

DRAFT 2
SUBSTITUTE FOR
HOUSE BILL NO. 5566

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2019; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the judiciary for the fiscal year ending September 30, 2019, from the following funds:

JUDICIARY

APPROPRIATION SUMMARY

Full-time equated exempted positions 502.0

GROSS APPROPRIATION \$ 303,983,300

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental



1	transfers.....		1,551,300
2	ADJUSTED GROSS APPROPRIATION	\$	302,432,000
3	Federal revenues:		
4	Total federal revenues		5,987,400
5	Special revenue funds:		
6	Total local revenues		6,499,800
7	Total private revenues		981,600
8	Total other state restricted revenues		92,979,500
9	State general fund/general purpose	\$	195,983,700
10	Sec. 102. SUPREME COURT		
11	Full-time equated exempted positions	248.0	
12	Community dispute resolution--3.0 FTE positions		\$ 2,890,700
13	Direct trial court automation support--44.0 FTE		
14	positions.....		6,499,800
15	Drug treatment courts		11,833,000
16	Foster care review board--10.0 FTE positions		1,331,900
17	Judicial information systems--22.0 FTE positions		4,431,800
18	Judicial institute--13.0 FTE positions		1,848,000
19	Mental health courts and diversion services--1.0 FTE		
20	position.....		5,466,800
21	Next generation Michigan court system		4,116,000
22	Other federal grants		275,100
23	State court administrative office--63.0 FTE positions		11,416,100
24	Supreme court administration--92.0 FTE positions		14,059,100
25	Swift and sure sanctions program		3,654,200
26	Veterans courts		936,400
27	Youthful sex offender treatment pilot program		<u>100</u>



1	GROSS APPROPRIATION	\$	68,759,000
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG from department of corrections		51,300
5	IDG from department of state police		1,500,000
6	Federal revenues:		
7	DOJ, drug court training and evaluation		300,000
8	DOT, National Highway Traffic Safety Administration ..		2,219,000
9	HHS, access and visitation grant		482,500
10	HHS, children's justice grant		238,900
11	HHS, court improvement project		915,700
12	HHS, title IV-D child support program		812,300
13	HHS, title IV-E foster care program		400,400
14	Other federal grant revenues		275,100
15	Special revenue funds:		
16	Local - user fees		6,499,800
17	Private		195,600
18	Private - interest on lawyers trust accounts		269,500
19	Private - state justice institute		430,600
20	Community dispute resolution fund		2,390,800
21	Court of appeals filing/motion fees		1,450,000
22	Drug court fund		1,920,500
23	Justice system fund		587,900
24	Law exam fees		730,600
25	Miscellaneous revenue		243,400
26	State court fund		392,700
27	State general fund/general purpose	\$	46,452,400



1	Sec. 103. COURT OF APPEALS		
2	Full-time equated exempted positions	175.0	
3	Court of appeals operations--175.0 FTE positions		\$ <u>24,360,500</u>
4	GROSS APPROPRIATION		\$ 24,360,500
5	Appropriated from:		
6	State general fund/general purpose		\$ 24,360,500
7	Sec. 104. BRANCHWIDE APPROPRIATIONS		
8	Full-time equated exempted positions	4.0	
9	Branchwide appropriations--4.0 FTE positions		\$ <u>9,128,300</u>
10	GROSS APPROPRIATION		\$ 9,128,300
11	Appropriated from:		
12	State general fund/general purpose		\$ 9,128,300
13	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
14	Full-time judges positions	590.0	
15	Supreme court justices' salaries--7.0 justices		\$ 1,152,300
16	Circuit court judges' state base salaries--216.0		
17	judges.....		22,140,600
18	Circuit court judicial salary standardization		9,854,900
19	Court of appeals judges' salaries--27.0 judges		4,337,700
20	District court judges' state base salaries--237.0		
21	judges.....		23,936,400
22	District court judicial salary standardization		10,836,700
23	Probate court judges' state base salaries--103.0		
24	judges.....		10,500,400
25	Probate court judicial salary standardization		4,669,600
26	Judges' retirement system defined contributions		4,858,100
27	OASI, Social Security		<u>6,210,700</u>



