# SUBSTITUTE FOR SENATE BILL NO. 830

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2023; and to provide for the expenditure of the appropriations.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1	PART 1
2	LINE-ITEM APPROPRIATIONS
3	Sec. 101. There is appropriated for the judiciary for the
4	fiscal year ending September 30, 2023, from the following funds:
5	JUDICIARY
6	APPROPRIATION SUMMARY
7	Full-time equated exempted positions 535.0
8	GROSS APPROPRIATION \$ 332,151,400
9	Interdepartmental grant revenues:





Total interdepartmental grants and			
intradepartmental transfers			1,902,300
		<u> </u>	<u> </u>
ADJUSTED GROSS APPROPRIATION		\$	330,249,100
Federal revenues:			
Total federal revenues			6,381,500
Special revenue funds:			
Total local revenues			7,782,600
Total private revenues			1,524,200
Total other state restricted revenues			94,435,300
State general fund/general purpose		\$	220,125,500
Sec. 102. SUPREME COURT			
Full-time equated exempted positions	256.0		
Community dispute resolutionFTEs	3.0	\$	3,370,400
Direct trial court automation supportFTEs	44.0		7,782,600
Drug treatment courts			12,759,700
Foster care review boardFTEs	10.0		1,386,800
Jail reform advisory supportFTE	1.0		153,900
Judicial information systemsFTEs	24.0		5,757,800
Judicial instituteFTEs	16.0		2,621,500
Mental health courts and diversion services			
FTE	1.0		5,798,300
Next generation Michigan court system			4,116,000
Other federal grants			275,100
State court administrative officeFTEs	65.0		12,919,900
Supreme court administrationFTEs	92.0		15,538,700
Swift and sure sanctions program			3,422,500
Veterans courts			1,077,900
GROSS APPROPRIATION		\$	76,981,100



1	Appropriated from:	
2	Interdepartmental grant revenues:	
3	IDG from department of corrections	52,300
4	IDG from department of state police	1,500,000
5	IDG from department of state police, Michigan	
6	justice training fund	100,000
7	Federal revenues:	
8	DOJ, drug court training and evaluation	300,000
9	DOT, National Highway Traffic Safety	
10	Administration	1,950,700
11	HHS, access and visitation grant	498,900
12	HHS, children's justice grant	247,500
13	HHS, court improvement project	962,600
14	HHS, state opioid response grant	351,200
15	HHS, title IV-D child support program	857,200
16	HHS, title IV-E foster care program	361,300
17	Other federal grant revenues	275,100
18	Special revenue funds:	
19	Local - user fees	7,782,600
20	Private	501,100
21	Private - interest on lawyers' trust accounts	405,700
22	Private - state justice institute	529,000
23	Community dispute resolution fund	2,406,300
24	Court of appeals filing/motion fees	1,450,000
25	Drug court fund	1,920,500
26	Justice system fund	619,800
27	Law exam fees	777,900
28	Miscellaneous revenue	249,400



		408,60
State general fund/general purpose		\$ 52,473,40
Sec. 103. COURT OF APPEALS		
Full-time equated exempted positions	175.0	
Court of appeals operationsFTEs	175.0	\$ 26,161,00
GROSS APPROPRIATION		\$ 26,161,00
Appropriated from:		
State general fund/general purpose		\$ 26,161,00
Sec. 104. BRANCHWIDE APPROPRIATIONS		
Full-time equated exempted positions	4.0	
Branchwide appropriationsFTEs	4.0	\$ 8,865,50
GROSS APPROPRIATION		\$ 8,865,50
Appropriated from:		
State general fund/general purpose		\$ 8,865,50
Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
Judges' positions585.0 justices and judges		
		\$ 1,270,50
Judges' positions585.0 justices and judges		\$ 1,270,50
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices		\$ · · · · · ·
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries		\$ 26,788,90
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries  218.0 judges		\$ 26,788,90 9,956,80
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries 218.0 judges  Circuit court judicial salary standardization		\$ 26,788,90 9,956,80
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries 218.0 judges  Circuit court judicial salary standardization  Court of appeals judges' salaries25.0 judges		\$ 26,788,90 9,956,80 4,566,50
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries 218.0 judges  Circuit court judicial salary standardization  Court of appeals judges' salaries25.0 judges  District court judges' state base salaries		\$ 26,788,90 9,956,80 4,566,50 28,081,60
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries 218.0 judges  Circuit court judicial salary standardization  Court of appeals judges' salaries25.0 judges  District court judges' state base salaries 232.0 judges		\$ 26,788,90 9,956,80 4,566,50 28,081,60
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries 218.0 judges  Circuit court judicial salary standardization  Court of appeals judges' salaries25.0 judges  District court judges' state base salaries 232.0 judges  District court judicial salary standardization		\$ 26,788,90 9,956,80 4,566,50 28,081,60 10,608,60
Judges' positions585.0 justices and judges  Supreme court justices' salaries7.0 justices  Circuit court judges' state base salaries 218.0 judges  Circuit court judicial salary standardization  Court of appeals judges' salaries25.0 judges  District court judges' state base salaries 232.0 judges  District court judicial salary standardization  Probate court judges' state base salaries		\$ 1,270,50  26,788,90  9,956,80  4,566,50  28,081,60  10,608,60  12,568,90  4,669,60



