

**FY 2018-19: JUDICIARY**  
**Summary: Conference Report**  
**Senate Bill 859 (S-1) CR-1**



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	FY 2017-18 YTD as of 2/7/18	FY 2018-19 Revised Executive	FY 2018-19 House	FY 2018-19 Senate	FY 2018-19 Conference	Difference: Conference From FY 2017-18 YTD	
						Amount	%
<b>IDG/IDT</b>	\$1,550,600	\$1,551,300	\$1,551,300	\$1,551,300	\$1,551,300	\$700	0.0
<b>Federal</b>	6,464,100	5,987,400	5,987,400	5,987,400	5,987,400	(476,700)	(7.4)
<b>Local</b>	5,955,300	6,599,800	6,499,800	6,599,800	6,499,800	544,500	9.1
<b>Private</b>	969,600	981,600	981,600	981,600	981,600	12,000	1.2
<b>Restricted</b>	92,529,000	92,879,500	92,979,500	92,879,500	92,979,500	450,500	0.5
<b>GF/GP</b>	192,574,400	194,483,700	195,983,700	195,483,700	196,079,500	3,505,100	1.8
<b>Gross</b>	<b>\$300,043,000</b>	<b>\$302,483,300</b>	<b>\$303,983,300</b>	<b>\$303,483,300</b>	<b>\$304,079,100</b>	<b>\$4,036,100</b>	<b>1.3</b>
<b>FTEs</b>	501.0	501.0	502.0	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." (3) Information on House budget action in this document is based on House Bill 5578 as passed by the House.

**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.

		FY 2017-18 Year-to-Date (as of 2/7/18)	FY 2018-19 Conference Change
<b>Budget Changes From FY 2017-18 YTD Appropriations</b>			
<b>1. Judgeship Changes</b>			
<b>Executive</b> 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. <u>House concurs.</u> <u>Senate concurs.</u> <u>Conference concurs.</u>	<b>Gross</b>	<b>\$31,149,800</b>	<b>\$255,300</b>
	Restricted	1,829,700	13,100
	GF/GP	\$29,320,100	\$242,200
<b>2. Swift and Sure Sanctions Probation Program</b>			
<b>Executive</b> reduces funding for the Swift and Sure Sanctions Probation Program by \$154,000 GF/GP. <u>House concurs.</u> <u>Senate</u> does not reduce funding. <u>Conference</u> does not reduce funding.	<b>Gross</b>	<b>\$4,000,000</b>	<b>\$0</b>
	Restricted	1,729,400	0
	GF/GP	\$2,270,600	\$0
<b>3. Expansion of Problem Solving Courts/Removal of One-Time Funding</b>			
<b>Executive</b> 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. <u>House</u> 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. <u>Senate concurs</u> with Executive. <u>Conference</u> eliminates \$300,000 for the pretrial risk assessment tool, but retains \$219,300 and includes an additional \$530,700, for a total of \$750,000, for expansion of problem solving courts.	FTE	11.0	0.0
	<b>Gross</b>	<b>\$1,219,300</b>	<b>\$230,700</b>
	GF/GP	\$1,219,300	\$230,700

<b>Budget Changes From FY 2017-18 YTD Appropriations</b>	<b>FY 2017-18 Year-to-Date (as of 2/7/18)</b>	<b>FY 2018-19 Conference Change</b>	
<b>4. GF/GP Fund Source Shift and Technical Adjustment for BOC</b>	<b>Gross</b>	<b>NA</b>	<b>\$0</b>
<u>Executive</u> 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. <u>House</u> 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. <u>Senate</u> concurs with Executive. <u>Conference</u> concurs with House.	Local	NA	(100,000)
	Restricted	NA	600,000
	GF/GP	NA	(\$500,000)
<b>5. Non-GF/GP Fund Source Adjustments</b>	<b>Gross</b>	<b>NA</b>	<b>\$900</b>
<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:	Federal	NA	(525,300)
	Local	NA	544,700
	Restricted	NA	(210,300)
	GF/GP	NA	\$191,800
<ul style="list-style-type: none"> <li>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.</li> <li>Local User Fee revenue for Direct Trial Court Automation Support increased by \$544,700.</li> <li>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.</li> </ul> <u>House</u> concurs. <u>Senate</u> concurs with all adjustments except the reduction to the Swift and Sure Sanctions Probation Program. Instead of reducing funding for the program, <u>Senate</u> replaces reduced Court of Appeals Filing/Motion Fee revenue with GF/GP. <u>Conference</u> concurs with Senate.			
<b>6. Transfer Court of Claims Funding</b>	<b>Gross</b>	<b>\$511,900</b>	<b>\$0</b>
<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. <u>Senate</u> concurs. <u>Conference</u> concurs.	GF/GP	\$511,900	\$0
<b>7. Economic Adjustments</b>	<b>Gross</b>	<b>NA</b>	<b>\$3,049,200</b>
<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. <u>Senate</u> concurs. <u>Conference</u> concurs.	IDG	NA	700
	Federal	NA	48,600
	Local	NA	99,800
	Private	NA	12,000
	Restricted	NA	47,700
	GF/GP	NA	\$2,840,400
<b>8. Community Dispute Resolution</b>	<b>Gross</b>	<b>\$2,384,000</b>	<b>\$425,000</b>
<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. <u>Senate</u> includes an additional \$500,000 GF/GP. <u>Conference</u> includes an additional \$425,000 GF/GP for community dispute resolution centers to provide community dispute resolution services.	Restricted	2,384,000	0
	GF/GP	\$0	\$425,000