1	GROSS APPROPRIATION	\$	98,497,400
2	Appropriated from:		
3	Special revenue funds:		
4	Court fee fund		3,315,200
5	State general fund/general purpose	\$	95,182,200
6	Sec. 106. JUDICIAL AGENCIES		
7	Full-time equated exempted positions	7.0	
8	Judicial tenure commission--7.0 FTE positions	\$	<u>1,162,900</u>
9	GROSS APPROPRIATION	\$	1,162,900
10	Appropriated from:		
11	State general fund/general purpose	\$	1,162,900
12	Sec. 107. INDIGENT DEFENSE - CRIMINAL		
13	Full-time equated exempted positions	51.0	
14	Appellate public defender program--51.0 FTE positions	\$	<u>8,143,400</u>
15	GROSS APPROPRIATION	\$	8,143,400
16	Appropriated from:		
17	Federal revenues:		
18	Other federal grant revenues		343,500
19	Special revenue funds:		
20	Private - interest on lawyers trust accounts		85,900
21	Miscellaneous revenue		92,300
22	State general fund/general purpose	\$	7,621,700
23	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
24	Indigent civil legal assistance	\$	<u>7,937,000</u>
25	GROSS APPROPRIATION	\$	7,937,000
26	Appropriated from:		
27	Special revenue funds:		



1	State court fund		7,937,000
2	State general fund/general purpose	\$	0
3	Sec. 109. TRIAL COURT OPERATIONS		
4	Full-time equated exempted positions	6.0	
5	Court equity fund reimbursements	\$	60,815,700
6	Drug case-flow program		250,000
7	Drunk driving case-flow program		3,300,000
8	Judicial technology improvement fund		4,815,000
9	Juror compensation reimbursement--1.0 FTE position ...		6,602,400
10	Statewide e-file system--5.0 FTE positions		<u>8,511,700</u>
11	GROSS APPROPRIATION	\$	84,294,800
12	Appropriated from:		
13	Special revenue funds:		
14	Court equity fund		50,440,000
15	Drug fund		250,000
16	Drunk driving fund		3,300,000
17	Electronic filing fee fund		8,511,700
18	Judicial technology improvement fund		4,815,000
19	Juror compensation fund		6,602,400
20	State general fund/general purpose	\$	10,375,700
21	Sec. 110. ONE-TIME APPROPRIATIONS		
22	Full-time equated exempted positions	11.0	
23	Compliance with <i>Montgomery v Louisiana</i> --11.0 FTE		
24	positions	\$	700,000
25	Expansion of problem solving courts		<u>1,000,000</u>
26	GROSS APPROPRIATION	\$	1,700,000
27	Appropriated from:		



1 State general fund/general purpose \$ 1,700,000

2 PART 2

3 PROVISIONS CONCERNING APPROPRIATIONS

4 FOR FISCAL YEAR 2018-2019

5 **GENERAL SECTIONS**

6 Sec. 201. Pursuant to section 30 of article IX of the state
 7 constitution of 1963, total state spending from state sources under
 8 part 1 for fiscal year 2018-2019 is \$288,963,200.00 and state
 9 spending from state sources to be paid to local units of government
 10 for fiscal year 2018-2019 is \$148,443,800.00. The itemized
 11 statement below identifies appropriations from which spending to
 12 local units of government will occur:

13 **JUDICIARY**

14 SUPREME COURT

15	Drug treatment courts	\$	11,833,000
16	Mental health courts and diversion services		5,466,800
17	Next generation Michigan court system		4,116,000
18	State court administrative office		200,000
19	Swift and sure sanctions program		3,654,200
20	Veterans courts		936,400
21	Youthful sex offender treatment pilot program		100

22 JUSTICES' AND JUDGES' COMPENSATION

23	Circuit court judicial salary standardization	\$	9,854,900
24	District court judicial salary standardization		10,836,700
25	Probate court judges' state base salaries		10,500,400



