

APPROPRIATION LINE ITEM AND BOILERPLATE HISTORY

JUDICIARY

PART 1: LINE ITEM DETAIL

**2016 PA 268
Article XII
FY 2016-17
Initial**

Sec. 101. APPROPRIATION SUMMARY

1.	<u>Full-time equated (FTE) exempted positions</u> - Positions that are exempted from the classified State civil service pursuant to Article XI, Section 5 of the Michigan Constitution. These positions include elected officials, heads of principal Departments, a limited number of policy-making positions in Departments, members of boards and commissions, employees of State institutions of higher education, employees of the Judiciary, and employees of the Legislature.	510.0
2.	<u>GROSS APPROPRIATION</u> - Total appropriations	\$298,234,000
3.	<u>Interdepartmental grants (IDG)</u> - Funds that are also appropriated in other budgets. These funds are categorized as IDGs in the Department that spends the funds and are therefore subtracted from the Gross Appropriation to avoid double counting total statewide appropriations.	1,550,000
4.	<u>ADJUSTED GROSS APPROPRIATION</u> - Gross appropriations less IDGs.	296,684,000
5.	<u>Federal revenue</u> - Funding allocated to the State by the Federal government.	6,433,500
6.	<u>Local revenue</u> - Funds paid by local units of government that support State services and programs.	7,349,300
7.	<u>Private revenue</u> - Available appropriated funds from private sources, including funding from non-governmental agencies.	957,800
8.	<u>State restricted revenue</u> - Revenue earmarked for a specific purpose by the State Constitution, statute, or appropriation bill. Restricted revenue also includes general fund/special purpose funds, such as fee revenue used to support licensing programs.	92,786,000
9.	<u>State general fund/general purpose</u> - Revenue that has no constitutional or statutory restrictions on how it is used. Approximately 90% of the general fund/general purpose (GF/GP) revenue is derived from the income, single business, insurance, sales, and use taxes.	189,157,400
10.	<u>Payments to locals</u> - State appropriations from GF/GP or State restricted revenues that will be allocated to local units of government.	137,778,000

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Sec. 102. SUPREME COURT

1. Supreme court administration \$13,606,300

Exempted FTE positions 92.0

The funding in this line item supports costs of Supreme Court Justices' staff, the Office of the Chief Justice, Supreme Court Counsel, Human Resources, Finance Division, Office of the Clerk, Court Crier's Office, Public Information Office, Board of Law Examiners, Reporter of Decisions Office, and the Supreme Court Commissioners' Office. Pursuant to the Michigan Constitution, the Supreme Court has general superintending control over all courts; power to issue prerogative and remedial writs; and appellate jurisdiction as provided by Supreme Court rules.

2. Judicial institute \$1,800,800

Exempted FTE positions 13.0

The Judicial Institute was created by the Court in 1977 to develop and provide training programs for judges and court staff. The Institute produces publications, CDs, and video as part of its distance-learning program. A library of archived webcasts can be found at <http://ustools.you-niversity.com/youtools/companies/mji/archivesLayout2.html>. The Institute also operates the Hall of Justice Learning Center.

3. State court administrative office \$12,211,100

Exempted FTE positions 61.0

Article VI, Section 3, of the Michigan Constitution provides that the Supreme Court shall appoint an administrator of the courts and other assistants of the Supreme Court as may be necessary to aid in the administration of the courts of this State. The administrator performs administrative duties assigned by the Supreme Court. This line item also includes funding for the State Friend of the Court Bureau, Trial Court Services, Regional Administration, Court of Claims/State Litigation reimbursement, the Court Improvement Project, Access and Visitation Grants, and other grant programs.

4. Judicial information systems \$3,427,500

Exempted FTE positions 22.0

This line item funds technology and automated system support for Supreme Court entities and trial courts. The JIS also provides automated reporting services for trial courts that use JIS software. JIS has developed data standards for all courts.

