

FY 2015-16: JUDICIARY
Summary: As Reported by Senate Subcommittee
Senate Bill 126 (S-1) Draft A



Analyst: Robin R. Risko

IDG/IDT	FY 2014-15 YTD as of 3/12/15	FY 2015-16 Executive	FY 2015-16 House	FY 2015-16 Senate	FY 2015-16 Enacted	Difference: Senate From FY 2014-15 YTD	
						Amount	%
IDG/IDT	\$2,364,400	\$2,362,900	\$2,362,900	\$2,362,900		(\$1,500)	(0.1)
Federal	6,437,400	6,428,600	6,428,600	6,428,600		(8,800)	(0.1)
Local	7,241,100	7,229,000	7,229,000	7,229,000		(12,100)	(0.2)
Private	944,800	942,900	942,900	942,900		(1,900)	(0.2)
Restricted	84,252,500	84,245,700	84,245,700	84,245,700		(6,800)	0.0
GF/GP	186,527,400	182,692,200	182,192,200	184,192,200		(2,335,200)	(1.3)
Gross	\$287,767,600	\$283,901,300	\$283,401,300	\$285,401,300		(\$2,366,300)	(0.8)
FTEs	490.0	487.0	489.0	487.0		(3.0)	(0.6)

Note: FY 2014-15 year-to-date figures include mid-year budget adjustments through March 12, 2015 (including House Bill 4112), and include appropriation 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 2014-15 YTD Appropriations

1. Budgetary Savings

Executive reflects a savings from recognizing year-end lapses that typically occur in various line items and from administrative efficiencies, such as delaying hiring for vacant positions. The largest amounts of savings are taken from the Swift and Sure Sanctions Program line item (\$2.5 million) and from the Mental Health Courts and Diversion Services line item (\$500,000). The remaining savings of \$150,000 is taken from various operation/administration line items throughout the budget. House concurs with the Executive on all savings reflected in the Executive recommendation, plus reduces the Swift and Sure Sanctions Program line item by another \$500,000. Senate concurs with the Executive on most all of the savings reflected in the Executive recommendation, with the exception of savings for the Swift and Sure Sanctions Program. Senate reduces the line item by \$1.0 million from the current year appropriated level.

	FY 2014-15 Year-to-Date (as of 3/12/15)	FY 2015-16 Senate Change
Gross	\$140,215,300	(\$1,000,000)
IDG	738,600	0
Federal	3,987,300	0
Private	944,800	0
Restricted	54,059,800	0
GF/GP	\$80,484,800	(\$1,000,000)

2. Remove One-Time Funding

Executive removes one-time funding included in the FY 2014-15 budget for the Trial Court Innovations Fund. Funding was used to create incentives to encourage positive change, adoption of best practices, and high performance in the state's trial courts. House concurs. Senate concurs.

FTE	1.0	(1.0)
Gross	\$375,000	(\$375,000)
GF/GP	\$375,000	(\$375,000)

<u>Budget Changes From FY 2014-15 YTD Appropriations</u>	<u>FY 2014-15 Year-to-Date (as of 3/12/15)</u>	<u>FY 2015-16 Senate Change</u>	
3. Savings for Eliminated Judgeships	Gross	NA	(\$351,800)
<u>Executive</u> reflects a savings from elimination of one Court of Appeals judgeship under Public Act 40 of 2012; elimination of four district court judgeships under Public Acts 16, 20, and 34 of 2012 and 58 of 2014; and elimination of five circuit court judgeships under Public Acts 228 of 2009, 18 and 35 of 2012, and 59 of 2014. The amount of savings is a result of retirements effective on January 1, 2015. Seventy-five percent of the savings was recognized in the FY 2014-15 budget; the remaining twenty-five percent will be recognized in FY 2015-16. <u>House</u> concurs. <u>Senate</u> concurs.	GF/GP	NA	(\$351,800)
4. Eliminate Community Court Pilot Program	Gross	\$20,000	(\$20,000)
<u>Executive</u> eliminates funding appropriated for the Community Court Pilot Program. Funding was used to assist the 36th District Court with their community court. Community courts are neighborhood-focused courts that harness the power of the justice system to address local problems. <u>House</u> concurs. <u>Senate</u> concurs.	GF/GP	\$20,000	(\$20,000)
5. Economic Adjustments	Gross	NA	\$30,500
<u>Executive</u> reflects a net cost increase for increases in salary and wage costs, insurance rates, and private rent costs, and reductions in actuarially-determined retirement rates, building occupancy charges, and worker's compensation costs. <u>House</u> concurs. <u>Senate</u> concurs.	IDG	NA	(1,500)
	Federal	NA	(8,800)
	Local	NA	(12,100)
	Private	NA	(1,900)
	Restricted	NA	(6,800)
	GF/GP	NA	\$61,600

