

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:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the judiciary for the fiscal year ending September 30, 2023, from the following funds:

JUDICIARY		
APPROPRIATION SUMMARY		
Full-time equated exempted positions	535.0	
GROSS APPROPRIATION	\$	332,151,400
Interdepartmental grant revenues:		

1	Total interdepartmental grants and		
2	intradepartmental transfers		1,902,300
3	ADJUSTED GROSS APPROPRIATION	\$	330,249,100
4	Federal revenues:		
5	Total federal revenues		6,381,500
6	Special revenue funds:		
7	Total local revenues		7,782,600
8	Total private revenues		1,524,200
9	Total other state restricted revenues		94,435,300
10	State general fund/general purpose	\$	220,125,500
11	Sec. 102. SUPREME COURT		
12	Full-time equated exempted positions	256.0	
13	Community dispute resolution--FTEs	3.0	\$ 3,370,400
14	Direct trial court automation support--FTEs	44.0	7,782,600
15	Drug treatment courts		12,759,700
16	Foster care review board--FTEs	10.0	1,386,800
17	Jail reform advisory support--FTE	1.0	153,900
18	Judicial information systems--FTEs	24.0	5,757,800
19	Judicial institute--FTEs	16.0	2,621,500
20	Mental health courts and diversion services--		
21	FTE	1.0	5,798,300
22	Next generation Michigan court system		4,116,000
23	Other federal grants		275,100
24	State court administrative office--FTEs	65.0	12,919,900
25	Supreme court administration--FTEs	92.0	15,538,700
26	Swift and sure sanctions program		3,422,500
27	Veterans courts		1,077,900
28	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

1	State court fund		408,600
2	State general fund/general purpose	\$	52,473,400
3	Sec. 103. COURT OF APPEALS		
4	Full-time equated exempted positions	175.0	
5	Court of appeals operations--FTEs	175.0	\$ 26,161,000
6	GROSS APPROPRIATION	\$	26,161,000
7	Appropriated from:		
8	State general fund/general purpose	\$	26,161,000
9	Sec. 104. BRANCHWIDE APPROPRIATIONS		
10	Full-time equated exempted positions	4.0	
11	Branchwide appropriations--FTEs	4.0	\$ 8,865,500
12	GROSS APPROPRIATION	\$	8,865,500
13	Appropriated from:		
14	State general fund/general purpose	\$	8,865,500
15	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
16	Judges' positions--585.0 justices and judges		
17	Supreme court justices' salaries--7.0 justices	\$	1,270,500
18	Circuit court judges' state base salaries--		
19	218.0 judges		26,788,900
20	Circuit court judicial salary standardization		9,956,800
21	Court of appeals judges' salaries--25.0 judges		4,566,500
22	District court judges' state base salaries--		
23	232.0 judges		28,081,600
24	District court judicial salary standardization		10,608,600
25	Probate court judges' state base salaries--		
26	103.0 judges		12,568,900
27	Probate court judicial salary standardization		4,669,600
28	Judges' retirement system defined contributions		6,142,500

1	OASI, Social Security		7,082,200
2	GROSS APPROPRIATION	\$	111,736,100
3	Appropriated from:		
4	Special revenue funds:		
5	Court fee fund		1,970,800
6	State general fund/general purpose	\$	109,765,300
7	Sec. 106. JUDICIAL AGENCIES		
8	Full-time equated exempted positions	10.0	
9	Judicial tenure commission--FTEs	10.0	\$ 1,928,700
10	GROSS APPROPRIATION	\$	1,928,700
11	Appropriated from:		
12	State general fund/general purpose	\$	1,928,700
13	Sec. 107. INDIGENT DEFENSE - CRIMINAL		
14	Full-time equated exempted positions	62.0	
15	Appellate public defender program--FTEs	62.0	\$ 10,206,500
16	GROSS APPROPRIATION	\$	9,761,400
17	Appropriated from:		
18	IDG from department of state police		250,000
19	Federal revenues:		
20	Other federal grant revenues		577,000
21	Special revenue funds:		
22	Private - interest on lawyers trust accounts		88,400
23	Miscellaneous revenue		172,400
24	State general fund/general purpose	\$	9,118,700
25	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE		
26	Indigent civil legal assistance	\$	7,937,000
27	GROSS APPROPRIATION	\$	7,937,000
28	Appropriated from:		

