



FY 2020-21 JUDICIARY BOILERPLATE



FY 2019-20 CURRENT LAW	FY 2020-21 EXECUTIVE	FY 2020-21 CONFERENCE																																						
<p>GENERAL SECTIONS</p> <p><i>State Spending and State Appropriations Paid to Local Units of Government</i></p> <p>Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources under part 1 for fiscal year 2019-2020 is \$296,188,200.00 and state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is \$145,951,300.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:</p> <p>JUDICIARY</p> <p>SUPREME COURT</p> <table><tbody><tr><td>Drug treatment courts.....</td><td>\$8,158,000</td></tr><tr><td>Kalamazoo County trauma court</td><td>250,000</td></tr><tr><td>Mental health courts and diversion services.....</td><td>5,468,500</td></tr><tr><td>Next generation Michigan court system</td><td>4,116,000</td></tr><tr><td>Swift and sure sanctions program</td><td>3,600,000</td></tr><tr><td>Veterans courts</td><td>936,400</td></tr></tbody></table> <p>COURT OF APPEALS</p> <table><tbody><tr><td>Court of appeals operations.....</td><td>\$200,000</td></tr></tbody></table> <p>JUSTICES' AND JUDGES' COMPENSATION</p> <table><tbody><tr><td>Circuit court judicial salary standardization.....</td><td>\$9,922,100</td></tr><tr><td>District court judicial salary standardization.....</td><td>10,745,200</td></tr><tr><td>Probate court judges' state base salaries.....</td><td>10,802,900</td></tr><tr><td>Probate court judicial salary standardization</td><td>4,669,600</td></tr><tr><td>OASI, Social Security</td><td>1,097,300</td></tr></tbody></table> <p>TRIAL COURT OPERATIONS</p> <table><tbody><tr><td>Court equity fund reimbursements</td><td>\$60,815,700</td></tr><tr><td>Drug case-flow program</td><td>250,000</td></tr><tr><td>Drunk driving case-flow program</td><td>3,300,000</td></tr><tr><td>Judicial technology improvement fund</td><td>4,815,000</td></tr><tr><td>Juror compensation reimbursement</td><td>6,604,600</td></tr><tr><td>Statewide e-file system</td><td><u>10,200,000</u></td></tr><tr><td>TOTAL</td><td>\$145,951,300</td></tr></tbody></table>	Drug treatment courts.....	\$8,158,000	Kalamazoo County trauma court	250,000	Mental health courts and diversion services.....	5,468,500	Next generation Michigan court system	4,116,000	Swift and sure sanctions program	3,600,000	Veterans courts	936,400	Court of appeals operations.....	\$200,000	Circuit court judicial salary standardization.....	\$9,922,100	District court judicial salary standardization.....	10,745,200	Probate court judges' state base salaries.....	10,802,900	Probate court judicial salary standardization	4,669,600	OASI, Social Security	1,097,300	Court equity fund reimbursements	\$60,815,700	Drug case-flow program	250,000	Drunk driving case-flow program	3,300,000	Judicial technology improvement fund	4,815,000	Juror compensation reimbursement	6,604,600	Statewide e-file system	<u>10,200,000</u>	TOTAL	\$145,951,300	<p>Sec. 10-201. Retains current law; adjusts amounts to reflect appropriations included in the executive bill; updates fiscal years.</p>	<p>Sec. 201. Retains current law; adjusts amounts to reflect appropriations included in the Omnibus bill; updates fiscal years.</p>
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Appropriations Subject to the Management and Budget Act; Transfer Authority Sec. 202. (1) The appropriations authorized under this part and part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594. (2) Funds appropriated in part 1 to an entity within the judicial branch shall not be expended or transferred to another account without written approval of the authorized agent of the judicial entity. If the authorized agent of the judicial entity notifies the state budget director of its approval of an expenditure or transfer, the state budget director shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.	Sec. 10-202. Retains current law.	Sec. 202. Retains current law.
Terms and Acronyms Sec. 203. As used in this part and part 1: (a) "DOJ" means the United States Department of Justice. (b) "DOT" means the United States Department of Transportation. (c) "FTE" means full-time equated. (d) "HHS" means the United States Department of Health and Human Services. (e) "IDG" means interdepartmental grant. (f) "OASI" means old age survivor's insurance. (g) "SADO" means the state appellate defender office created under the appellate defender act, 1978 PA 620, MCL 780.711 to 780.719. (h) "Title IV-D" means the part of the federal social security act, 42 USC 301 to 1397mm, pertaining to the child support enforcement program. (i) "Title IV-E" means the part of the federal social security act, 42 USC 301 to 1397mm, pertaining to the foster care program.	Sec. 10-203. Retains current law; adjusts acronyms to reflect acronyms included in the executive bill.	Sec. 203. Retains current law; adjusts acronyms to reflect acronyms included in the Omnibus bill.
Internet Availability of Required Reports Sec. 204. The reporting requirements of this part shall be completed with the approval of, and at the direction of, the supreme court, except as otherwise provided in this part. The judicial branch shall use the internet to fulfill the reporting requirements of this part. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an internet or intranet site.	Sec. 10-204. Retains current law.	Sec. 204. Revises current law. Last sentence revised to read: " This requirement shall include transmission of reports via electronic mail to the recipients identified for each reporting requirement, and it shall include placement of reports on an internet site. "
Purchase of Foreign Goods and Services Sec. 205. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.	Sec. 10-205. Retains current law.	Sec. 205. Retains current law.