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| 5. | <u>Direct trial court automation support</u> | \$7,349,300 |
| | Exempted FTE positions | 44.0 |
| | <p>This appropriation funds computer support services to trial courts, primarily related to case management software that is used by approximately 75 percent of the courts in the state. Local units of government pay fees for State services, which include software, programming, training, and other support services.</p> | |
| 6. | <u>Foster care review board</u> | \$1,305,700 |
| | Exempted FTE positions | 10.0 |
| | <p>Public Act 422 of 1984 created the Foster Care Review Board in the State Court Administrative Office (SCAO). Local boards review placement plans for children in foster care, review progress reports every six months to determine whether the purpose for which the child was placed in foster care is being achieved, and review requests of the courts or interested parties.</p> | |
| 7. | <u>Community dispute resolution</u> | \$2,377,200 |
| | Exempted FTE positions | 3.0 |
| | <p>The Community Dispute Program was created by Public Act 260 of 1988 to provide conciliation, mediation, or other forms and techniques of voluntary dispute resolution as an alternative to the judicial process. By statute, 5.2% of court filing fee revenues sent to the Civil Filing Fee Fund provides funding for the program. The program also receives Federal grants and private funds.</p> | |
| 8. | <u>Other Federal grants</u> | \$275,100 |
| | <p>This line item includes various small Federal grants for training programs, evaluations, benchbook development, or updating, and other projects.</p> | |
| 9. | <u>Drug treatment courts</u> | \$11,083,000 |
| | <p>State funding for drug courts began through a supplemental appropriation bill (1999 PA 137) in FY 1998-99. The program is administered by the SCAO. Drug treatment courts handle cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. The line is supported by State General Fund, Federal Byrne Justice Assistance Grants through an interdepartmental grant from the Department of State Police, and the Drug Court Fund, which receives a percentage of funds collected by the Justice System Fund.</p> | |

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10. Mental health courts and diversion services \$5,462,700

Exempted FTE positions 1.0

Mental health courts were first funded in FY 2008-09, when \$550,000 (money available via ARRA) was included in the Judiciary budget to begin mental health court pilot projects (note: a coinciding appropriation of \$1.1 million for the same project was made for Department of Community Health). However, in 2009-10, the funding was not continued, and the line remained at zero during FY 2010-11 and FY 2011-12. In FY 2012-13, \$1.0 million was included for mental health courts to build on what the pilot programs had established and to expand to additional areas (the funding was included in the SCAO line item). As part of the Governor's Public Safety Initiative, a supplemental added another \$1.1 million to the program, bringing the total to \$2.1 million for FY 2012-13. In FY 2013-14, mental health courts were given a separate line item and another \$2.0 million was added to the line to bring it up to \$4.1 million. In FY 2014-15, \$1.730 million in Federal funding was added. In FY 2015-16, 'and diversion services' was added to the line item amounts.

11. Veterans courts \$500,000

Funding for Veterans Courts was first included in FY 2013-14. Veterans' Courts had not previously received State support; however, as many as 8 or 9 Veterans' Courts existed across the State with a combination of local, Federal, and private support. Funding will both support currently existing courts and also allow for additional Veterans' Courts to be created. In the Governor's FY 2013-14 budget proposal he called for an increase of \$3.0 million for the drug courts line item, of which an unspecified amount would be utilized for Veterans' Courts. During Conference, the legislature decided to specifically carve out \$500,000 in a new line for Veterans' Courts.

12. Swift and sure sanctions program \$4,000,000

The program began with a pilot for \$1.0 million in FY 2011-12. Funding was then boosted by \$5.0 million in FY 2012-13 to bring total funding to \$6.0 million. As part of the funding increase, there was also a fund shift by which \$1.6 million in Court of Appeals filing/motion fees was shifted to support this line, while the Court of Appeals was then made whole with GF/GP dollars. Funding level remained unchanged at \$6.0 million in FY 2014-15. Funding was decreased to \$4.25 million in FY 2015-16 and \$4.0 million in FY 2016-17.

13. Next generation Michigan court system \$4,116,000

In FY 2014-15 moved funding from "One-time" to "On-going for the implementation of the Michigan Court System (MiCS) unified case management system.

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Unit Gross Appropriation	\$67,514,700
Interdepartmental grant from Department of State Police	1,500,000
IDG from Department of Corrections	50,000
Federal revenues:	
DOJ, drug court training and evaluation	300,000
DOT, national highway traffic safety administration	2,210,700
HHS, access and visitation grant	612,200
HHS, children's justice grant	233,000
HHS, court improvement project	1,309,700
HHS, title IV-D child support program	1,024,700
HHS, title IV-E foster care program	392,500
Other Federal grant revenues	275,100
Special revenue funds:	
Local – user fees	7,349,300
Private revenues	190,800
Private – interest on lawyers trust accounts	262,600
Private – state justice institute	420,200
Community dispute resolution fund	2,377,200
Court of appeals filing/motion fees	1,641,800
Law exam fees	649,700
Drug court fund	1,920,500
Miscellaneous revenue	273,300
Justice system fund	575,200