OASI, Social Security			7,082,20
GROSS APPROPRIATION		\$	111,736,10
Appropriated from:			
Special revenue funds:			
Court fee fund			1,970,80
State general fund/general purpose		\$	109,765,30
Sec. 106. JUDICIAL AGENCIES			
Full-time equated exempted positions	10.0		
Judicial tenure commissionFTEs	10.0	\$	1,928,70
GROSS APPROPRIATION		\$	1,928,70
Appropriated from:			
State general fund/general purpose		\$	1,928,70
Sec. 107. INDIGENT DEFENSE - CRIMINAL			
Full-time equated exempted positions	62.0		
Appellate public defender programFTEs	62.0	\$	10,206,50
GROSS APPROPRIATION		\$	9,761,40
Appropriated from:			
IDG from department of state police			250,00
Federal revenues:			577,00
Federal revenues: Other federal grant revenues			
Other federal grant revenues			88,40
Other federal grant revenues  Special revenue funds:			·
Other federal grant revenues  Special revenue funds:  Private - interest on lawyers trust accounts		\$	88,40 172,40 <b>9,118,70</b>
Other federal grant revenues  Special revenue funds:  Private - interest on lawyers trust accounts  Miscellaneous revenue		\$	172,40
Other federal grant revenues  Special revenue funds:  Private - interest on lawyers trust accounts  Miscellaneous revenue  State general fund/general purpose		<b>\$</b>	172,40



State court fund		7,937,000
State general fund/general purpose	\$	0
Sec. 109. TRIAL COURT OPERATIONS		
Full-time equated exempted positions	21.0	
Court equity fund reimbursements	\$	60,815,700
Drug case-flow program		250,000
Drunk driving case-flow program		3,300,000
Judicial technology improvement fund		4,815,000
Juror compensation reimbursementFTE	1.0	6,610,300
Statewide e-file systemFTEs	20.0	11,107,300
GROSS APPROPRIATION	\$	86,898,300
Appropriated from:		
Special revenue funds:		
Court equity fund		50,440,000
Drug fund		250,000
Drunk driving fund		3,300,000
Electronic filing fee fund		11,107,300
Judicial technology improvement fund		4,815,000
Juror compensation fund		6,610,300
State general fund/general purpose	\$	10,375,700
Sec. 110. ONE-TIME APPROPRIATIONS		
Full-time equated exempted positions	7.0	
Compliance with Montgomery v LouisianaFTEs	7.0 \$	962,900
Judicial tenure commission		249,300
Judicial workload assessment		225,000
GROSS APPROPRIATION	\$	1,437,200



State general fund/general purpose \$ 1,437,200

PART 2

4 PROVISIONS CONCERNING APPROPRIATIONS

5 FOR FISCAL YEAR

## GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources under part 1 for fiscal year 2022-2023 is \$314,560,800.00 and state spending from state sources to be paid to local units of government is \$149,672,800.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY	
SUPREME COURT	
Drug treatment courts	\$ 9,114,700
Mental health courts and diversion services	5,798,300
Next generation Michigan court system	4,116,000
Swift and sure sanctions program	3,422,500
Veterans courts	1,077,900
COURT OF APPEALS	
Court of appeals operations	\$ 200,000
JUSTICES' AND JUDGES' COMPENSATION	
Circuit court judicial salary standardization	\$ 9,956,800
District court judicial salary standardization	10,608,600
Probate court judges' state base salaries	12,568,900
Probate court judicial salary standardization	4,669,600
OASI, Social Security	1,241,200



1	TRIAL COURT OPERATIONS	
2	Court equity fund reimbursements	\$ 60,815,700
3	Drug case-flow program	250,000
4	Drunk driving case-flow program	3,300,000
5	Judicial technology improvement fund	4,815,000
6	Juror compensation reimbursement	6,610,300
7	Statewide e-file system	11,107,300
8	TOTAL	\$ 149,672,800

Sec. 202. (1) The appropriations authorized under this part and part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

- (2) Funds appropriated in part 1 to an entity within the judicial branch must 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.
- Sec. 203. As used in this part and part 1:
- (a) "DOJ" means the United States Department of Justice.
- (b) "DOT" means the United States Department of
- 24 Transportation.