1	Special revenue funds:		
2	State court fund		7,937,000
3	State general fund/general purpose	\$	0
4	Sec. 109. TRIAL COURT OPERATIONS		
5	Full-time equated exempted positions	21.0	
6	Court equity fund reimbursements	\$	60,815,700
7	Drug case-flow program		250,000
8	Drunk driving case-flow program		3,300,000
9	Judicial technology improvement fund		4,815,000
10	Juror compensation reimbursement--FTE	1.0	6,610,300
11	Statewide e-file system--FTEs	20.0	11,107,300
12	GROSS APPROPRIATION	\$	86,898,300
13	Appropriated from:		
14	Special revenue funds:		
15	Court equity fund		50,440,000
16	Drug fund		250,000
17	Drunk driving fund		3,300,000
18	Electronic filing fee fund		11,107,300
19	Judicial technology improvement fund		4,815,000
20	Juror compensation fund		6,610,300
21	State general fund/general purpose	\$	10,375,700
22	Sec. 110. ONE-TIME APPROPRIATIONS		
23	Full-time equated exempted positions	7.0	
24	Compliance with Montgomery v Louisiana--FTEs	7.0 \$	962,900
25	Judicial tenure commission		249,300
26	Judicial workload assessment		225,000
27	GROSS APPROPRIATION	\$	1,437,200
28	Appropriated from:		

State general fund/general purpose	\$	1,437,200
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PART 2

PROVISIONS CONCERNING APPROPRIATIONS

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
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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

TRIAL COURT OPERATIONS

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 reimbursement		6,610,300
Statewide e-file system		11,107,300
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 Transportation.

(c) "FTE" means full-time equated.

(d) "HHS" means the United States Department of Health and Human Services.

(e) "IDG" means interdepartmental grant.

(f) "OASI" means old age survivor's insurance.

1 (g) "SADO" means the state appellate defender office created
2 under the appellate defender act, 1978 PA 620, MCL 780.711 to
3 780.719.

4 (h) "Title IV-D" means the part of the federal social security
5 act, 42 USC 301 to 1397mm, pertaining to the child support
6 enforcement program.

7 (i) "Title IV-E" means the part of the federal social security
8 act, 42 USC 301 to 1397mm, pertaining to the foster care program.

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

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

20 (a) The funds must not be used for the purchase of foreign
21 goods or services, or both, if competitively priced and of
22 comparable quality American goods or services, or both, are
23 available.

24 (b) Preference must be given to goods or services, or both,
25 manufactured or provided by Michigan businesses, if they are
26 competitively priced and of comparable quality.

27 (c) Preference must be given to goods or services, or both,
28 that are manufactured or provided by Michigan businesses owned and
29 operated by veterans, if they are competitively priced and of

1 comparable quality.

2 Sec. 207. Not later than January 1 of each year, the state
3 court administrative office shall prepare a report on out-of-state
4 travel listing all travel by judicial branch employees outside this
5 state in the immediately preceding fiscal year that was funded in
6 whole or in part with funds appropriated in the budget for the
7 judicial branch. The report must be submitted to the senate and
8 house appropriations committees, the senate and house fiscal
9 agencies, and the state budget office. The report must include the
10 following information:

11 (a) The dates of each travel occurrence.

12 (b) The transportation and related costs of each travel
13 occurrence, including the proportion funded with state general
14 fund/general purpose revenues, the proportion funded with state
15 restricted revenues, the proportion funded with federal revenues,
16 and the proportion funded with other revenues.

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

25 Sec. 211. From the funds appropriated in part 1, the judicial
26 branch shall maintain a searchable website accessible by the public
27 at no cost that includes all expenditures made by the judicial
28 branch within a fiscal year. The posting must include the purpose
29 for which each expenditure is made. The judicial branch shall not

1 provide financial information on its website under this section if
2 doing so would violate a federal or state law, rule, regulation, or
3 guideline that establishes privacy or security standards applicable
4 to that financial information.

