

**Summary: Executive Budget Recommendation
for Fiscal Year 2020-21
JUDICIARY**



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	FY 2019-20	FY 2020-21	Difference: FY 2020-21	
	Year-to-Date as of 2/6/20	Executive	Amount	%
IDG/IDT	\$1,551,700	\$1,552,800	\$1,100	0.1
Federal	5,748,400	5,826,000	77,600	1.3
Local	6,579,500	7,654,500	1,075,000	16.3
Private	994,300	1,016,600	22,300	2.2
Restricted	94,796,000	94,877,600	81,600	0.1
GF/GP	201,443,600	203,834,300	2,390,700	1.2
Gross	\$311,113,500	\$314,761,800	\$3,648,300	1.2
FTEs	509.0	512.0	3.0	0.6

Notes: (1) FY 2019-20 year-to-date figures include mid-year budget adjustments through February 6, 2020. (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.

Major Budget Changes from FY 2019-20 Year-to-Date (YTD) Appropriations	FY 2019-20 YTD (as of 2/6/20)	Executive Change from YTD
1. Direct Trial Court Automation Support	Gross \$6,579,500	\$920,500
Includes authorization to receive \$920,500 in additional state restricted user fee revenues, which support the Judiciary's Case Management System, making it available to more court users.	Local 6,579,500	920,500
	GF/GP \$0	\$0
2. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers	FTE NA	8.0
	Gross NA	\$881,100
Includes \$881,100 GF/GP and authorization for 8.0 FTE positions 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 provides post-conviction representation of juvenile lifers. There are 89 clients remaining. Most of these 89 clients are awaiting contested hearings, and a small number of them are in appellate courts.	GF/GP NA	\$881,100
3. Pretrial Risk Assessment	Gross NA	\$325,700
Includes \$325,700 GF/GP for continued improvement of the pretrial risk assessment tool which provides relevant information to judges so they can make evidence-based bond decisions and reduce incarceration rates of low-risk offenders.	GF/GP NA	\$325,700
4. Judicial Tenure Commission	Gross \$1,276,000	\$100,000
Includes \$100,000 GF/GP for costs of outside counsel, which is now required when arguing cases before the Supreme Court.	GF/GP \$1,276,000	\$100,000

Major Budget Changes from FY 2019-20 Year-to-Date (YTD) Appropriations		FY 2019-20 YTD (as of 2/6/20)	Executive Change from YTD
5. Removal of Current Year One-Time Funding	FTE	12.0	(12.0)
Reduces the budget by \$3.1 million GF/GP and 12.0 FTE positions to reflect removal of one-time funding included in the FY 2019-20 budget. Funding removed includes: \$1.5 million for the Michigan Supreme Court public website upgrade; \$841,900 and 11.0 FTE positions for SADO to ensure compliance with the U.S. Supreme Court ruling on <i>Montgomery v. Louisiana</i> ; \$400,000 for expansion of problem solving courts; \$325,700 and 1.0 FTE position for development and implementation of the pretrial risk assessment tool; and \$100,000 for the Judicial Tenure Commission to assist with the backlog of pending cases.	Gross	\$3,142,600	(\$3,142,600)
	GF/GP	\$3,142,600	(\$3,142,600)
6. Statewide e-File System – Authorization for FTE Positions	FTE	5.0	7.0
Includes authorization for an additional 7.0 FTE positions. 2019 PA 56 authorized receipt of additional Electronic Filing Fee Fund revenue to support continued expansion of the e-file system. Authorization for the associated FTE positions should have been included in that bill but were not.	Gross	\$10,200,000	\$0
	Restricted	10,200,000	0
	GF/GP	\$0	\$0
7. Economic Adjustments	Gross	NA	\$4,563,600
Reflects a net increase in costs of \$4.6 million Gross (\$4.2 million GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2020 and 1.0% on April 4, 2021), actuarially required retirement contributions, worker's compensation premium costs, building occupancy charges, and rent.	IDG	NA	1,100
	Federal	NA	77,600
	Local	NA	154,500
	Private	NA	22,300
	Restricted	NA	81,600
	GF/GP	NA	\$4,226,500

Major Boilerplate Changes from FY 2019-20

Sec. 215. Disciplinary Action Against State Employees – DELETED

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

Sec. 216. Input on Foster Care Cases – DELETED

Expresses legislative intent that judges presiding over hearings on foster care cases publicly acknowledge and request input from foster parent(s) during hearings.

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

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.

Sec. 218. Linking Swift and Sure Sanctions Program to DHHS, DLEO, and MDOC Programming – DELETED

Requires SCAO to identify programs within the Departments of Health and Human Services, Labor and Economic Opportunity, and Corrections that have programmatic connections with Swift and Sure Sanctions program participants for purpose of leveraging collaborations and determining avenues of success for offenders who are eligible for state-provided programs; requires SCAO to provide guidance to courts participating in the Swift and Sure Sanctions program of available DHHS, DLEO, and MDOC programming.

Sec. 219. Receipt and Retention of Required Reports – DELETED

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.

Sec. 312. Parental Rights Restoration Act – DELETED

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 to report on the total number of petitions granted.

Major Boilerplate Changes from FY 2019-20

Sec. 316. Pretrial Risk Assessment – REVISED

Requires SCAO to 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; requires SCAO to report on the status of the program, including the effectiveness of the tool, plans to expand use of the tool, and details on expenditures and allocations. Executive deletes information currently required in the report; requires a report on the progress made toward implementing the tool and the associated costs.

Sec. 320. Swift and Sure Sanctions Program – REVISED

Requires SCAO to administer the Swift and Sure Sanctions program; authorizes SCAO to expend \$100,000 of the appropriation to pay for employee costs associated with administration of the program; reserves \$500,000 for programs in counties that had more than 325 individuals sentenced to prison in the previous calendar year; requires SCAO to work with the Department of Corrections to report on courts receiving funding, number of offenders participating, criminal history of offenders, recidivism rates, parameters of the program, and accounting of expenditures, including grant amounts requested, grant amounts awarded, and grant amounts expended. Executive deletes requirement to report a list of courts participating in the program and requirement to report on the accounting of prior year expenditures, including grant amounts requested, awarded, and expended.

Sec. 402. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers – DELETED

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 resentencing of juvenile lifers; requires SADO to submit a report on the number of juvenile lifer cases investigated and prepared, including a calculation of hours spent, and a focus on incremental costs associated with investigating and conducting each case.

Sec. 501. Veterans Court Participants' Compliance with Mental Health Treatment – DELETED

Requires SCAO to create a pilot program in Eaton county that investigates the effectiveness of saliva testing to determine compliance with prescribed mental health medications and other treatments; authorizes \$20,000 of the appropriation for expansion of problem solving courts to be used to cover the costs of saliva testing.