

**Summary: Executive Budget Recommendation
for Fiscal Years 2013-14 and 2014-15
JUDICIARY**



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| | FY 2012-13 Year-to-Date as of 2/7/13 | FY 2013-14 Executive | Difference: FY 2013-14 Vs. FY 2012-13 | | FY 2014-15 Executive | Difference: FY 2014-15 Vs. FY 2013-14 | |
|-------------------|--|-------------------------|--|------------|-------------------------|--|--------------|
| | | | Amount | % | | Amount | % |
| IDG/IDT | \$2,638,200 | \$2,350,500 | (\$287,700) | (10.9) | \$2,354,800 | \$4,300 | 0.2 |
| Federal | 6,017,100 | 5,343,900 | (673,200) | (11.2) | 5,384,800 | 40,900 | 0.8 |
| Local | 7,049,300 | 7,133,100 | 83,800 | 1.2 | 7,218,200 | 85,100 | 1.2 |
| Private | 921,800 | 931,500 | 9,700 | 1.1 | 939,700 | 8,200 | 0.9 |
| Restricted | 86,382,200 | 86,115,900 | (266,300) | (0.3) | 86,141,800 | 25,900 | 0.0 |
| GF/GP | 170,751,500 | 183,441,300 | 12,689,800 | 7.4 | 178,163,600 | (5,277,700) | (2.9) |
| Gross | \$273,760,100 | \$285,316,200 | \$11,556,100 | 4.2 | \$280,202,900 | (\$5,113,300) | (1.8) |
| FTEs | 472.0 | 482.0 | 10.0 | 2.1 | 481.0 | (1.0) | (0.2) |

Notes: (1) FY 2012-13 year-to-date figures include mid-year budget adjustments through February 7, 2013. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time." (3) FY 2014-15 figures are projected budget amounts only and would not be legally binding appropriations. (4) Budget changes described below are based on the "Schedule of Program" sections included in the Executive Budget; amounts listed in those schedules are informational in nature and could be potentially adjusted administratively, without legislative approval, within the larger line items into which programs have been rolled up.

Overview

Article VI of the State Constitution of 1963 forms the basis for Michigan's judicial branch of government, which receives funds appropriated through the budget act for the Judiciary. The Judiciary budget provides operational funding for the Michigan Supreme Court, Court of Appeals, and related judicial agencies. The budget also 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. Assistance for local court operations is provided through a variety of grant programs. The largest of these, the Court Equity grant program, reimburses counties for trial court operations based on a statutory formula that recognizes circuit and probate caseloads and the numbers of judgeships.

| Major Budget Changes From FY 2012-13 YTD Appropriations | | FY 2012-13 YTD (as of 2/7/13) | Executive Changes | |
|---|--------------|----------------------------------|-----------------------------|-----------------------------|
| | | | FY 2012-13 to FY 2013-14 | FY 2013-14 to FY 2014-15 |
| 1. Regionalization and Expansion of Specialty Courts Includes funding for the regionalization and/or expansion of drug courts, driving while intoxicated/sobriety courts, and veterans courts. The goal is to make these courts available to more citizens in the state by regionalizing courts to serve multiple jurisdictions and expanding the number of specialty courts available. | Gross | \$13,383,000 | \$3,000,000 | \$0 |
| | IDG | 1,800,000 | 0 | 0 |
| | Federal | 800,000 | 0 | 0 |
| | Restricted | 3,649,900 | 0 | 0 |
| | GF/GP | \$7,133,100 | \$3,000,000 | \$0 |
| 2. Expansion of Mental Health Courts Includes funding for grants to be awarded to trial courts that are interested in operating mental health courts. Currently, there are nine pilot courts operating mental health courts. The funding will allow for five to ten additional mental health courts. | Gross | \$2,100,000 | \$2,000,000 | \$0 |
| | GF/GP | \$2,100,000 | \$2,000,000 | \$0 |
| 3. State Appellate Defender Office (SADO) Staff Increase Includes 1.0 FTE position and funding to assist the office with meeting the statutory requirement to manage 25% of the state's criminal defense appellate cases for indigents. The office met 18% in FY 2011-12 and is expected to meet 22% in FY 2012-13. | FTE | 61.0 | 1.0 | 0.0 |
| | Gross | \$13,645,900 | \$107,200 | \$0 |
| | Federal | 3,048,500 | 0 | 0 |
| | Private | 777,500 | 0 | 0 |
| | Restricted | 1,263,400 | 0 | 0 |
| GF/GP | \$8,556,500 | \$107,200 | \$0 | |