5 Sec. 212. Within 14 days after the release of the executive
6 budget recommendation, the judicial branch shall cooperate with the
7 state budget office to provide the senate and house appropriations
8 committee chairs, the senate and house appropriations subcommittee
9 chairs, and the senate and house fiscal agencies with an annual
10 report on estimated state restricted fund balances, state
11 restricted fund projected revenues, and state restricted fund
12 expenditures for the prior 2 fiscal years.

13 Sec. 213. The judiciary shall maintain, on a publicly
14 accessible website, a scorecard that identifies, tracks, and
15 regularly updates key metrics that are used to monitor and improve
16 the judiciary's performance.

17 Sec. 214. Total authorized appropriations from all sources
18 under part 1 for legacy costs for the fiscal year ending September
19 30, 2023 are estimated at \$18,829,500.00. From this amount, total
20 judiciary appropriations for pension-related legacy costs are
21 estimated at \$8,396,300.00. Total judiciary appropriations for
22 retiree health care legacy costs are estimated at \$5,433,200.00.

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

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

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

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

19 Sec. 219. The judicial branch shall receive and retain copies
20 of all reports funded from appropriations in part 1. Federal and
21 state guidelines for short-term and long-term retention of records
22 must be followed. The judicial branch may electronically retain
23 copies of reports unless otherwise required by federal and state
24 guidelines.

25 26 **JUDICIAL BRANCH**

27 Sec. 301. From the funds appropriated in part 1, the direct
28 trial court automation support program of the state court
29 administrative office shall recover direct and overhead costs from

1 trial courts by charging for services rendered. The fee must cover
2 the actual costs incurred to the direct trial court automation
3 support program in providing the service, including development of
4 future versions of case management systems.

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

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

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

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

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

1 Sec. 308. If sufficient funds are not available from the court
2 fee fund to pay judges' compensation, the difference between the
3 appropriated amount from that fund for judges' compensation and the
4 actual amount available after the amount appropriated for trial
5 court reimbursement is made must be appropriated from the state
6 general fund for judges' compensation. If an appropriation is made
7 under this section, the state court administrative office shall
8 notify, within 14 days of the appropriation, the senate and house
9 standing committees on appropriations, the senate and house
10 appropriations subcommittees on judiciary, the senate and house
11 fiscal agencies, and the state budget office.

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

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

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

9 Sec. 311. (1) The funds appropriated in part 1 for drug
10 treatment courts as that term is defined in section 1060 of the
11 revised judicature act of 1961, 1961 PA 236, MCL 600.1060, must be
12 administered by the state court administrative office to operate
13 drug treatment court programs. A drug treatment court shall be
14 responsible for handling cases involving substance abusing
15 nonviolent offenders through comprehensive supervision, testing,
16 treatment services, and immediate sanctions and incentives. A drug
17 treatment court shall use all available county and state personnel
18 involved in the disposition of cases including, but not limited to,
19 parole and probation agents, prosecuting attorneys, defense
20 attorneys, and community corrections providers. The funds may be
21 used in connection with other federal, state, and local funding
22 sources.

23 (2) From the funds appropriated in part 1, the chief justice
24 shall allocate sufficient funds for the Michigan judicial institute
25 to provide in-state training for those identified in subsection
26 (1), including training for new drug treatment court judges.

27 (3) For drug treatment court grants, consideration for
28 priority may be given to those courts where higher instances of
29 substance abuse cases are filed.

1 (4) The judiciary shall receive \$1,500,000.00 in Byrne formula
2 grant funding as an interdepartmental grant from the department of
3 state police to be used for expansion of drug treatment courts, to
4 assist in avoiding prison bed space growth for nonviolent offenders
5 in collaboration with the department of corrections.

