

FY 2021-22: JUDICIARY
Summary: As Passed by the Senate
Senate Bill 81 (S-2)



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IDG/IDT	FY 2020-21 YTD as of 2/11/21	FY 2021-22 Executive	FY 2021-22 House	FY 2021-22 Senate	FY 2021-22 Conference	Difference: Senate From FY 2020-21 YTD	
						Amount	%
	\$1,552,800	\$1,652,300		\$1,652,300		\$99,500	6.4
Federal	6,393,500	6,374,800		6,374,800		(18,700)	(0.3)
Local	7,654,500	7,619,800		7,619,800		(34,700)	(0.5)
Private	1,228,500	1,222,600		1,222,600		(5,900)	(0.5)
Restricted	94,877,600	94,312,700		94,312,700		(564,900)	(0.6)
GF/GP	201,934,300	208,322,900		227,230,300		25,296,000	12.5
Gross	\$313,641,200	\$319,505,100		\$338,412,500		\$24,771,300	7.9
FTEs	513.0	521.0		521.0		8.0	1.6

Notes: (1) FY 2020-21 year-to-date figures include mid-year budget adjustments through February 11, 2021. (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 2020-21 YTD Appropriations

	FY 2020-21 Year-to-Date (as of 2/11/21)	FY 2021-22 Senate Change
1. Judicial Compensation – Court Fee Fund Adjustment		
<u>Executive</u> includes \$1.4 million GF/GP to cover a shortfall in the amount of Court Fee Fund revenue available to support payment of salaries for circuit and probate court judges. <u>Senate</u> concurs.	Gross NA	\$0
	Restricted NA	(1,358,600)
	GF/GP NA	\$1,358,600
2. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers	FTE NA	0.0
<u>Executive</u> includes ongoing funding of \$939,100 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. There are 57 clients awaiting contested hearings. <u>Senate</u> does not include ongoing GF/GP funding, but includes \$939,100 in one-time funding (see item 13).	Gross NA	\$0
	GF/GP NA	\$0
3. Statewide e-File Implementation	FTE 12.0	8.0
<u>Executive</u> includes an additional \$821,800 in Electronic Filing Fee Fund revenue and authorization for an additional 8.0 FTE positions to support continued implementation, operation, and maintenance of the statewide electronic filing system pursuant to 2015 PA 230 - 234. The system will be rolled out to all trial courts starting in 2021. <u>Senate</u> concurs.	Gross \$10,220,600	\$821,800
	Restricted 10,220,600	821,800
	GF/GP \$0	\$0

<u>Major Budget Changes from FY 2020-21 YTD Appropriations</u>		<u>FY 2020-21 Year-to-Date (as of 2/11/21)</u>	<u>FY 2021-22 Senate Change</u>
4. Clean Slate – Criminal Record Expungement	Gross	NA	\$0
<u>Executive</u> includes \$605,000 GF/GP to support ongoing costs related to implementation of the Michigan Clean Slate Initiative which will make criminal record expungement automatic for all people who are eligible. For those with no more than 1 felony or 2 misdemeanors, people would see their records expunged after 7 years of no criminal violations under 2020 PA 187 - 193. <u>Senate</u> does not include.	GF/GP	NA	\$0
5. Problem Solving Courts	Gross	\$19,091,900	\$600,000
<u>Executive</u> includes \$600,000 GF/GP for expansion of problem solving courts. The additional funding would be allocated as follows: \$400,000 for Drug Treatment Courts, \$100,000 for Mental Health Courts, and \$100,000 for Veterans Treatment Courts. <u>Senate</u> concurs.	GF/GP	\$19,091,900	\$600,000
6. Court of Appeals Operations	Gross	\$25,252,500	\$0
<u>Executive</u> restores \$547,900 of GF/GP that was reduced from the FY 2020-21 budget as part of statewide budget reductions. Funding would allow the Court of Appeals to backfill leadership and support positions at the Court of Appeals office in Detroit, as well as to support information systems for the court. <u>Senate</u> does not restore funding.	GF/GP	\$25,252,500	\$0
7. State Appellate Defender Office Attorneys	Gross	NA	\$360,700
<u>Executive</u> restores \$360,700 of GF/GP that was reduced from the FY 2020-21 budget as part of statewide budget reductions. Funding would be used to backfill 3.0 public defender positions to help maintain the statutory minimum 25% appellate caseload. <u>Senate</u> concurs.	GF/GP	NA	\$360,700
8. Pretrial Risk Assessment	FTE	NA	0.0
<u>Executive</u> includes ongoing funding of \$325,700 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. Funding would support ongoing data analysis and performance benchmarking, education and training, technical assistance on assessing pretrial risk and supervising defendants, and other ongoing efforts. <u>Senate</u> does not include funding or FTE position.	Gross GF/GP	NA NA	\$0 \$0
9. Michigan Legal Self-Help Program	Gross	NA	\$200,000
<u>Executive</u> includes \$200,000 GF/GP for additional support for Michigan Legal Help program website and centers. The program provides free legal information and assistance to individuals who represent themselves in simple civil legal matters. <u>Senate</u> concurs.	GF/GP	NA	\$200,000
10. Michigan Justice Training Fund Grant	Gross	NA	\$100,000
<u>Executive</u> authorizes the Michigan Judicial Institute to receive and expend \$100,000 of Michigan Justice Training grant funding made available by the Michigan Commission on Law Enforcement Standards for training court support personnel. <u>Senate</u> concurs.	IDG GF/GP	NA NA	100,000 \$0
11. Judgeship Changes	Gross	NA	(\$164,400)
<u>Executive</u> reflects a savings of \$164,400 GF/GP from elimination of 1.0 district court judgeship in Shiawassee County pursuant to 2012 PA 17. The amount of savings is for the full year, as the effective date of elimination was January 1, 2021. <u>Senate</u> concurs.	GF/GP	NA	(\$164,400)

