

**FY 2016-17: JUDICIARY**  
**Summary: Conference Report as Adopted**  
**Senate Bill 792 (S-2) CR-1**



**Analyst: Robin R. Risko**

IDG/IDT	FY 2015-16 YTD as of 2/10/16	FY 2016-17 Rev Executive	FY 2016-17 House	FY 2016-17 Senate	FY 2016-17 Conference	Difference: Conference From FY 2015-16 YTD	
						Amount	%
	\$2,362,900	\$1,550,000	\$1,550,000	\$1,550,000	\$1,550,000	(\$812,900)	(34.4)
<b>Federal</b>	6,428,600	6,433,500	6,433,500	6,433,500	6,433,500	4,900	0.1
<b>Local</b>	7,229,000	7,349,300	7,349,300	7,349,300	7,349,300	120,300	1.7
<b>Private</b>	942,900	957,800	957,800	957,800	957,800	14,900	1.6
<b>Restricted</b>	84,245,800	92,786,000	92,786,000	92,786,000	92,786,000	8,540,200	10.1
<b>GF/GP</b>	183,642,200	190,057,400	190,057,400	188,334,800	189,157,400	5,515,200	3.0
<b>Gross</b>	<b>\$284,851,400</b>	<b>\$299,134,000</b>	<b>\$299,134,000</b>	<b>\$297,411,400</b>	<b>\$298,234,000</b>	<b>\$13,382,600</b>	<b>4.7</b>
<b>FTEs</b>	489.0	510.0	510.0	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.

<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 Conference Change</b>
<b>1. Statewide Electronic Filing System</b>	<b>Gross</b>	<b>\$100</b>
<u>Executive</u> 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. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	Restricted	100
	<b>Gross</b>	<b>\$8,499,900</b>
		8,499,900
<b>2. Michigan Indigent Defense Commission</b>	FTE	6.0
<u>Executive</u> includes an additional 10.0 FTE positions and \$1.3 million to bring the Michigan 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> includes \$800,000. <u>Conference</u> concurs with Executive.	<b>Gross</b>	<b>\$996,700</b>
	GF/GP	\$996,700
		10.0
		<b>\$1,300,000</b>
		\$1,300,000
<b>3. Judges Salaries</b>	<b>Gross</b>	<b>NA</b>
<u>Executive</u> includes funding to cover costs of judicial salary increases authorized by Public Act 31 of 2016. Under the 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>House</u> concurs. <u>Senate</u> does not include additional funding. <u>Conference</u> concurs with Executive.	GF/GP	NA
		<b>\$872,600</b>
		\$872,600

<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 Conference Change</b>
<p><b>4. One-Time Funding for Medication-Assisted Treatment Pilot Program – Statewide Opioid Task Force Initiative</b></p> <p><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. <u>House</u> includes \$1.0 million. <u>Senate</u> concurs with Executive. <u>Conference</u> includes \$750,000.</p>	<p><b>Gross</b> GF/GP</p>	<p><b>NA</b> NA <b>\$750,000</b> \$750,000</p>
<p><b>5. One-Time Funding for Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers</b></p> <p><u>Executive</u> includes an additional 11.0 FTE positions and \$1.1 million in one-time funding 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 resentencings. <u>House</u> concurs. <u>Senate</u> includes \$700,000. <u>Conference</u> concurs with Senate.</p>	<p>FTE <b>Gross</b> GF/GP</p>	<p>NA <b>NA</b> NA 11.0 <b>\$700,000</b> \$700,000</p>
<p><b>6. One-Time Funding for Expansion of Problem Solving Courts – Statewide Opioid Task Force Initiative</b></p> <p><u>Executive</u> includes \$1.0 million in 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. <u>House</u> concurs. <u>Senate</u> includes \$250,000. <u>Conference</u> includes \$500,000 total, of which, \$250,000 is designated as a one-time appropriation, and \$250,000 is designated as on-going. Of the \$250,000 in additional on-going appropriations, \$125,000 is allocated to drug treatment courts and \$125,000 to mental health courts.</p>	<p><b>Gross</b> GF/GP</p>	<p><b>NA</b> NA <b>\$500,000</b> \$500,000</p>
<p><b>7. Michigan Legal Self-Help Website and Centers</b></p> <p><u>Executive</u> includes 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 is no longer available in December 2016. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.</p>	<p><b>Gross</b> GF/GP</p>	<p><b>NA</b> NA <b>\$300,000</b> \$300,000</p>
<p><b>8. Funding Adjustments for Michigan Judicial Institute</b></p> <p><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. <u>Senate</u> concurs. <u>Conference</u> concurs.</p>	<p><b>Gross</b> IDG Federal Private GF/GP</p>	<p><b>\$2,159,100</b> 339,200 169,200 59,300 \$1,591,400 <b>(\$395,700)</b> (339,200) (56,500) 0 \$0</p>
<p><b>9. Funding Adjustment for SADO</b></p> <p><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. <u>Senate</u> concurs. <u>Conference</u> concurs.</p>	<p><b>Gross</b> IDG GF/GP</p>	<p><b>\$473,700</b> 473,700 \$0 <b>(\$306,700)</b> (473,700) \$167,000</p>
<p><b>10. Savings for Eliminated Judgeships</b></p> <p><u>Executive</u> includes 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). <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.</p>	<p><b>Gross</b> GF/GP</p>	<p><b>NA</b> NA <b>(\$259,700)</b> (\$259,700)</p>

