistic plates, ballistic shields, entry tools, body armor, medical gear & masks, outer carriers, pepper spray, plate carriers, personal alarm, riot batons, riot helmets, riot shields, body cameras, and miscellaneous safety gear which consists of door jams, disposable cuffs and knee pads. The term does not include software unless it is purchased in connection with the purchase of tangible safety equipment and is necessary for that safety equipment to be functional.
- **Vehicle**- A law enforcement vehicle used by a sheriff's office for transportation while performing duties of the office such as patrols, responses to calls for service, and transport of persons in custody, and includes equipment affixed to the vehicle for law enforcement purposes.

Sheriff's Office Disposal/Sale of Equipment

- The grantee **must** obtain written disposition instructions from CPA when grant-funded equipment is no longer needed for the program, unless the per-unit fair market value of the equipment is less than \$10,000.
- If the grantee determines that the fair market value of equipment is less than \$10,000 and disposes of equipment without first requesting disposition instructions from CPA, the grantee should provide documentation in its compliance report that demonstrates the equipment no longer had a fair market value of \$10,000 or more.

Constable's Offices

Annual Grant Amounts for Constable's Offices

- Qualified county with a population* of 300,000 or less eligible for annual grant.
- Must provide a salary of \$45,000 to a qualified constable.
- Salary pre-award should be salary before salary increase due to grant (i.e., if your county applied if FY24 for first time, when applying for FY26, the salary pre-award should be the FY23 constable's salary).

**Populations are determined by the most recent federal census.*

Definitions for Constable's Office Eligible Employees

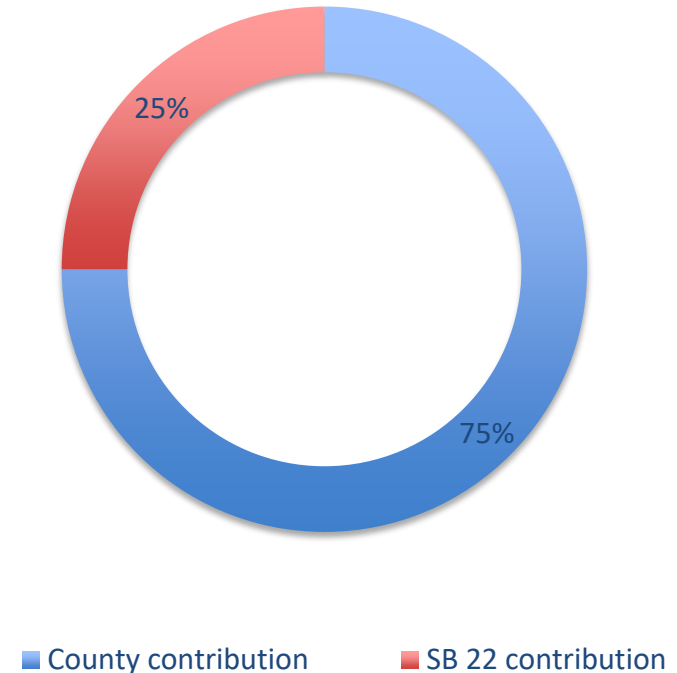
Qualified constable – A constable who meets the following standards:

- (A) is elected to, and currently holds, an office created on or before January 1, 2023;
- (B) performs motor vehicle stops in the routine performance of their duties for the majority of their time on duty; and
- (C) meets all eligibility requirements to serve under Local Government Code, §86.0021, and Code of Criminal Procedure, article 2.12(2).

Grant Contributions for Constable's Offices

- To receive funding for the qualified constable's office, the county must contribute **at least 75%** of the money required to meet the minimum annual salary. The other 25% will come from the grant funds provided by SB 22.