1	Probate court judicial salary standardization	4,669,600
2	Grant to OASI contribution fund, employer's share,	
3	Social Security.....	1,080,900
4	TRIAL COURT OPERATIONS	
5	Court equity fund reimbursements	\$ 60,815,700
6	Drug case-flow program	250,000
7	Drunk driving case-flow program	3,300,000
8	Judicial technology improvement fund	4,815,000
9	Juror compensation reimbursement	6,602,400
10	Statewide e-file system	8,511,700
11	ONE-TIME APPROPRIATIONS	
12	Expansion of problem solving courts	\$ <u>1,000,000</u>
13	TOTAL	\$ 148,443,800

14 Sec. 202. (1) The appropriations authorized under this part
15 and part 1 are subject to the management and budget act, 1984 PA
16 431, MCL 18.1101 to 18.1594.

17 (2) Funds appropriated in part 1 to an entity within the
18 judicial branch shall not be expended or transferred to another
19 account without written approval of the authorized agent of the
20 judicial entity. If the authorized agent of the judicial entity
21 notifies the state budget director of its approval of an
22 expenditure or transfer, the state budget director shall
23 immediately make the expenditure or transfer. The authorized
24 judicial entity agent shall be designated by the chief justice of
25 the supreme court.

26 Sec. 203. As used in this part and part 1:

27 (a) "DOJ" means the United States Department of Justice.



1 (b) "DOT" means the United States Department of
2 Transportation.

3 (c) "FTE" means full-time equated.

4 (d) "HHS" means the United States Department of Health and
5 Human Services.

6 (e) "IDG" means interdepartmental grant.

7 (f) "OASI" means old age survivor's insurance.

8 (g) "SADO" means the state appellate defender office created
9 under the appellate defender act, 1978 PA 620, MCL 780.711 to
10 780.719.

11 (h) "Title IV-D" means the part of the federal social security
12 act, 42 USC 301 to 1397mm, pertaining to the child support
13 enforcement program.

14 (i) "Title IV-E" means the part of the federal social security
15 act, 42 USC 301 to 1397mm, pertaining to the foster care program.

16 Sec. 204. The reporting requirements of this part shall be
17 completed with the approval of, and at the direction of, the
18 supreme court, except as otherwise provided in this part. The
19 judicial branch shall use the internet to fulfill the reporting
20 requirements of this part. This may include transmission of reports
21 via electronic mail to the recipients identified for each reporting
22 requirement, or it may include placement of reports on an internet
23 or intranet site.

24 Sec. 205. Funds appropriated in part 1 shall not be used for
25 the purchase of foreign goods or services, or both, if
26 competitively priced and of comparable quality American goods or
27 services, or both, are available. Preference shall be given to



1 goods or services, or both, manufactured or provided by Michigan
2 businesses, if they are competitively priced and of comparable
3 quality. In addition, preference shall be given to goods or
4 services, or both, that are manufactured or provided by Michigan
5 businesses owned and operated by veterans, if they are
6 competitively priced and of comparable quality.

7 Sec. 207. Not later than January 1 of each year, the state
8 court administrative office shall prepare a report on out-of-state
9 travel listing all travel by judicial branch employees outside this
10 state in the immediately preceding fiscal year that was funded in
11 whole or in part with funds appropriated in the budget for the
12 judicial branch. The report shall be submitted to the senate and
13 house appropriations committees, the senate and house fiscal
14 agencies, and the state budget office. The report shall include the
15 following information:

16 (a) The dates of each travel occurrence.

17 (b) The transportation and related costs of each travel
18 occurrence, including the proportion funded with state general
19 fund/general purpose revenues, the proportion funded with state
20 restricted revenues, the proportion funded with federal revenues,
21 and the proportion funded with other revenues.

22 Sec. 209. Not later than November 30, the state budget office
23 shall prepare and transmit a report that provides for estimates of
24 the total general fund/general purpose appropriation lapses at the
25 close of the prior fiscal year. This report shall summarize the
26 projected year-end general fund/general purpose appropriation
27 lapses by major program or program areas. The report shall be



1 transmitted to the chairpersons of the senate and house
2 appropriations committees and the senate and house fiscal agencies.

