

**Summary: Executive Budget Recommendation
for Fiscal Year 2018-19
JUDICIARY**



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	FY 2017-18	FY 2018-19	Difference: FY 2018-19	
	Year-to-Date as of 2/7/18	Executive	Amount	%
IDG/IDT	\$1,550,600	\$1,551,300	\$700	0.0
Federal	6,464,100	5,987,400	(476,700)	(7.4)
Local	5,955,300	6,599,800	644,500	10.8
Private	969,600	981,600	12,000	1.2
Restricted	92,529,000	92,879,500	350,500	0.4
GF/GP	192,574,400	193,783,700	1,209,300	0.6
Gross	\$300,043,000	\$301,783,300	\$1,740,300	0.6
FTEs	501.0	490.0	(11.0)	(2.2)

Notes: (1) FY 2017-18 year-to-date figures include mid-year budget adjustments through February 7, 2018. (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.

Budget Changes From FY 2017-18 Year-to-Date (YTD) Appropriations		FY 2017-18 YTD (as of 2/7/18)	Executive Change from YTD
1. Judgeship Changes	Gross	\$31,149,800	\$255,300
Includes \$255,300 Gross (\$242,200 GF/GP) to fund two new circuit court judgeships. Public Act 56 of 2014 authorizes one additional circuit court judge in Oakland County, and Public Act 57 of 2014 authorizes one additional circuit court judge in Macomb County. The amount of funding is a result of the effective date of the additional judgeships, January 1, 2019. Seventy-five percent of the costs will be funded in FY 2018-19 and the remaining twenty-five percent will be recognized in FY 2019-20.	Restricted	1,829,700	13,100
	GF/GP	\$29,320,100	\$242,200
2. Swift and Sure Sanctions Program Reduction	Gross	\$4,000,000	(\$154,000)
Reduces funding for the Swift and Sure Sanctions Probation Program by \$154,000 GF/GP.	Restricted	1,729,400	0
	GF/GP	\$2,270,600	(\$154,000)
3. Removal of One-Time Funding	FTE	11.0	(11.0)
Reduces the budget by \$1.2 million GF/GP to reflect the removal of one-time funding that was included in the FY 2017-18 budget. Specifically, \$700,000 was for SADO to ensure compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case, \$300,000 was for the development of a pretrial risk assessment tool, and \$219,300 was for expansion of problem solving courts.	Gross	\$1,219,300	(\$1,219,300)
	GF/GP	\$1,219,300	(\$1,219,300)
4. GF/GP Fund Source Shift	Gross	NA	\$0
Reduces GF/GP by \$500,000 and replaces it with a like amount of state restricted Court Fee Fund revenue.	Restricted	NA	500,000
	GF/GP	NA	(\$500,000)

Budget Changes From FY 2017-18 Year-to-Date (YTD) Appropriations

5. Non-GF/GP Fund Source Adjustments

Reflects a net reduction of \$190,900 Gross from adjusting authorization for various federal, local, and state restricted fund sources in order to more accurately reflect available revenue:

- Reduces federal fund source authorization for SCAO by \$800,300 and increases federal fund source authorization for SADO by \$275,000
- Increases local user fee authorization for Direct Trial Court Automation Support by \$544,700
- Adjusts state restricted fund source authorization: reduces Swift and Sure Sanctions Probation Program by \$191,800; increases Supreme Court Administration by \$63,000; reduces SCAO by \$34,600; and reduces SADO by \$46,900.

Gross	NA	(\$190,900)
Federal	NA	(525,300)
Local	NA	544,700
Restricted	NA	(210,300)
GF/GP	NA	\$0

6. Transfer Court of Claims Funding

Transfers \$511,900 GF/GP from the State Court Administrative Office line item to the Court of Appeals line item. This amount of funding is used by the Court of Appeals for state litigation cases handled by the Court of Claims, pursuant to Public Act 164 of 2013 that transferred jurisdiction for Court of Claims cases to the Court of Appeals.

Gross	NA	\$0
GF/GP	NA	\$0

7. Economic Adjustments

Reflects increased costs of \$3.0 million Gross (\$2.8 million GF/GP) for negotiated salary and wage increases (2.0% ongoing), insurance rate increases, actuarially required retirement contributions, worker's compensation, building occupancy charges, and private rent.

Gross	NA	\$3,049,200
IDG	NA	700
Federal	NA	48,600
Local	NA	99,800
Private	NA	12,000
Restricted	NA	47,700
GF/GP	NA	\$2,840,400

Boilerplate Changes From FY 2017-18

Sec. 215. Disciplinary Action Against State Employees – DELETED

Prohibits judicial branch from taking disciplinary action against employees for communicating with legislators or their staff.

Sec. 216. Input on Foster Care Cases – DELETED

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

Sec. 217. Changes to Foster Care Family Service Plans – DELETED

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.

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

Requires SCAO to evaluate programs within Department of Health and Human Services and Department of Talent and Economic Development to establish programmatic connections with Swift and Sure Sanctions program participants for 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 Swift and Sure Sanctions program.

Sec. 219. Receipt and Retention of Required Reports – DELETED

Requires 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 judicial branch to electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 304. Judicial Data Warehouse – REVISED

Authorizes members of legislature to request data or reports from data collected in judicial data warehouse; requires data to be made available to public, unless disclosure is prohibited; requires data provided to be public and non-identifying information. Revised to require reports to be made available to public, instead of data from the warehouse.

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

Requires SCAO to provide statistical report, categorized by county, on collected and uncollected amounts of restitution payments, court fees, and other judgements placed on people within the counties.

Sec. 312. Parental Rights Restoration Act – DELETED

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

Boilerplate Changes From FY 2017-18

Sec. 316. Pretrial Risk Assessment – REVISED

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, including implementation timeline; requires SCAO to report on costs associated with piloting the tool. Revised to delete report on plans for piloting the tool. Revised to require SCAO to report on progress made toward implementing the tool, instead of on costs associated with piloting the tool.

Sec. 317. Judicial Car Leases – REVISED

Prohibits funding from being used for permanent assignment of state-owned vehicles to justices, judges, or other judicial branch employees. Revised to exempt justices.

Sec. 401. Veterans Courts – DELETED

Requires \$68,000 of funding appropriated for veterans courts to be allocated to veterans court in Kalamazoo to be used for increasing number of participants and decreasing recidivism rates.

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

Requires SADO to ensure compliance with 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 report on number of juvenile lifer cases investigated and prepared, to include calculation of hours spent, and a focus on incremental costs associated with investigating and conducting each case.

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

Expresses legislative intent that FY 2018-19 appropriations will be funded at same level as FY 2017-18 appropriations, adjusting for changes in caseloads, federal fund match rates, economic factors, and available revenues.