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State court fund	382,800
State general fund/general purpose	43,554,400

Sec. 103. COURT OF APPEALS

1. <u>Court of appeals operations</u>	\$23,102,700
Exempted FTE positions	175.0

The Court of Appeals is provided for in Article VI of the Michigan Constitution of 1963. It originally consisted of nine judges and currently has 28 judges. The Court of Appeals has courtrooms and offices in Lansing, Detroit, and Grand Rapids. An office in Southfield was opened in 1994 and moved to Troy in 2004. The jurisdiction of the Court of Appeals is provided by law. In FY 2012-13 the Court of Appeals budget became entirely funded by GF/GP dollars. The Court of Appeals filing and motion fees which were previously a part of the fund sources for this unit has been transferred to the Supreme Court unit to support the Swift and sure sanctions program grants. The restricted revenue of the filing and motion fees was being collected at a level much lower than the appropriated amount, which was causing a deficit in the Court of Appeals funding, so switching this item to all GF/GP funding remedied this issue. The Swift and sure sanction grant program was more discretionary in nature, so would have an easier time absorbing the potential shortfall of the restricted fund source.

Unit Gross Appropriation	\$23,102,700
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Appropriated from:

State general fund/general purpose	23,102,700
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Sec. 104. BRANCHWIDE APPROPRIATIONS

1. <u>Branchwide appropriations</u>	\$8,745,300
Exempted FTE positions	4.0

This funding unit was created in FY 2002-03 to consolidate branchwide costs including building occupancy charges, rent, workers compensation, and security costs.

Unit Gross Appropriation	\$8,745,300
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State general fund/general purpose	8,745,300
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Sec. 105. JUSTICES' AND JUDGES' COMPENSATION

Full-time judges positions	592.0
1. <u>Supreme court justices' salaries</u>	\$1,152,300
This line item funds the salaries of seven Supreme Court Justices. Salaries are set by the State Officers Compensation Commission pursuant to Article IV, Section 12 of the Michigan Constitution. The current salary is \$164,614. This salary has remained unchanged since 2002.	
2. <u>Court of appeals judges' salaries</u>	\$4,014,100
This line item funds the salaries of 26 Court of Appeals Judges. The salary as of October 1, 2016, is \$152,955.	
3. <u>District court judges state' base salaries</u>	\$22,613,900
The total salary (State base and standardization payment) as of October 1, 2016, is \$139,655 for 241 judges.	
4. <u>District court judicial salary standardization</u>	\$11,008,100
Payment to local unit to reimburse their contribution to a judge's salary. Beginning January 1, 1997, the State reimbursed the total amount paid by the local unit.	
5. <u>Probate court judges' state base salaries</u>	\$9,770,600
The total salary (State base and standardization payment) as of October 1, 2016, is \$141,318 for 103 probate judges.	
6. <u>Probate court judicial salary standardization</u>	\$4,669,600
Payment to local unit to reimburse their contribution to a judge's salary. Beginning January 1, 1997, the State reimbursed the total amount paid by the local unit.	
7. <u>Circuit court judges' state base salaries</u>	\$ 20,481,400
The total salary (State base and standardization payment) as of October 1, 2016, is \$141,318 for 215 judges.	
8. <u>Circuit court judicial salary standardization</u>	\$9,796,400

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Payment to local unit to reimburse their contribution to a judge's salary. Beginning January 1, 1997, the State reimbursed the total amount paid by the local unit.

9. Judges' retirement system defined contribution \$4,526,500

This line item funds the employer's contribution (up to seven percent of the justices' and judges' salaries) for members of the defined contribution retirement system.

10. OASI social security \$5,733,000

Employer's share of social security and Medicare costs.

Unit Gross Appropriation **\$93,765,900**

Court fee fund 2,988,100

State general fund/general purpose 90,777,800

Sec. 106. JUDICIAL AGENCIES

1. Judicial tenure commission \$1,137,600

Exempted FTE positions 7.0

Article VI, Section 30 of the Michigan Constitution provides for the Judicial Tenure Commission. The Supreme Court may censure, suspend (with or without pay), retire, or remove a judge based on the recommendation of the Judicial Tenure Commission.

