

FY 2025-26: JUDICIARY
Summary: As Passed by the Senate
Senate Bill 170 (S-1)



Analyst: Robin R. Risko

	FY 2024-25 Year-to-Date as of 2/5/25	FY 2025-26 Executive	FY 2025-26 Senate	Difference: Senate From FY 2024-25 YTD	
				Amount	%
IDG/IDT	\$2,402,300	\$1,902,300	\$1,902,300	(\$500,000)	(20.8)
Federal	7,132,600	7,270,900	7,270,900	138,300	1.9
Local	0	0	0	0	--
Private	1,905,300	1,906,400	1,906,400	1,100	0.1
Restricted	95,887,300	96,645,800	96,645,800	758,500	0.8
GF/GP	266,113,900	287,288,200	287,573,800	21,459,900	8.1
Gross	\$373,441,400	\$395,013,600	\$395,299,200	\$21,857,800	5.9
FTEs	643.5	684.5	684.5	41.0	6.4

Note: 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, 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.

Major Budget Changes from FY 2024-25 Year-to-Date Appropriations

1. Statewide Case Management System

Executive includes an additional \$7.2 million GF/GP and an additional 12.0 FTE positions for continued support of the statewide judicial case management system as trial courts continue transitioning to the system from locally managed systems. Of the total, \$2.7 million would be allocated to support ongoing personnel costs and \$4.6 million would be allocated for operating costs. (Funding proposed by the executive would be in addition to \$13.5 million of ongoing funding appropriated to date and \$150.0 million of one-time funding appropriated in FY 2023.) Senate concurs.

	FY 2024-25 Year-to-Date (as of 2/5/25)	FY 2025-26 Senate Change
FTE	67.0	12.0
Gross	\$13,499,100	\$7,200,000
GF/GP	\$13,499,100	\$7,200,000

2. Additional Staff for Supreme Court and SCAO

Executive includes a total of \$4.7 million Gross (\$4.6 million GF/GP) to support the following:

- \$2.6 million to expand capacity for conducting financial audits of local trial courts.
- \$1.2 million for 5.0 human resources staff and 2.0 finance staff to implement the administrative structure of SCAO recommended by the National Center for State Courts.
- \$355,000 for 2.0 field service staff for SCAO to support court programs and trial court operations.
- \$210,000 for 1.0 grants officer position to research, apply for, and administer federal and private grant funding.
- \$177,500 for 1.0 field service staff position for the Office of Dispute Resolution within SCAO.

	FTE	0.0	12.0
Gross		\$0	\$3,618,800
Restricted		0	177,500
GF/GP		\$0	\$3,441,300

[continued on next page]

