

FY 2013-14: JUDICIARY
Summary: House Subcommittee Chair's Recommendation
House Bill 4222 (H-1) Draft 1



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	FY 2012-13 YTD as of 2/7/13	FY 2013-14 Revised Executive	FY 2013-14 House	FY 2013-14 Senate	FY 2013-14 Enacted	Difference: House From FY 2012-13 YTD	
						Amount	%
IDG/IDT	\$2,638,200	\$2,350,500	\$2,350,500			(\$287,700)	(10.9)
Federal	6,017,100	5,343,900	5,343,900			(673,200)	(11.2)
Local	7,049,300	7,133,100	7,133,100			83,800	1.2
Private	921,800	931,500	931,500			9,700	1.1
Restricted	86,382,200	86,115,900	86,115,900			(266,300)	(0.3)
GF/GP	170,751,500	183,441,300	171,834,100			1,082,600	0.6
Gross	\$273,760,100	\$285,316,200	\$273,709,000			(\$51,100)	0.0
FTEs	472.0	482.0	480.0			8.0	1.7

Notes: (1) FY 2012-13 year-to-date (YTD) figures include mid-year budget adjustments through February 7, 2013.
(2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as one-time.

Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government, which receives funds appropriated through the budget act for the Judiciary. The Judiciary budget provides operational funding for the Michigan Supreme Court, Court of Appeals, and related judicial agencies. The budget also funds the salaries of justices of the Supreme Court and judges of the appeals, circuit, probate, and district courts according to constitutional and statutory requirements. Assistance for local court operations is provided through a variety of grant programs. The largest of these, the Court Equity grant program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the numbers of judgeships.

		FY 2012-13 Year-to-Date (as of 2/7/13)	FY 2013-14 House Change
Major Budget Changes From FY 2012-13 YTD Appropriations			
1. Regionalization and Expansion of Specialty Courts	Gross	\$13,383,000	\$0
<u>Executive</u> includes an additional \$3.0 million Gross (\$3.0 million GF/GP) for the regionalization and/or expansion of drug courts, driving while intoxicated/sobriety courts, and veterans courts. The goal is to make these courts available to more citizens in the state by regionalizing courts to serve multiple jurisdictions and expanding the number of specialty courts available. <u>House</u> does not include the additional funding.	IDG	1,800,000	0
	Federal	800,000	0
	Restricted	3,649,900	0
	GF/GP	\$7,133,100	\$0
2. Expansion of Mental Health Courts	Gross	\$2,100,000	\$0
<u>Executive</u> includes an additional \$2.0 million Gross (\$2.0 million GF/GP) for grants to be awarded to trial courts that are interested in operating mental health courts. Currently, there are nine pilot courts operating mental health courts. The funding will allow for five to ten additional mental health courts. <u>House</u> does not include the additional funding.	GF/GP	\$2,100,000	\$0
3. State Appellate Defender Office (SADO) Staff Increase	FTE	61.0	0.0
<u>Executive</u> includes 1.0 FTE position and \$107,200 Gross (\$107,200 GF/GP) to assist the office with meeting the statutory requirement to manage 25% of the state's criminal defense appellate cases for indigents. The office met 18% in FY 2011-12 and is expected to meet 22% in FY 2012-13. <u>House</u> does not include the additional FTE position or funding.	Gross	\$13,645,900	\$0
	Federal	3,048,500	0
	Private	777,500	0
	Restricted	1,263,400	0
	GF/GP	\$8,556,500	\$0
4. Savings for Eliminated Judgeships	Gross	N/A	(\$391,500)
<u>Executive</u> reflects a savings from elimination of five judgeships under Public Act 300 of 2011. The amount of savings represents full-year savings for two of the five judgeships and partial year savings for the other three. Savings amounts are a result of the effective dates of the retirements of the judges. <u>House</u> concurs.	GF/GP	N/A	(\$391,500)

