

FY 2019-20: JUDICIARY
Summary: As Passed by the Senate
Senate Bill 142 (S-1)



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	FY 2018-19 YTD as of 3/5/19	FY 2019-20 Executive	FY 2019-20 House	FY 2019-20 Senate	FY 2019-20 Enacted	Difference: Senate From FY 2018-19 YTD	
						Amount	%
IDG/IDT	\$1,551,300	\$1,551,700	\$1,551,700	\$1,551,700		\$400	0.0
Federal	5,987,400	6,028,400	5,748,400	6,028,400		41,000	0.7
Local	6,499,800	6,579,500	6,505,300	6,579,500		79,700	1.2
Private	981,600	994,300	994,300	994,300		12,700	1.3
Restricted	92,979,500	93,044,900	94,785,900	94,796,000		1,816,500	2.0
GF/GP	196,079,500	201,142,200	198,594,700	201,142,200		5,062,700	2.6
Gross	\$304,079,100	\$309,341,000	\$308,180,300	\$311,092,100		\$7,013,000	2.3
FTEs	502.0	503.0	503.0	505.0		3.0	0.6

Notes: (1) FY 2018-19 year-to-date figures include mid-year budget adjustments through March 5, 2019. (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 number of judgeships.

Major Budget Changes From FY 2018-19 YTD Appropriations

1. Cybersecurity for Supreme Court Website

Executive includes \$1.9 million GF/GP (\$1.5 million one-time, \$454,100 ongoing) for redesigning and updating the Supreme Court website and extranet. Funding would be used to support staff, purchase web content management software, replace and secure customer relationship management software, and provide for cloud-hosting and software licenses. Senate concurs.

	FY 2018-19 Year-to-Date (as of 3/5/19)	FY 2019-20 Senate Change
Gross	NA	\$1,929,100
GF/GP	NA	\$1,929,100

2. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers

Executive includes \$841,900 in ongoing GF/GP and authorization for 7.0 FTE positions for the State Appellate Defender Office (SADO) to ensure compliance with the U.S. Supreme Court ruling on the *Montgomery v Louisiana* case. SADO provides post-conviction representation of juvenile lifers. There are 96 clients awaiting new sentencing hearings. Senate includes funding in the One-Time Appropriations unit (see item 8).

FTE	0.0	0.0
Gross	\$0	\$0
GF/GP	\$0	\$0

3. SADO Caseload Increase

Executive includes \$457,200 GF/GP and authorization for 4.0 FTE positions for SADO's public defense division to provide representation for an increased number of clients appealing convictions they received after trial. Senate includes funding, but does not include authorization for additional FTE positions.

FTE	51.0	0.0
Gross	\$8,143,400	\$457,200
Federal	343,500	0
Private	85,900	0
Restricted	92,300	0
GF/GP	\$7,621,700	\$457,200

		FY 2018-19 Year-to-Date (as of 3/5/19)	FY 2019-20 Senate Change
<u>Major Budget Changes From FY 2018-19 YTD Appropriations</u>			
4. Online Dispute Resolution Services	Gross	\$2,815,800	\$450,000
<u>Executive</u> includes \$450,000 GF/GP for expanding availability of online dispute resolution for small claims and landlord/tenant cases. Also, funding would be used to pilot the use of online dispute resolution services to resolve certain domestic relations and youth-related issues and to prevent rental eviction. <u>Senate</u> concurs.	Restricted	2,390,800	0
	GF/GP	\$425,000	\$450,000
5. Pretrial Risk Assessment	FTE	0.0	1.0
<u>Executive</u> includes \$325,700 in ongoing GF/GP and authorization for 1.0 FTE position for continued improvement and development of the pretrial risk assessment tool. Funding would be used to collect, analyze, and interpret pretrial court data, provide technical assistance, conduct trainings on pretrial best practices, establish pretrial metrics and performance measures, and improve technological resources and data integration reports. <u>Senate</u> includes ongoing authorization for the FTE position, and includes funding in the One-Time Appropriations unit (see item 8).	Gross	\$0	\$0
	GF/GP	\$0	\$0
6. Judicial Tenure Commission	Gross	\$1,162,900	\$200,000
<u>Executive</u> includes \$200,000 GF/GP (\$100,000 one-time, \$100,000 ongoing) for additional staff resources to handle a backlog of cases, which is due to an increase in the number of formal complaints and increasingly complex cases. <u>Senate</u> concurs.	GF/GP	\$1,162,900	\$200,000
7. Judgeship Changes	Gross	NA	(\$436,300)
<u>Executive</u> reflects a net savings of \$451,900 GF/GP from the following changes in judgeships: elimination of 2.0 Court of Appeals judges (2012 PA 40); elimination of 2.0 district court judges (2018 PA 6); and establishment of 3.0 circuit court judges (2014 PA 56, 2014 PA 57, and 2018 PA 6). The net savings amount is a result of the effective dates of the judgeship changes. <u>Senate</u> concurs.	Restricted	NA	15,600
	GF/GP	NA	(\$451,900)
8. Removal of Current Year One-Time Funding	FTE	11.0	0.0
<u>Executive</u> reduces the budget by \$1.8 million GF/GP and 11.0 FTE positions to reflect removal of one-time funding and FTE positions included in the FY 2018-19 budget. Items removed include: \$700,000 and 11.0 FTE positions for SADO to ensure compliance with the U.S. Supreme Court ruling on the <i>Montgomery v Louisiana</i> case, \$750,000 for expansion of problem solving courts, \$305,700 for pretrial risk assessment, and \$75,000 for the Youthful Sex Offender Treatment pilot program. <u>Senate</u> reduces the budget by \$663,100 GF/GP, removing \$750,000 for problem solving courts and \$75,000 for the pilot program, but retaining \$700,000 and authorization for 11.0 FTE positions for SADO and \$305,700 for pretrial risk assessment. Also, <u>Senate</u> includes an additional \$141,900 for SADO and an additional \$20,000 for pretrial risk assessment.	Gross	\$1,830,700	(\$663,100)
	GF/GP	\$1,830,700	(\$663,100)
9. Economic Adjustments	Gross	NA	\$3,325,000
<u>Executive</u> reflects increased costs of \$3.3 million Gross (\$3.1 million GF/GP) for negotiated salary and wage increases (2.0% ongoing, 2.0% lump sum), insurance rate increases, actuarially required retirement contributions, worker's compensation premium costs, building occupancy charges, and rent. <u>Senate</u> concurs.	IDG	NA	400
	Federal	NA	41,000
	Local	NA	79,700
	Private	NA	12,700
	Restricted	NA	49,800
	GF/GP	NA	\$3,141,400
10. Funding Adjustment for SADO	Gross	\$8,143,400	\$75,000
<u>Senate</u> includes authorization for SADO to receive an additional \$75,000 in state restricted revenue from the Michigan Indigent Defense Commission for subscriptions to Criminal Defense Resource Center services for court appointed attorneys.	Federal	343,500	0
	Private	85,900	0
	Restricted	92,300	75,000
	GF/GP	\$7,621,700	\$0