		FY 2024-25 Year-to-Date (as of 2/5/25)	FY 2025-26 Senate Change
<u>Major Budget Changes from FY 2024-25 Year-to-Date Appropriations</u>			
2. Additional Staff for Supreme Court and SCAO (continued)			
<ul style="list-style-type: none"> \$167,400 for 1.0 legal editor position in the Office of Reporter of Decisions to support ongoing caseloads and reduce the backlog of decisions awaiting editing and publication. <p><u>Senate</u> includes FTE positions and funding but includes \$1.1 million less than the executive.</p>			
3. Problem-Solving Courts	FTE	NA	2.0
<u>Executive</u> includes a total of \$1.6 million GF/GP and 2.0 FTE positions to support problem-solving courts. Of the total:	Gross	NA	\$1,500,000
	GF/GP	NA	\$1,500,000
<ul style="list-style-type: none"> \$642,000 would support establishing new problem-solving court programs. \$389,000 would support economic increases for local trial courts. \$355,000 would support 2.0 new staff within SCAO to support oversight and management of the problem-solving courts program. \$198,000 would support increased wages for behavioral health workers. <p><u>Senate</u> includes FTE positions and funding but includes \$84,000 less than the executive. <u>Senate</u> consolidates drug treatment courts, mental health treatment courts, and veterans treatment courts into one line item.</p>			
4. FTE and Funding Adjustment	FTE	NA	0.0
<u>Executive</u> reflects a net \$0 transfer of funding and FTE positions from drug treatment courts (2.0 FTEs and \$349,200) and mental health courts (1.0 FTE and \$150,800) to SCAO (3.0 FTEs and \$500,000). With this transfer, problem-solving court line items would include funding only for grant awards for local courts and would not include funding for SCAO staff that administer the grant programs. Funding for staff would be included in the SCAO line item. <u>Senate</u> concurs.	Gross	NA	\$0
	GF/GP	NA	\$0
5. Federal Funds Adjustment for Drug Treatment Courts	Gross	\$2,258,700	\$100,000
<u>Executive</u> includes authorization to receive an additional \$100,000 in federal grant funding from the Office of Highway Safety Planning. Funding would be used to support drug treatment courts. <u>Senate</u> concurs.	Federal	2,258,700	100,000
	GF/GP	\$0	\$0
6. Drug Court Case Management System	Gross	NA	\$265,000
<u>Executive</u> includes \$265,000 GF/GP to support increased contractual costs of maintaining the drug court case management information system. <u>Senate</u> concurs.	GF/GP	NA	\$265,000
7. Training for Judges and Court Staff	FTE	NA	3.0
<u>Executive</u> includes \$533,700 GF/GP and authorization for 3.0 additional FTE positions for the Michigan Judicial Institute to expand training provided to judges and court staff. <u>Senate</u> concurs.	Gross	NA	\$533,700
	GF/GP	NA	\$533,700
8. Michigan Legal Help	Gross	\$600,000	\$400,000
<u>Executive</u> includes \$400,000 GF/GP to support increased salary costs for program personnel and increased information technology costs for hosting the Michigan Legal Help website. <u>Senate</u> concurs.	GF/GP	\$600,000	\$400,000
9. Judgeship Changes	Gross	\$305,500	\$539,200
<u>Executive</u> includes a total of \$539,200 Gross (\$123,500 GF/GP) to support costs of judgeship changes. Funding would support annualizing costs of one probate court judgeship in Macomb County and one district court judgeship in Kent County, authorized under Public Acts 310 and 311 of 2023, respectively. Funding for three quarters of the fiscal year was included in the FY 2024-25 budget. Funding would also support the addition of two circuit court judgeships, one in Kalamazoo County and one in Allegan County, authorized under 2022 PA 277. The effective date of the judgeship changes was January 1, 2025. <u>Senate</u> concurs.	Restricted	133,800	415,700
	GF/GP	\$171,700	\$123,500

Major Budget Changes from FY 2024-25 Year-to-Date Appropriations		FY 2024-25 Year-to-Date (as of 2/5/25)	FY 2025-26 Senate Change
10. SOCC Recommendations for Supreme Court Justices			
<u>Executive</u> removes \$166,600 GF/GP that was included in the FY 2024-25 budget to support recommendations made by SOCC in May 2023 to provide a 7% salary increase for Supreme Court justices in 2025 and 2026, and a \$10,000 expense allowance for each justice. Recommendations needed legislative approval via a concurrent resolution prior to the November 2024 general election in order to take effect. The resolution did not make it all the way through the legislative process. <u>Senate</u> concurs.		Gross GF/GP	\$166,600 \$166,600 (\$166,600) (\$166,600)
11. Appellate Indigent Defense Workload Standards		FTE	23.0
<u>Executive</u> includes \$2.3 million GF/GP to support costs of 12.0 new attorney and support staff positions for SADO for year two of the phased implementation of workload standards, based on a workload assessment conducted by the National Center for State Courts. Standards are developed by the Michigan Indigent Defense Commission in parallel with separate workload standards for trial-level public defenders. <u>Senate</u> concurs.		Gross GF/GP	\$3,259,000 \$3,259,000 \$2,325,000 \$2,325,000
12. SADO Salary Adjustments			
<u>Executive</u> includes a total of \$591,000 GF/GP to cover costs of pay increases for SADO employees. Of the total, \$488,500 is included to cover costs of negotiated pay increases for UAW-represented employees and \$102,500 is included to cover costs of pay increases for non-represented employees to keep pace with adjustments provided to union-represented employees. <u>Senate</u> concurs.		Gross GF/GP	NA NA \$591,000 \$591,000
13. Removal of FY 2024-25 One-Time Appropriations			
<u>Executive</u> removes \$2.5 million Gross (\$2.0 million GF/GP) of one-time funding that was included in the FY 2024-25 budget to support the following:		Gross IDG GF/GP	\$2,500,000 500,000 \$2,000,000 (\$2,500,000) (500,000) (\$2,000,000)
<ul style="list-style-type: none"> • Eviction Diversion Pilot program (\$500,000). • Operation Drive (\$1.0 million). • Prescription Compliance Through Oral Fluid Testing program (\$500,000). • Status Offender Pilot program (\$500,000). <u>Senate</u> concurs.			
14. Economic Adjustments			
<u>Executive</u> reflects a net increase in costs of \$6.0 million Gross (\$5.7 million GF/GP) for negotiated salary and wage increases (3.0% on October 1, 2025), insurances, actuarially required retirement contributions, worker's compensation, building occupancy charges, and rent. <u>Senate</u> concurs.		Gross Federal Private Restricted GF/GP	NA NA NA NA NA \$5,951,700 38,300 1,100 165,300 \$5,747,000
15. Funding for One-Time Projects			
<u>Senate</u> includes \$1.5 million GF/GP for the following Senate-initiated one-time projects:		Gross GF/GP	NA NA \$1,500,000 \$1,500,000
<ul style="list-style-type: none"> • \$499,900 GF/GP to assist the Judicial Tenure Commission with addressing the judicial complaint backlog. • \$1.0 million GF/GP to be granted to U of M Law School for the Michigan Innocence Clinic to use for legal advocacy and investigation, and to cover litigation expenses incurred for helping people who are wrongfully convicted. • \$100 GF/GP placeholder for additional funding to be appropriated to support the financial impact of recent state Supreme Court decisions requiring the resentencing of individuals who were sentenced to life without parole for crimes committed at ages 19 and 20. 			