| Major Budget Changes From FY 2012-13 YTD Appropriations | Executive Changes | | | |
|--|--|-------------------------------------|-------------------------------------|----------------------|
| | FY 2012-13 YTD (as of 2/7/13) | FY 2012-13 to FY 2013-14 | FY 2013-14 to FY 2014-15 | |
| 4. Savings for Eliminated Judgeships | Gross | N/A | (\$391,500) | \$0 |
| Reflects a savings from elimination of five judgeships under Public Act 300 of 2011. The amount of savings represents full-year savings for two of the five judgeships and partial year savings for the other three. Savings amounts are a result of the effective dates of the retirements of the judges. | GF/GP | N/A | (\$391,500) | \$0 |
| 5. Adjustments to Reflect Actual Revenues | Gross | N/A | (\$1,284,500) | \$0 |
| Adjusts funding for the following programs in order to reflect the actual amount of revenue available: | IDG | N/A | (300,000) | 0 |
| <ul style="list-style-type: none"> Decreases IDG Byrne Justice Assistance grant funding received from the Department of State Police by \$300,000 Decreases federal funding for Judicial Information Systems by \$572,400 Decreases federal funding for the Foster Care Review Board by \$254,000 Increases federal funding for the Appellate Public Defender program by \$118,300 Decreases restricted funding for the Justice System Fund by \$205,400 Decreases restricted funding for the Judicial Institute by \$71,000 | Federal | N/A | (708,100) | 0 |
| | Restricted | N/A | (276,400) | 0 |
| 6. New Line Items | Gross | N/A | \$0 | \$0 |
| Separates funding for the Swift-and-Sure Sanctions program from the Drug Treatment Courts line item and funding for Mental Health Courts from the State Court Administrative Office (SCAO) line item and establishes two new line items for these programs. | GF/GP | N/A | \$0 | \$0 |
| 7. Economic Adjustments | Gross | N/A | \$2,452,100 | \$1,386,700 |
| Includes additional funding for justices' and judges' retirement, salary and wages, insurances, employee retirement, rent, building occupancy, and worker's compensation. | IDG | N/A | 21,400 | 4,300 |
| | Federal | N/A | 86,100 | 40,900 |
| | Local | N/A | 162,400 | 85,100 |
| | Private | N/A | 17,900 | 8,200 |
| | Restricted | N/A | 53,300 | 25,900 |
| | GF/GP | N/A | \$2,111,000 | \$1,222,300 |
| 8. Eliminate One-Time FY 2012-13 Funding | Gross | \$827,200 | (\$827,200) | \$0 |
| Eliminates one-time funding that was included in the FY 2012-13 budget for employee lump sum payments. | IDG | 9,100 | (9,100) | 0 |
| | Federal | 51,200 | (51,200) | 0 |
| | Local | 78,600 | (78,600) | 0 |
| | Private | 8,200 | (8,200) | 0 |
| | Restricted | 43,200 | (43,200) | 0 |
| | GF/GP | \$636,900 | (\$636,900) | \$0 |
| 9. One-Time Trial Court Innovations Fund | FTE | N/A | 1.0 | (1.0) |
| Includes 1.0 FTE position and one-time funding to be used to create incentives which encourage positive change, adoption of best practices, and high performance in the state's trial courts. Funding will be divided into a \$3.0 million incentive program, incentivizing trial courts to become early adopters of specified performance measures and benchmarks, and a \$1.0 million grant program, providing financial assistance to courts for innovative projects which will improve efficiency and effectiveness of operations. | Gross | N/A | \$4,000,000 | (\$4,000,000) |
| | GF/GP | N/A | \$4,000,000 | (\$4,000,000) |

Executive Changes

| <u>Major Budget Changes From FY 2012-13 YTD Appropriations</u> | <u>FY 2012-13 YTD (as of 2/7/13)</u> | <u>FY 2012-13 to FY 2013-14</u> | <u>FY 2013-14 to FY 2014-15</u> |
|--|--|-------------------------------------|-------------------------------------|
| 10. One-Time Implementation of the Michigan Court System | FTE | N/A | 8.0 |
| Includes 8.0 FTE positions and one-time funding to assist with implementation of a unified case management information system, called the Michigan Court System (MiCS), in 264 trial court locations. The new system will combine the four current legacy case management systems that are built on technology that is more than 25 years old. Funding will also be used to train the more than 4,000 users of the system. | Gross | N/A | (\$2,500,000) |
| | GF/GP | N/A | (\$2,500,000) |

Major Boilerplate Changes From FY 2012-13

NOTE: No boilerplate language proposed specific to FY 2014-15.

Sec. 204. Disciplinary Action Against Employees – DELETED

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

Sec. 212. Receipt and Retention of Required Reports – DELETED

Requires the judicial branch to receive and retain copies of all reports funded from appropriations; requires federal and state guidelines to be followed for short-term 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. 214. Buy American – DELETED

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 services manufactured by Michigan businesses and Michigan businesses owned and operated by veterans.

Sec. 223. Website for Performance Scorecard – NEW

Requires the judiciary to 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. 306. Court Collections – DELETED

Requires the Supreme Court and SCAO to assist local trial courts with improving judgment collections.

Sec. 309. Report on Pilot Mental Health Courts – DELETED

Requires SCAO to provide an update on the status of the pilot mental health courts.

Sec. 310. Drug Treatment Court Evaluation – DELETED

Requires SCAO to evaluate and collect data on the performance of drug treatment court programs; requires an annual review of the performance of drug courts.

Sec. 312. Parental Rights Restoration Act – DELETED

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 to report on the total number of petitions granted.

Sec. 320. Swift-and-Sure Sanctions Pilot Program – REVISED

Requires SCAO to distribute grant funding to courts to support the swift-and-sure sanctions program. The following current year requirements are deleted: distribution of funding to only courts which operate a drug court or have a unified trial court, priorities to be used in awarding grant funding, and submission of reports by courts which receive funding.

Sec. 321. Legal Self-Help Website – DELETED

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 individuals representing themselves in civil legal proceedings.

Sec. 322. State Appellate Defender Office Byrne Formula Grant – REVISED

Authorizes the State Appellate Defender Office (SADO) to receive and expend Byrne formula grant funding in an amount not to exceed \$250,000. New language is added which authorizes SADO to receive and expend up to an additional \$300,000 from the Department of Justice if made available.

Supplemental Recommendations for FY 2012-13 Appropriations

**FY 2012-13
Recommendation**

1. Appellate Public Defender Program

Authorizes receipt and expenditure of federal revenue being made available from the Department of Justice for the Appellate Public Defender program.

Gross **\$418,300**
Federal 418,300

2. Drug Treatment Courts

Authorizes receipt and expenditure of federal revenue being made available from the Office of Highway Safety Planning for drug treatment courts.

Gross **\$250,000**
Federal 250,000