

**Summary: Executive Budget Recommendation  
for Fiscal Year 2023-24  
JUDICIARY**



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	FY 2022-23 Year-to-Date as of 2/8/23	FY 2023-24 Executive	Difference: FY 2023-24 vs. FY 2022-23	
			Amount	%
IDG/IDT	\$1,902,300	\$1,902,300	\$0	0.0
Federal	6,340,300	6,751,300	411,000	6.5
Local	7,782,600	0	(7,782,600)	(100.0)
Private	1,524,200	1,523,900	(300)	0.0
Restricted	95,181,400	95,152,600	(28,800)	0.0
GF/GP	370,774,900	249,404,700	(121,370,200)	(32.7)
<b>Gross</b>	<b>\$483,505,700</b>	<b>\$354,734,800</b>	<b>(\$128,770,900)</b>	<b>(26.6)</b>
FTEs	537.0	588.0	51.0	9.5

Notes: (1) FY 2022-23 year-to-date figures include mid-year budget adjustments through February 8, 2023. (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.

<b>Major Budget Changes from FY 2022-23 Year-to-Date (YTD) Appropriations</b>	<b>FY 2022-23 YTD (as of 2/8/23)</b>	<b>Executive Change from YTD</b>
<b>1. Statewide Judicial Case Management System</b>	FTE	NA
Includes a total of \$12.5 million GF/GP and authorization for 16.0 FTE positions for continued support of the statewide judicial case management system. Of the total, \$6.0 million would be used to support staff and other operating costs as trial courts transition to the system, and \$6.5 million would be used to offset local user fee revenue that was previously paid by trial courts that have already transitioned to the system.	<b>Gross</b>	<b>NA</b>
	Local	16.0
	GF/GP	NA
		<b>\$4,747,600</b>
		(7,752,900)
		\$12,500,500
<b>2. Statewide Court Data Transparency Project</b>	<b>Gross</b>	<b>NA</b>
Includes \$4.5 million in one-time GF/GP to support costs of improving data collection, reporting and analysis, and publication of court data through a public portal.	GF/GP	NA
		<b>\$4,500,000</b>
<b>3. SADO MAACS Roster Attorney Compensation Grants</b>	FTE	NA
Includes \$3.2 million GF/GP and authorization for 1.0 FTE position to create a cost-share grant program to support counties that increase pay rates for appellate counsel for indigent offenders that are assigned through the Michigan Appellate Assigned Counsel System (MAACS). New rates would be consistent with rates adopted under Michigan Indigent Defense Commission standards.	<b>Gross</b>	<b>NA</b>
	GF/GP	NA
		1.0
		<b>\$3,160,700</b>
		\$3,160,700

