

FY 2024-25: JUDICIARY
Summary: As Passed by the House
House Bill 5515 (H-2)



Analyst: Robin R. Risko

	FY 2023-24	FY 2024-25	FY 2024-25	FY 2024-25	FY 2024-25	Difference: House From FY 2023-24	
	Enacted as of 2/7/24	REV Executive	House	Senate	Conference	Enacted Amount	%
IDG/IDT	\$1,902,300	\$1,902,300	\$1,902,300			\$0	0.0
Federal	6,751,300	7,132,600	7,132,600			381,300	5.6
Local	0	0	0			0	--
Private	1,903,900	1,905,300	1,905,300			1,400	0.1
Restricted	95,152,600	95,887,300	95,887,300			734,700	0.8
GF/GP	250,218,100	265,213,900	263,388,900			13,170,800	5.3
Gross	\$355,928,200	\$372,041,400	\$370,216,400			\$14,288,200	4.0
FTEs	598.0	655.5	635.5			37.5	6.3

Note: Appropriation figures for FY 2024-25 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, the State Appellate Defender Office, and other 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.

Budget Changes from FY 2023-24 Enacted Appropriations

1. Statewide Case Management System

Executive includes \$4.6 million GF/GP and authorization for 19.0 new FTE positions for continued support of the statewide judicial case management system as additional trial courts transition to the system from locally managed systems. Of the total, \$3.6 million would be used to support staff, operating, and maintenance costs and \$1.0 million would be used to purchase hardware and software for the additional FTE positions and to fund increasing cloud hosting capacity, maintenance and security services, and various licenses. House does not include funding or authorization for FTE positions.

	FY 2023-24 Enacted (as of 2/7/24)	FY 2024-25 House Change
FTE	NA	0.0
Gross	NA	\$0
GF/GP	NA	\$0

2. Appellate Indigent Defense Workload Standards

Executive includes \$3.3 million GF/GP to support costs of 23.0 new attorney and support staff positions for the State Appellate Defender's Office (SADO) for a three-year, phased implementation of workload standards, based on a workload assessment from the National Center for State Courts. Standards are developed in parallel with separate workload standards for trial-level public defenders through the Michigan Indigent Defense Commission. House concurs.

FTE	0.0	23.0
Gross	\$0	\$3,259,000
GF/GP	\$0	\$3,259,000

		FY 2023-24 Enacted (as of 2/7/24)	FY 2024-25 House Change
<u>Budget Changes from FY 2023-24 Enacted Appropriations</u>			
3. SADO Collective Bargaining Agreement	Gross	\$0	\$856,100
<u>Executive</u> includes \$856,100 GF/GP to cover costs of negotiated pay increases for UAW-represented employees of SADO under the first-ever collective bargaining agreement between SADO and the union. Represented positions include assistant defenders, reentry specialists, mitigation specialists, investigators, administrative positions (finance and IT), and program positions (Criminal Defense Resource Center and MAACS). <u>House</u> concurs.	GF/GP	\$0	\$856,100
4. SADO Non-Exclusively Represented Employees	Gross	\$0	\$205,600
<u>Executive</u> includes \$205,600 to cover costs of a 5% base increase for non-represented employees to bring them in line with similar civil service positions and to keep pace with adjustments provided to union-represented employees. <u>House</u> concurs.	GF/GP	\$0	\$205,600
5. MAACS Youth Defense Manager	FTE	0.0	1.0
<u>Executive</u> includes \$157,000 GF/GP and authorization for 1.0 FTE position to shift the SADO-MAACS youth defense roster manager position from a federally funded position to a state funded position. Currently, the position is funded with a one-time three-year federal grant through the DOJ, Office of Juvenile Justice and Delinquency Prevention, but the grant expires at the end of FY 2024. <u>House</u> concurs.	Gross	\$0	\$157,000
	GF/GP	\$0	\$157,000
6. Conversion of Contracted Positions to State Positions	FTE	NA	9.5
<u>Executive</u> includes \$934,700 GF/GP to cover costs of converting 9.5 positions from contracted positions to state employees, as recommended by the IRS in a recent payroll audit on the use of independent contractors. Following is detail for affected budget areas:	Gross	NA	\$934,700
<ul style="list-style-type: none"> • SADO - \$390,000 and 3.5 FTE positions • Supreme Court - \$296,600 and 3.0 FTE positions • Court of Appeals - \$142,900 and 2.0 FTE positions • Michigan Judicial Institute - \$105,200 and 1.0 FTE position. 	GF/GP	NA	\$934,700
<u>House</u> concurs.			
7. Judgeship Changes	Gross	NA	\$305,500
<u>Executive</u> includes \$305,500 Gross (\$171,700 GF/GP) to cover partial year costs of two new judgeships – one probate court judgeship in Macomb County and one district court judgeship in Kent County. <u>House</u> concurs.	Restricted	NA	133,800
	GF/GP	NA	\$171,700
8. SOCC Recommendations for Supreme Court Justices	Gross	\$0	\$100
<u>Executive</u> includes \$166,600 GF/GP to support recommendations made by SOCC in May 2023 to provide 7% salary increases for Supreme Court justices in 2025 and 2026, and \$10,000 expense allowances for each Supreme Court Justice. For SOCC recommendations to take effect for 2025, recommendations need legislative approval via a concurrent resolution prior to the November 2024 general election. <u>House</u> includes a \$100 placeholder pending passage of the concurrent resolution.	GF/GP	\$0	\$100
9. Commission Staffing	FTE	0.0	1.0
<u>Executive</u> includes \$170,000 GF/GP and authorization for 1.0 FTE position to support the Justice for All Commission and the newly created Commission on Well-Being in the Law. The Justice for All Commission was established to simplify the court system, court rules, processes, and forms to increase court and community engagement and access to justice. The Commission on Well-Being in the Law was created by the Supreme Court and the State Bar to address the high rates of depression, anxiety, and substance use disorder among professionals in the legal community. <u>House</u> concurs.	Gross	\$0	\$170,000
	GF/GP	\$0	\$170,000