3 Sec. 211. From the funds appropriated in part 1, the judicial
4 branch shall maintain a searchable website accessible by the public
5 at no cost that includes all expenditures made by the judicial
6 branch within a fiscal year. The posting shall include the purpose
7 for which each expenditure is made. The judicial branch shall not
8 provide financial information on its website under this section if
9 doing so would violate a federal or state law, rule, regulation, or
10 guideline that establishes privacy or security standards applicable
11 to that financial information.

12 Sec. 212. Within 14 days after the release of the executive
13 budget recommendation, the judicial branch shall cooperate with the
14 state budget office to provide the senate and house appropriations
15 committee chairs, the senate and house appropriations subcommittee
16 chairs, and the senate and house fiscal agencies with an annual
17 report on estimated state restricted fund balances, state
18 restricted fund projected revenues, and state restricted fund
19 expenditures for the prior 2 fiscal years.

20 Sec. 213. The judiciary shall maintain, on a publicly
21 accessible website, a scorecard that identifies, tracks, and
22 regularly updates key metrics that are used to monitor and improve
23 the judiciary's performance.

24 Sec. 214. Total authorized appropriations from all sources
25 under part 1 for legacy costs for the fiscal year ending September
26 30, 2019 are estimated at \$14,127,500.00. From this amount, total
27 judiciary appropriations for pension-related legacy costs are



1 estimated at \$6,513,000.00. Total judiciary appropriations for
2 retiree health care legacy costs are estimated at \$7,614,500.00.

3 Sec. 215. The judicial branch shall not take disciplinary
4 action against an employee for communicating with a member of the
5 legislature or his or her staff.

6 Sec. 216. It is the intent of the legislature that judges who
7 are presiding over a hearing on a foster care case shall publicly
8 acknowledge and request the input of the foster parent or foster
9 parents during the hearing.

10 Sec. 217. If the judicial branch makes any changes to a foster
11 care family service plan before its finalization, it is the intent
12 of the legislature that the presiding judge provide an explanation
13 for any changes to that plan in the court record.

14 Sec. 219. The judicial branch shall receive and retain copies
15 of all reports funded from appropriations in part 1. Federal and
16 state guidelines for short-term and long-term retention of records
17 shall be followed. The judicial branch may electronically retain
18 copies of reports unless otherwise required by federal and state
19 guidelines.

20 **JUDICIAL BRANCH**

21 Sec. 301. From the funds appropriated in part 1, the direct
22 trial court automation support program of the state court
23 administrative office shall recover direct and overhead costs from
24 trial courts by charging for services rendered. The fee shall cover
25 the actual costs incurred to the direct trial court automation
26 support program in providing the service, including development of



1 future versions of case management systems.

2 Sec. 302. Funds appropriated within the judicial branch shall
3 not be expended by any component within the judicial branch without
4 the approval of the supreme court.

5 Sec. 303. Of the amount appropriated in part 1 for the
6 judicial branch, \$711,900.00 is allocated for circuit court
7 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and for
8 costs associated with the court of claims.

9 Sec. 304. A member of the legislature may request a report or
10 data from the data collected in the judicial data warehouse. The
11 report shall be made available to the public upon request, unless
12 disclosure is prohibited by court order or state or federal law.
13 Any data provided under this section shall be public and non-
14 identifying information.

15 Sec. 305. From the funds appropriated in part 1 for community
16 dispute resolution, community dispute resolution centers shall
17 provide restorative justice programs to schools to help reduce
18 suspensions and truancy, and to improve school climate. Funding may
19 be used for community dispute resolution centers, in cooperation
20 with local prosecutors, to expand existing restorative justice
21 programming that targets juvenile offenders who have been charged
22 with assault and battery, malicious destruction of property, or a
23 larceny offense, including retail fraud. Participation shall be
24 completely voluntary for the person charged and any person harmed
25 by the crime.

26 Sec. 307. From the funds appropriated in part 1 for mental
27 health courts and diversion services, \$1,730,000.00 is intended to



1 address the recommendations of the mental health diversion council.

