

# JUDICIARY

## Summary of FY 2020-21 Enacted

### Public Act 166 of 2020 (House Bill 5396, Article 8)

Analyst: Robin R. Risko

	FY 2019-20 YTD as of 2/6/20	FY 2020-21 Enacted	Difference: Enacted From FY 2019-20 YTD	
			Amount	%
<b>IDG/IDT</b>	\$1,551,700	\$1,552,800	\$1,100	0.1
<b>Federal</b>	5,748,400	6,393,500	645,100	11.2
<b>Local</b>	6,579,500	7,654,500	1,075,000	16.3
<b>Private</b>	994,300	1,228,500	234,200	23.6
<b>Restricted</b>	94,796,000	94,877,600	81,600	0.1
<b>GF/GP</b>	201,443,600	201,934,300	490,700	0.2
<b>Gross</b>	<b>\$311,113,500</b>	<b>\$313,641,200</b>	<b>\$2,527,700</b>	<b>0.8</b>
<b>FTEs</b>	509.0	513.0	4.0	0.8

**Notes:**

- (1) FY 2019-20 year-to-date figures are as of release of the executive budget on February 6, 2020 and do not include mid-year budget adjustments.
- (2) Appropriation figures include all proposed appropriation amounts and amounts designated as "one-time."
- (3) Because of revenue uncertainty due to the COVID-19 pandemic, separate FY 2020-21 budget bills were not passed by the House or the Senate.

**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 YTD Appropriations**

	FY 2019-20 Year-to-Date (as of 2/6/20)	FY 2020-21 Enacted Change
<b>1. Direct Trial Court Automation Support</b>	<b>Gross</b>	<b>\$6,579,500</b>
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	920,500
	GF/GP	\$0
<b>2. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers</b>	FTE	8.0
Includes \$881,100 of one-time GF/GP and authorization for 7.0 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. Of the clients remaining to be served, most of them are awaiting contested hearings, and a small number of them are in appellate courts. The additional 1.0 FTE position is authorized in the ongoing line item for SADO.	<b>Gross</b>	<b>\$881,100</b>
	GF/GP	\$881,100

**JUDICIARY**

		<b>FY 2019-20 Year-to-Date (as of 2/6/20)</b>	<b>FY 2020-21 Enacted Change</b>
<b>Major Budget Changes from FY 2019-20 YTD Appropriations</b>			
<b>3. Receipt of Additional Federal and Private Grant Funding</b>	<b>Gross</b>	<b>NA</b>	<b>\$779,400</b>
Includes authorization to receive an additional \$779,400 in federal and private grant funding for the following:	Federal	NA	567,500
Community Dispute Resolution - \$85,000 private	Private	NA	211,900
	GF/GP	NA	\$0
<ul style="list-style-type: none"> <li>• Drug Treatment Courts - \$250,000 federal</li> <li>• Judicial Institute - \$100,000 federal</li> <li>• State Court Administrative Office - \$126,900 private</li> <li>• Appellate Public Defender Program - \$217,500 federal</li> </ul>			
<b>4. Expansion of Problem Solving Courts</b>	<b>Gross</b>	<b>NA</b>	<b>\$600,000</b>
Includes \$600,000 of one-time GF/GP funding for expansion of problem solving courts. Of the \$600,000, \$100,000 will support 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.	GF/GP	NA	\$600,000
<b>5. Pretrial Risk Assessment</b>	FTE	NA	1.0
Includes \$325,700 of one-time GF/GP and authorization for 1.0 FTE position 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.	<b>Gross</b>	<b>NA</b>	<b>\$325,700</b>
	GF/GP	NA	\$325,700
<b>6. Judicial Tenure Commission</b>	<b>Gross</b>	<b>\$1,276,000</b>	<b>\$100,000</b>
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
<b>7. Statewide e-File System – Authorization for FTE Positions</b>	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.	<b>Gross</b>	<b>\$10,200,000</b>	<b>\$0</b>
	Restricted	10,200,000	0
	GF/GP	\$0	\$0
<b>8. Removal of Current Year One-Time Funding</b>	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 and FTE positions that were 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.	<b>Gross</b>	<b>\$3,142,600</b>	<b>(\$3,142,600)</b>
	GF/GP	\$3,142,600	(\$3,142,600)
<b>9. Savings from Hiring Freeze and Non-Essential Travel</b>	<b>Gross</b>	<b>NA</b>	<b>(\$2,000,000)</b>
Reflects a savings of \$2.0 million GF/GP to be achieved primarily from extension of the hiring freeze and a reduction in non-essential travel. A small portion of the savings is to be achieved from cancellation of leases for office space. Savings will be realized in the following line items:	GF/GP	NA	(\$2,000,000)
<ul style="list-style-type: none"> <li>• Judicial Information Systems (\$220,300)</li> <li>• State Court Administrative Office (\$241,700)</li> <li>• Supreme Court Administration (\$543,900)</li> <li>• Court of Appeals Operations (\$547,900)</li> <li>• Branchwide Appropriations (\$85,500)</li> <li>• Appellate Public Defender Program (\$360,700)</li> </ul>			

