



JUDICIARY - Boilerplate

FY 2012-13 CURRENT LAW	FY 2013-2014		
	EXECUTIVE	HOUSE	SENATE
<p><u>GENERAL SECTIONS</u></p> <p><i>Estimates total state spending and payments 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 resources under part 1 for fiscal year 2012-2013 is \$257,133,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$127,604,200.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:</p> <p>JUDICIARY</p> <p>SUPREME COURT</p> <p>State court administrative office.....\$1,611,900 Drug treatment courts.....13,383,000</p> <p>TRIAL COURT OPERATIONS</p> <p>Court equity fund reimbursements.....\$60,835,100 Judicial technology improvement fund.....4,815,000</p> <p>JUSTICES' AND JUDGES' COMPENSATION</p> <p>District court judicial salary standardization....\$11,453,900 Probate court judges' state base salaries.....9,722,100 Probate court judicial salary standardization.....4,715,300 Circuit court judicial salary standardization.....9,979,300 Grant to OASI contribution fund, employers share, social security..... 938,600</p> <p>GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT</p> <p>Drunk driving case-flow program.....\$3,300,000 Drug case-flow program.....250,000 Juror compensation reimbursement.....6,600,000</p> <p>TOTAL.....\$127,604,200</p>	<p>Sec. 10-201. Retains current law; adjusts amounts to reflect Executive bill appropriations; updates fiscal years.</p>	<p>Sec. 201. Retains current law; adjusts amounts to reflect House bill appropriations; updates fiscal years.</p>	<p>Sec. 201. Retains current law; adjusts amounts to reflect Senate bill appropriations; updates fiscal years.</p>
<p><i>Subjects appropriations to the Management and Budget Act; describes the appropriations transfer process for the judicial branch.</i></p> <p>Sec. 202. (1) The appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.</p>	<p>Sec. 10-202 and 20-202. Retains current law (1) in Sec. 20-202 and current law (2) in Sec. 10-202.</p>	<p>Sec. 202. Retains current law.</p>	<p>Sec. 202. Retains current law.</p>



JUDICIARY - Boilerplate

FY 2012-13 CURRENT LAW	FY 2013-2014		
	EXECUTIVE	HOUSE	SENATE
(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.			
<p>Describes acronym definitions contained in the appropriations act.</p> <p>Sec. 203. As used in this article:</p> <p>(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.</p>	<p>Sec. 10-203. Retains current law; adjusts acronyms to reflect those that are included in the Executive bill.</p>	<p>Sec. 203. Retains current law.</p>	<p>Sec. 203. Retains current law.</p>
<p>Prohibits the judicial branch from taking disciplinary action against employees for communicating with legislators or their staff.</p> <p>Sec. 204. The judicial branch shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.</p>	<p>Strikes current law.</p>	<p>Sec. 204. Retains current law.</p>	<p>Sec. 204. Retains current law.</p>
<p>Requires the judicial branch to use the Internet to fulfill reporting requirements; authorizes transmission of reports via e-mail or on an Internet site.</p> <p>Sec. 208. The reporting requirements of this article shall be completed with the approval of, and at the direction of, the supreme court, except as otherwise provided in this article. The judicial branch shall use the Internet to fulfill the reporting requirements of this article. 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.</p>	<p>Sec. 10-208 and 20-203. Retains current law; first sentence in Sec. 10-208 and second sentence in Sec. 20-203.</p>	<p>Sec. 208. Retains current law.</p>	<p>Sec. 208. Retains current law.</p>



JUDICIARY - Boilerplate

FY 2012-13 CURRENT LAW	FY 2013-2014		
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<p><i>Requires the judicial branch to comply with federal and state guidelines for short-term and long-term retention of reports.</i></p> <p>Sec. 212. The judicial branch receiving appropriations in part 1 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.</p>	Strikes current law.	Sec. 212. Retains current law.	Sec. 212. Retains current law.
<p><i>Prohibits the purchase of foreign goods or services if competitively priced and of comparable quality American goods or services are available; requires preference to be given to goods and/or services manufactured by Michigan businesses and Michigan businesses owned and operated by veterans.</i></p> <p>Sec. 214. 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.</p>	Strikes current law.	Sec. 214. Retains current law.	Sec. 214. Retains current law.