2 Sec. 308. If sufficient funds are not available from the court
3 fee fund to pay judges' compensation, the difference between the
4 appropriated amount from that fund for judges' compensation and the
5 actual amount available after the amount appropriated for trial
6 court reimbursement is made shall be appropriated from the state
7 general fund for judges' compensation. If an appropriation is made
8 under this section, the state court administrative office shall
9 notify, within 14 days of the appropriation, the senate and house
10 standing committees on appropriations, the senate and house
11 appropriations subcommittees on judiciary, the senate and house
12 fiscal agencies, and the state budget office.

13 Sec. 309. By April 1, the state court administrative office
14 shall provide a report on drug treatment, mental health, and
15 veterans court programs in this state. The report shall include
16 information on the number of each type of program that has been
17 established, the number of program participants in each
18 jurisdiction, and the impact of the programs on offender criminal
19 involvement and recidivism. The report shall be submitted to the
20 senate and house appropriations subcommittees on judiciary, the
21 senate and house fiscal agencies, and the state budget office.

22 Sec. 311. (1) The funds appropriated in part 1 for drug
23 treatment courts as that term is defined in section 1060 of the
24 revised judicature act of 1961, 1961 PA 236, MCL 600.1060, shall be
25 administered by the state court administrative office to operate
26 drug treatment court programs. A drug treatment court shall be
27 responsible for handling cases involving substance abusing



1 nonviolent offenders through comprehensive supervision, testing,
2 treatment services, and immediate sanctions and incentives. A drug
3 treatment court shall use all available county and state personnel
4 involved in the disposition of cases including, but not limited to,
5 parole and probation agents, prosecuting attorneys, defense
6 attorneys, and community corrections providers. The funds may be
7 used in connection with other federal, state, and local funding
8 sources.

9 (2) From the funds appropriated in part 1, the chief justice
10 shall allocate sufficient funds for the Michigan judicial institute
11 to provide in-state training for those identified in subsection
12 (1), including training for new drug treatment court judges.

13 (3) For drug treatment court grants, consideration for
14 priority may be given to those courts where higher instances of
15 substance abuse cases are filed.

16 (4) The judiciary shall receive \$1,500,000.00 in Byrne formula
17 grant funding as an interdepartmental grant from the department of
18 state police to be used for expansion of drug treatment courts, to
19 assist in avoiding prison bed space growth for nonviolent offenders
20 in collaboration with the department of corrections.

21 Sec. 312. From the funds appropriated in part 1, the state
22 court administrator shall produce a statistical report regarding
23 the implementation of the parental rights restoration act, 1990 PA
24 211, MCL 722.901 to 722.908, as it pertains to minors seeking
25 court-issued waivers of parental consent. The state court
26 administrative office shall report the total number of petitions
27 filed and the total number of petitions granted under that act.



1 Sec. 316. (1) From the funds appropriated in part 1 for
2 pretrial risk assessment, the state court administrative office
3 shall pilot a pretrial risk assessment tool in an effort to provide
4 relevant information to judges so they can make evidence-based bond
5 decisions that will increase public safety and reduce costs
6 associated with unnecessary pretrial detention.

7 (2) The state court administrative office shall submit a
8 report by March 1 to the senate and house appropriations
9 subcommittees on judiciary, the senate and house fiscal agencies,
10 and the state budget office on progress made toward implementing
11 the pretrial risk assessment tool and associated costs.

12 Sec. 317. Funds appropriated in part 1 shall not be used for
13 the permanent assignment of state-owned vehicles to justices or
14 judges or any other judicial branch employee. This section does not
15 preclude the use of state-owned motor pool vehicles for state
16 business in accordance with approved guidelines.

17 Sec. 320. (1) From the funds appropriated in part 1 for the
18 swift and sure sanctions program, created under section 3 of
19 chapter XIA of the code of criminal procedure, 1927 PA 175, MCL
20 771A.3, the state court administrative office shall administer a
21 program to distribute grants to qualifying courts in accordance
22 with the objectives and requirements of the probation swift and
23 sure sanctions act, chapter XIA of the code of criminal procedure,
24 1927 PA 175, MCL 771A.1 to 771A.8. Of the funds designated for the
25 program, not more than \$100,000.00 shall be available to the state
26 court administrative office to pay for employee costs associated
27 with the administration of the program funds. Of the funds



1 designated for the program, \$500,000.00 is reserved for programs in
2 counties that had more than 325 individuals sentenced to prison in
3 the previous calendar year. Courts interested in participating in
4 the swift and sure sanctions program may apply to the state court
5 administrative office for a portion of the funds appropriated in
6 part 1 under this section.