		FY 2023-24 Enacted (as of 2/7/24)	FY 2024-25 House Change
<u>Budget Changes from FY 2023-24 Enacted Appropriations</u>			
10. Behavioral Health Administrator	FTE	0.0	1.0
<u>Executive</u> includes \$170,000 GF/GP to establish 1.0 behavioral health administrator position within SCAO. The administrator would help analyze, develop, and implement improved court responses and services and best practices for addressing mental health issues and substance use disorder. The position was recommended by the Michigan Judicial Council and the National Justice Task Force to Examine State Courts' Response to Mental Illness. <u>House</u> concurs.	Gross	\$0	\$170,000
	GF/GP	\$0	\$170,000
11. Judicial Security	FTE	0.0	0.0
<u>Executive</u> includes \$475,000 GF/GP and authorization for 1.0 FTE position for judicial security. Funding would be used by SCAO to enter a contract with a vendor that would assist all interested judges with removing their personal information from the internet (e.g., home addresses, phone numbers, children's school addresses). <u>House</u> does not include funding or authorization for FTE position.	Gross	\$0	\$0
	GF/GP	\$0	\$0
12. Increased Costs for Facility Security	Gross	NA	\$50,400
<u>Executive</u> includes \$50,400 GF/GP to cover increased costs of security staff provided through a contract with DK Security. Hourly minimum wage for security staff was increased. <u>House</u> concurs.	GF/GP	NA	\$50,400
13. Legal Assistant Position for the Supreme Court	FTE	0.0	1.0
<u>Executive</u> includes \$110,000 GF/GP to support 1.0 legal assistant position that would be shared by the Office of General Counsel and the Office of Administrative Counsel within the Supreme Court. The position is requested due to an increased administrative workload that is currently being managed by the legal staff. <u>House</u> concurs.	Gross	\$0	\$110,000
	GF/GP	\$0	\$110,000
14. Federal Funds Adjustment for Drug Treatment Courts	Gross	NA	\$305,000
<u>Executive</u> includes authorization to receive an additional \$305,000 in federal grant funding from the Office of Highway Safety Planning. Funding would be used to support drug treatment courts. <u>House</u> concurs.	Federal	NA	305,000
	GF/GP	NA	\$0
15. Removal of FY 2023-24 One-Time Appropriations	Gross	\$5,500,000	(\$5,500,000)
<u>Executive</u> removes \$5.5 million of one-time GF/GP funding that was included in the FY 2023-24 budget to support the following:	GF/GP	\$5,500,000	(\$5,500,000)
<ul style="list-style-type: none"> Statewide Court Data Transparency Project (\$4.5 million GF/GP) Expungement Initiative (\$700,000 GF/GP) Judicial Institute (\$300,000 GF/GP). <u>House</u> concurs.			
16. Economic Adjustments	Gross	NA	\$9,623,300
<u>Executive</u> reflects a net increase in costs of \$9.6 million Gross (\$8.9 million GF/GP) for negotiated salary and wage increases (5.0% on October 1, 2024), insurances, actuarially required retirement contributions, worker's compensation, building occupancy charges, and rent. <u>House</u> concurs.	Federal	NA	76,300
	Private	NA	1,400
	Restricted	NA	600,900
	GF/GP	NA	\$8,944,700
17. Operation Drive	Gross	\$0	\$2,000,000
<u>House</u> includes \$2.0 million of one-time GF/GP to support the Operation Drive program. Of the total, \$1.0 million would be allocated to 52nd District Court in Oakland County and \$1.0 million would be allocated to district courts statewide that want to establish a program. The program would assist individuals with regaining driving privileges by providing guidance on how to address underlying issues that led to driver license suspension, guidance on how to maintain responsibility, and guidance on how to address traffic tickets, warrants, court appearances, and payment of fees and fines.	GF/GP	\$0	\$2,000,000