<u>Major Budget Changes from FY 2020-21 YTD Appropriations</u>	<u>FY 2020-21 Year-to-Date (as of 2/11/21)</u>	<u>FY 2021-22 Senate Change</u>	
12. Economic Adjustments	Gross	NA	\$3,334,900
<u>Executive</u> reflects a net increase in costs of \$3.3 million Gross (\$3.4 million GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2021 and 1.0% on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, and other economic adjustments. <u>Senate</u> concurs.	IDG	NA	(500)
	Federal	NA	(18,700)
	Local	NA	(34,700)
	Private	NA	(5,900)
	Restricted	NA	(28,100)
	GF/GP	NA	\$3,422,800
13. Eliminate Current Year One-Time Funding	FTE	8.0	(1.0)
<u>Executive</u> reduces the budget by \$1.8 million GF/GP and 8.0 FTE positions to reflect elimination of one-time funding included in the FY 2020-21 budget. Eliminated funding includes: \$881,100 (7.0 FTE positions) for the State Appellate Defender Office to ensure compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case, \$600,000 for expansion of problem solving courts, and \$325,700 (1.0 FTE position) for pretrial risk assessment. <u>Senate</u> concurs with eliminating one-time funding for expansion of problem solving courts and pretrial risk assessment, but retains \$881,100 and 7.0 FTE positions for SADO and includes an additional \$58,000 for a total of \$939,100.	Gross	\$1,806,800	(\$867,700)
	GF/GP	\$1,806,800	(\$867,700)
14. Judicial Tenure Commission	FTE	7.0	1.0
<u>Executive</u> makes no recommendation. <u>Senate</u> includes \$386,000 GF/GP (\$182,000 ongoing and \$204,000 one-time) and authorization for 1.0 FTE position for the Judicial Tenure Commission to add one permanent staff attorney and to continue paying contract attorneys for their work on addressing case backlog.	Gross	\$1,408,700	\$386,000
	GF/GP	\$1,408,700	\$386,000
15. State Employee Legal Services	Gross	NA	\$20,000,000
<u>Executive</u> makes no recommendation. <u>Senate</u> includes \$20.0 million GF/GP for SADO to administer a fund to be used to cover legal fees for state employees and agencies pursuant to MCL 691.1408 (Governmental Liability for Negligence).	GF/GP	NA	\$20,000,000

Major Boilerplate Changes from FY 2020-21

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 unless the communication is prohibited by law and the judicial branch is exercising its authority. Executive deletes. Senate 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. Senate 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. Senate retains.

Sec. 218. Linking Swift and Sure Sanctions Program to DHHS, LEO, and MDOC Programming – RETAINED

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 the 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, LEO, and MDOC programming. Executive deletes. Senate retains.

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

Requires the judicial branch to receive and retain copies of all required reports; 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. Senate retains.

Major Boilerplate Changes from FY 2020-21

Sec. 220. State Employee Legal Services – NEW

Requires SADO to administer a fund to be used to provide reimbursement of legal fees to state employees and agencies under the Governmental Liability for Negligence section of the Revised Judicature Act; requires reimbursement of fees to be made if amount of fees approved does not exceed appropriation amount and if SADO finds the fees to be reasonable. Executive does not include. Senate includes new language.

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 the total number of petitions granted. Executive deletes. Senate deletes.

Sec. 316. Pretrial Risk Assessment – DELETED

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 an assessment of the effectiveness of the tool, plans to expand use of the tool, and details on expenditures and allocations. Executive deletes. Senate deletes.

Sec. 324. Medication-Assisted Treatment Program – REVISED

Requires judiciary to maintain a medication-assisted treatment program to provide treatment for opioid- and alcohol-addicted individuals who are referred to and who voluntarily participate in the program. Executive retains. Senate revises to require a report on amounts spent, number of participants, and statistics that indicate average program participation duration and success rates.

Sec. 403. Oral Fluid Testing Pilot Program – DELETED

Requires SCAO to allocate \$100,000 of funding appropriated for expansion of problem-solving courts to create a pilot program in a veterans treatment court, mental health treatment court, or both, that investigates the effectiveness of oral fluid testing to determine compliance with required mental health medications or requirements. Executive deletes. Senate deletes.