

# FY 2016-17: JUDICIARY

## Summary: As Reported by Senate Appropriations Committee Senate Bill 792 (S-1)



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IDG/IDT	FY 2015-16 YTD as of 2/10/16	FY 2016-17 Rev Executive	FY 2016-17 House	FY 2016-17 Senate	FY 2016-17 Enacted	Difference: Senate From FY 2015-16 YTD	
						Amount	%
	\$2,362,900	\$1,550,000	\$1,550,000	\$1,550,000		(\$812,900)	(34.4)
<b>Federal</b>	6,428,600	6,433,500	6,433,500	6,433,500		4,900	0.1
<b>Local</b>	7,229,000	7,349,300	7,349,300	7,349,300		120,300	1.7
<b>Private</b>	942,900	957,800	957,800	957,800		14,900	1.6
<b>Restricted</b>	84,245,800	92,786,000	92,786,000	92,786,000		8,540,200	10.1
<b>GF/GP</b>	183,642,200	190,057,400	190,057,400	188,334,800		4,692,600	2.6
<b>Gross</b>	<b>\$284,851,400</b>	<b>\$299,134,000</b>	<b>\$299,134,000</b>	<b>\$297,411,400</b>		<b>\$12,560,000</b>	<b>4.4</b>
<b>FTEs</b>	489.0	510.0	510.0	510.0		21.0	4.3

Notes: (1) FY 2015-16 year-to-date figures include mid-year budget adjustments through February 10, 2016. (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. The Judiciary budget provides operational funding for the Michigan Supreme Court, the Court of Appeals, and related judicial agencies. The budget 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. Funding assistance for local trial court operations is provided through a variety of grant programs. The largest of these, the Court Equity Fund Reimbursement program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the numbers of judgeships.

### Major Budget Changes From FY 2015-16 YTD Appropriations

#### 1. Statewide Electronic Filing System

Executive includes authorization for the judiciary to receive state restricted electronic filing fee revenue. Public Acts 230 through 235 of 2015 established the electronic filing fund to support implementation, operation, and maintenance of a statewide electronic filing system. Fees paid by parties filing civil actions will support the system, which will be used for such things as initiating original actions and appeals; filing motions, briefs, and other materials in existing cases; electronically serving all filings on opposing parties; making fee payments; and requesting fee waivers. House concurs. Senate concurs.

	FY 2015-16 Year-to-Date (as of 2/10/16)	FY 2016-17 Senate Change
<b>Gross</b>	<b>\$100</b>	<b>\$8,499,900</b>
Restricted	100	8,499,900

#### 2. Michigan Indigent Defense Commission

Executive includes additional FTE positions and \$1.3 million to bring the Michigan criminal defense system into compliance with the right to counsel requirements of the United States and Michigan constitutions. Staff will implement minimum standards, rules, and procedures to guarantee the right of indigent defendants to the assistance of proficient counsel, collect data from defense systems and attorneys providing indigent defense, and monitor and audit county compliance plans. House concurs. Senate includes \$800,000.

	FTE	
	6.0	10.0
<b>Gross</b>	<b>\$996,700</b>	<b>\$800,000</b>
GF/GP	\$996,700	\$800,000

<b>Major Budget Changes From FY 2015-16 YTD Appropriations</b>		<b>FY 2015-16 Year-to-Date (as of 2/10/16)</b>	<b>FY 2016-17 Senate Change</b>
<b>3. One-Time Funding for Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers</b>	FTE	NA	11.0
<u>Executive</u> includes additional FTE positions and \$1.1 million for the State Appellate Defender Office (SADO) to ensure compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case. SADO will provide post-conviction representation of juvenile lifers in resentencings. There are 364 juvenile lifers entitled to resentencing in the circuit court. SADO currently represents 114 of the 364. <u>House</u> concurs. <u>Senate</u> includes \$700,000.	<b>Gross</b>	<b>NA</b>	<b>\$700,000</b>
	GF/GP	NA	\$700,000
<b>4. One-Time Funding for Expansion of Problem Solving Courts – Statewide Opioid Task Force Initiative</b>	<b>Gross</b>	<b>NA</b>	<b>\$250,000</b>
<u>Executive</u> includes \$1.0 million for expanding the number of veterans courts from 22 to 26 and for increasing the number of drug treatment court participants by 50 to 75 participants. This is part of a statewide effort to decrease recidivism rates related to opioid drug abuse. <u>House</u> concurs. <u>Senate</u> includes \$250,000.	GF/GP	NA	\$250,000
<b>5. One-Time Funding for Medication-Assisted Treatment Pilot Program – Statewide Opioid Task Force Initiative</b>	<b>Gross</b>	<b>NA</b>	<b>\$500,000</b>
<u>Executive</u> includes \$500,000 in one-time funding to establish a medication-assisted treatment pilot program, within existing drug treatment courts, to target new court admissions having heroin or other opiate drug disorders. The courts will partner with MDOC and DHHS, and with local law enforcement, probation officers, and medical professionals, to provide medication-assisted treatment to people coming through the court system as a result of drug dependency issues. <u>House</u> includes \$1.0 million. <u>Senate</u> concurs with Executive.	GF/GP	NA	\$500,000
<b>6. Michigan Legal Self-Help Website and Centers</b>	<b>Gross</b>	<b>NA</b>	<b>\$300,000</b>
<u>Executive</u> includes additional funding for the Michigan Legal Help program which provides free around-the-clock legal information and assistance to individuals who represent themselves in civil legal matters. The funding replaces work project funding that has been utilized to fund the program since 2013. The \$300,000 will cover expenses for nine months after work project funding expires in December 2016. <u>House</u> concurs. <u>Senate</u> concurs.	GF/GP	NA	\$300,000
<b>7. Savings for Eliminated Judgeships</b>	<b>Gross</b>	<b>NA</b>	<b>(\$259,700)</b>
<u>Executive</u> reflects a savings from a combination of 1.0 Court of Appeals judgeship elimination by attrition (2012 PA 240), 3.0 district court and 1.0 circuit court judgeship retirements (2012 PAs 27, 33, 35, and 38), restoration of 1.0 circuit court judgeship (2009 PA 228), and election of 1.0 new district court and 2.0 new circuit court judges (2014 PAs 56, 58, and 60). The amount of savings is a result of the effective dates of the elimination, retirements, restoration, and elections. <u>House</u> concurs. <u>Senate</u> concurs.	GF/GP	NA	(\$259,700)
<b>8. Funding Adjustment for SADO</b>	<b>Gross</b>	<b>\$473,700</b>	<b>(\$306,700)</b>
<u>Executive</u> eliminates IDG funding to reflect discontinued Michigan Justice Training grant funding that was previously received from DSP and includes GF/GP funding to partially offset the loss of IDG funding so that SADO is able to continue indigent defense trainings. <u>House</u> concurs. <u>Senate</u> concurs.	IDG	473,700	(473,700)
	GF/GP	\$0	\$167,000
<b>9. Funding Adjustments for Michigan Judicial Institute</b>	<b>Gross</b>	<b>\$2,159,100</b>	<b>(\$395,700)</b>
<u>Executive</u> removes \$56,500 in federal Department of Justice grant funding that was budgeted but not received and decreases spending authorization by \$339,200 to reflect discontinued Michigan Justice Training grant funding that was previously received from DSP. <u>House</u> concurs. <u>Senate</u> concurs.	IDG	339,200	(339,200)
	Federal	169,200	(56,500)
	Private	59,300	0
	GF/GP	\$1,591,400	\$0
<b>10. Early Out Payouts</b>	<b>Gross</b>	<b>\$58,800</b>	<b>(\$58,800)</b>
<u>Executive</u> recognizes the end of employee accumulated leave-time payouts from the 2010 early retirement incentive, which were spread out over five years. <u>House</u> concurs. <u>Senate</u> concurs.	Federal	500	(500)
	Local	6,800	(6,800)
	GF/GP	\$51,500	(\$51,500)

