

FY 2022-23: JUDICIARY
Summary: As Passed by the Senate
Senate Bill 830 (S-1)



Analyst: Robin R. Risko

| | FY 2021-22 YTD as of 2/9/22 | FY 2022-23 Revised Exec | FY 2022-23 House | FY 2022-23 Senate | FY 2022-23 Conference | Difference: Senate From FY 2021-22 YTD | |
|-------------------|--------------------------------|----------------------------|----------------------|----------------------|--------------------------|---|------------|
| | | | | | | Amount | % |
| IDG/IDT | \$1,652,300 | \$1,902,300 | \$1,902,300 | \$1,902,300 | | \$250,000 | 15.1 |
| Federal | 6,374,800 | 6,381,500 | 21,381,500 | 6,381,500 | | 6,700 | 0.1 |
| Local | 7,619,800 | 7,782,600 | 7,782,600 | 7,782,600 | | 162,800 | 2.1 |
| Private | 1,222,600 | 1,524,200 | 1,524,200 | 1,524,200 | | 301,600 | 24.7 |
| Restricted | 94,312,700 | 94,435,300 | 94,435,300 | 94,435,300 | | 122,600 | 0.1 |
| GF/GP | 209,280,900 | 394,924,300 | 392,509,900 | 220,125,500 | | 10,844,600 | 5.2 |
| Gross | \$320,463,100 | \$506,950,200 | \$519,535,800 | \$332,151,400 | | \$11,688,300 | 3.6 |
| FTEs | 524.0 | 534.0 | 536.0 | 535.0 | | 11.0 | 2.1 |

Notes: (1) FY 2021-22 year-to-date figures include mid-year budget adjustments through February 9, 2022. (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 2021-22 YTD Appropriations

1. Statewide Judicial Case Management System

Executive includes \$175.0 million GF/GP for costs of developing a single, statewide judicial case management system. Currently, there are 242 trial courts using and funding more than 16 case management systems and 150 computer systems. The Trial Court Funding Commission recommended that the state provide all court technology needs for trial courts, including case and document management services, and the Supreme Court recently ordered that local trial courts submit all case data in a uniform manner. Funding would support data management efforts and consistent implementation of newer technologies among trial courts. House includes \$111,100 less than the executive for the same purpose. Senate does not include funding for this purpose.

| | FY 2021-22 Year-to-Date (as of 2/9/22) | FY 2022-23 Senate Change |
|--------------|--|--------------------------------|
| Gross | NA | \$0 |
| GF/GP | NA | \$0 |

2. Justice for All Initiative

Executive includes \$300,000 GF/GP and authorization for 2.0 FTE positions for continuing the Justice for All initiative which aims to simplify the court system, including court rules, processes, and forms, in order to increase court and community engagement and access to justice. House concurs. Senate concurs.

| | | |
|--------------|-----------|------------------|
| FTE | NA | 2.0 |
| Gross | NA | \$300,000 |
| GF/GP | NA | \$300,000 |