JUDICIARY - Boilerplate

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<p>Requires a report on all out-of-state travel by judicial branch employees.</p> <p>Sec. 215. Not later than January 1 of each year, the state court administrative office shall prepare a travel report 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 of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget director. The report shall include the following information: (a) The dates of each travel occurrence. (b) The total 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.</p>	<p>Sec. 10-215. Retains current law.</p>	<p>Sec. 215. Retains current law.</p>	<p>Sec. 215. Retains current law.</p>
<p>Requires a report on GF/GP appropriation lapses at the close of the fiscal year.</p> <p>Sec. 219. Not later than November 15, 2013, the judiciary shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the 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 office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.</p>	<p>Sec. 10-219. Retains current law, but changes date to November 30 and requires the State Budget Office to prepare and transmit the report instead of the judiciary.</p>	<p>Sec. 219. Retains November 15 date; concurs with Executive on requiring the SBO to prepare and transmit the report.</p>	<p>Sec. 219. Retains November 15 date; concurs with Executive on requiring the SBO to prepare and transmit the report.</p>



JUDICIARY - Boilerplate

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<p>Requires the judicial branch to develop and maintain, on a publicly accessible Internet site, all expenditures made by the judicial branch within the fiscal year.</p> <p>Sec. 221. From the funds appropriated in part 1, the judicial branch shall develop, post, and maintain, on a user-friendly and publicly accessible Internet site, 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.</p>	<p>Sec. 10-221. Retains current law.</p>	<p>Sec. 221. Retains current law.</p>	<p>Sec. 221. Retains current law.</p>
<p>Requires a report on the estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures.</p> <p>Sec. 222. Within 14 days after the release of the executive budget recommendation, the judicial branch shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on the judiciary, respectively, 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 fiscal years ending September 30, 2012 and September 30, 2013.</p>	<p>Sec. 10-222. Retains current law, but requires the Judicial branch to cooperate with the State Budget Director in providing the report; updates fiscal years.</p>	<p>Sec. 222. Retains current law; updates fiscal years.</p>	<p>Sec. 222. Retains current law, but requires the Judicial branch to cooperate with the State Budget Director in providing the report; updates fiscal years.</p>
	<p><u>NEW LANGUAGE</u></p> <p>Sec. 10-223. 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.</p>	<p>Sec. 223. Includes new Executive language.</p>	<p>Sec. 223. Includes new Executive language.</p>



JUDICIARY - Boilerplate

FY 2012-13 CURRENT LAW	FY 2013-2014		
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<p><u>JUDICIAL BRANCH</u></p> <p><i>Requires SCAO to recover costs for services to local trial courts under the direct trial court automation support program.</i></p> <p>Sec. 301. Pursuant to the appropriations 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.</p>	<p>Sec. 10-301. Retains current law.</p>	<p>Sec. 301. Retains current law.</p>	<p>Sec. 301. Retains current law.</p>
<p><i>Requires Supreme Court approval of expenditures of appropriated funds.</i></p> <p>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.</p>	<p>Sec. 10-302. Retains current law.</p>	<p>Sec. 302. Retains current law.</p>	<p>Sec. 302. Retains current law.</p>
<p><i>Allocates funds for Circuit Court and Court of Claims reimbursement, according to statute.</i></p> <p>Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$325,000.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.</p>	<p>Sec. 10-303. Retains current law.</p>	<p>Sec. 303. Retains current law.</p>	<p>Sec. 303. Retains current law.</p>
<p><i>Requires Supreme Court and SCAO to maintain efforts to help local courts improve judgment collections.</i></p> <p>Sec. 306. The supreme court and the state court administrative office shall continue to maintain, as a priority, the assisting of local trial courts in improving the collection of judgments.</p>	<p>Strikes current law.</p>	<p>Sec. 306. Retains current law.</p>	<p>Sec. 306. Retains current law.</p>



JUDICIARY - Boilerplate

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<p><i>Appropriates GF/GP to meet the cost of judges' compensation should funding from the court fee fund be insufficient.</i></p> <p>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.</p>	<p>Sec. 10-308. Retains current law.</p>	<p>Sec. 308. Retains current law.</p>	<p>Sec. 308. Retains current law.</p>
<p><i>Requires SCAO to provide an update on the status of the pilot courts.</i></p> <p>Sec. 309. By April 1, 2013, the state court administrative office shall provide an update on the status of the pilot mental health courts to the state budget director, the senate and house appropriations subcommittees on the judiciary, and the senate and house fiscal agencies.</p>	<p>Strikes current law.</p>	<p>Sec. 309. Retains current law, but strikes the word "pilot".</p>	<p>Sec. 309. Retains current law, but strikes the word "pilot".</p>