Unit Gross Appropriation **\$1,137,600**

State general fund/general purpose 1,137,600

Sec. 107. INDIGENT DEFENSE – CRIMINAL

1. Appellate public defender program \$7,704,500

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Exempted FTE positions 51.0

Public Act 620 of 1978 created the Appellate Defender Commission within the Office of the State Court Administrator. Members of the Commission are appointed for terms of four years and receive no salary. The Commission appoints the State Appellate Defender. The Appellate Defender appoints a deputy, assistant defenders, and support personnel. The Appellate Defender conducts appeals of felony convictions, or other post-conviction remedies, from cases assigned by a court of record. The statute requires the Appellate Defender Office to handle not less than 25% of the total criminal defense appellate cases for indigents pending before the appellate courts of Michigan. Despite the statutory mandate to handle 25% of appellate cases, SADO only accepted 18% of cases in FY 2011-12. To help SADO reach the 25% caseload mandate, in FY 2012-13, the budget was increased by \$225,000 and 3.0 FTEs. That 3.0 FTE increase was expected to allow SADO to handle 22% of cases. In FY 2013-14, the budget was increased by \$214,400 and 2.0 FTEs, which is expected to allow SADO to reach the mandate. In FY 2014-15, SADO funding was maintained to continue progress toward the statute requirement. In FY 2015-16, the Appellate assigned counsel administration was added to this line item, both funding and FTEs.

3. Michigan indigent defense commission 2,345,600

Exempted FTE positions 16.0

PA 93 of 2013 created the Michigan Indigent Defense Commission. The Commission will be housed within the judicial branch of state government and comprised of 15 members. Commission members will serve four-year terms and primarily deal with creating standards to ensure all systems providing indigent defense meet constitutional obligations for effective assistance of counsel.

Unit Gross Appropriation \$10,050,100

Other Federal grant revenue 66,600

Private – interest on lawyers trust accounts 84,200

Miscellaneous revenues 135,400

State general fund/general purpose 9,763,900

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Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE

1. Indigent civil legal assistance \$7,937,000

Pursuant to Public Act 189 of 1993 (MCL 600.151a), 23 percent of the State Court Fund is allocated for indigent civil legal assistance. The State Court Administrative Office allocates funds to legal service organizations based upon recommendations of the State Bar Foundation. The State Bar Foundation receives one percent of the distribution, limited to \$40,000, for performing its duties under MCL 600.1485. The first appropriation for Indigent Civil Legal Assistance from the State Court Fund was in FY 1993-94.

Unit Gross Appropriation \$7,937,000

State court fund 7,937,000

State general fund/general purpose 0

Sec. 109. TRIAL COURT OPERATIONS

1. Court equity fund reimbursements \$60,815,700

The Court Equity Fund was created by Public Act 374 of 1996. It receives revenue from a variety of sources including the Justice System Fund, the Civil Filing Fee Fund, and the State Court Fund (civil infractions, misdemeanors, felonies, filing fees and other fees) and up to \$2,200,000 of the Court Fee Fund (excess Judges' Retirement System funds). Distributions to counties from the Court Equity Fund are through a formula based on case filings in circuit and probate courts and the number of circuit, probate and district court judges. This distribution replaced former State funding of trial court costs contained in Public Acts 438 through 440 of 1980 and Public Act 189 of 1993. The FY 2015-16 appropriations for Court Equity Fund reimbursements continues to include \$10,395,100 from the State General Fund.

2. Judicial technology improvement fund \$4,815,000

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The Judicial Technology Improvement Fund was created by Public Act 78 of 2003. The SCAO administers the judicial technology improvement fund. Money from the fund shall be expended for the development and ongoing support of a statewide judicial information system. The Court, working with the departments of State Police, Corrections, Information Technology, and Secretary of State and with the Prosecuting Attorneys Association of Michigan, will develop a statewide telecommunications infrastructure to integrate criminal justice information systems. The Judicial Technology Improvement Fund shall be used to pursue technology innovations that will result in enhanced public service and access to local trial courts. These innovations

will include, but not be limited to, electronic filing, on-line payments of fines and fees, data warehousing, and web-based instructions for completion of court documents. The Fund receives a percentage of amounts collected in the Civil Filing Fee Fund.

3. Drug case-flow program \$250,000

Public Act 359 of 1993 created the Drug Case Information Management Fund (MCL 257.323d). The Fund receives \$30 of the \$125 driver license reinstatement fee for cases involving suspension of driver's licenses due to violations of the Controlled Substances Act. The Fund, after allocation of SCAO administrative costs, is annually distributed to circuit, probate, and district courts based on their percentage share of controlled substances cases. The purpose of the fund is to help defray costs of timely management, and reporting to the Secretary of State, of information concerning substance abuse cases.

