

FY 2018-19: JUDICIARY
Summary: As Reported by House Subcommittee
House Bill 5566 (H-1) Draft 2



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| | FY 2017-18 YTD as of 2/7/18 | FY 2018-19 Executive | FY 2018-19 House | FY 2018-19 Senate | FY 2018-19 Enacted | <i>Difference: House From FY 2017-18 YTD</i> | |
|-------------------|--------------------------------|-------------------------|----------------------|----------------------|-----------------------|--|------------|
| | | | | | | <i>Amount</i> | <i>%</i> |
| IDG/IDT | \$1,550,600 | \$1,551,300 | \$1,551,300 | | | \$700 | 0.0 |
| Federal | 6,464,100 | 5,987,400 | 5,987,400 | | | (476,700) | (7.4) |
| Local | 5,955,300 | 6,599,800 | 6,499,800 | | | 544,500 | 9.1 |
| Private | 969,600 | 981,600 | 981,600 | | | 12,000 | 1.2 |
| Restricted | 92,529,000 | 92,879,500 | 92,979,500 | | | 450,500 | 0.5 |
| GF/GP | 192,574,400 | 194,483,700 | 195,983,700 | | | 3,409,300 | 1.8 |
| Gross | \$300,043,000 | \$302,483,300 | \$303,983,300 | | | \$3,940,300 | 1.3 |
| FTEs | 501.0 | 501.0 | 502.0 | | | 1.0 | 0.2 |

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 number of judgeships.

Budget Changes From FY 2017-18 YTD Appropriations

1. Judgeship Changes

Executive 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. House concurs.

| | FY 2017-18 Year-to-Date (as of 2/7/18) | FY 2018-19 House Change |
|--------------|--|-------------------------------|
| Gross | \$31,149,800 | \$255,300 |
| Restricted | 1,829,700 | 13,100 |
| GF/GP | \$29,320,100 | \$242,200 |

2. Swift and Sure Sanctions Program Reduction

Executive reduces funding for the Swift and Sure Sanctions Probation Program by \$154,000 GF/GP. House concurs.

| | | |
|--------------|--------------------|--------------------|
| Gross | \$4,000,000 | (\$154,000) |
| Restricted | 1,729,400 | 0 |
| GF/GP | \$2,270,600 | (\$154,000) |

3. Expansion of Problem Solving Courts/Removal of One-Time Funding

Executive reduces the budget by \$519,300 GF/GP to reflect the removal of one-time funding that was included in the FY 2017-18 budget. Specifically, \$300,000 was for the development of a pretrial risk assessment tool, and \$219,300 was for expansion of problem solving courts. House eliminates \$300,000 for the pretrial risk assessment tool, but retains \$219,300 and includes an additional \$780,700, for a total of \$1.0 million, for expansion of problem solving courts.

| | | |
|--------------|--------------------|------------------|
| FTE | 11.0 | 0.0 |
| Gross | \$1,219,300 | \$480,700 |
| GF/GP | \$1,219,300 | \$480,700 |

4. GF/GP Fund Source Shift and Technical Adjustment for BOC

Executive reduces GF/GP by \$500,000 in the circuit and probate court judges' salary line items and replaces it with a like amount of state restricted Court Fee Fund revenue. House reduces GF/GP by \$600,000 for the judges' salary lines, replaces it with a like amount of Court Fee Fund revenue, and transfers \$100,000 GF/GP to the Branchwide Appropriations line item to correct FY 2018-19 building occupancy charges that were incorrectly fund sourced to the Direct Trial Court Automaton line item for space in the Cadillac Place state office building.

| | | |
|--------------|-----------|-------------|
| Gross | NA | \$0 |
| Local | NA | (100,000) |
| Restricted | NA | 600,000 |
| GF/GP | NA | (\$500,000) |