Contribution of Salary Increase

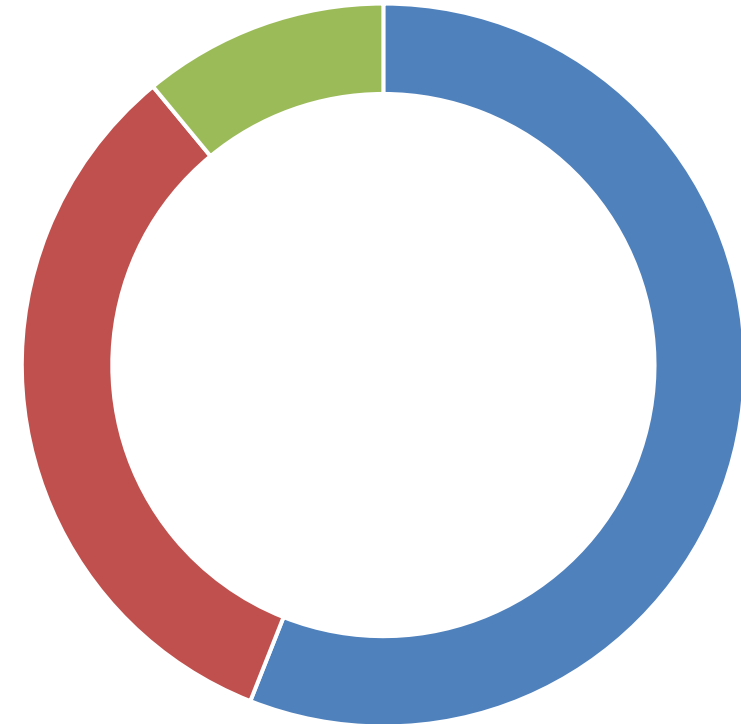


Example of Contribution to Salary Increase

\$45,000 Salary

■ Salary FY 2023 ■ County Contribution ■ Grant Eligibility

Salary FY 2023: \$25,000
State Minimum: \$45,000
Difference: \$20,000
Grant Eligible**: \$5,000



** Plus, eligible associated benefits

Prosecutor's Offices

Annual Grant Amounts Based Upon County Population* for Prosecutor's Offices

Prosecutor Office Eligibility

\$100,000 for population less than 10,000.

\$175,000 for population over 10,000 but less than 50,000.

\$275,000 for population over 50,000 but less than 300,000.

**Populations are determined by the most recent federal census.*

Permissible Expenditures for Qualified Prosecutor's Office

- Increase the salary of an assistant attorney, investigator or victim assistance coordinator
- Hire additional staff for the office

Definitions for Prosecutor's Office Employees

- **Investigator** – A person employed by and appointed by the prosecutor's office as an investigator under Government Code, §41.102 and §41.109, and who is licensed under Occupations Code, §1701.301.
- **Victim Assistance Coordinator (VAC)** - The person designated to serve as victim assistance coordinator under Code of Criminal Procedure, article 56A.201, by a district attorney, criminal district attorney, or county attorney who prosecutes criminal cases and who is responsible for the duties listed in Code of Criminal Procedure, article 56A.202.

Victim Assistance Coordinator

- A jurisdiction could request funding for multiple VACs per jurisdiction if their duties are limited to victim assistance coordinator duties (e.g. there is enough VAC work to justify more than one position).
- A jurisdiction with a single VAC may increase their salary even if they perform other duties (e.g., there is not enough VAC work for a full-time employee).
- Prosecutor/judge must certify that the employee that received a salary increase meets the definition and requirements of VAC when submitting the compliance report.

Benefits

Supplemental Benefits - Allowable

The cost of providing a salary increase includes:

- the amount by which the salary increases; and
- the amount by which the legally required nonmonetary benefits and taxes for that employee increases as a result of the salary increase, including:
 - the increase in the employers share of payroll taxes; and
 - if applicable, any increase in the employers share of retirement contributions.

The increase in a salary is measured based on the salary provided on the last day of the entity's fiscal year ending prior to the first year the entity received grant funds.



Supplemental Benefits – Not Allowable

The cost of providing a salary increase does not include:

- overtime pay;
- compensatory time pay that is paid out;
- benefits and taxes paid for overtime pay.
- longevity pay; or
- any legally required nonmonetary benefit that is not calculated as a percentage of salary or wages.



Application Process

Application

- Electronic application
- Each county or prosecutor's office must provide:
 - Name of county
 - FY end
 - Contact information for person filling out the form
 - Mailing address for the county office or prosecutor's office
 - Texas Identification Number (TIN)
 - Mail code
 - Electronic certification that county will not reduce the amount of funds to the respective office

Application

- Texas Identification Number (TIN) – 11-digit county or office state payee number
- Mail Code - 3-digit number unique to an office
 - Must have direct deposit for the grant disbursement

Application (Cont.)