| <u>Major Budget Changes from FY 2021-22 YTD Appropriations</u> | | <u>FY 2021-22 Year-to-Date (as of 2/9/22)</u> | <u>FY 2022-23 Senate Change</u> |
|---|--------------|--|--|
| 3. Self-Help Center Expansion | Gross | NA | \$750,000 |
| <u>Executive</u> includes \$750,000 GF/GP for expanding access to legal self-help centers which provide free legal information and assistance to individuals who represent themselves in simple civil legal matters. Funding would be used to open small, rural virtual self-help centers, support navigator services, and expand access to technology and staff for existing self-help centers. <u>House</u> does not include additional funding. <u>Senate</u> includes additional funding. | GF/GP | NA | \$750,000 |
| 4. Restoration of Funding Reduced in FY 2020-21 | Gross | NA | \$1,005,900 |
| <u>Executive</u> restores \$1.0 million GF/GP that was reduced from the FY 2020-21 budget. Funding would support data collection and analysis, technology modernization, and other judicial system process improvements. <u>House</u> does not restore funding. <u>Senate</u> restores funding. | GF/GP | NA | \$1,005,900 |
| 5. Compliance with U.S. Supreme Court Decision Regarding Juvenile Lifers | FTE | NA | 7.0 |
| <u>Executive</u> includes \$962,900 in ongoing GF/GP and authorization for 7.0 FTE positions for the State Appellate Defender Office (SADO) to ensure continued compliance with the U.S. Supreme Court ruling on the <i>Montgomery v. Louisiana</i> case, and to support other casework and projects of the Juvenile Lifer Unit. As of September 2021, there were 51 clients awaiting resentencing hearings. <u>House</u> includes one-time funding and FTE position authorization. <u>Senate</u> includes one-time funding and FTE position authorization. | Gross | NA | \$962,900 |
| | GF/GP | NA | \$962,900 |
| 6. SADO Administration | FTE | 56.0 | 4.0 |
| <u>Executive</u> includes \$445,100 GF/GP and authorization for 4.0 FTE positions to support human resource and finance administrations, a program officer for the Criminal Defense Resource Center, and backfilling a position to accommodate increased need for information technology support. <u>House</u> does not include additional funding or FTE position authorization. <u>Senate</u> includes additional funding and FTE position authorization. | Gross | \$8,982,800 | \$445,100 |
| | Federal | 570,200 | 0 |
| | Private | 88,400 | 0 |
| | Restricted | 172,400 | 0 |
| | GF/GP | \$8,151,800 | \$445,100 |
| 7. SADO Wrongful Prosecution and Administration | FTE | 56.0 | 2.0 |
| <u>Executive</u> includes \$287,900 in ongoing GF/GP and authorization for 2.0 FTE positions to continue operations of the Wrongful Prosecution Unit within SADO. Federal grant funding from the U.S. Department of Justice will expire and appropriation of GF/GP would ensure continuation of the unit and its work. <u>House</u> includes one-time funding and FTE position authorization. <u>Senate</u> includes ongoing funding and FTE position authorization. | Gross | \$8,982,800 | \$287,900 |
| | Federal | 570,200 | 0 |
| | Private | 88,400 | 0 |
| | Restricted | 172,400 | 0 |
| | GF/GP | \$8,151,800 | \$287,900 |
| 8. Mandatory Continuing Judicial Education | FTE | NA | 3.0 |
| <u>Executive</u> includes \$467,300 GF/GP and authorization for 3.0 FTE positions to implement the Supreme Court's new judicial continuing education requirements required under Administrative Order 2021-7. <u>House</u> does not include funding or FTE position authorization. <u>Senate</u> includes \$7,300 less than the executive for the same purpose and includes FTE position authorization. | Gross | NA | \$460,000 |
| | GF/GP | NA | \$460,000 |