| <u>Budget Changes From FY 2017-18 YTD Appropriations</u> | FY 2017-18 Year-to-Date (as of 2/7/18) | FY 2018-19 House Change |
|---|---|--|
| 5. Non-GF/GP Fund Source Adjustments | | |
| <u>Executive</u> 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: | Gross | NA |
| | Federal | (525,300) |
| | Local | 544,700 |
| | Restricted | (210,300) |
| | GF/GP | \$0 |
| <ul style="list-style-type: none"> Federal fund source authorization - HHS, Access and Visitation Grant for SCAO reduced by \$147,900; HHS, Court Improvement Project for SCAO reduced by \$420,600; HHS, Title IV-D Child Support Program for SCAO reduced by \$231,800; and U.S. Department of Justice federal revenue for SADO increased by \$275,000. Local User Fee revenue for Direct Trial Court Automation Support increased by \$544,700. State restricted fund source authorization - Court of Appeals Filing/Motion Fee revenue for Swift and Sure Sanctions Probation Program reduced by \$191,800; Law Exam Fee revenue for Supreme Court Administration increased by \$63,000; Miscellaneous Revenue for SCAO reduced by \$34,600; and Miscellaneous Revenue for SADO reduced by \$46,900. | | |
| <u>House</u> concurs. | | |
| 6. Transfer Court of Claims Funding | | |
| <u>Executive</u> 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 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. <u>House</u> concurs. | Gross | \$511,900 |
| | GF/GP | \$0 |
| 7. Economic Adjustments | | |
| <u>Executive</u> 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 premium costs, building occupancy charges, and private rent costs. <u>House</u> concurs. | Gross | NA |
| | IDG | 700 |
| | Federal | 48,600 |
| | Local | 99,800 |
| | Private | 12,000 |
| | Restricted | 47,700 |
| | GF/GP | \$2,840,400 |
| 8. Community Dispute Resolution | | |
| <u>Executive</u> retains current year funding levels. <u>House</u> includes an additional \$499,900 GF/GP for community dispute resolution centers to provide restorative justice programs to schools to help reduce suspensions and truancy, and to improve school climates. Funding may also be used for centers to expand existing restorative justice programming that targets juvenile offenders who have been charged with assault and battery, malicious destruction of property, or larceny offenses. | Gross | \$2,384,000 |
| | Restricted | 0 |
| | GF/GP | \$499,900 |
| 9. Youthful Sex Offender Treatment Pilot Program | | |
| <u>Executive</u> does not make recommendation. <u>House</u> includes a \$100 placeholder to allow time to research the establishment of a diversionary treatment program for young sex offenders, which would be modeled after existing programs that have proven to be successful. | Gross | NA |
| | GF/GP | \$100 |
| 10. Juror Compensation Staff | | |
| <u>Executive</u> does not include adjustments. <u>House</u> includes authorization for 1.0 FTE position. Public Act 52 of 2017 authorizes SCAO to have one position within the office that provides technical assistance to all state trial courts on jury management. | FTE | 0.0 |
| | Gross | \$6,600,000 |
| | Restricted | 6,600,000 |
| | GF/GP | \$0 |

Boilerplate Changes From FY 2017-18

Sec. 215. Disciplinary Action Against State Employees – RETAINED

Prohibits the judicial branch from taking disciplinary action against employees for communicating with legislators or their staff. Executive deletes. House retains.

Sec. 216. Input on Foster Care Cases – RETAINED

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 retains.

Boilerplate Changes From FY 2017-18

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

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 retains.

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

Requires SCAO to evaluate programs within the Departments of Health and Human Services and Talent and Economic Development 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. 219. Receipt and Retention of Required Reports – RETAINED

Requires the 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 the judicial branch to electronically retain copies of reports unless otherwise required by federal and state guidelines. Executive deletes. House retains.

Sec. 304. Judicial Data Warehouse – REVISED

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

Sec. 305. Community Dispute Resolution Centers – NEW

Requires community dispute resolution centers to provide restorative justice programs to schools to help reduce suspensions and truancy, and to improve school climates; authorizes funding to be used by centers, in cooperation with local prosecutors, to expand existing restorative justice programming that targets juvenile offenders who have been charged with assault and battery, malicious destruction of property, or larceny offenses. Executive does not include. House includes new language.

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. Executive deletes. House deletes.

Sec. 312. Parental Rights Restoration Act – RETAINED

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

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 their plans for piloting the tool, including an implementation timeline; requires SCAO to report on costs associated with piloting the tool. Executive deletes requirement that SCAO report on plans for piloting the tool, and includes a new requirement that SCAO report on progress made toward implementing the tool, instead of on costs associated with piloting the tool. House deletes requirement that SCAO report on plans for piloting the tool, and includes a new requirement that SCAO report on progress made toward implementing the tool and the associated costs.

Sec. 317. Judicial Car Leases – RETAINED

Prohibits funding from being used for permanent assignment of state-owned vehicles to justices, judges, or other judicial branch employees. Executive revises to exempt justices. House retains current law.

Sec. 401. Veterans Courts – DELETED

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

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

Expresses legislative intent that FY 2018-19 appropriations are to be funded at the same level as FY 2017-18 appropriations, but adjusted for changes in caseloads, federal fund match rates, economic factors, and available revenues. Executive deletes. House retains and updates fiscal years to refer to FY 2019-20 appropriations.