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- (c) "FTE" means full-time equated.
- (d) "HHS" means the United States Department of Health andHuman Services.
- (e) "IDG" means interdepartmental grant.
- (f) "OASI" means old age survivor's insurance.

- (g) "SADO" means the state appellate defender office created under the appellate defender act, 1978 PA 620, MCL 780.711 to 780.719.
  - (h) "Title IV-D" means the part of the federal social security act, 42 USC 301 to 1397mm, pertaining to the child support enforcement program.
  - (i) "Title IV-E" means the part of the federal social security act, 42 USC 301 to 1397mm, pertaining to the foster care program.

Sec. 204. The reporting requirements of this part must be completed with the approval of, and at the direction of, the supreme court, except as otherwise provided in this part. The judicial branch shall use the internet to fulfill the reporting requirements of this part. This requirement must include transmission of reports via email to the recipients identified for each reporting requirement and it must include placement of reports on an internet site.

Sec. 205. To the extent permissible under section 261 of the management and budget act, 1984 PA 431, MCL 18.1261, all of the following apply to funds appropriated in part 1:

- (a) The funds must 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.
- (b) Preference must be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality.
- (c) Preference must 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.

Sec. 207. Not later than January 1 of each year, the state court administrative office shall prepare a report on out-of-state travel 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 must be submitted to the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget office. The report must include the following information:

- (a) The dates of each travel occurrence.
- (b) The 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.

Sec. 209. Not later than December 31, the state budget office shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the prior fiscal year. This report must summarize the projected year-end general fund/general purpose appropriation lapses by major program or program areas. The report must be transmitted to the chairpersons of the senate and house appropriations committees and the senate and house fiscal agencies.

Sec. 211. From the funds appropriated in part 1, the judicial branch shall maintain a searchable website accessible by the public at no cost that includes all expenditures made by the judicial branch within a fiscal year. The posting must 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.

Sec. 212. Within 14 days after the release of the executive budget recommendation, the judicial branch shall cooperate with the state budget office to provide the senate and house appropriations committee chairs, the senate and house appropriations subcommittee chairs, 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 prior 2 fiscal years.

Sec. 213. 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.

Sec. 214. Total authorized appropriations from all sources under part 1 for legacy costs for the fiscal year ending September 30, 2023 are estimated at \$18,829,500.00. From this amount, total judiciary appropriations for pension-related legacy costs are estimated at \$8,396,300.00. Total judiciary appropriations for retiree health care legacy costs are estimated at \$5,433,200.00.

Sec. 215. The judicial branch shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff, unless the communication is prohibited by law and the judicial branch is exercising its authority as provided by law.

Sec. 217. Except as otherwise provided in this part, a report that is required to be provided by the judicial branch under this

part must be submitted to the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agency, and the state budget office.

Sec. 218. From the funds appropriated in part 1, the state court administrative office shall identify programs, within the department of health and human services, the department of labor and economic opportunity, and the department of corrections, that have programmatic connections with the participants in the swift and sure sanctions program. The purpose of this relationship is to leverage collaborations and to determine avenues of success for offenders who are eligible for state-provided programs. The state court administrative office shall provide guidance to courts participating in the swift and sure sanctions program, under the probation swift and sure sanctions act, chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8, regarding the available department of health and human services, department of labor and economic opportunity, and department of corrections programming.

Sec. 219. The judicial branch 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 must be followed. The judicial branch may electronically retain copies of reports unless otherwise required by federal and state guidelines.

#### JUDICIAL BRANCH

Sec. 301. From the funds appropriated 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 must 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.

Sec. 302. Funds appropriated within the judicial branch must not be expended by any component within the judicial branch without the approval of the supreme court.

Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$711,900.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and for costs associated with the court of claims.

Sec. 304. A member of the legislature may request a report or data from the data collected in the judicial data warehouse. The report must be made available to the public upon request, unless disclosure is prohibited by court order or state or federal law. Any data provided under this section must be public and nonidentifying information.

Sec. 305. From the funds appropriated in part 1 for community dispute resolution, community dispute resolution centers shall provide dispute resolution services specified in the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, and shall help to reduce suspensions and truancy, and improve school climate. Funding appropriated in part 1 for community dispute resolution may be used to develop or expand juvenile diversion services in cooperation with local prosecutors. Participation in the dispute resolution processes is voluntary for all parties.

Sec. 307. From the funds appropriated in part 1 for mental health courts and diversion services, \$1,730,000.00 is intended to address the recommendations of the mental health diversion council.

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 must be appropriated from the state general fund for judges' compensation. If an appropriation is made under this section, the state court administrative office shall notify, within 14 days of the appropriation, the senate and house standing committees on appropriations, the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.