<b>Major Budget Changes from FY 2022-23 Year-to-Date (YTD) Appropriations</b>	<b>FY 2022-23 YTD (as of 2/8/23)</b>	<b>Executive Change from YTD</b>
<b>4. Juvenile Justice Task Force Recommendations</b>	FTE	NA
Includes a total of \$2.6 million GF/GP and authorization for 16.0 FTE positions to support recommendations #2 and #3 made by the Task Force on Juvenile Justice Reform. Of the total, \$2.0 million and 13.0 FTE positions would be used to support a Juvenile Justice Services Division within the State Court Administrative Office, and \$556,900 and 3.0 FTE positions would be used to expand the role of the State Appellate Defender's Office to include appellate defense for juvenile justice cases.	<b>Gross</b>	<b>NA</b>
	GF/GP	NA
		16.0
		<b>\$2,581,900</b>
		\$2,581,900
<b>5. Resentencing of Juvenile Lifers</b>	FTE	NA
Includes a total of \$2.5 million GF/GP and authorization for 18.0 FTE positions for the State Appellate Defender Office to ensure continued compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case (\$958,100 GF/GP and 7.0 FTE positions) and the Michigan Supreme Court rulings on the <i>People v. Parks</i> , <i>People v. Poole</i> , and <i>People v. Stovall</i> cases (\$1.6 million GF/GP and 11.0 FTE positions). Because mandatory life sentences without the possibility of parole for most juveniles, including 18-year-olds, convicted of certain offenses were ruled to be unconstitutional and life sentences for juveniles convicted of second-degree murder were ruled to be unconstitutional, resentencing of offenders is required. Resentencing hearings are required to take place before a judge, not a jury, and the appellate court is required to review trial court decisions in these cases for potential abuse of discretion. There are over 30 inmates still waiting for resentencing hearings under the U.S. Supreme Court ruling and roughly 350 inmates eligible for resentencing hearings under the Michigan Supreme Court rulings.	<b>Gross</b>	<b>NA</b>
	GF/GP	NA
		18.0
		<b>\$2,529,600</b>
		\$2,529,600
<b>6. District Court Judges' Salary Adjustments</b>	<b>Gross</b>	<b>\$38,690,200</b>
Includes \$504,900 GF/GP to cover costs of increased salaries for district court judges as required by 2022 PA 177. Public Act 177 requires an increase in compensation for district court judges to equal the compensation of probate court judges, effective October 1, 2022. Funding would also cover associated retirement and social security costs.	GF/GP	\$38,690,200
		<b>\$504,900</b>
		\$504,900
<b>7. Judicial Institute Curriculum and Bench Book Development</b>	FTE	NA
Includes \$482,000 GF/GP (\$182,000 ongoing; \$300,000 one-time) and authorization for 1.0 FTE position for curriculum and bench book development. Ongoing funding would be used for curriculum development, including expanded online training modules, virtual training, and implementation of an attendance/participation tracking system for the mandatory continuing judicial education requirement. One-time funding would support costs of developing a court administration bench book.	<b>Gross</b>	<b>NA</b>
	GF/GP	NA
		1.0
		<b>\$482,000</b>
		\$482,000
<b>8. Justice for All Initiative</b>	<b>Gross</b>	<b>NA</b>
Includes \$475,000 GF/GP for continuing the Justice for All initiative implemented in the FY 2021-22 budget. The Justice for All initiative aims to simplify the court system, court rules, processes, and forms in order to increase court and community engagement and access to justice. Funding would be used for process improvements, pilot programs, training court personnel, and community outreach.	GF/GP	NA
		<b>\$475,000</b>
		\$475,000
<b>9. Federal Grant for Friend of the Court Bureau</b>	<b>Gross</b>	<b>NA</b>
Includes authorization for SCAO to receive \$420,000 in federal Safe Access for Victims Economic Security (SAVES) grant funding made available by the U.S. Department of Human Services, Office of Child Support Enforcement.	Federal	NA
	GF/GP	NA
		420,000
		<b>\$420,000</b>
		\$0