<b><u>Budget Changes From FY 2017-18 YTD Appropriations</u></b>		<b><u>FY 2017-18 Year-to-Date (as of 2/7/18)</u></b>	<b><u>FY 2018-19 Conference Change</u></b>
<b>9. Youthful Sex Offender Treatment Pilot Program</b>	<b>Gross</b>	<b>NA</b>	<b>\$75,000</b>
<u>Executive</u> does not make a recommendation. <u>House</u> includes a \$100 GF/GP 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. <u>Senate</u> does not include. <u>Conference</u> includes a one-time appropriation of \$75,000 GF/GP for a pilot program in Kent County.	GF/GP	NA	\$75,000
<b>10. Juror Compensation Staff</b>	FTE	0.0	1.0
<u>Executive</u> does not make a recommendation. <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. <u>Senate</u> does not include. <u>Conference</u> includes authorization for FTE position.	<b>Gross</b>	<b>\$6,600,000</b>	<b>\$0</b>
	Restricted	6,600,000	0
	GF/GP	\$0	\$0
<b>11. Problem Solving Courts</b>	<b>Gross</b>	<b>\$18,233,400</b>	<b>\$0</b>
<u>Executive</u> does not make a recommendation. <u>House</u> does not make a recommendation. <u>Senate</u> includes additional GF/GP funding for Drug Treatment Courts (\$28,700), Mental Health Courts (\$28,700), and Veterans Courts (\$96,800). <u>Conference</u> does not include additional funding in individual court line items (see #3).	IDG	1,500,000	0
	Federal	2,175,000	0
	Restricted	1,920,500	0
	GF/GP	\$12,637,900	\$0
<b>12. Pretrial Risk Assessment</b>	<b>Gross</b>	<b>\$305,700</b>	<b>\$0</b>
<u>Executive</u> does not make a recommendation. <u>House</u> does not make a recommendation. <u>Senate</u> transfers \$305,700 of ongoing funding included in the SCAO line item for Pretrial Risk Assessment to the One-Time Appropriations unit. <u>Conference</u> concurs with Senate.	GF/GP	\$305,700	\$0

### **Major 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. Senate retains. Conference 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. Senate retains. Conference retains.

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

#### **Sec. 218. Linking Swift and Sure Sanctions Program to DHHS and DTED Programs – REVISED**

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. Senate retains. Conference revises to require SCAO to “identify” programs instead of “evaluate” programs and adds the Department of Corrections.

#### **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. Senate retains. Conference 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. Senate concurs with Executive revisions. Conference concurs with Executive revisions.

## **Major Boilerplate Changes From FY 2017-18**

### **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. Senate does not include. Conference includes new language; revises it to refer to “community dispute resolution services” instead of “restorative justice programs”.

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

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. Senate retains. Conference retains.

### **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. Senate retains. Conference 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. Senate retains current law. Conference 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. Senate retains current law. Conference 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. Senate deletes. Conference deleted.

### **Sec. 403. Youthful Sex Offender Treatment Pilot Program – NEW**

Requires funding to be allocated to Kent County for assessing sex offenders, between the ages of 17 and 24, for risk, and for providing treatment for eligible offenders for individual and group counseling sessions; duration of treatment will be determined and will depend on assessment-based level of identified risk; victims will approve of offenders’ enrollment in the program. Executive does not include. House does not include. Senate does not include. Conference includes new language.

### **Sec. 1201. Anticipated FY 2018-19 Appropriations – REVISED**

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. Senate retains and updates fiscal years to refer to FY 2019-20 appropriations. Conference retains and updates fiscal years to refer to FY 2019-20 appropriations.