- Constable's offices
 - Name of constable
 - Salary prior to grant period and salary after increase
 - Retirement, FICA, Worker's Compensation, and unemployment %
- Prosecutor's offices
 - All counties the office covers (district attorneys)

Application Process

Who applies?

- **Sheriff's Office**

- County judge

- **Constable's Office**

- County judge

- **County attorney's office**

- County judge or county attorney

- **District attorney, Criminal District Attorney or District/County Attorney's Office**

- District attorney, criminal district attorney or district/county attorney, respective to each office

Applying for Grant Funds

For Counties with Fiscal Year Starting on **October 1st**:

- **August 2:** Applications for second grant cycle open for counties with an October 1 fiscal year start date
- **October 31:** Applications for second grant cycle close for counties with an October 1 fiscal year start date
- County/office may only submit one application each fiscal year
- **By law, failure to meet the deadline means that qualified offices will have to wait until their next FY to apply**

Applying for Grant Funds

For Counties with Fiscal Year Starting on **January 1st**:

- **November 2:** Applications for second grant cycle open for counties with a January 1 fiscal year start date
- **January 31:** Applications for second grant cycle close for counties with a January 1 fiscal year start date
- County/office may only submit one application each fiscal year
- **By law, failure to meet the deadline means that qualified offices will have to wait until their next FY to apply**

Grant Agreement

- Must be signed by grantee/applicant
- Sent via DocuSign
- Finalized grant agreement sent via email to grantee
- Grant agreement must be executed before funds are distributed

Budget May Not Be Reduced

- A county may not reduce the amount of funds provided to the sheriff's office, constable's office or prosecutor's office because of grant funds.



Budget Process

- SB 22 did not alter the roles and authority of a county commissioners court, county auditor, county treasurer or other county officer provided in state law.
- The program does not create exceptions to the ordinary budget making process and do not create exceptions to a county commissioners court's authority to set budgets or to accept grants.

Compliance Report

Annual Compliance Report

- Electronic submission
- Each county or prosecutor's office will have to provide documentation to support allowability of costs incurred.
- If county or prosecutor's office has leftover funds, or costs are disallowed under the terms of the grant agreement, grant funds must be returned to the Comptroller's office after compliance review.
- Compliance reports are due within 30 days after the end of the entity's fiscal year.

Required Documentation

Invoices
(Sheriff's office)

Purchase Orders
(Sheriff's office)

Payroll Ledgers

Pre-award FY and
post-award FY
Office Budgets

Sheriff's Office Equipment Purchases

Needed information

- Invoices
- Purchase/Invoice Date
- Delivery Date
- Description and use of each item purchased
- Compliance reports will not be closed until all items purchased with grant funds have been delivered and reported to the Comptroller's Office

Pay Ledgers

Needed information

- Employee names
- Pay dates
- Line item for SB 22 grant funds used for each pay period
 - Base pay
 - Incremental benefits (FICA, retirement, unemployment, worker's compensation, etc.)