4. Drunk driving case-flow program \$3,300,000

Public Act 98 of 1991 created the Drunk Driving Caseflow Assistance Fund (MCL 257.625h(5)). The Fund receives \$30 of the \$125 driver license reinstatement fee for suspensions related to drunk driving offenses. The Fund, after allocation of SCAO administrative costs, is annually distributed to district and municipal courts based on their percentage share of cases under MCL 257.625 and 257 625m. The purpose of the Fund is to promote the timely disposition of cases involving drunk driving.

5. Juror compensation reimbursement \$6,600,000

This line was new in FY 2003-04. Funding is available from increased jury demand and driver license clearance fees enacted in 2002, which are used to reimburse counties for increased juror compensation required by Public Act 739 of 2002.

6. Statewide e-file system \$8,500,000

This line was new in FY 2015-16. The funding is intended to begin the process of rolling out a statewide e-file system which goal is to make all filing electronic in the State. The funding is sourced from electronic filing fees for all filed court documents.

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Unit Gross Appropriation	\$84,280,700
Court equity fund	50,440,000
Judicial technology improvement fund	4,815,000
Drug fund	250,000
Drunk driving fund	3,300,000
Juror compensation fund	6,600,100
Electronic filing fee fund	8,500,000
State general fund/general purpose	10,375,700

110. ONE-TIME BASIS ONLY APPROPRIATIONS

1.	<u>Medication-assisted treatment pilot program</u>	750,000
	Line created in FY 2016-17. The funding was to establish a medication-assisted treatment pilot program within existing drug treatment courts targeting new drug or sobriety court admissions with an opiate or alcohol addiction disorder.	
2.	<u>Compliance with <i>Montgomery v Louisiana</i> decision</u>	700,000
	Exempted FTE positions	11.0
	Line created in FY 2016-17. The funding was to ensure compliance with the Supreme Court decision in <u>Montgomery v Louisiana</u> 577 US ____ (2016) by providing competent and well trained post-conviction representation of approximately 131 juvenile lifers in resentencing hearings.	
3.	Expansion of problem solving courts	250,000
	Line created in FY 2016-17. The funding was to expand veterans' courts and increase the number of drug treatment court participants.	
	Unit Gross Appropriation	1,700,000
	State general fund/general purpose	1,700,000

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Section Number	Description and History
201	<p><u>State Spending/Payments to Locals.</u> Total State spending and payments to local units of government contained in Act.</p> <p>Background: Standard boilerplate section contained in all appropriation bills pursuant to 1984 PA 431. Statutory Reference MCL 18.1367.</p>
202	<p><u>DMB Act/Expenditure Authorizations.</u></p>
202(1)	<p>The appropriations authorized under this Act are subject to the Management and Budget Act (1984 PA 431, MCL 18.1101 to 18.1594).</p>
202(2)	<p>Delineates the transfer and expenditure approval process for the Judiciary.</p> <p>Background: Subsection 1 is a standard section contained in all appropriation bills. The first version of this section was contained in FY 1981-82 General Government Appropriation Bill. The former section provided that appropriations were subject to Act 18 of 1981. Act 18 was repealed by 1984 PA 431.</p>
203	<p><u>Definitions.</u> Definition of acronyms contained in Act.</p> <p>Background: Standard section contained in all appropriation bills.</p>
204	<p><u>Communication with the Legislature.</u> 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>Background: First included in FY 2005-06, added by the Senate.</p>
205	<p><u>Foster Hearing Legislative Intent.</u> Judges who are presiding over a hearing on a foster care case shall publicly acknowledge and request the input of the foster parent or foster parents during the hearing</p> <p>Background: First included in FY 2014-15, added by the Senate.</p>
207	<p><u>Foster Care Plan Legislative Intent.</u> If Judicial branch makes any changes to a foster care family service plan before its finalization, presiding judge provide an explanation for any changes to that plan in the court record.</p> <p>Background: First included in FY 2014-15, added by the Senate.</p>
208	<p><u>Internet Reports.</u> Requires use of the internet to fulfill reporting requirements unless otherwise specified, and allows for electronic mail transmission of reports along with placement of reports on the internet or intranet.</p> <p>Background: A version of this section was first included in the FY 1999-2000 Appropriation Bill.</p>
211	<p><u>Swift and Sure Interagency Agreement.</u> Judicial branch shall establish a shall establish an interagency agreement with the Department of Human Services and the Department of Corrections linking the swift and sure sanctioning program with the Michigan rehabilitative services program.</p> <p>Background: First included in FY 2014-15, added by the Senate.</p>