<b><u>Major Budget Changes from FY 2019-20 YTD Appropriations</u></b>	<b>FY 2019-20 Year-to-Date (as of 2/6/20)</b>	<b>FY 2020-21 Enacted Change</b>
<p><b>10. Removal of Funding for Kalamazoo County Trauma Court</b> Reduces the budget by \$250,000 GF/GP to reflect removal of funding included in the FY 2019-20 budget for the Kalamazoo County Trauma Court. It is anticipated that unexpended funding from FY 2019-20 will be authorized as a work project account and carried forward for expenditure in the 2020-21 fiscal year.</p>	<p><b>Gross</b> \$250,000 <b>GF/GP</b> \$250,000</p>	<p><b>(\$250,000)</b> <b>(\$250,000)</b></p>
<p><b>11. Reduce Funding for Swift and Sure Probation Program</b> Reduces funding for the Swift and Sure Sanctions Probation Program by \$250,000 GF/GP.</p>	<p><b>Gross</b> \$3,600,000 <b>Restricted</b> 1,537,600 <b>GF/GP</b> \$2,062,400</p>	<p><b>(\$250,000)</b> <b>0</b> <b>(\$250,000)</b></p>
<p><b>12. Economic Adjustments</b> 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.</p>	<p><b>Gross</b> NA <b>IDG</b> NA <b>Federal</b> NA <b>Local</b> NA <b>Private</b> NA <b>Restricted</b> NA <b>GF/GP</b> NA</p>	<p><b>\$4,563,600</b> <b>1,100</b> <b>77,600</b> <b>154,500</b> <b>22,300</b> <b>81,600</b> <b>\$4,226,500</b></p>

**Major Boilerplate Changes from FY 2019-20**

A specific listing of boilerplate sections deemed unenforceable was not provided. Rather, the governor's signing letter generally stated that sections violating the following provisions of the Michigan Constitution are unenforceable:

- Article 3, Section 2: Separation of Powers of Government
- Article 4, Section 22 and Article 4, Section 33: An attempt to authorize legislation other than by bill
- Article 4, Section 24: No law shall embrace more than one object, which shall be expressed in its title
- Article 4, Section 25: Amendment by reference
- Article 4, Section 53: Duties of the Auditor General
- Article 5, Section 28: Duties of the State Transportation Commission

Where a specific section was provided as an example in the signing letter, it is noted in the boilerplate section description below. This document will be updated upon the receipt of a more comprehensive list of unenforceable boilerplate sections.

***Sec. 215. Disciplinary Action Against State Employees – REVISED***

Prohibits the judicial branch from taking disciplinary action against an employee for communicating with legislators or their staff. Revised to stipulate prohibition against taking disciplinary action unless the communication is prohibited by law and the judicial branch is exercising its authority as provided by law.

***Sec. 325. Kalamazoo County Trauma Court – DELETED***

Requires funding to be used for the Kalamazoo County office of the prosecuting attorney to 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; requires the court to focus on deterrence of offenders; requires intervention services to be supplemented by trauma treatment and addiction services; requires a report on outcomes of the trauma court to include performance measures, the number of individuals served, the outcomes of participants who complete the program, and recommendations on how the state can hold offenders accountable while rehabilitating them with treatment.

***Sec. 403. Treatment Court Participants' Compliance with Mental Health Treatment – REVISED***

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. Revised to authorize expenditure of \$100,000 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.