<b>Major Budget Changes from FY 2022-23 Year-to-Date (YTD) Appropriations</b>	<b>FY 2022-23 YTD (as of 2/8/23)</b>		<b>Executive Change from YTD</b>
<b>10. Supreme Court Security</b>	FTE	NA	2.0
Includes \$415,000 GF/GP and authorization for 2.0 FTE positions to support costs of providing additional security for supreme court justices.	<b>Gross</b>	<b>NA</b>	<b>\$415,000</b>
	GF/GP	NA	\$415,000
<b>11. Board of Law Examiners Funding Adjustment</b>	<b>Gross</b>	<b>NA</b>	<b>\$162,000</b>
Includes \$162,000 GF/GP to offset a shortfall of state restricted Law Exam Fee revenue that supports the Board of Law Examiners within the Supreme Court. Fees are collected from applicants for admission to the bar. There has been a decrease in the amount of fee revenue collected.	GF/GP	NA	\$162,000
<b>12. Increased Costs for Facility Security</b>	<b>Gross</b>	<b>NA</b>	<b>\$105,400</b>
Includes \$105,400 GF/GP to cover increased costs of security staff provided through a contract with DK Security. Hourly minimum wage for security staff was increased.	GF/GP	NA	\$105,400
<b>13. Judgeship Changes</b>	<b>Gross</b>	<b>NA</b>	<b>(\$134,600)</b>
Reflects a net savings of \$134,600 GF/GP from the following statutory changes: eliminating one district court judgeship in Alger/Schoolcraft County under 2012 PA 34; eliminating one district court judgeship in Huron County under 2012 PA 36; and annualizing costs for circuit court judgeships added in Marquette County under 2021 PA 74, Wayne, Muskegon, and Ottawa Counties under 2022 PA 8, and a probate court judgeship in Kent County under 2022 PA 8.	GF/GP	NA	(\$134,600)
<b>14. Additional FTE Position Authorization</b>	FTE	NA	4.0
Includes authorization for an additional 4.0 FTE positions. Of the 4.0 positions, 2.0 would be used for implementation of the Judicial Institute mandatory continuing judicial education program and 2.0 would be allocated to the Drug Treatment Courts program. Funding adjustments are not necessary to support these positions.	<b>Gross</b>	<b>NA</b>	<b>\$0</b>
	GF/GP	NA	\$0
<b>15. Eliminate Current-Year One-Time Funding</b>	FTE	7.0	(7.0)
Reduces the budget by \$151.4 million GF/GP and 7.0 FTE positions to reflect elimination of one-time funding included in the FY 2022-23 budget. Eliminated funding includes: \$150.0 million for the Statewide Judicial Case Management System, \$962,900 (7.0 FTE positions) for SADO, \$249,300 for the Judicial Tenure Commission, and \$225,000 for judicial workload assessment.	<b>Gross</b>	<b>\$151,437,200</b>	<b>(\$151,437,200)</b>
	GF/GP	\$151,437,200	(\$151,437,200)
<b>16. Economic Adjustments</b>	<b>Gross</b>	<b>NA</b>	<b>\$2,716,800</b>
Reflects increased costs of \$2.7 million Gross (\$2.8 million GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2023), actuarially required retirement contributions, worker's compensation, building occupancy charges, rent, and other economic adjustments.	Federal	NA	(9,000)
	Local	NA	(29,700)
	Private	NA	(300)
	Restricted	NA	(28,800)
	GF/GP	NA	\$2,784,600

### **Major Boilerplate Changes from FY 2022-23**

#### **Sec. 202. Appropriations Subject to the Management and Budget Act and Transfer Authority – REVISED**

Subjects appropriations to the Management and Budget Act, 1984 PA 431; describes the appropriations transfer process for entities in the judicial branch. Revised to delete transfer process language.

#### **Sec. 209. Transparency Website – DELETED**

Requires judicial branch to maintain a searchable website accessible by the public at no cost that includes all expenditures made by the judicial branch within the fiscal year, including purposes for which the expenditures were made.

#### **Sec. 210. Report on State Restricted Funds – DELETED**

Requires judicial branch to work with SBO to report annually on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures.

## **Major Boilerplate Changes from FY 2022-23**

### **Sec. 211. Website for Performance Scorecard – DELETED**

Requires judiciary to maintain, on a publicly accessible website, a scorecard that identifies, tracks, and regularly updates key metrics used to monitor and improve judiciary's performance.

### **Sec. 212. Legacy Costs – DELETED**

States that the total amount of funding estimated to be expended on legacy costs in FY 2022-23 is \$13.8 million (\$8.4 million on pension-related legacy costs; \$5.4 million on health care-related legacy costs).

### **Sec. 213. Disciplinary Action Against State Employees – DELETED**

Prohibits 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. (*Governor deemed this section unenforceable in FY 2022-23.*)

### **Sec. 214. Linking Swift and Sure Sanctions Program to DHHS, LEO, and MDOC Programming – DELETED**

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.

### **Sec. 215. Receipt and Retention of Required Reports – DELETED**

Requires 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 judicial branch to electronically retain copies of reports unless otherwise required by federal and state guidelines.