| Major Budget Changes from FY 2021-22 YTD Appropriations | | FY 2021-22 Year-to-Date (as of 2/9/22) | FY 2022-23 Senate Change |
|--|--------------|---|---|
| 9. Judicial Tenure Commission | | | |
| <u>Executive</u> includes \$392,800 GF/GP (\$223,000 one-time; \$169,800 ongoing) to support 1.7 contract attorney positions that assist with reducing the grievance/investigation backlog, to support an increased number of hearings, and to support 1.0 additional paralegal position that would assist with non-attorney legal work. <u>House</u> includes \$1.6 million GF/GP (\$1.2 million one-time; \$340,300 ongoing). One-time funding would support 7.0 contract attorney positions (\$904,200), 1.0 contract support person (\$41,600), additional hearings (\$150,000), equipment (\$25,000), and office space for contract attorneys (\$100,000). Ongoing funding would support 1.0 paralegal position (\$117,300), 1.0 attorney position (\$203,000), supplies (\$10,000), and travel costs (\$10,000). <u>Senate</u> includes an additional \$566,000. Of that, \$316,700 is ongoing funding for 1.0 additional paralegal position and 1.0 additional attorney position and \$249,300 is one-time funding. | FTE | 8.0 | 2.0 |
| | Gross | \$1,583,800 | \$566,000 |
| | GF/GP | \$1,583,800 | \$566,000 |
| 10. Judicial Workload Assessment | | | |
| <u>Executive</u> includes \$225,000 in one-time GF/GP funding to support a contracted judicial workload assessment study which would provide underlying data for the Supreme Court's Judicial Resources Recommendation that will be issued in 2025. <u>House</u> does not include funding. <u>Senate</u> includes funding. | Gross | NA | \$225,000 |
| | GF/GP | NA | \$225,000 |
| 11. Private Grant Authorization | | | |
| <u>Executive</u> authorizes the State Court Administrative Office (SCAO) to receive an additional \$300,000 in private grant awards which would align appropriation authority with the amount of grant funding expected to be received. <u>House</u> concurs. <u>Senate</u> concurs. | Gross | \$201,100 | \$300,000 |
| | Private | 201,100 | 300,000 |
| | GF/GP | \$0 | \$0 |
| 12. IDG Funding Authorization | | | |
| <u>Executive</u> authorizes SADO to receive \$250,000 in federal Byrne formula grant funding from the Department of State Police should it become available. <u>House</u> concurs. <u>Senate</u> concurs. | Gross | NA | \$250,000 |
| | IDG | NA | 250,000 |
| | GF/GP | NA | \$0 |
| 13. Judgeship Changes | | | |
| <u>Revised Executive</u> reflects a net increase of \$366,200 GF/GP from the following statutory judgeship changes: addition of 1.0 circuit court judge in Marquette County pursuant to 2021 PA 74; elimination of 1.0 district court judge in Pontiac and 1.0 district court judge in Wayne County pursuant to 2012 PA 37; addition of 1.0 circuit court judge in Wayne County, 1.0 circuit court judge in Muskegon County, and 1.0 circuit court judge in Ottawa County pursuant to 2022 PA 8; and addition of 1.0 probate court judge in Kent County pursuant to 2022 PA 8. <u>House</u> reflects a net savings from the addition of 1.0 circuit court judge in Marquette County, elimination of 1.0 district court judge in Pontiac, and elimination of 1.0 district court judge in Wayne County. <u>House</u> does not include funding adjustments from judgeship changes pursuant to 2022 PA 8. <u>Senate</u> does not include funding adjustments from judgeship changes pursuant to 2022 PA 8. | Gross | NA | (\$212,100) |
| | GF/GP | NA | (\$212,100) |
| | | | |
| 14. Foster Care Review Board | | | |
| <u>Executive</u> includes \$55,000 GF/GP to replace federal Title IV-E funding provided through the Department of Health and Human Services for administrative support of the Foster Care Review Board. <u>House</u> concurs. <u>Senate</u> concurs. | Gross | \$1,360,400 | \$0 |
| | Federal | 408,800 | (55,000) |
| | GF/GP | \$951,600 | \$55,000 |