<b>Major Budget Changes From FY 2015-16 YTD Appropriations</b>	<b>FY 2015-16 Year-to-Date (as of 2/10/16)</b>	<b>FY 2016-17 Senate Change</b>	
<b>11. Economic Adjustments</b>	<b>Gross</b>	<b>NA</b>	<b>\$1,731,000</b>
<u>Executive</u> reflects a net increase in costs for negotiated salary and wage amounts (1.0% ongoing, 1.5% lump sum), insurance rate increases, actuarially required retirement contributions, private rent costs, building occupancy charges, and worker's compensation costs. <u>House</u> concurs. <u>Senate</u> concurs.	Federal	NA	61,900
	Local	NA	127,100
	Private	NA	14,900
	Restricted	NA	40,300
	GF/GP	NA	\$1,486,800
<b>12. Judges Salaries</b>	<b>Gross</b>	<b>NA</b>	<b>\$0</b>
<u>Executive</u> (revised recommendation) includes funding to cover costs of judicial salary increases authorized by Public Act 31 of 2016. Under the new law, salaries for Court of Appeals, circuit, probate, and district court judges will be increased by the same percentage increase that civil service non-exclusively represented employees receive. <u>House</u> concurs. <u>Senate</u> does not include additional funding.	GF/GP	NA	\$0
<b>13. Swift and Sure Sanctions Program</b>	<b>Gross</b>	<b>\$4,250,000</b>	<b>\$800,000</b>
<u>House</u> reduces funding by \$500,000 for the Swift and Sure Sanctions Program as a result of the line item typically lapsing funding at the close of the fiscal year. <u>Senate</u> includes an additional \$800,000 for the Supreme Court to appoint up to one judge per county, for a total of up to five judges, to oversee specialty courts for the Swift and Sure Sanctions program in any county that had at least 325 individuals sentenced to prison in the previous calendar year.	Restricted	1,729,400	0
	GF/GP	\$2,520,600	\$800,000

**Major Boilerplate Changes From FY 2015-16**

**Sec. 320. Swift and Sure Sanctions Program – MODIFIED**

Specifies that appropriation is to be expended for Swift and Sure Sanctions program; requires SCAO to report on courts receiving funding, number of offenders participating, criminal history of offenders, recidivism rates, and parameters of program. Executive includes. House includes. Senate adds new language which authorizes the Supreme Court to appoint up to one judge per county, for a total of up to five judges, to oversee specialty courts for the Swift and Sure Sanctions program in any county that had at least 325 individuals sentenced to prison in the previous calendar year; authorizes counties to apply for reimbursement up to \$160,000 for costs of judge or judges' support staff.

**Sec. 324. Additional Funding for Michigan Indigent Defense Commission – NEW**

Requires additional funding appropriated for the Michigan Indigent Defense Commission to be used for bringing the Michigan criminal defense system into compliance with the right to counsel requirements of the United States and Michigan constitutions; requires specific outcomes and performance measures to be identified. Executive includes. House includes. Senate includes.

**Sec. 402. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers – NEW**

Requires SADO to ensure compliance with the U.S. Supreme Court ruling on the *Montgomery v. Louisiana* case and to ensure competent, resourced, and supervised counsel in cases involving the resentencing of juvenile lifers. Executive includes. House includes. House also adds a subsection which requires SADO to submit a report on the number of juvenile lifer cases investigated and prepared, to include a calculation of hours spent and a focus on incremental costs associated with investigating and conducting each case. Senate includes Executive language.