Major Budget Changes From FY 2012-13 YTD Appropriations	FY 2012-13 Year-to-Date (as of 2/7/13)	FY 2013-14 House Change	
5. Adjustments to Reflect Actual Revenues	Gross	N/A	(\$1,284,500)
<u>Executive</u> adjusts funding for the following programs in order to reflect the actual amount of revenue available:	IDG	N/A	(300,000)
	Federal	N/A	(708,100)
	Restricted	N/A	(276,400)
<ul style="list-style-type: none"> • Decreases IDG Byrne Justice Assistance grant funding received from the Department of State Police for drug treatment courts by \$300,000 • Decreases federal DOT National Highway Traffic Safety Administration funding for Judicial Information Systems by \$572,400 • Decreases federal HHS Title IV-E funding for the Foster Care Review Board by \$254,000 • Increases federal DOJ funding for the Appellate Public Defender program by \$118,300 • Decreases Justice System Fund revenues for SCAO by \$205,400 • Eliminates \$71,000 in restricted Miscellaneous Revenues for the Judicial Institute. 			
<u>House</u> concurs.			
6. New Line Items	Gross	N/A	\$0
<u>Executive</u> separates funding for the Swift-and-Sure Sanctions program from the Drug Treatment Courts line item and funding for Mental Health Courts from the State Court Administrative Office (SCAO) line item and establishes two new line items for these programs. <u>House</u> concurs.	GF/GP	N/A	\$0
7. Economic Adjustments	Gross	N/A	\$2,452,100
<u>Executive</u> includes additional funding for justices' and judges' retirement, salary and wages, insurances, employee retirement, rent, building occupancy, and worker's compensation. <u>House</u> concurs.	IDG	N/A	21,400
	Federal	N/A	86,100
	Local	N/A	162,400
	Private	N/A	17,900
	Restricted	N/A	53,300
	GF/GP	N/A	\$2,111,000
8. Eliminate One-Time FY 2012-13 Funding	Gross	\$827,200	(\$827,200)
<u>Executive</u> eliminates one-time funding that was included in the FY 2012-13 budget for employee lump sum payments. <u>House</u> concurs.	IDG	9,100	(9,100)
	Federal	51,200	(51,200)
	Local	78,600	(78,600)
	Private	8,200	(8,200)
	Restricted	43,200	(43,200)
	GF/GP	\$636,900	(\$636,900)
9. One-Time Trial Court Innovations Fund	FTE	N/A	0.0
<u>Executive</u> includes 1.0 FTE position and one-time funding of \$4.0 million Gross (\$4.0 million GF/GP) to be used to create incentives which encourage positive change, adoption of best practices, and high performance in the state's trial courts. Funding will be divided into a \$3.0 million incentive program, incentivizing trial courts to become early adopters of specified performance measures and benchmarks, and a \$1.0 million grant program, providing financial assistance to courts for innovative projects which will improve efficiency and effectiveness of operations. <u>House</u> does not include the additional FTE position or funding.	Gross	N/A	\$0
	GF/GP	N/A	\$0
10. One-Time Implementation of the Michigan Court System	FTE	N/A	8.0
<u>Executive</u> includes 8.0 FTE positions and one-time funding of \$2.5 million Gross (\$2.5 million GF/GP) to assist with implementation of a unified case management information system, called the Michigan Court System (MiCS), in 264 trial court locations. The new system will combine the four current legacy case management systems that are built on technology that is more than 25 years old. Funding will also be used to train the more than 4,000 users of the system. <u>House</u> includes authorization for the FTE positions, but does not include the additional funding.	Gross	N/A	\$0
	GF/GP	N/A	\$0
11. Anticipated FY 2014-15 Budget Changes			
Reflects anticipated increase from FY 2013-14 budget of \$1.4 million Gross (\$1.2 million GF/GP) for economic adjustments in FY 2014-15. (Boilerplate intent language only; would not be binding appropriation.)			

Major Boilerplate Changes From FY 2012-13

Sec. 223. Website for Performance Scorecard – NEW

Executive adds a new section which requires the judiciary to maintain, on a publicly accessible website, a scorecard that identifies, tracks, and regularly updates key metrics that are used to monitor and improve the judiciary's performance. House concurs.

Sec. 320. Swift-and-Sure Sanctions Pilot Program – REVISED

Current year language authorizes \$6.0 million in grant funding to be awarded by SCAO to qualifying courts to operate a Swift and Sure Sanctions program; requires courts to operate a drug court or be part of a unified trial court system in order to qualify for grant funding; specifies priorities for SCAO to follow when distributing grant funding; and requires reports from courts that receive grant funding. Executive revises language by referencing the Swift and Sure Sanctions program act, deleting the requirement that funding be distributed only to courts which operate a drug court or have a unified trial court, deleting the list of priorities to be used in awarding grant funding, and deleting the requirement for submission of reports by courts that receive funding. House concurs with the Executive on referencing the Swift and Sure Sanctions program act, deleting the requirement that funding be distributed only to courts which operate a drug court or have a unified trial court, and deleting the list of priorities to be used in awarding grant funding, but retains the reporting requirement.

Sec. 322. Funding for State Appellate Defender Office – REVISED

Current year language authorizes SADO to receive and expend up to \$250,000 in federal Byrne grant funding. Executive adds a new sentence which authorizes SADO to receive and expend up to an additional \$300,000 from the Department of Justice if funding is made available. House concurs.

Sec. 323. Report on Juvenile Out-of-State Placements – NEW

House adds a new section which requires SCAO to provide courts with quarterly listings of out-of-state placements of juveniles made by the courts, along with an annual listing of per diem costs of the public and private residential care providers located in the state or doing business in the state, and the recidivism data for each facility.

Sec. 1201. Anticipated FY 2014-15 Appropriations

States legislative intent to provide appropriations for FY 2014-15, adjusting FY 2013-14 amounts based on economic and other factors. (See item 11 under Major Budget Changes for specific anticipated appropriation adjustments.)