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212	<p><u>Retention of Reports.</u> Requires the judicial branch to receive and retain copies of all reports funded from appropriations in part 1 and to follow state and Federal guidelines for retentions of such reports.</p> <p>Background: First included in FY 1999-2000.</p>
214	<p><u>Buy American Intent Language.</u> Prohibits use of appropriations for purchase of foreign goods or services when competitively priced American goods or services of comparable quality are available. It also gives preference to the purchase of Michigan goods and services if competitively priced and of comparable quality. Also gives preference to goods or services provided by Michigan businesses owned and operated by veterans.</p> <p>Background: Standard section in most appropriation bills; first included in the FY 1992-93 General Government Appropriation Bill.</p>
215	<p><u>Out of State Travel Report.</u> Requires a report listing all out of state travel by Judiciary employees that was funded in whole or in part by the funds appropriated in the judicial branch budget. The required information of the report includes the date of each travel occurrence, the total costs of each travel occurrence, and the proportion from each fund source.</p> <p>Background: First added in FY 2004-05 as a restriction on out of state travel. In FY 2012-13 it was altered to remove the restriction on out-of-state travel, but continue to require the report.</p>
219	<p><u>Lapse Estimates.</u> Requires the state budget office to prepare a report by November 30 listing estimates of general fund lapses.</p> <p>Background: First included in 2009-10. Original language required the judiciary to repair the report. In FY 2013-14, language was revised to state the State budget office shall prepare the report.</p>
221	<p><u>Expenditures on the Internet.</u> Requires the judicial branch to develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the judicial branch.</p> <p>Background: First included in 2009-10.</p>
222	<p><u>Restricted Fund Balances Report.</u> The judicial branch shall cooperate with the state budget office to provide a report on estimated restricted fund balances, projected revenues, and anticipated expenditures.</p> <p>Background: Language first included in FY 2011-12 as a section standard across most or all appropriations bills.</p>
223	<p><u>Metrics Scorecard Website.</u> The judiciary shall maintain a scorecard that identifies key performance metrics and this scorecard shall be posted on a publically accessible website.</p> <p>Background: Language first included in FY 2013-14 as part of standard language that the Governor proposed to include in multiple budgets.</p>
224	<p><u>Legacy Cost Reporting.</u> This section reports the total legacy costs for the judicial branch including the separately reported pension and healthcare costs.</p>

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- Background:** Language first included in FY 2014-15 as part of standard language that the Governor proposed to include in multiple budgets.
- 225 **Program Performance Evaluation.** Requires the judicial branch to report on a list of specific benchmarks intended to measure the performance or return on taxpayer investment of the program and its associated expenditures
- Background:** Language first included in FY 2014-15 as part of standard language that the House proposed to include in multiple budgets.
- 301 **Direct Trial Court Automation.** 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.
- Background:** First included in FY 1984-85 under the Judicial Data Center. According to the Supreme Court Finance Department, user charges historically do not exceed the appropriation contained in Part 1 of the budget bill.
- 302 **Supreme Court Approval of Expenditures.** Provides that funds appropriated to the judicial branch are not to be expended without approval from the Supreme Court.
- Background:** First included in FY 1988-89.
- 303 **Court of Claims/State Litigation.** Allocates funding for the operation costs of the Court of Claims and operation costs associated with State litigation.
- Background:** First included in FY 1988-89 when separate line items these appropriations were eliminated. Revised in 2014-15 to specifically identify how to allocate to the Court of Claims.
- 306 **Priority of Revenue Collection Improvements.** Requires the Supreme Court and State Court Administrative Office to maintain as a priority assisting local trial courts with revenue collection improvements. This section was modified to request SCAO to report on county collections from 2009-2014.
- Background:** In FY 2001-02, this section replaced language requiring a report on audited accounts of funds due to the courts. Updated in FY 2015-16.
- 307 **Mental Health Courts and Diversion services.** This section directs the amount of funding to be allocated for the Mental Health and Diversion Council.
- Background:** First included in FY 2014-15 on the recommendation of the Governor.
- 308 **Court Fee Fund Shortage.** Provides for automatic appropriation of general fund revenue for judges' salaries if sufficient funds are not available in the Court Fee Fund to meet the appropriation from that revenue source.