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<i>Out-of-State Travel</i> Sec. 207. Not later than January 1 of each year, the state court administrative office shall prepare a report on out-of-state travel listing all travel by judicial branch employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the budget for the judicial branch. The report shall be submitted to the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget office. The report shall include the following information: (a) The dates of each travel occurrence. (b) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.	Sec. 10-207. Retains current law.	Sec. 207. Retains current law.
<i>General Fund Lapses</i> Sec. 209. Not later than November 30, the state budget office shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the prior fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major program or program areas. The report shall be transmitted to the chairpersons of the senate and house appropriations committees and the senate and house fiscal agencies.	Sec. 10-209. Retains current law.	Sec. 209. Retains current law.
<i>Transparency Website</i> Sec. 211. From the funds appropriated in part 1, the judicial branch shall maintain a searchable website accessible by the public at no cost that includes all expenditures made by the judicial branch within a fiscal year. The posting shall include the purpose for which each expenditure is made. The judicial branch shall not provide financial information on its website under this section if doing so would violate a federal or state law, rule, regulation, or guideline that establishes privacy or security standards applicable to that financial information.	Sec. 10-211. Retains current law.	Sec. 211. Retains current law.
<i>State Restricted Funds Report</i> Sec. 212. Within 14 days after the release of the executive budget recommendation, the judicial branch shall cooperate with the state budget office to provide the senate and house appropriations committee chairs, the senate and house appropriations subcommittee chairs, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the prior 2 fiscal years.	Sec. 10-212. Retains current law.	Sec. 212. Retains current law.
<i>Website for Performance Scorecard</i> Sec. 213. The judiciary shall maintain, on a publicly accessible website, a scorecard that identifies, tracks, and regularly updates key metrics that are used to monitor and improve the judiciary's performance.	Sec. 10-213. Retains current law.	Sec. 213. Retains current law.
<i>Pension and Health Care Legacy Costs</i> Sec. 214. Total authorized appropriations from all sources under part 1 for legacy costs for the fiscal year ending September 30, 2020 are estimated at \$13,102,700.00. From this amount, total judiciary appropriations for pension-related legacy costs are estimated at \$6,369,500.00. Total judiciary appropriations for retiree health care legacy costs are estimated at \$6,733,200.00.	Sec. 10-214. Retains current law; adjusts appropriation amounts; updates fiscal year.	Sec. 214. Retains current law; adjusts appropriation amounts; updates fiscal year.