Example of Pay Ledger

Employee Number	Employee Name	Payment Date	Check #	Pay Code	Benefit Rate	GL Account	Account Description	Leave Date	Rate/Amount	Units	Pay Amount
####	LAST NAME, FIRST NAME.	05/23/2024	-----	MAST DEP...	Misc	-----	SALARY		0.000000	0.00	250.00
				CT - COMP...	Hourly	-----	SALARY	05/17/2024	27.801500	3.00	83.40
				H	Hourly	-----	SALARY		27.801500	77.00	2,140.72
				L.PAY		-----	SALARY		0.000000	0.00	110.00
				----- SB 22 ATT...	Misc	-----	SALARY		0.000000	0.00	1,449.00
		06/06/2024	-----	HOLIDAY	Hourly	-----	SALARY	05/31/2024	27.801500	8.00	222.41
				MAST DEP...	Misc	-----	SALARY		0.000000	0.00	250.00
				CELLPHONE	Misc	100-260-4261	CELL PHONE ALLOWANCE		0.000000	0.00	20.00
				CT - COMP...	Hourly	-----	SALARY	05/31/2024	27.801500	5.00	139.01
				L.PAY		-----	SALARY		0.000000	0.00	110.00
				H	Hourly	-----	SALARY		27.801500	67.00	1,862.70
				----- SB 22 ATT...	Misc	-----	SALARY		0.000000	0.00	1,449.00
		06/20/2024	-----	L.PAY		-----	SALARY		0.000000	0.00	110.00
				CELLPHONE	Misc	-----	CELL PHONE ALLOWANCE		0.000000	0.00	20.00
				H	Hourly	-----	SALARY		27.801500	75.00	2,085.11
				MAST DEP...	Misc	-----	SALARY		0.000000	0.00	250.00
				CT - COMP...	Hourly	-----	SALARY	06/14/2024	27.801500	5.00	139.01
				----- SB 22 ATT...	Misc	-----	SALARY		0.000000	0.00	1,449.00
		07/03/2024	-----	VAC	Hourly	-----	SALARY	06/28/2024	27.801500	24.00	667.24
				CELLPHONE	Misc	-----	CELL PHONE ALLOWANCE		0.000000	0.00	20.00
				H	Hourly	-----	SALARY		27.801500	56.00	1,556.88
				MAST DEP...	Misc	-----	SALARY		0.000000	0.00	250.00
				L.PAY		-----	SALARY		0.000000	0.00	110.00
				----- SB 22 ATT...	Misc	-----	SALARY		0.000000	0.00	1,449.00
		07/18/2024	-----	MAST DEP...	Misc	-----	SALARY		0.000000	0.00	250.00
				H	Hourly	-----	SALARY		27.801500	56.00	1,556.89
				CELLPHONE	Misc	-----	CELL PHONE ALLOWANCE		0.000000	0.00	20.00
				L.PAY		-----	SALARY		0.000000	0.00	110.00
				VAC	Hourly	-----	SALARY	07/12/2024	27.801500	16.00	444.82
				HOLIDAY	Hourly	-----	SALARY	07/12/2024	27.801500	8.00	222.41
				----- SB 22 ATT...	Misc	-----	SALARY		0.000000	0.00	1,449.00
		08/01/2024	-----	L.PAY		-----	SALARY		0.000000	0.00	110.00
				MAST DEP...	Misc	-----	SALARY		0.000000	0.00	250.00
				H	Hourly	-----	SALARY		27.801500	57.00	1,584.69
				VAC	Hourly	-----	SALARY	07/26/2024	27.801500	16.00	444.82
				CELLPHONE	Misc	-----	CELL PHONE ALLOWANCE		0.000000	0.00	20.00
				CT - COMP...	Hourly	-----	SALARY	07/26/2024	27.801500	7.00	194.61
				----- SB 22 ATT...	Misc	-----	SALARY		0.000000	0.00	1,449.00
		08/15/2024	-----	CELLPHONE	Misc	-----	CELL PHONE ALLOWANCE		0.000000	0.00	20.00
				H	Hourly	-----	SALARY		27.801500	38.50	1,070.36
				MAST DEP...	Misc	-----	SALARY		0.000000	0.00	250.00
				SICK	Hourly	-----	SALARY	08/09/2024	27.801500	1.50	41.70

Office Budgets

- Budget for FY prior to first grant funding
- Budget for FY in which compliance period covers
- Only need budget for respective office (not entire county)

Required Communication

Texas Administrative Code Rule 16.305

- Any information requested by the Comptroller must be submitted by the grant recipient within 14 calendar days of the request.

Returned Funds

- After completion of Comptroller's review of compliance reports, grantee must return unspent grant funds and grant funds expended on unallowable costs to the Comptroller's office.
- An email will be sent out to the contact on file detailing any findings and how to send the funds back.

2024 Fiscal Year Grant Awards

Office Type	Number of Applications	Grant Amounts
Sheriff's office	223	\$77,250,000
Constable's office	19	\$250,981
Prosecutor's offices:		
County Prosecutors	124	\$19,625,000
District Attorneys	136	\$28,600,000
TOTAL:	502	\$125,725,981

2025 Fiscal Year Grant Awards

Office Type	Number of Applications	Grant Amounts
Sheriff's Office	230	\$79,300,000
Constable's Office	24	\$271,446.61
Prosecutor's offices:		
County Prosecutors	128	\$20,200,000
District Attorneys	136	\$28,925,000
TOTAL:	518	\$128,696,446.31

Coming Soon!

- Ability to view/print/download compliance reports
- Future Compliance Reports
 - Grantee (judge or prosecutor) will be able to designate another person to complete the compliance report.
 - County judge or prosecutor will be required to verify the information, certify that the employees meet definitions in statute and rules, and submit the final compliance report.

Questions?

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