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Background: First included in FY 1997-98 when Court Fee Fund revenue was first used as a source of funding for judicial salaries. There had not been a Court Fee Fund shortfall from 1997-98 until FY 2011-12, FY 2012-13, and FY 2013-14. A supplemental in 2011-12 provided \$1.8 million in general fund to cover a shortfall, and at the same time the FY 2012-13 budget was revised upward by \$2.2 million (or \$400,000 above the YTD after the supplemental). A supplemental, P.A. 102 of 2013 (H.B. 4112), provided an additional \$820,000 to cover the shortfall for FY 2012-13 (beyond the \$2.2 million that had already been provided during the development process). During the conference of FY 2013-14 budget process \$1,902,100 in general fund dollars was included to cover the shortfall. In FY 2015-16, clause added to notify when allocations are made under this section.

309 **Alternative Courts Report.** Requires a status update from SCAO on alternative courts by April 1 of each year.

Background: First included in FY 2008-09. In FY 2013-14, the word "pilot" was removed while the requirement for the report was maintained. Dropping the word "pilot" coincided with a funding increase for mental health courts. In FY 2015-16, other alternative courts were added in place of just the mental health courts.

311 **Drug Court Program**

311(1) Provides criteria for the administration of the Drug Court Program. Funds shall be used to operate drug treatment court programs. Funds may be used in connection with Federal, State, and local funding sources.

311(2) Requires allocation of sufficient funds for the Michigan Judicial Institute to provide in-state training, including training of new drug court judges.

311(3) Provides that for planning and implementation grants, consideration for prioritization may be given to those courts where higher instances of substance abuse cases are filed.

311(4) Establishes priority for the \$1.5 million in Federal Byrne grant funding to assist in avoiding prison bed space growth for nonviolent offenders in collaboration with the Department of Corrections.

Background: A version of this language was first included in the FY 1998-99 Supplemental Appropriation Bill (1999 PA 137) that first provided funding for the State Drug Court Program. Subsections 3 and 4 were added in FY 2001-02. Until FY 2002-03 the language included grant eligibility for existing drug court programs if Federal funds were no longer available. A five-year limit on funding was added in FY 2002-03 and removed in FY 2007-08.

312 **Parental Rights Restoration Act Statistical Report.** Requires the State Court Administrative Office to produce a statistical report regarding the implementation of the Parental Rights Restoration Act as it pertains to minors seeking a court-issued waiver of parental consent and the number of petitions granted under section 208.

Background: First included in FY 2000-01. The section originally required statistical detail by county. Commencing in FY 2002-03, reporting was on a statewide basis.

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317 **Judicial Vehicles.** Prohibits the use of funds in part 1 for the permanent assignment of state-owned vehicles to justices, judges or other judicial branch employees. The language does not preclude the use of state-owned motor pool vehicles for state business in accordance with approved guidelines.

Background: First added in FY 2007-08.

320 **Swift and Sure Sanctions Program.** States that the funds designated in part 1 for the swift and sure sanctions program shall be used for distributing grants in accordance with the swift and sure sanctions act and that of the \$4.0 million in funding, up to \$100,000 shall be available for SCAO administrative costs. SCAO shall be required to submit a report that contains information on the number of offenders participating and the recidivism rate among Courts receiving funds.

Background: Funding for Swift and Sure Sanctions was first included in FY 2011-12, when the Judiciary received an IDG of \$1.0 million from the MDOC. In FY 2012-13, the IDG was eliminated and the \$1.0 million was included as general fund dollars, and then the Senate and later the Conference added an additional \$5.0 million to the line to bring total funding to \$6.0 million. The FY 2012-13 budget also included a fund shift that resulted in this line being partially supported by Court of Appeals filing/motion fees (and the Court of Appeals being fully general fund supported). In FY 2013-14 the funding for the program remained unchanged from the prior year. In FY 2011-12, the boilerplate restricted the grants to courts that both had drug courts and were unified trial courts. In FY 2012-13, the boilerplate was revised to say drug courts OR unified trial courts, which made many more courts eligible (which was consistent with the increased funding levels). In FY 2013-14, the boilerplate was again updated to be consistent with the Probation Swift and Sure Sanctions Act, which had passed during FY 2012-13 and gave statutory guidance to the program. In FY 2014-15, modified the reporting requirement to direct SCAO only to report on the progress of the program. In FY 2015-16, funding amount was reduced by \$1.75 million, from \$6.0 million to \$4.25 million. In FY 2016-17, funding was again reduced from \$4.25 million to \$4.0 million and \$500,000 of the funding was directed to be used only for counties that had sentenced more than 325 individuals to prison in the previous year.