Sec. 309. By April 1, the state court administrative office shall provide a report on drug treatment, mental health, and veterans court programs in this state. The report must include information on the number of each type of program that has been established, the number of program participants in each jurisdiction, the impact of the programs on offender criminal involvement and recidivism, and an accounting of prior year expenditures, including grant amounts requested by the courts, grant amounts awarded to the courts, and grant amounts expended by the courts. The report must be submitted to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.

Sec. 310. (1) From the funds appropriated in part 1 for problem solving courts, \$100,000.00 must be used by the state court administrative office for a program in a veterans treatment court or a mental health treatment court, or both, that investigates the effectiveness of oral fluid testing to determine compliance with required mental health medicine prescriptions or requirements.

(2) By April 1, the state court administrative office shall provide a report on the oral fluid testing programs established in this state. The report must include information on the number of programs established, the number of program participants in each jurisdiction, and the rearrest rate of participants while participating in the program. The report must be submitted to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts as that term is defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, must 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.

- (2) From the funds appropriated in part 1, the chief justice shall allocate sufficient funds for the Michigan judicial institute to provide in-state training for those identified in subsection (1), including training for new drug treatment court judges.
- (3) For drug treatment court grants, consideration for priority may be given to those courts where higher instances of substance abuse cases are filed.

(4) The judiciary shall receive \$1,500,000.00 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.

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 court-issued waivers of parental consent. The state court administrative office shall report the total number of petitions filed and the total number of petitions granted under that act.

Sec. 320. (1) From the funds appropriated in part 1 for the swift and sure sanctions program, created under section 3 of chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.3, the state court administrative office shall administer a program to distribute grants to qualifying courts in accordance with the objectives and requirements of the probation swift and sure sanctions act, chapter XIA of the code of criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8. Of the funds designated for the program, not more than \$100,000.00 is available to the state court administrative office to pay for employee costs associated with the administration of the program funds. Of the funds designated for the program, \$500,000.00 is reserved for programs in counties that had more than 325 individuals sentenced to prison in the previous calendar year. 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.

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- (2) By April 1, the state court administrative office, in cooperation with the department of corrections, shall provide a report on the courts that receive funding under the swift and sure sanctions program described in subsection (1) to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office. The report must include all of the following:
  - (a) The number of offenders who participate in the program.
- (b) The criminal history of offenders who participate in the program.
- (c) The recidivism rate of offenders who participate in the program, including the rate of return to jail, prison, or both.
- (d) A detailed description of the establishment and parameters of the program.
  - (e) A list of courts participating in the program.
  - (f) An accounting of prior year expenditures, including grant amounts requested by the courts, grant amounts awarded to the courts, and grant amounts expended by the courts.
  - (3) As used in this section, "program" means a swift and sure sanctions program described in subsection (1).

Sec. 321. From the funds appropriated in part 1, the judicial branch shall 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. The state court administrative office shall summarize the costs of maintaining the website, provide statistics on the number of people visiting the website, and provide information on content usage, form completion, and user feedback. By March 1, the state court administrative

office shall report this information for the preceding fiscal year to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.

Sec. 322. If Byrne formula grant funding is awarded to the state appellate defender in excess of the amount appropriated in part 1, the state appellate defender office may receive and expend Byrne formula grant funds in an amount not to exceed \$250,000.00 as an interdepartmental grant from the department of state police. If the appellate defender appointed under section 3 of the appellate defender act, 1978 PA 620, MCL 780.713, receives federal grant funding from the United States Department of Justice in excess of the amount appropriated in part 1, the office of appellate defender may receive and expend grant funds in an amount not to exceed \$300,000.00 as other federal grants.

Sec. 324. (1) From the funds appropriated in part 1 for the medication-assisted treatment program, the judiciary shall maintain a medication-assisted treatment program to provide treatment for opioid-addicted and alcohol-addicted individuals who are referred to and voluntarily participate in the medication-assisted treatment program.

- (2) By February 1, the judiciary shall report on the medication-assisted treatment program. The report must include itemized spending by court, the number of participants, and statistics that indicate average program participation duration and success rates.
- (3) The goal of the medication-assisted treatment program is for participants to be free of narcotic addiction before ending participation in the program.

## ONE-TIME APPROPRIATIONS

Sec. 402. (1) From the funds appropriated in part 1, the state appellate defender office attorneys and support staff shall ensure Michigan compliance with *Montgomery v Louisiana*, 577 US 190 (2016). The purpose of the program is to ensure competent, resourced, and supervised counsel in cases involving the resentencing of juvenile lifers. The representation by SADO counsel will create opportunities for release, saving prison costs for the state.

(2) The state appellate defender office shall submit a report by December 31 to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office on the number of juvenile lifer cases investigated and prepared by the state appellate defender office. The report must include 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.