		FY 2023-24 Enacted (as of 2/7/24)	FY 2024-25 House Change
<u>Budget Changes from FY 2023-24 Enacted Appropriations</u>			
18. Prescription Compliance through Oral Fluid Testing	Gross	\$0	\$990,900
<u>House</u> includes \$990,900 GF/GP (\$490,900 ongoing; \$500,000 one-time) for SCAO to continue the prescription compliance through oral fluid testing program in veterans and mental health treatment courts and to expand the program to other veterans and mental health treatment courts and to drug treatment courts that want to participate.	GF/GP	\$0	\$990,900
19. Eviction Diversion Pilot Program	Gross	\$0	\$500,000
<u>House</u> includes \$500,000 in one-time GF/GP to support an eviction diversion pilot program in 14A District Court in Washtenaw County. Funds would be used to assist tenants experiencing financial hardship through a collaborative program designed to settle landlord-tenant disputes and prevent eviction and homelessness.	GF/GP	\$0	\$500,000
20. MAACS Financial Oversight and Support Attorney	FTE	0.0	1.0
<u>House</u> includes \$150,500 and authorization for 1.0 FTE position to support a financial oversight and support attorney for MAACS. The attorney would be responsible for developing and implementing a review and audit procedure for attorney fee vouchers.	Gross	\$0	\$150,500
	GF/GP	\$0	\$150,500
21. Additional Retirement Contribution for Judges	Gross	\$0	\$100
<u>House</u> includes a \$100 placeholder for potential costs associated with House Bill 5328. The bill would require an additional state-funded 2% retirement contribution for judges.	GF/GP	\$0	\$100

Major Boilerplate Changes from FY 2023-24

Note: Boilerplate throughout the bill was revised to include non-substantive technical changes agreed to by the House, the Senate, and the Legislative Service Bureau. Boilerplate section numbers listed in this document are section numbers as they appear in current law. Section numbers may be different in the House bill.

Sec. 209. Transparency Website – RETAINED

Requires the judicial branch to maintain a searchable website that is accessible by the public at no cost and includes all expenditures made by the judicial branch within the fiscal year and purposes for which the expenditures were made. Executive deletes. House retains.

Sec. 210. Report on State Restricted Funds – RETAINED

Requires the judicial branch to work with the state budget office to report annually on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures. Executive deletes. House retains.

Sec. 210. Appropriation of Additional Revenue – NOT INCLUDED

Appropriates an additional \$2.5 million in federal revenue, \$2.5 million in state restricted revenue, and \$500,000 in private revenue should the revenue become available. Executive includes new language. House does not include new language.

Sec. 211. Website for Information – DELETED

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

Sec. 212. 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. (*Governor deemed this section unenforceable in FY 2023-24.*) Executive deletes. House retains.

Sec. 213. Receipt and Retention of Required Reports – 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 retains.

Major Boilerplate Changes from FY 2023-24

Sec. 213. Expending Available Work Project Authorization – NEW

Prohibits appropriations that have unexpended work project authorization associated with them, to the extent possible, from being expended until all existing work project authorization for the same purpose is exhausted. Executive does not include new language. House includes new language.

Sec. 215. Linking Swift and Sure Sanctions Program to DHHS, LEO, and MDOC Programming – RETAINED

Authorizes SCAO to identify programs within the Departments of Health and Human Services, Labor and Economic Opportunity, and Corrections that have programmatic connections with Swift and Sure Sanctions program participants for the purpose of leveraging collaborations and determining avenues of success for offenders who are eligible for state-provided programs; requires SCAO to provide guidance to courts participating in the Swift and Sure Sanctions program of available DHHS, LEO, and MDOC programming. Executive deletes. House retains.

Sec. 306. Report on Problem-Solving Courts – REVISED

Requires SCAO to provide a statistical report on drug treatment, mental health, and veterans court programs, including information on the number and types of programs established, the number of program participants in each jurisdiction, program impacts on offender criminal involvement and recidivism, and an accounting of prior year expenditures, including grant amounts requested by courts, grant amounts awarded to courts, and grant amounts expended by courts. Executive consolidates this section with Sec. 307 to reflect consolidation of problem-solving court appropriations and associated boilerplate. House retains current law structure but revises to specify that information is required to be submitted for each individual court by program and revises the reporting date.

