

**FY 2016-17: JUDICIARY**  
**Summary: As Reported by the House Subcommittee**  
**House Bill 5264 (H-1) Draft 1**



Analyst: Robin R. Risko

	FY 2015-16 YTD as of 2/10/16	FY 2016-17 Executive	FY 2016-17 House	FY 2016-17 Senate	FY 2016-17 Enacted	Difference: House From FY 2015-16 YTD	
						Amount	%
<b>IDG/IDT</b>	\$2,362,900	\$1,550,000	\$1,550,000			(\$812,900)	(34.4)
<b>Federal</b>	6,428,600	6,433,500	6,433,500			4,900	0.1
<b>Local</b>	7,229,000	7,349,300	7,349,300			120,300	1.7
<b>Private</b>	942,900	957,800	957,800			14,900	1.6
<b>Restricted</b>	84,245,800	92,786,000	92,786,000			8,540,200	10.1
<b>GF/GP</b>	183,642,200	189,184,800	190,057,400			6,415,200	3.5
<b>Gross</b>	<b>\$284,851,400</b>	<b>\$298,261,400</b>	<b>\$299,134,000</b>			<b>\$14,282,600</b>	<b>5.0</b>
<b>FTEs</b>	489.0	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.

	FY 2015-16 Year-to-Date (as of 2/10/16)	FY 2016-17 House 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 funding 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.

FTE	6.0	10.0
<b>Gross</b>	<b>\$996,700</b>	<b>\$1,300,000</b>
GF/GP	\$996,700	\$1,300,000

**3. One-Time Funding for Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers**

Executive includes additional FTE positions and one-time funding for the State Appellate Defender Office (SADO) to ensure compliance with the U.S. Supreme Court ruling on the *Montgomery v. Louisiana* 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. House concurs.

FTE	NA	11.0
<b>Gross</b>	<b>NA</b>	<b>\$1,100,000</b>
GF/GP	NA	\$1,100,000

<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 House Change</b>	
<b>4. One-Time Funding for Expansion of Problem Solving Courts – Statewide Opioid Task Force Initiative</b>	<b>Gross</b> GF/GP	<b>NA</b> NA	<b>\$1,000,000</b> \$1,000,000
<u>Executive</u> includes one-time funding 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.			
<b>5. One-Time Funding for Medication-Assisted Treatment Pilot Program – Statewide Opioid Task Force Initiative</b>	<b>Gross</b> GF/GP	<b>NA</b> NA	<b>\$1,000,000</b> \$1,000,000
<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.			
<b>6. Michigan Legal Self-Help Website and Centers</b>	<b>Gross</b> GF/GP	<b>NA</b> NA	<b>\$300,000</b> \$300,000
<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.			
<b>7. Savings for Eliminated Judgeships</b>	<b>Gross</b> GF/GP	<b>NA</b> NA	<b>(\$259,700)</b> (\$259,700)
<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.			
<b>8. Funding Adjustment for SADO</b>	<b>Gross</b> IDG GF/GP	<b>\$473,700</b> 473,700 \$0	<b>(\$306,700)</b> (473,700) \$167,000
<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.			
<b>9. Funding Adjustments for Michigan Judicial Institute</b>	<b>Gross</b> IDG Federal Private GF/GP	<b>\$2,159,100</b> 339,200 169,200 59,300 \$1,591,400	<b>(\$395,700)</b> (339,200) (56,500) 0 \$0
<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.			
<b>10. Early Out Payouts</b>	<b>Gross</b> Federal Local GF/GP	<b>\$58,800</b> 500 6,800 \$51,500	<b>(\$58,800)</b> (500) (6,800) (\$51,500)
<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.			
<b>11. Economic Adjustments</b>	<b>Gross</b> Federal Local Private Restricted GF/GP	<b>NA</b> NA NA NA NA NA	<b>\$1,731,000</b> 61,900 127,100 14,900 40,300 \$1,486,800
<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.			
<b>12. Judges Salaries</b>	<b>Gross</b> GF/GP	<b>NA</b> NA	<b>\$872,600</b> \$872,600
<u>House</u> 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>Major Budget Changes From FY 2015-16 YTD Appropriations</u>		<u>FY 2015-16 Year-to-Date (as of 2/10/16)</u>	<u>FY 2016-17 House Change</u>
<b>13. Swift and Sure Sanctions Program</b>	<b>Gross</b>	<b>\$4,250,000</b>	<b>(\$500,000)</b>
<u>House</u> reduces funding for the Swift and Sure Sanctions Program as a result of the line item typically lapsing funding at the close of the fiscal year.	Restricted	1,729,400	0
	GF/GP	\$2,520,600	(\$500,000)

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

**Sec. 205. 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. Executive deletes. House deletes.

**Sec. 207. 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. Executive deletes. House deletes.

**Sec. 209. Juvenile Justice Vision 20/20 – DELETED**

Expresses legislative intent that the State Court Administrative Office (SCAO) implement a database, if funding becomes available, that tracks statistical and demographic data on adjudicated juveniles for use by the circuit and probate courts, private juvenile justice agencies, and SCAO; establishes the project as a work project account; requires SCAO to report on the status of the implementation of the project. Executive deletes. House deletes.

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

Requires SCAO to evaluate programs within DHHS and DTED 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. 306. Collected and Uncollected Payments and Fees – DELETED**

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 for fiscal years 2009 through 2014. 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 the public and private residential care facilities located or doing business in the state, and recidivism data for each facility. Executive deletes. House deletes.

**Sec. 324. Report on Incremental Costs from Michigan Indigent Defense Commission – NEW**

Requires the Michigan Indigent Defense Commission to submit a report on the incremental costs associated with the standard development process, the compliance plan process, and the collection of data from all indigent defense systems and attorneys providing indigent defense. Executive does not include. House includes new language.

**Sec. 325. 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.

**Sec. 401. Expansion of Problem Solving Courts – NEW**

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