Boilerplate Changes From FY 2014-15

Sec. 211. Linking Swift and Sure Sanctions Program to Michigan Rehabilitative Services – RETAINED

Requires the judicial branch to establish an interagency agreement with DHS and MDOC linking the Swift and Sure Sanctions program with the Michigan Rehabilitative Services program for the purpose of providing job placement and other support services to eligible probationers; authorizes participation in the Swift and Sure Sanctions program by parolees pending enactment of proposed legislation. Executive deletes. House deletes. Senate retains.

Sec. 306. Court Collections – DELETED

Requires Supreme Court and SCAO to maintain efforts to assist local trial courts in improving judgment collections. Executive deletes. House retains. Senate deletes.

Sec. 306. Report Court Collections – NEW

Senate includes new language which requires SCAO to report, by county, the amounts of collected and uncollected restitution payments, court fees, and other judgments for fiscal years 2009 through 2014. House does not include.

Sec. 307. Mental Health Diversion Council – REVISED

Expresses legislative intent that the \$1.7 million appropriation for Mental Health and Diversion Services is to be used to address recommendations of the Mental Health Diversion Council. Executive retains. House retains. Senate retains, but adjusts dollar amount to \$1.0 million.

Sec. 308. Judges' Salaries – REVISED

Authorizes appropriation of GF/GP to meet the cost of judges' compensation should funds from the Court Fee Fund be insufficient. Executive retains. House retains. Senate retains, but adds that if an appropriation is made, SCAO is required to report on the appropriation.

Sec. 309. Mental Health Courts – DELETED

Requires SCAO to provide an annual update on the status of the mental health courts. Executive deletes. House deletes. Senate deletes.

Sec. 310. Drug Treatment Court Evaluation – DELETED

Requires SCAO to evaluate and collect data on the performance of drug treatment court programs and to provide an annual review. Executive deletes. House deletes. Senate deletes.

Sec. 309. Report on Specialty Courts – NEW

House includes new language which requires SCAO to report information on drug treatment courts, mental health courts, and veterans courts, such as the number of each type of program that has been established, the number of program participants in each jurisdiction, and the impact of the programs on offender criminal involvement and recidivism. Senate does not include.

Boilerplate Changes From FY 2014-15

Sec. 318. Community Court Pilot Project – DELETED

Requires funding appropriated for the community court pilot project to be used for administering a pilot program of neighborhood-focused community courts. Executive deletes. House deletes. Senate deletes.

Sec. 320. Swift and Sure Sanctions Program – REVISED

Specifies that the \$6.0 million appropriation is to be expended for the Swift and Sure Sanctions program; requires SCAO to report on offenders participating and on recidivism rates. Executive deletes. House retains language, but adjusts the appropriation amount to reflect the \$3.0 million appropriation included in the House bill. Senate retains language, but adjusts the appropriation amount to reflect the \$5.0 million appropriation included in the Senate bill.

Sec. 322a. Federal Funding Authorization for the Michigan Indigent Defense Commission – NEW

House includes new language which authorizes the Michigan Indigent Defense Commission 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 United States Department of Justice. Senate adds Michigan Indigent Defense Commission to existing language for SADO (section 322).

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

Requires SCAO to provide courts with a listing of out-of-state placements of juveniles made by each court, a 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. Senate retains.