Sec. 307. Drug Treatment Courts – RETAINED

Requires SCAO to administer appropriation for operating drug treatment court programs; requires drug treatment courts to handle cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives; requires allocation of sufficient funding for Michigan Judicial Institute to provide in-state training for drug treatment court staff and judges; authorizes consideration of priority to be given to courts where higher instances of substance abuse cases are filed; specifies that \$1.5 million in federal Byrne grant revenue is to be used for expanding drug treatment courts to assist in avoiding prison bed space growth for nonviolent offenders. Executive consolidates this section with Sec. 306 to reflect consolidation of problem-solving court appropriations and associated boilerplate. House retains current law structure and language.

Sec. 308. Swift and Sure Sanctions Program – REVISED

Requires SCAO to administer Swift and Sure Sanctions program and distribute grants to qualifying courts; authorizes SCAO to expend \$150,000 of appropriation to pay for employee costs associated with administration of program; reserves \$500,000 for programs in counties that had more than 325 individuals sentenced to prison in previous calendar year; requires SCAO to work with Department of Corrections to report on courts receiving funding, number of offenders participating in program, criminal history of offenders, recidivism rates, parameters of program, courts participating in program, and accounting of prior year expenditures, including grant amounts requested by courts, grant amounts awarded to courts, and grant amounts expended by courts. Executive retains current law. House revises to specify that information is required to be submitted for each individual court by program and revises the reporting date.

Sec. 309. Prescription Compliance through Oral Fluid Testing Program – REVISED

Requires SCAO to continue the Prescription Compliance through Oral Fluid Testing program; requires SCAO to report on the number of programs established, the number of program participants in each jurisdiction, program testing and results, program treatment, and program outcomes, including rearrest rate of participants while participating in the program. Executive deletes. House revises to require that no less than \$490,900 be allocated for continuing the program, adds requirement for report to also include the number of tests completed and the benefits of the program to the state, and revises the reporting date.

Sec. 312. Allocation of Funding for Statewide Judicial Case Management System – DELETED

Requires not more than \$6.5 million to be used to offset loss of local user fee revenue previously paid by trial courts that have already transitioned to the new system and \$5.4 million to support staff and other operating costs as trial courts continue to transition to the new system. Executive deletes. House deletes.

Sec. 313. Prohibit Charging Fees for Use of Statewide Case Management – NEW

Prohibits SCAO from imposing or collecting local user fees from trial courts that use the statewide judicial case management system. Executive includes new language. House includes new language.

Major Boilerplate Changes from FY 2023-24

Sec. 314. Medication-Assisted Treatment Program – RETAINED

Requires judiciary to maintain a medication-assisted treatment program to provide treatment for opioid- and alcohol-addicted individuals who are referred to and who voluntarily participate in the program; requires judiciary to report on the program, including itemized spending by court, number of participants, and statistics that indicate average program participation duration and success rates; specifies that the goal of the program is for participants to be free of narcotic addiction prior to ending participation in the program. Executive deletes. House retains.

Sec. 401. Expungement Initiative – DELETED

Requires allocation of \$650,000 to Legal Aid Defender Association, Inc. in Detroit for providing expungement services and \$50,000 to Allegan County for providing legal aid services. Executive deletes. House deletes.

Sec. 401. Eviction Diversion Pilot Program – NEW

Requires one-time appropriation to be used to support an eviction diversion pilot program in 14A District Court in Washtenaw County; requires funds to be used to assist tenants experiencing financial hardship through a collaborative program designed to settle landlord-tenant disputes and prevent eviction and homelessness; requires SCAO to report on the number of program participants, the number of disputes settled, the number of evictions avoided, and other program outcomes, including the benefit of the program to participants and the benefit of the program to the state; designates unexpended funding as a work project appropriation. Executive does not include new language. House includes new language.

Sec. 402. Court Administration Bench Book – DELETED

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

Sec. 402. Prescription Compliance through Oral Fluid Testing Program – NEW

Requires one-time appropriation to be used to expand the program statewide to veterans, mental health, and drug treatment courts that want to participate; requires SCAO to report on the number of programs established, the number of program participants in each jurisdiction, the number of tests completed, program testing and results, program treatment, and program outcomes, including rearrest rate of participants, and the benefit of the program to the state; designates unexpended funding as a work project appropriation. Executive does not include new language. House includes new language.

Sec. 403. Statewide Court Data Transparency Project – DELETED

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

Sec. 403. Operation Drive – NEW

Requires \$1.0 million of one-time appropriation to be allocated to 52nd District Court in Oakland County and \$1.0 million to be allocated to district courts statewide that want to establish a program; requires program to assist individuals with regaining driving privileges by providing guidance on how to address underlying issues that led to driver license suspension, guidance on how to maintain responsibility, and guidance on how to address traffic tickets, warrants, court appearances, and payment of fees and fines; designates unexpended funding as a work project appropriation. Executive does not include new language. House includes new language.