7 (2) By April 1, the state court administrative office, in
8 cooperation with the department of corrections, shall provide a
9 report on the courts that receive funding under the swift and sure
10 sanctions program described in subsection (1) to the senate and
11 house appropriations subcommittees on judiciary, the senate and
12 house fiscal agencies, and the state budget office. The report
13 shall include all of the following:

14 (a) The number of offenders who participate in the program.

15 (b) The criminal history of offenders who participate in the
16 program.

17 (c) The recidivism rate of offenders who participate in the
18 program, including the rate of return to jail, prison, or both.

19 (d) A detailed description of the establishment and parameters
20 of the program.

21 (3) As used in this section, "program" means a swift and sure
22 sanctions program described in subsection (1).

23 Sec. 321. From the funds appropriated in part 1, the judicial
24 branch shall support a statewide legal self-help internet website
25 and local nonprofit self-help centers that use the statewide
26 website to provide assistance to individuals representing
27 themselves in civil legal proceedings. The state court



1 administrative office shall summarize the costs of maintaining the
2 website, provide statistics on the number of people visiting the
3 website, and provide information on content usage, form completion,
4 and user feedback. By March 1, the state court administrative
5 office shall report this information for the preceding fiscal year
6 to the senate and house appropriations subcommittees on judiciary,
7 the senate and house fiscal agencies, and the state budget office.

8 Sec. 322. If Byrne formula grant funding is awarded to the
9 state appellate defender, the state appellate defender office may
10 receive and expend Byrne formula grant funds in an amount not to
11 exceed \$250,000.00 as an interdepartmental grant from the
12 department of state police. If the appellate defender appointed
13 under section 3 of the appellate defender act, 1978 PA 620, MCL
14 780.713, receives federal grant funding from the United States
15 Department of Justice in excess of the amount appropriated in part
16 1, the office of appellate defender may receive and expend grant
17 funds in an amount not to exceed \$300,000.00 as other federal
18 grants.

19 Sec. 324. From the funds appropriated in part 1, the judiciary
20 shall maintain a medication-assisted treatment program to provide
21 treatment for opioid-addicted and alcohol-addicted individuals who
22 are referred to and voluntarily participate in the medication-
23 assisted treatment program.

24 **ONE-TIME APPROPRIATIONS**

25 Sec. 402. (1) The state appellate defender office attorneys
26 and support staff shall ensure Michigan compliance with *Montgomery*



1 *v Louisiana*, 577 US _____ (2016). The purpose of the program
2 expansion is to ensure competent, resourced, and supervised counsel
3 in cases involving the resentencing of juvenile lifers. The
4 representation by SADO counsel will create opportunities for
5 release, saving prison costs for the state.

6 (2) From the funds appropriated in part 1, the state appellate
7 defender office shall submit a report by September 30 to the senate
8 and house appropriations subcommittees on judiciary, the senate and
9 house fiscal agencies, and the state budget office on the number of
10 juvenile lifer cases investigated and prepared by the state
11 appellate defender office. The report shall include a calculation
12 of hours spent and focus on incremental costs associated with
13 investigating and conducting a robust examination of each case,
14 with particular emphasis on those costs that may be avoided after
15 the cases have been disposed.

16 PART 2A

17 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS
18 FOR FISCAL YEAR 2019-2020

19 **GENERAL SECTIONS**

20 Sec. 1201. It is the intent of the legislature to provide
21 appropriations for the fiscal year ending on September 30, 2020 for
22 the line items listed in part 1. Fiscal year 2019-2020
23 appropriations are anticipated to be the same as those for fiscal
24 year 2018-2019, except that the line items will be adjusted for
25 changes in caseload and related costs, federal fund match rates,



1 economic factors, and available revenue. These adjustments will be
2 determined after the January 2019 consensus revenue estimating
3 conference.

