

FY 2017-18: JUDICIARY
Summary: As Passed by the House
Article XII, House Bill 4323 (H-1) as Amended



Analyst: Robin R. Risko

	FY 2016-17 YTD as of 2/8/17	FY 2017-18 Executive	FY 2017-18 House	FY 2017-18 Senate	FY 2017-18 Enacted	Difference: House From FY 2016-17 YTD	
						Amount	%
IDG/IDT	\$1,550,000	\$1,550,600	\$1,550,600			\$600	0.0
Federal	6,433,500	6,488,900	6,464,100			30,600	0.5
Local	7,349,300	6,000,000	5,955,300			(1,394,000)	(19.0)
Private	957,800	971,000	969,600			11,800	1.2
Restricted	92,786,000	92,539,000	92,529,000			(257,000)	(0.3)
GF/GP	189,157,400	192,405,100	191,905,100			2,747,700	1.5
Gross	\$298,234,000	\$299,954,600	\$299,373,700			\$1,139,700	0.4
FTEs	510.0	501.0	501.0			(9.0)	(1.8)

Notes: (1) FY 2016-17 year-to-date figures include mid-year budget adjustments through February 8, 2017. (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 2016-17 YTD Appropriations

		FY 2016-17 Year-to-Date (as of 2/8/17)	FY 2017-18 House Change
1. Transfer MIDC to DLARA	FTE	16.0	(16.0)
<u>Executive</u> eliminates funding and FTE positions associated with the Michigan Indigent Defense Commission to reflect the transfer of the Commission to DLARA, pursuant to Public Act 442 of 2016. The Commission works to bring the state's criminal defense system into compliance with the right to counsel requirements of the United States and Michigan constitutions. <u>House</u> concurs.	Gross	\$2,345,600	(\$2,345,600)
	GF/GP	\$2,345,600	(\$2,345,600)
2. Trial Court Videoconferencing	Gross	NA	\$815,000
<u>Executive</u> includes \$687,300 to support continued maintenance, upgrades, and replacement of trial court videoconferencing equipment in courtrooms across the state. Approximately 100 units are replaced per year, based on original installation dates and equipment failures over time. Includes \$127,700 for a contract to provide help desk services and troubleshooting assistance to trial courts. <u>House</u> concurs.	GF/GP	NA	\$815,000
3. Medication-Assisted Treatment Program	Gross	NA	\$750,000
<u>Executive</u> includes ongoing funding to continue the Medication-Assisted Treatment Program in the drug courts, which targets new court admissions having heroin or other opiate drug disorders. <u>House</u> concurs.	GF/GP	NA	\$750,000
4. One-Time Funding for Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers	FTE	NA	11.0
<u>Executive</u> includes one-time funding and authorization for FTE positions 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 re-sentencings. <u>House</u> concurs.	Gross	NA	\$750,000
	GF/GP	NA	\$750,000