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<i>Disciplinary Action Against State Employees</i> Sec. 215. The judicial branch shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.	Strikes current law. (Governor declared section unenforceable in current year bill.)	Sec. 215. Revises current law. Adds at end of sentence: " unless the communication is prohibited by law and the judicial branch is exercising its authority as provided by law. "
<i>Input on Foster Cases</i> Sec. 216. It is the intent of the legislature that judges who are presiding over a hearing on a foster care case shall publicly acknowledge and request the input of the foster parent or foster parents during the hearing.	Strikes current law. (Governor declared section unenforceable in current year bill.)	Sec. 216. Retains current law.
<i>Changes to Foster Care Family Service Plans</i> Sec. 217. If the judicial branch makes any changes to a foster care family service plan before its finalization, it is the intent of the legislature that the presiding judge provide an explanation for any changes to that plan in the court record.	Strikes current law. (Governor declared section unenforceable in current year bill.)	Sec. 217. Retains current law.
<i>Linking Swift and Sure Sanctions Program to DHHS, DLEO, and MDOC Programming</i> Sec. 218. From the funds appropriated in part 1, the state court administrative office shall identify programs, within the department of health and human services, the department of labor and economic opportunity, and the department of corrections, that have programmatic connections with the participants in the swift and sure sanctions program. The purpose of this relationship is to leverage collaborations and to determine avenues of success for offenders who are eligible for state-provided programs. The state court administrative office shall provide guidance to courts participating in the swift and sure sanctions program, under the probation swift and sure sanctions act, chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8, of the available department of health and human services, department of labor and economic opportunity, and department of corrections programming.	Strikes current law.	Sec. 218. Retains current law.
<i>Receipt and Retention of Required Reports</i> Sec. 219. The judicial branch shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The judicial branch may electronically retain copies of reports unless otherwise required by federal and state guidelines.	Strikes current law.	Sec. 219. Retains current law.
<u>JUDICIAL BRANCH</u>		
<i>Direct Trial Court Automation Support</i> Sec. 301. From the funds appropriated in part 1, the direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service, including development of future versions of case management systems.	Sec. 10-301. Retains current law.	Sec. 301. Retains current law.
<i>Expenditure Approval</i> Sec. 302. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.	Sec. 10-302. Retains current law.	Sec. 302. Retains current law.

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Statutory Reimbursements Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$711,900.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and for costs associated with the court of claims.	Sec. 10-303. Retains current law.	Sec. 303. Retains current law.
Judicial Data Warehouse Sec. 304. A member of the legislature may request a report or data from the data collected in the judicial data warehouse. The report shall be made available to the public upon request, unless disclosure is prohibited by court order or state or federal law. Any data provided under this section shall be public and non-identifying information.	Sec. 10-304. Retains current law.	Sec. 304. Retains current law.
Community Dispute Resolution Centers Sec. 305. From the funds appropriated in part 1 for community dispute resolution, community dispute resolution centers shall provide dispute resolution services specified in the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, and shall help to reduce suspensions and truancy, and improve school climate. Funding appropriated in part 1 for community dispute resolution may be used to develop or expand juvenile diversion services in cooperation with local prosecutors. Participation in the dispute resolution processes is voluntary for all parties.	Sec. 10-305. Retains current law.	Sec. 305. Retains current law.
Mental Health Diversion Council Sec. 307. From the funds appropriated in part 1 for mental health courts and diversion services, \$1,730,000.00 is intended to address the recommendations of the mental health diversion council.	Sec. 10-307. Retains current law.	Sec. 307. Retains current law.
Judges' Salaries Sec. 308. If sufficient funds are not available from the court fee fund to pay judges' compensation, the difference between the appropriated amount from that fund for judges' compensation and the actual amount available after the amount appropriated for trial court reimbursement is made shall be appropriated from the state general fund for judges' compensation. If an appropriation is made under this section, the state court administrative office shall notify, within 14 days of the appropriation, the senate and house standing committees on appropriations, the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.	Sec. 10-308. Retains current law.	Sec. 308. Retains current law.
Report on Problem Solving Courts Sec. 309. By April 1, the state court administrative office shall provide a report on drug treatment, mental health, and veterans court programs in this state. The report shall include information on 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. The report shall be submitted to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.	Sec. 10-309. Retains current law.	Sec. 309. Retains current law.