### **Sec. 301. Direct Trial Court Automation Support – DELETED**

Requires Direct Trial Court Automation Support program to recover direct and overhead costs from trial courts by charging fees for services rendered; requires fees to cover actual costs incurred in providing services.

### **Sec. 309. Oral Fluid Testing Program – DELETED**

Requires SCAO to allocate \$100,000 for a 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; requires SCAO to report on oral fluid testing programs established in the state, number of program participants in each jurisdiction, and rearrest rate of participants while participating in the program.

### **Sec. 311. 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.

### **Sec. 315. Medication-Assisted Treatment Program – DELETED**

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; requires judiciary to report on the program, including itemized spending by court, number of participants, and statistics that indicate average program participation duration and success rates; specifies that the goal of the program is for participants to be free of narcotic addiction prior to ending participation in the program.

### **Sec. 317. MAACS Roster Attorney Compensation Grants – NEW**

Requires MAACS to administer and provide grants to counties as reimbursement for approximately one-half of the compensation provided to public defenders appointed as appellate defense counsel; requires counties to pay appellate counsel consistent with rates established by the Michigan Indigent Defense Commission.

### **Sec. 401. Statewide Court Data Transparency Project – NEW**

Designates unexpended funding as a work project appropriation; states purpose of the project is to collect and analyze court data, publish court data in a data portal, and develop data-driven criminal justice policies and goals.

### **Sec. 402. Statewide Judicial Case Management System – DELETED**

Requires SCAO to establish a system that demonstrates the ability to integrate criminal justice data across the state and local units; prohibits funds from being used to supplant current user fee systems and administrative purposes unrelated to the system; requires system to comply with all security measures and restrictions and to be hosted in a secure cloud by an experienced vendor; requires implementation status report; designates unexpended funding as a work project appropriation.

### **Sec. 402. Judicial Institute – NEW**

Designates unexpended funding as a work project appropriation; states purpose of the project is to develop and maintain a court administration bench book.

**Supplemental Recommendations for FY 2022-23 Appropriations**

**FY 2022-23  
Recommendation**

**1. Juvenile Justice Services Division**

Includes \$1.0 million GF/GP and 6.5 FTE positions to support recommendation #2 of the Task Force on Juvenile Justice Reform, which would create a Juvenile Justice Services Division within the State Court Administrative Office. The new division would coordinate implementation of risk and needs screening and assessment tools, provide technical assistance and quality assurance, and assist with coordination and development of statewide juvenile justice policies, funding, data collection, and reporting.

FTE 6.5  
**Gross** \$1,000,000  
GF/GP \$1,000,000

**2. Indigent Civil Legal Assistance Funding Adjustment**

Includes \$1.0 million GF/GP to offset a reduction in state restricted State Court Fund revenue. Pursuant to statute, 23% of State Court Fund revenues are allocated for grants to legal aid organizations to provide legal assistance and representation to indigent people involved in civil litigation. The State Court Fund receives revenue from various motion fees, justice system fees, civil filing fees, and service fees paid on child support payments.

**Gross** \$1,000,000  
GF/GP \$1,000,000

**3. Resentencing of Juvenile Lifers**

Includes \$785,800 GF/GP and 5.5 FTE positions to ensure compliance with the recent Michigan Supreme Court rulings on the *People v. Parks*, *People v. Poole*, and *People v. Stovall* cases. Mandatory life sentences without the possibility of parole for 18-year-old offenders and life sentences for youthful offenders convicted of second-degree murder were ruled unconstitutional. Under these decisions, roughly 350 inmates are eligible for resentencing hearings.

FTE 5.5  
**Gross** \$785,800  
GF/GP \$785,800

**4. District Court Judges' Salary Adjustments**

Includes \$495,700 GF/GP to cover costs of increased salaries for district court judges as required by 2022 PA 177. Public Act 177 requires an increase in compensation for district court judges to equal the compensation of probate court judges, effective October 1, 2022. Funding would also cover associated retirement and social security costs.

**Gross** \$495,700  
GF/GP \$495,700