Major Budget Changes From FY 2016-17 YTD Appropriations		FY 2016-17 Year-to-Date (as of 2/8/17)	FY 2017-18 House Change
5. One-Time and Ongoing Funding for Pretrial Risk Assessment	FTE	NA	2.0
<u>Executive</u> includes \$300,000 GF/GP (one-time) and \$305,700 GF/GP (ongoing) to support the development of a pretrial risk assessment tool in an effort to increase the number of offenders who are released on personal recognizance while awaiting trial, instead of being remanded to jail until their hearings are scheduled. <u>House</u> concurs.	Gross	NA	\$605,700
	GF/GP	NA	\$605,700
6. Pre-Funding Judges' Retiree Healthcare	Gross	NA	\$0
<u>Executive</u> replaces Court Fee Fund revenue with GF/GP due to the pre-funding of judges' retiree healthcare. Court Fee Fund revenue supports judges' retiree healthcare costs pursuant to statute, MCL 38.2217(3). With the start of pre-funding retiree healthcare, the amount of Court Fee Fund revenue available for judicial salaries will be reduced, so GF/GP is increased to offset the reduction. Pre-funding will be done over 21 years. <u>House</u> concurs.	Restricted	NA	(286,000)
	GF/GP	NA	\$286,000
7. Judgeship Changes	Gross	NA	(\$483,300)
<u>Executive</u> reflects a net savings from the following changes in judgeships: replacement of 1.0 Court of Appeals judge; elimination of 1.0 district court judge (2014 PA 60); retirement of 3.0 district and 1.0 circuit court judges (2012 PAs 16, 20, 22, and 35); restoration of 1.0 circuit court judge (2009 PA 228); and election of 2.0 circuit court judges (2014 PAs 56 and 58). The amount of savings is a result of the effective dates of the replacement, elimination, retirements, restoration, and elections. <u>House</u> concurs.	GF/GP	NA	(\$483,300)
8. Security Costs for Hall of Justice	Gross	NA	\$363,000
<u>Executive</u> includes funding to cover costs for contracting with a private provider for security services at the Hall of Justice. <u>House</u> concurs.	GF/GP	NA	\$363,000
9. Annualize Funding for Legal Help Program	Gross	\$300,000	\$100,000
<u>Executive</u> includes three months of 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. Ongoing funding for nine months, which replaced expired work project funding, was included in the FY 2016-17 budget. <u>House</u> concurs.	GF/GP	\$300,000	\$100,000
10. Funding Adjustments	Gross	\$7,349,300	(\$1,455,900)
<u>Executive</u> reduces funding authorization for the Direct Trial Court Automation Support line item and the associated local user fees fund source in order to accurately reflect available revenue, which is based on usage. <u>House</u> concurs.	Local	7,349,300	(1,455,900)
	GF/GP	\$0	\$0
11. FTE Authorization for Statewide E-File System	FTE	0.0	5.0
<u>Executive</u> includes authorization for 5.0 FTE positions for administration of the statewide electronic filing system. <u>House</u> concurs.	Gross	\$8,500,000	\$0
	Restricted	8,500,000	0
	GF/GP	\$0	\$0
12. Removal of One-Time Funding	FTE	11.0	(11.0)
<u>Executive</u> eliminates one-time funding and FTE positions that were included in the FY 2016-17 budget. One-time funding was appropriated for SADO for compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case (\$700,000 and 11.0 FTEs), expansion of problem solving courts (\$250,000), and a medication-assisted treatment pilot program (\$750,000). <u>House</u> concurs.	Gross	\$1,700,000	(\$1,700,000)
	GF/GP	\$1,700,000	(\$1,700,000)
13. Economic Adjustments	Gross	NA	\$4,321,700
<u>Executive</u> reflects a net increase in costs for negotiated salary and wage increases (3.0%), actuarially required retirement contributions, worker's compensation, building occupancy charges, and private rent. <u>House</u> concurs.	IDG	NA	600
	Federal	NA	55,400
	Local	NA	106,600
	Private	NA	13,200
	Restricted	NA	39,000
	GF/GP	NA	\$4,106,900

<u>Major Budget Changes From FY 2016-17 YTD Appropriations</u>		<u>FY 2016-17 Year-to-Date (as of 2/8/17)</u>	<u>FY 2017-18 House Change</u>
14. Swift and Sure Sanctions Program	Gross	\$4,000,000	(\$500,000)
<u>Executive</u> retains current year funding for the Swift and Sure Sanctions Program. <u>House</u> reduces funding based on historical lapse amounts at fiscal year-end.	Restricted	1,729,400	0
	GF/GP	\$2,270,600	(\$500,000)
15. Increased Funding for Veterans Courts	Gross	\$517,300	(\$80,900)
The current year budget included funding in applicable line items for the negotiated 1.5% one-time lump sum payment for employees. <u>Executive</u> did not eliminate the one-time funding. <u>House</u> transfers the \$436,400 in GF/GP funding from the various line items to the Veterans Courts line item.	Federal	24,800	(24,800)
	Local	44,700	(44,700)
	Private	1,400	(1,400)
	Restricted	10,000	(10,000)
	GF/GP	\$436,400	\$0

Major Boilerplate Changes From FY 2016-17

Sec. 202.(2) Transfer Process for Judicial Branch – RETAINED

Specifies the appropriations transfer process for entities in the judicial branch. Executive deletes. House retains.