<u>Major Budget Changes From FY 2018-19 YTD Appropriations</u>		FY 2018-19 Year-to-Date (as of 3/5/19)	FY 2019-20 Senate Change	
11. FTE Adjustment for SADO		FTE	51.0	2.0
<u>Senate</u> includes authorization for an additional 2.0 FTE positions that will be funded by a federal grant SADO anticipates receiving from the U.S. Department of Justice.		Gross	\$8,143,400	\$0
		Federal	343,500	0
		Private	85,900	0
		Restricted	92,300	0
		GF/GP	\$7,621,700	\$0
12. Funding Adjustment for Statewide E-Filing System		Gross	\$8,511,700	\$1,676,100
<u>Senate</u> increases state restricted fund source authorization by \$1.7 million to allow receipt of additional Electronic Filing Fee Fund revenue.		Restricted	8,511,700	1,676,100
		GF/GP	\$0	\$0

Major Boilerplate Changes From FY 2018-19

Sec. 206. Businesses in Deprived and Depressed Communities – NOT INCLUDED

Requires the judicial branch to take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both; requires the judicial branch to encourage firms the judicial branch contracts with to subcontract with certified businesses in deprived and depressed communities. Executive includes new language. Senate does not include new language.

Sec. 215. 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. Senate retains.

Sec. 216. 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. Senate retains.

Sec. 217. 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. Senate retains.

Sec. 218. Linking Swift and Sure Sanctions Program to DHHS and DTED Programs – RETAINED

Requires SCAO to identify programs within the Departments of Health and Human Services, Talent and Economic Development, and Corrections that have 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 provide guidance to courts participating in the Swift and Sure Sanctions program of available DHHS, DTED, and MDOC programming. Executive deletes. Senate retains.

Sec. 219. 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 electronically retain copies of reports unless otherwise required by federal and state guidelines. Executive deletes. Senate retains.

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

Requires SCAO to provide a 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. Senate 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. Senate retains.

Sec. 325. Veterans Court Participants' Compliance with Mental Health Treatment – NEW

Requires SCAO to create a pilot program that investigates the effectiveness of saliva testing to determine compliance with prescribed mental health medications and other treatments. Executive does not include. Senate includes new language.

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

Requires SADO to ensure compliance with the U.S. Supreme Court ruling on *Montgomery v Louisiana* case and to ensure competent, resourced, and supervised counsel in cases involving resentencing of juvenile lifers; 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. Executive deletes. Senate retains.

Major Boilerplate Changes From FY 2018-19

Sec. 403. Youthful Sex Offender Treatment Pilot Program – DELETED

Requires funding allocated to Kent County to be used for assessing sex offenders, between the ages of 17 and 24, for risk, and for providing treatment to eligible offenders; specifies that the duration of treatment will be determined by and will depend on the assessment-based level of identified risk; requires victim approval of offenders' enrollment in the program. Executive deletes. Senate deletes.

Sec. 1201. Anticipated FY 2018-19 Appropriations – RETAINED

Expresses legislative intent that FY 2018-19 appropriations are to be funded at the same level as FY 2017-18 appropriations, but adjusted for changes in caseloads, federal fund match rates, economic factors, and available revenues. Executive deletes. Senate retains and updates fiscal years.