

FY 2017-18: JUDICIARY
Summary: As Passed by the Senate
Senate Bill 143 (S-1)



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	FY 2016-17 YTD as of 2/8/17	FY 2017-18 Revised Executive	FY 2017-18 House	FY 2017-18 Senate	FY 2017-18 Enacted	<i>Difference: Senate From FY 2016-17 YTD</i>	
						<i>Amount</i>	<i>%</i>
IDG/IDT	\$1,550,000	\$1,550,600	\$1,550,600	\$1,550,600		\$600	0.0
Federal	6,433,500	6,464,100	6,464,100	6,464,100		30,600	0.5
Local	7,349,300	5,955,300	5,955,300	5,955,300		(1,394,000)	(19.0)
Private	957,800	969,600	969,600	969,600		11,800	1.2
Restricted	92,786,000	92,529,000	92,529,000	92,529,000		(257,000)	(0.3)
GF/GP	189,157,400	191,968,700	191,905,100	191,968,700		2,811,300	1.5
Gross	\$298,234,000	\$299,437,300	\$299,373,700	\$299,437,300		\$1,203,300	0.4
FTEs	510.0	501.0	501.0	499.0		(11.0)	(2.2)

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.

NOTE: Information on House budget action in this document is based on House Bill 4323 as passed by the House.

Budget Changes From FY 2016-17 YTD Appropriations		FY 2016-17 Year-to-Date (as of 2/8/17)	FY 2017-18 Senate 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. <u>Senate</u> concurs.	Gross	\$2,345,600	(\$2,345,600)
	GF/GP	\$2,345,600	(\$2,345,600)
2. Trial Court Videoconferencing	Gross	NA	\$0
<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. <u>Senate</u> does not include the additional funding.	GF/GP	NA	\$0
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. <u>Senate</u> concurs.	GF/GP	NA	\$750,000

Budget Changes From FY 2016-17 YTD Appropriations		FY 2016-17 Year-to-Date (as of 2/8/17)	FY 2017-18 Senate Change
4. One-Time Funding for Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers			
<u>Executive</u> includes \$750,000 in one-time funding and authorization for 11.0 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. <u>Senate</u> includes \$700,000 and 11.0 FTE positions.	FTE	NA	11.0
	Gross	NA	\$700,000
	GF/GP	NA	\$700,000
5. One-Time and Ongoing Funding for Pretrial Risk Assessment			
<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. <u>Senate</u> does not include the additional funding.	FTE	NA	0.0
	Gross	NA	\$0
	GF/GP	NA	\$0
6. Pre-Funding Judges' Retiree Healthcare			
<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. <u>Senate</u> concurs.	Gross	NA	\$0
	Restricted	NA	(286,000)
	GF/GP	NA	\$286,000
7. Judgeship Changes			
<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. <u>Senate</u> concurs.	Gross	NA	(\$483,300)
	GF/GP	NA	(\$483,300)
8. Security Costs for Hall of Justice			
<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. <u>Senate</u> concurs.	Gross	NA	\$363,000
	GF/GP	NA	\$363,000
9. Annualize Funding for Legal Help Program			
<u>Executive</u> includes three months of funding, \$100,000, 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. <u>Senate</u> does not include the additional funding. <u>Senate</u> eliminates all funding for this program.	Gross	\$300,000	(\$300,000)
	GF/GP	\$300,000	(\$300,000)
10. Funding Adjustments			
<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. <u>Senate</u> concurs.	Gross	\$7,349,300	(\$1,455,900)
	Local	7,349,300	(1,455,900)
	GF/GP	\$0	\$0
11. FTE Authorization for Statewide E-File System			
<u>Executive</u> includes authorization for 5.0 FTE positions for administration of the statewide electronic filing system. <u>House</u> concurs. <u>Senate</u> concurs.	FTE	0.0	5.0
	Gross	\$8,500,000	\$0
	Restricted	8,500,000	0
	GF/GP	\$0	\$0

<u>Budget Changes From FY 2016-17 YTD Appropriations</u>		FY 2016-17 Year-to-Date (as of 2/8/17)	FY 2017-18 Senate Change
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. <u>Senate</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. <u>Senate</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
14. Swift and Sure Sanctions Program	Gross	\$4,000,000	\$300,000
<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. <u>Senate</u> includes an additional \$300,000.	Restricted	1,729,400	0
	GF/GP	\$2,270,600	\$300,000
15. Increased Funding for Veterans Courts	Gross	\$517,300	(\$517,300)
<u>Revised Executive</u> eliminates \$517,300 in one-time funding included in the current year budget for the negotiated 1.5% one-time lump sum payment for employees. <u>House</u> eliminates \$80,900 of the funding, but transfers the \$436,400 in GF/GP funding from the various employee-related line items to the Veterans Courts line item. <u>Senate</u> eliminates the funding.	Federal	24,800	(24,800)
	Local	44,700	(44,700)
	Private	1,400	(1,400)
	Restricted	10,000	(10,000)
	GF/GP	\$436,400	(\$436,400)
16. One-Time Funding for Expansion of Problem Solving Courts	Gross	NA	\$1,570,700
<u>Senate</u> includes a one-time appropriation of \$1.6 million for the expansion of problem solving courts. <u>Senate</u> also includes new boilerplate, section 401, which requires \$68,000 of the appropriation to be expended on establishing a new veterans court in a county with a population of not less than 260,000 or more than 261,000 according to the 2010 federal decennial census.	GF/GP	NA	\$1,570,700

Major Boilerplate Changes From FY 2016-17

Sec. 304. Judicial Technology Improvement Fund – NEW

Allocates \$815,000 of the Judicial Technology Improvement Fund to updating and maintaining trial court videoconferencing equipment; allocates \$400,000 of the Judicial Technology Improvement Fund to the Michigan Legal Self-Help program; requires SCAO to ensure that all judicial data warehouse data is submitted to the Legislative Council; authorizes members of the legislature to request reports from data collected; subjects reports created to FOIA requirements. Executive does not include new language. House does not include new language. Senate 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. Senate deletes.

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. Senate 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. Senate deletes.

Sec. 401. Expansion of Problem Solving Courts – REVISED

Current language requires 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. Senate revises language to require judiciary to use one-time funding to establish new problem-solving courts; requires \$68,000 to be used to establish a new veterans court in a county with a population of not less than 260,000 or more than 261,000 according to the 2010 federal decennial census.