JUDICIARY - Boilerplate

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<p>Requires SCAO to evaluate drug court programs and to provide an annual review.</p> <p>Sec. 310. From the funds appropriated in part 1 for drug treatment court programs, with the approval of and at the discretion of the supreme court, the state court administrative office shall evaluate and collect data on the performance of drug treatment court programs. The state court administrative office shall provide an annual review of the performance of drug courts as prescribed in section 1078(6) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that annual review:</p> <p>(a) It shall include measures of the impact of drug court programs in changing offender criminal involvement (recidivism) and substance abuse and in reducing prison admissions.</p> <p>(b) It shall be completed no later than April 1 of each year and shall also be provided to the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director.</p> <p>(c) The evaluation of a program funded with federal Byrne funds shall be consistent with the requirements contained in the federal Byrne grant for that program.</p>	Strikes current law.	Sec. 310. Retains current law.	Sec. 310. Retains current law; strikes (c).



JUDICIARY - Boilerplate

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<p><i>Specifies criteria for drug court grants; provides \$1.8 million IDG of Byrne grant revenue for expanding drug treatment courts to assist in avoiding prison bed space growth for nonviolent offenders; authorizes the judicial branch to receive and expend funds in an amount not to exceed \$450,000 for drug treatment courts.</i></p> <p>Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts 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 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 \$1,800,000.00 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 in (1), (2), and (3); revises dollar amount in (4) from \$1.8 million to \$1.5 million.</p>	<p>Sec. 311. Retains current law in (1), (2), and (3); revises dollar amount in (4) from \$1.8 million to \$1.5 million.</p>	<p>Sec. 311. Retains current law in (1), (2), and (3); revises dollar amount in (4) from \$1.8 million to \$1.5 million.</p>



JUDICIARY - Boilerplate

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<p><i>Requires the state court administrator to report on the total number of petitions filed by minors seeking court-issued waiver of parental consent under the Parental Rights Restoration Act, and the total number of petitions granted.</i></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 a court-issued waiver of parental consent. The state court administrative office shall report the total number of petitions filed and the total number of petitions granted in accordance with section 208.</p>	Strikes current law.	Sec. 312. Retains current law.	Sec. 312. Retains current law.
<p><i>Prohibits funding for the permanent assignment of state-owned vehicles to justices, judges, or judicial employees.</i></p> <p>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.</p>	Sec. 10-317. Retains current law.	Sec. 317. Retains current law.	Sec. 317. Retains current law.
<p><i>Requires funding appropriated for the community court pilot project to be used for administering a pilot program of neighborhood-focused community courts.</i></p> <p>Sec. 318. The funds appropriated in part 1 for the community court pilot project shall be used for the purposes of administering a pilot program of neighborhood-focused community courts. The state court administrative office shall work collaboratively with the designated courts when establishing the community courts.</p>	Sec. 10-318. Retains current law.	Sec. 318. Retains current law.	Sec. 318. Retains current law.



JUDICIARY - Boilerplate

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<p>Authorizes \$6.0 million appropriated in part 1 to be expended for the Swift-and-Sure Sanctions program.</p> <p>Sec. 320. (1) From the funds appropriated in part 1 for drug treatment courts, \$6,000,000.00, including \$1,641,800.00 from court of appeals filing fees and motion fees and \$87,600.00 of miscellaneous revenue transferred from court of appeals funding, shall be administered by the state court administrative office to distribute as grants to qualifying courts to support a swift-and-sure sanctions grant program. Of the \$6,000,000.00 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. 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.</p> <p>(2) The state court administrative office may award the swift-and-sure sanctions grant funds to any court that applies under subsection (1), that intends to operate, or is already operating, a swift-and-sure sanctions program, and that meets 1 or both of the following qualifications:</p> <p>(a) The court operates a drug treatment court.</p> <p>(b) The court is part of a unified trial court system.</p> <p>(3) The state court administrative office shall give the following priority in awarding swift-and-sure sanctions grant funds:</p> <p>(a) Courts that have already had a swift-and-sure sanctions program in operation in prior years and are making satisfactory progress in establishing and improving their programs.</p> <p>(b) Courts located in counties that have high numbers of residents or former residents under the supervision of the department of corrections.</p>	<p>Sec. 10-320. Revises current law (1) to make reference to the Swift and Sure Sanctions Act; strikes current law (2), (3), (4), and (5).</p>	<p>Sec. 320. Revises current law (1) to make reference to the Swift and Sure Sanctions Act; strikes current law (2) and (3); retains current law (4) and (5).</p>	<p>Sec. 320. Revises current law (1) to make reference to the Swift and Sure Sanctions Act; strikes current law (2) and (3); retains current law (4) and (5).</p>