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<p>Drug Treatment Courts</p> <p>Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts as that term is defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, shall be administered by the state court administrative office to operate drug treatment court programs. A drug treatment court shall be responsible for handling cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug treatment court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorneys, defense attorneys, and community corrections providers. The funds may be used in connection with other federal, state, and local funding sources.</p> <p>(2) From the funds appropriated in part 1, the chief justice shall allocate sufficient funds for the Michigan judicial institute to provide in-state training for those identified in subsection (1), including training for new drug treatment court judges.</p> <p>(3) For drug treatment court grants, consideration for priority may be given to those courts where higher instances of substance abuse cases are filed.</p> <p>(4) The judiciary shall receive \$1,500,000.00 in Byrne formula grant funding as an interdepartmental grant from the department of state police to be used for expansion of drug treatment courts, to assist in avoiding prison bed space growth for nonviolent offenders in collaboration with the department of corrections.</p>	<p>Sec. 10-311. Retains current law.</p>	<p>Sec. 311. Retains current law.</p>
<p>Parental Rights Restoration Act</p> <p>Sec. 312. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking court-issued waivers of parental consent. The state court administrative office shall report the total number of petitions filed and the total number of petitions granted under that act.</p>	<p>Strikes current law.</p>	<p>Sec. 312. Retains current law.</p>
<p>Pretrial Risk Assessment</p> <p>Sec. 316. (1) From the funds appropriated in part 1 for pretrial risk assessment, the state court administrative office shall continue to pilot a pretrial risk assessment tool in an effort to provide relevant information to judges so they can make evidence-based bond decisions that will increase public safety and reduce costs associated with unnecessary pretrial detention.</p> <p>(2) The state court administrative office shall submit a status report by February 1 to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office. The report shall include, but not be limited to, all of the following:</p> <p>(a) An assessment of the effectiveness of the pretrial risk assessment tool pilot program that was implemented in the prior fiscal year. The assessment shall include, but not be limited to, for defendants screened by the pretrial risk assessment tool, the failure to appear rate for each type of bond, including personal recognizance with or without conditions, 10% deposit bail with or without conditions, and cash or surety bail with or without conditions.</p> <p>(b) Plans to expand use of the assessment tool.</p> <p>(c) Details on prior year expenditures, allocations, and planned expenditures.</p>	<p>Sec. 10-316. Revises current law; strikes “continue to” in (1); strikes information listed in (2) that is to be included in the report and replaces it with “on progress made toward implementing the pretrial risk assessment tool and associated costs.”</p>	<p>Sec. 316. Retains current law.</p>

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Judicial Car Leases Sec. 317. Funds appropriated in part 1 shall not be used for the permanent assignment of state-owned vehicles to justices or judges or any other judicial branch employee. This section does not preclude the use of state-owned motor pool vehicles for state business in accordance with approved guidelines.	Sec. 10-317. Retains current law.	Sec. 317. Retains current law.
Swift and Sure Sanctions Program Sec. 320. (1) From the funds appropriated in part 1 for the swift and sure sanctions program, created under section 3 of chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.3, the state court administrative office shall administer a program to distribute grants to qualifying courts in accordance with the objectives and requirements of the probation swift and sure sanctions act, chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8. Of the funds designated for the program, not more than \$100,000.00 shall be available to the state court administrative office to pay for employee costs associated with the administration of the program funds. Of the funds designated for the program, \$500,000.00 is reserved for programs in counties that had more than 325 individuals sentenced to prison in the previous calendar year. Courts interested in participating in the swift and sure sanctions program may apply to the state court administrative office for a portion of the funds appropriated in part 1 under this section. (2) By April 1, the state court administrative office, in cooperation with the department of corrections, shall provide a report on the courts that receive funding under the swift and sure sanctions program described in subsection (1) to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office. The report shall include all of the following: (a) The number of offenders who participate in the program. (b) The criminal history of offenders who participate in the program. (c) The recidivism rate of offenders who participate in the program, including the rate of return to jail, prison, or both. (d) A detailed description of the establishment and parameters of the program. (e) A list of courts participating in the program. (f) An accounting of prior year expenditures, including grant amounts requested by the courts, grant amounts awarded to the courts, and grant amounts expended by the courts. (3) As used in this section, "program" means a swift and sure sanctions program described in subsection (1).	Sec. 10-320. Retains current law (1) and (3); strikes (e) and (f) in (2).	Sec. 320. Retains current law.
Legal Self-Help Website Sec. 321. From the funds appropriated in part 1, the judicial branch shall support a statewide legal self-help internet website and local nonprofit self-help centers that use the statewide website to provide assistance to individuals representing themselves in civil legal proceedings. The state court administrative office shall summarize the costs of maintaining the website, provide statistics on the number of people visiting the website, and provide information on content usage, form completion, and user feedback. By March 1, the state court administrative office shall report this information for the preceding fiscal year to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.	Sec. 10-321. Retains current law.	Sec. 321. Retains current law.