Sec. 204. Disciplinary Action Against State Employees – RETAINED

Prohibits the judicial branch from taking disciplinary action against employees for communicating with legislators or their staff. Executive deletes. House retains.

Sec. 205. Input on Foster Care Cases – RETAINED

Expresses legislative intent that judges presiding over hearings on foster care cases publicly acknowledge and request input from foster parent(s) during hearings. Executive deletes. House retains.

Sec. 207. Changes to Foster Care Family Service Plans – RETAINED

Expresses legislative intent that judges presiding over foster care cases provide explanations in court records for any changes made to foster care family service plans. Executive deletes. House retains.

Sec. 211. Linking Swift and Sure Sanctions Program to DHHS and DTED Programs – DELETED

Requires SCAO to evaluate programs within the Departments of Health and Human Services and Talent and Economic Development to establish programmatic connections with Swift and Sure Sanctions Program participants for the purpose of leveraging collaborations and determining avenues of success for offenders who are eligible for state-provided programs; requires SCAO to deliver guidance to courts participating in the Swift and Sure Sanctions Program. Executive deletes. House deletes.

Sec. 212. Receipt and Retention of Required Reports – RETAINED

Requires the judicial branch to receive and retain copies of all reports required; requires federal and state guidelines to be followed for short- and long-term retention of records; authorizes the judicial branch to retain electronic copies of reports unless otherwise required by federal and state guidelines. Executive deletes. House retains.

Sec. 306. Collected and Uncollected Payments and Fees – RETAINED

Requires SCAO to submit an annual statistical report, categorized by county, on collected and uncollected amounts of restitution payments, court fees, and other judgements placed on people within the counties. Executive deletes. House retains.

Sec. 312. Parental Rights Restoration Act – RETAINED

Requires SCAO to report on the total number of petitions filed by minors seeking court-issued waivers of parental consent under the Parental Rights Restoration Act, and the total number of petitions granted. Executive deletes. House retains.

Sec. 316. Pretrial Risk Assessment – NEW

Requires SCAO to pilot a pretrial risk assessment tool in an effort to provide relevant information to judges so they can make evidence-based bond decisions; requires SCAO to report on plans for piloting the tool; requires SCAO to report on costs associated with piloting the tool. Executive does not include. House includes new language.

Sec. 322a. Michigan Indigent Defense Commission Receipt of Federal Funding – DELETED

Authorizes the MIDC to receive and expend up to \$250,000 in federal Byrne grant funding and up to \$300,000 in other federal grant funding, if the funding is made available from the U.S. Department of Justice. Executive deletes. House deletes.

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

Requires SCAO to provide courts with a quarterly listing of out-of-state placements of juveniles made by each court, an annual listing of per diem costs of public and private residential care facilities located or doing business in the state, and recidivism data for each facility, if available from DHHS. Executive deletes. House deletes.

Major Boilerplate Changes From FY 2016-17

Sec. 324. Additional Funding for Michigan Indigent Defense Commission – DELETED

Requires additional funding appropriated for the MIDC to be used for bringing the criminal defense system into compliance with right to counsel requirements of the U.S. and Michigan constitutions; requires specific outcomes and performance measures to be identified. Executive deletes. House deletes.

Sec. 325. Michigan Indigent Defense Commission Report on Incremental Costs – DELETED

Requires the MIDC to submit an annual report on incremental costs associated with the standard development process, compliance plan process, and collection of data from all indigent defense systems and attorneys providing indigent defense. Executive deletes. House deletes.

Sec. 401. Expansion of Problem Solving Courts – DELETED

Requires the additional one-time funding appropriated for drug treatment courts to be used for increasing the number of participants and decreasing recidivism rates. Executive deletes. House deletes.

Sec. 1201. Anticipated FY 2017-18 Appropriations – RETAINED

Expresses legislative intent that FY 2017-18 appropriations will be funded at the same level as FY 2016-17 appropriations, adjusting for changes in caseloads, federal fund match rates, economic factors, and available revenues. Executive deletes. House retains and updates fiscal years.