6 Sec. 312. From the funds appropriated in part 1, the state
7 court administrator shall produce a statistical report regarding
8 the implementation of the parental rights restoration act, 1990 PA
9 211, MCL 722.901 to 722.908, as it pertains to minors seeking
10 court-issued waivers of parental consent. The state court
11 administrative office shall report the total number of petitions
12 filed and the total number of petitions granted under that act.

13 Sec. 320. (1) From the funds appropriated in part 1 for the
14 swift and sure sanctions program, created under section 3 of
15 chapter XIA of the code of criminal procedure, 1927 PA 175, MCL
16 771A.3, the state court administrative office shall administer a
17 program to distribute grants to qualifying courts in accordance
18 with the objectives and requirements of the probation swift and
19 sure sanctions act, chapter XIA of the code of criminal procedure,
20 1927 PA 175, MCL 771A.1 to 771A.8. Of the funds designated for the
21 program, not more than \$100,000.00 is available to the state court
22 administrative office to pay for employee costs associated with the
23 administration of the program funds. Of the funds designated for
24 the program, \$500,000.00 is reserved for programs in counties that
25 had more than 325 individuals sentenced to prison in the previous
26 calendar year. Courts interested in participating in the swift and
27 sure sanctions program may apply to the state court administrative
28 office for a portion of the funds appropriated in part 1 under this
29 section.

1 (2) By April 1, the state court administrative office, in
2 cooperation with the department of corrections, shall provide a
3 report on the courts that receive funding under the swift and sure
4 sanctions program described in subsection (1) to the senate and
5 house appropriations subcommittees on judiciary, the senate and
6 house fiscal agencies, and the state budget office. The report must
7 include all of the following:

8 (a) The number of offenders who participate in the program.

9 (b) The criminal history of offenders who participate in the
10 program.

11 (c) The recidivism rate of offenders who participate in the
12 program, including the rate of return to jail, prison, or both.

13 (d) A detailed description of the establishment and parameters
14 of the program.

15 (e) A list of courts participating in the program.

16 (f) An accounting of prior year expenditures, including grant
17 amounts requested by the courts, grant amounts awarded to the
18 courts, and grant amounts expended by the courts.

19 (3) As used in this section, "program" means a swift and sure
20 sanctions program described in subsection (1).

21 Sec. 321. From the funds appropriated in part 1, the judicial
22 branch shall support a statewide legal self-help internet website
23 and local nonprofit self-help centers that use the statewide
24 website to provide assistance to individuals representing
25 themselves in civil legal proceedings. The state court
26 administrative office shall summarize the costs of maintaining the
27 website, provide statistics on the number of people visiting the
28 website, and provide information on content usage, form completion,
29 and user feedback. By March 1, the state court administrative

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

4 Sec. 322. If Byrne formula grant funding is awarded to the
5 state appellate defender in excess of the amount appropriated in
6 part 1, the state appellate defender office may receive and expend
7 Byrne formula grant funds in an amount not to exceed \$250,000.00 as
8 an interdepartmental grant from the department of state police. If
9 the appellate defender appointed under section 3 of the appellate
10 defender act, 1978 PA 620, MCL 780.713, receives federal grant
11 funding from the United States Department of Justice in excess of
12 the amount appropriated in part 1, the office of appellate defender
13 may receive and expend grant funds in an amount not to exceed
14 \$300,000.00 as other federal grants.

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

21 (2) By February 1, the judiciary shall report on the
22 medication-assisted treatment program. The report must include
23 itemized spending by court, the number of participants, and
24 statistics that indicate average program participation duration and
25 success rates.

26 (3) The goal of the medication-assisted treatment program is
27 for participants to be free of narcotic addiction before ending
28 participation in the program.
29

1 **ONE-TIME APPROPRIATIONS**

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

9 (2) The state appellate defender office shall submit a report
10 by December 31 to the senate and house appropriations subcommittees
11 on judiciary, the senate and house fiscal agencies, and the state
12 budget office on the number of juvenile lifer cases investigated
13 and prepared by the state appellate defender office. The report
14 must include a calculation of hours spent and focus on incremental
15 costs associated with investigating and conducting a robust
16 examination of each case, with particular emphasis on those costs
17 that may be avoided after the cases have been disposed.