JUDICIARY - Boilerplate

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<p>(4) By April 1, 2013, a court that receives funding under this section shall provide a report on the program to the state budget director, the senate and house appropriations subcommittees on the judiciary, and the senate and house fiscal agencies. The report shall include all of the following:</p> <p>(a) The number of offenders who participate in the program.</p> <p>(b) The criminal history of offenders who participate in the program.</p> <p>(c) The recidivism rate of offenders who participate in the program, including the rate of return to jail, prison, or both.</p> <p>(d) A detailed description of the establishment and parameters of the program.</p> <p>(5) As used in this section:</p> <p>(a) "Program" means a swift-and-sure sanctions program.</p> <p>(b) "Unified trial court system" means a trial court in which all of the circuit, district, and probate court judges may be assigned to any division of that trial court to meet the demands of the trial court's caseload.</p>			
<p><i>Expresses intent of the legislature that the judicial branch support a statewide legal self-help website and local nonprofit self-help centers that provide assistance to persons who represent themselves in civil legal proceedings.</i></p> <p>Sec. 321. It is the intent of the legislature that the judicial branch 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.</p>	<p>Strikes current law.</p>	<p>Sec. 321. Retains current law, and adds new sentence "The state court administrative office shall evaluate the effectiveness of the website, summarize the costs of maintaining the website, estimate the savings the website generates for the state court system, and report this information to the legislature."</p>	<p>Sec. 321. Retains current law, and adds new sentence "The state court administrative office shall evaluate the effectiveness of the website, summarize the costs of maintaining the website, estimate the savings the website generates for the state court system, and report this information to the legislature."</p>
<p><i>Authorizes SADO to receive and expend Byrne grant funding, up to \$250,000, as an IDG from DSP.</i></p> <p>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 exceeding \$250,000.00 as an interdepartmental grant from the department of state police.</p>	<p>Sec. 10-322. Retains current law; also includes authorization for SADO to receive and expend federal grant funding, up to \$300,000, from the US-DOJ.</p>	<p>Sec. 322. Retains current law; also includes authorization for SADO to receive and expend federal grant funding, up to \$300,000, from the US-DOJ.</p>	<p>Sec. 322. Retains current law; also includes authorization for SADO to receive and expend federal grant funding, up to \$300,000, from the US-DOJ.</p>



JUDICIARY - Boilerplate

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		<p><u>NEW LANGUAGE</u></p> <p>Sec. 323. The state court administrative office shall provide courts quarterly with a listing of out-of-state placements by the courts. The state court administrative office shall also provide each judge who hears juvenile matters with the annual listing of per diem costs of the public and private residential care providers located or doing business in this state, and the recidivism data for each facility if available, as provided by the department of human services. The courts shall acknowledge the receiving of this information.</p>	<p>Sec. 323. Includes new House language with technical revisions.</p>
<p><u>GENERAL SECTIONS</u></p> <p><i>Expresses legislative intent that appropriations for FY 2014 are anticipated to be the same as those for FY 2013, except for adjustments for specified factors.</i></p> <p>Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2014 for the line items listed in part 1. The fiscal year 2013-2014 appropriations are anticipated to be the same as those for fiscal year 2012-2013, except that the line items will be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2013 consensus revenue estimating conference.</p>	<p>Strikes current law.</p>	<p>Sec. 1201. Retains current law; updates fiscal years.</p>	<p>Sec. 1201. Retains current law; updates fiscal years.</p>