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<i>State Appellate Defender Office Receipt of Federal Funding</i> Sec. 322. If Byrne formula grant funding is awarded to the state appellate defender, the state appellate defender office may receive and expend Byrne formula grant funds in an amount not to exceed \$250,000.00 as an interdepartmental grant from the department of state police. If the appellate defender appointed under section 3 of the appellate defender act, 1978 PA 620, MCL 780.713, receives federal grant funding from the United States Department of Justice in excess of the amount appropriated in part 1, the office of appellate defender may receive and expend grant funds in an amount not to exceed \$300,000.00 as other federal grants.	Sec. 10-322. Retains current law.	Sec. 322. Retains current law with technical revision.
<i>Medication-Assisted Treatment Program</i> Sec. 324. From the funds appropriated in part 1 for the medication-assisted treatment program, the judiciary shall maintain a medication-assisted treatment program to provide treatment for opioid-addicted and alcohol-addicted individuals who are referred to and voluntarily participate in the medication-assisted treatment program.	Sec. 10-324. Retains current law.	Sec. 324. Retains current law.
<i>Kalamazoo County Trauma Court</i> Sec. 325. (1) From the funds appropriated in part 1 for Kalamazoo County trauma court, the county office of the prosecuting attorney shall hire an assistant prosecutor who specializes in trauma for prosecution of offenders and for providing intervention and treatment services to offenders and referral services for victims. The court shall focus on deterrence of offenders by reducing incidence and recidivism. Intervention services shall be supplemented by trauma treatment and addiction services. The prosecutor shall collaborate with the trauma and resiliency team to review the progress of program participants, and to assure offender accountability and victim safety. Treatment providers shall specialize in substance abuse addiction and trauma treatment services for adolescents and adults. (2) The county office of the prosecuting attorney, together with the intervention and treatment providers, shall submit a report, by September 30, to the state court administrative office, the senate and house of representatives subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office on the outcomes of the trauma court. The report shall include program performance measures, the number of individuals served, the outcomes of participants who complete the program, recommendations on how the state can hold offenders accountable while rehabilitating them with treatment, community-based resources and support, and restorative justice approaches to conflict resolution, with the goal of being a more effective and less costly alternative to incarceration.	Sec. 10-325. Retains current law.	Strikes current law.
ONE-TIME APPROPRIATIONS <i>Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers</i> Sec. 402. (1) From the funds appropriated in part 1, the state appellate defender office attorneys and support staff shall ensure Michigan compliance with <i>Montgomery v Louisiana</i> , 577 US____ (2016). The purpose of the program is to ensure competent, resourced, and supervised counsel in cases involving the resentencing of juvenile lifers. The representation by SADO counsel will create opportunities for release, saving prison costs for the state.	Strikes current law.	Sec. 402. Retains current law.

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(2) The state appellate defender office shall submit a report by September 30 to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office on the number of juvenile lifer cases investigated and prepared by the state appellate defender office. The report shall include a calculation of hours spent and focus on incremental costs associated with investigating and conducting a robust examination of each case, with particular emphasis on those costs that may be avoided after the cases have been disposed.		
<p>Veterans Court Participants' Compliance with Mental Health Treatment (Initially vetoed by Governor. Included in 2019 PA 154 as Sec. 501)</p> <p>Sec. 403. (1) From the funds appropriated in part 1 for expansion of problem solving courts, the state court administrative office shall create a pilot program in a veteran court within a county with a population between 100,000 and 110,000 according to the most recent federal decennial census. The pilot program will investigate the effectiveness of saliva testing to determine compliance with required mental health medicine prescriptions or requirements.</p> <p>(2) From the funds appropriated in part 1 for expansion of problem solving courts, \$20,000.00 is allocated to cover the costs of saliva testing.</p>	Strikes current law.	<p>Sec. 403. Revises current law. Section reads: "From the funds appropriated in part 1 for expansion of problem solving courts, \$100,000.00 shall be used by the state court administrative office to create a pilot program in a veterans treatment court or a mental health treatment court, or both, that investigates the effectiveness of oral fluid testing to determine compliance with required mental health medicine prescriptions or requirements."</p>