| Major Budget Changes from FY 2021-22 YTD Appropriations | | FY 2021-22 Year-to-Date (as of 2/9/22) | FY 2022-23 Senate Change |
|--|--------------|---|---|
| 15. Eliminate Current Year One-Time Funding | | | |
| <u>Executive</u> reduces the budget by \$1.9 million GF/GP and 9.0 FTE positions to reflect elimination of one-time funding included in the FY 2021-22 budget. Eliminated funding includes: \$939,100 (7.0 FTE positions) for SADO, \$204,000 for the Judicial Tenure Commission, and \$798,000 (2.0 FTE positions) for the Justice for All Initiative. <u>House</u> concurs. <u>Senate</u> concurs. | FTE | 9.0 | (9.0) |
| | Gross | \$1,941,100 | (\$1,941,100) |
| | GF/GP | \$1,941,100 | (\$1,941,100) |
| 16. Economic Adjustments | | | |
| <u>Executive</u> reflects increased costs of \$7.7 million Gross (\$7.3 million GF/GP) for negotiated salary and wage increases (5.0% on October 1, 2022 and 0.5% to annualize the FY 2021-22 1.0% increase that began on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, rent, and other economic adjustments. <u>House</u> concurs. <u>Senate</u> concurs. | Gross | NA | \$7,675,100 |
| | Federal | NA | 61,700 |
| | Local | NA | 162,800 |
| | Private | NA | 1,600 |
| | Restricted | NA | 122,600 |
| | GF/GP | NA | \$7,326,400 |
| 17. Trial Court Backlog | | | |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$15.0 million in federal Coronavirus State Fiscal Recovery Funds for assisting trial courts with processing backlog cases. Of the \$15.0 million, \$7.0 million would be used to create a virtual backlog response docket. <u>Senate</u> does not include funding. | Gross | NA | \$0 |
| | Federal | NA | 0 |
| | GF/GP | NA | \$0 |
| 18. Expansion of Problem Solving Courts and Swift and Sure | | | |
| <u>Executive</u> makes no recommendation. <u>House</u> makes no recommendation. <u>Senate</u> includes additional funding for expansion of problem solving courts and the Swift and Sure Sanctions Probation Program: \$276,700 for drug treatment courts, \$222,900 for mental health courts, \$41,500 for veterans courts, and \$72,500 for Swift and Sure. | Gross | \$22,441,200 | \$613,600 |
| | IDG | 1,500,000 | 0 |
| | Federal | 2,145,000 | 0 |
| | Restricted | 3,458,100 | 0 |
| | GF/GP | \$15,338,100 | \$613,600 |

Major Boilerplate Changes from FY 2021-22

GENERAL SECTIONS

Sec. 215. Prohibition of Taking 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. House retains. Senate retains.

Sec. 217. Standard List of Report Recipients – NEW

Requires all reports required in boilerplate to be submitted to the Senate and House Appropriations Subcommittees on Judiciary, the Senate and House Fiscal Agencies, and the State Budget Office, unless otherwise noted. Executive includes new language. House includes new language. Senate includes new language.

Sec. 218. Linking Swift and Sure Sanctions Program to DHHS, DLEO, 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, DLEO, and MDOC programming. Executive deletes. House retains. Senate retains.

Sec. 219. Receipt and Retention of Required Reports and Records – 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. House deletes. Senate retains.

Major Boilerplate Changes from FY 2021-22

JUDICIAL BRANCH

Sec. 312. Minors Seeking Court-Issued Waivers of Consent – RETAINED

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. House retains. Senate retains.

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; 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. Executive retains. House retains. Senate revises to include a new subsection that states the goal of the program is for participants to be free of narcotic addiction before ending participation in the program.

ONE-TIME APPROPRIATIONS

Sec. 402. Statewide Judicial Case Management System – NOT INCLUDED

Designates the unexpended appropriation for the Statewide Judicial Case Management System as a work project appropriation; authorizes unencumbered or unallotted funds to be carried forward into the succeeding fiscal year; lists the purpose of the project, the estimated cost of the project, and the estimated completion date of the project. Executive includes work project language. House includes work project language and also includes language that requires SCAO to contract with a vendor to establish a Statewide Judicial Case Management System; allocates up to \$10.0 million to be used for planning and designing the system; subjects expenditure of remaining funds to approval by the Senate and House Appropriations Committees; requires the system to provide uniform collection, record, and reporting of data for criminal, juvenile justice, child abuse and neglect, and civil cases; requires the system to integrate with financial and other systems, to provide storage of specified information and data, to perform alias and phonetic name searches, and to provide real time updates of record changes; requires SCAO to submit a report on the system. Senate does not include new language.