321 **Legal Self-Help Website.** It is the intent of the Legislature that the judiciary supports a statewide legal self-help website. The SCAO is tasked with reporting to the legislature on the costs, savings, and content usage, form completion and user feedback.

Background: First included in FY 2011-12. The creation of the site was funded by the State Bar Foundation, although SCAO staff contributed their time and expertise through collaboration. In FY 2013-14, the second part requiring a report on the effectiveness and the associated cost savings was added. In FY 2014-15, the reporting requirement was modified to clarify that SCAO should report only those metrics it has the ability to track.

322 **SADO Funding.** If Byrne grant funding is awarded, SADO is authorized to receive an expend funds up to \$250,000 which they would receive via IDG from department of state police (MSP). If SADO receives funding from the Federal Department of Justice (DOJ), SADO is authorized to receive and expend those funds up to \$300,000.

Background: The first part about Byrne grant/MSP funding was first included in FY 2011-12. The section was revised in FY 2013-14 to include the second part regarding DOJ funding.

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322a	<p><u>MIDC Funding.</u> If Byrne grant funding is awarded, MIDC is authorized to receive an expend funds up to \$250,000 which they would receive via IDG from department of state police (MSP). If MIDC receives funding from the Federal Department of Justice (DOJ), MIDC is authorized to receive and expend those funds up to \$300,000.</p> <p>Background: The first part about Byrne grant/MSP funding was first included in FY 2011-12. The section was revised in FY 2013-14 to include the second part regarding DOJ funding. In FY 2015-16, this section was added which mirrors Sec. 322.</p>
323	<p><u>Out-of-State Placements of Juveniles.</u> SCAO shall provide courts with a quarterly listing of out-of-state placements of juveniles by each court and shall provide each judge who hears juveniles matters with a listing of per diem costs of the public and private facilities in the state and the recidivism data for each facility (if available), as provided by DHS.</p> <p>Background: First included in FY 2013-14.</p>
324	<p><u>Michigan Indigent Defense Commission.</u></p>
324(1)	<p>From the increased funds in part 1, the Commission is required to increase staff to implement minimum standards, rules, and procedures to guarantee the right of indigent defendants to the assistance of proficient counsel, collect comprehensive data from all indigent defense systems and attorneys providing indigent defense, monitor and audit county compliance plans.</p>
324(2)	<p>The department must identify specific outcomes and performance measures, including (a) monitoring the success of approved minimum standards, (b) collecting data and approving metrics based on the data collected regarding the standards, and (c) monitoring the number of first-time offenders sentenced to prison.</p> <p>Background: First included in FY 2016-17.</p>
325	<p><u>Michigan Indigent Defense Commission Report.</u> Requires the Commission to submit a report by September 30 covering the incremental costs involved with implementing the standards that have been approved, with particular emphasis placed on those costs that may be avoided after standards are developed and compliance plans are in place.</p> <p>Background: First included in FY 2016-17.</p>
401	<p><u>Drug Treatment Courts.</u> The Judiciary is required to increase funding to establish problem-solving courts in order to increase the number of participants and reduce recidivism rates.</p> <p>Background: First included in FY 2016-17.</p>
402	<p><u>Montgomery v Louisiana Compliance.</u></p>
402(1)	<p>The State Appellate Defender Office must increase attorneys and support staff to ensure competent, resourced, and supervised counsel in cases involving the resentencing of juvenile lifers.</p>

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402(2) The State Appellate Defender Office shall submit a report by September 30 that includes a calculation of hours spent and focus on incremental costs associated with investigating and conducting a robust examination of each case, with particular emphasis on those costs that may be avoided after the cases have been disposed.

Background: First included in FY 2016-17.

403 **Medication-Assisted Treatment Pilot.** The Judiciary is required to establish a medication-assisted treatment pilot program to provide treatment for opioid-addicted and alcohol-addicted individuals who are referred to and voluntarily participate in the medication-assisted treatment pilot program.

Background: First included in FY 2016-17.

1201 **Anticipated Appropriations for the Following Fiscal Year.** States that the legislature intends to make appropriations for the following fiscal year that are the same as this year, after making adjustments as determined by the consensus revenue estimating conference.

Background: First included in FY 2012-13.