<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 Conference Change</b>
<b>11. Swift and Sure Sanctions Program</b>	<b>Gross</b>	<b>\$4,250,000</b>	<b>(\$250,000)</b>
<u>Executive</u> retains current year funding for the Swift and Sure Sanctions Program. <u>House</u> reduces funding by \$500,000 as a result of the line item typically lapsing funding at the close of the fiscal year. <u>Senate</u> includes an additional \$800,000 for the Supreme Court to appoint up to one judge per county, for a total of up to five judges, to oversee specialty courts for the Swift and Sure Sanctions program in any county that had at least 325 individuals sentenced to prison in the previous calendar year. <u>Conference</u> reduces current year funding by \$250,000.	Restricted	1,729,400	0
	GF/GP	\$2,520,600	(\$250,000)
<b>12. Early Out Payouts</b>	<b>Gross</b>	<b>\$58,800</b>	<b>(\$58,800)</b>
<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. <u>Senate</u> concurs. <u>Conference</u> concurs.	Federal	500	(500)
	Local	6,800	(6,800)
	GF/GP	\$51,500	(\$51,500)
<b>13. Economic Adjustments</b>	<b>Gross</b>	<b>NA</b>	<b>\$1,731,000</b>
<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. <u>Senate</u> concurs. <u>Conference</u> concurs.	Federal	NA	61,900
	Local	NA	127,100
	Private	NA	14,900
	Restricted	NA	40,300
	GF/GP	NA	\$1,486,800

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

#### **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. Senate retains. Conference deletes.

#### **Sec. 306. Collected and Uncollected Payments and Fees – MODIFIED**

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. Senate retains, but revises reporting period to the year 2015. Conference concurs with the Senate.

#### **Sec. 320. Swift and Sure Sanctions Program – MODIFIED**

Requires the appropriation to be expended for the Swift and Sure Sanctions program; requires SCAO to report on courts receiving funding, the number of offenders participating, criminal history of offenders, recidivism rates, and parameters of the program. Executive includes. House includes. Senate adds new language which authorizes the Supreme Court to appoint up to one judge per county, for a total of up to five judges, to oversee specialty courts for the Swift and Sure Sanctions program in any county that had at least 325 individuals sentenced to prison in the previous calendar year; authorizes counties to apply for reimbursement up to \$160,000 for costs of judge or judges' support staff. Conference does not include new Senate language, but includes new language which reserves \$500,000 of the appropriation for Swift and Sure Sanctions programs in counties that had more than 325 individuals sentenced to prison in the previous calendar year.

#### **Sec. 324. 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. Senate includes. Conference includes.

#### **Sec. 325. Michigan Indigent Defense Commission Report on Incremental Costs – 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. Senate does not include. Conference 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. Senate does not include. Conference includes.

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

### **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. Senate includes only the Executive language. Conference includes Executive and House language.

### **Sec. 403. Medication-Assisted Treatment Pilot Program – NEW**

Requires the Judiciary to establish a medication-assisted treatment pilot program to provide treatment for opioid-addicted and alcohol-addicted individuals who are referred and who voluntarily participate. Executive does not include. House does not include. Senate does not include. Conference includes.