Major Boilerplate Changes from FY 2024-25

Note: Section numbers are current law section numbers except where sections are new. Section numbers may be different from section numbers listed in the executive recommendation or in the Senate-passed bill.

GENERAL SECTIONS

Sec. 205. Purchase of Foreign Goods and Services – REVISED

Prohibits purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services are available; requires preference to be given to goods and services manufactured or provided by Michigan businesses and Michigan businesses owned and operated by veterans. Executive retains. Senate revises to include requirement that preference be given to goods and services that are manufactured in facilities that employ union members.

Sec. 209. 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. Senate retains current law.

Sec. 210. Appropriation of Additional Revenue – NEW

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; requires a report on amounts appropriated, sources of funding appropriated, and purposes for which appropriations would be expended. Executive includes new language. Senate includes new language.

Sec. 211. 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. Senate retains current law.

Sec. 212. 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. Senate retains current law.

Sec. 213. Requirements for Reports Required by Boilerplate – NEW

Requires reports to be submitted to standard report recipients; requires website where reports are posted to include a reference to each statutory or appropriations bill section that requires the report; requires SCAO to compile, post, and maintain all required reports on an easily accessible website page. Executive does not include. Senate includes new language.

Sec. 221. Access to Government Services – NEW

Prohibits appropriations from being used to restrict or impede a marginalized community's access to government resources, programs, or facilities. Executive does not include. Senate includes new language.

Sec. 222. 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. Senate includes new language.

Sec. 223. Boilerplate Deemed Unenforceable – NEW

Requires Judiciary to report on sections of boilerplate deemed to be unenforceable including the legal rationale; requires Judiciary to report the difference in costs between policies deemed unenforceable and policies Judiciary intends to pursue; authorizes Judiciary to coordinate with the Executive branch on compilation of a statewide report. Executive does not include. Senate includes new language.

Sec. 224. Impact of Federal Policy Changes – NEW

Requires quarterly reports detailing federal policy changes that do any of the following: affect Judiciary's operations; affect an industry, community, population, or other group regulated or served by the Judicial branch; affect regulations that protect the public; or create a regulatory gap that could negatively impact the public. Executive does not include. Senate includes new language.

JUDICIAL BRANCH

Sec. 309. Separation of Powers – NEW

Recognizes the status of the Judicial branch as a separate, independent branch of state government and cites reference to the state constitution. Executive does not include. Senate includes new language.

Major Boilerplate Changes from FY 2024-25

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. Executive deletes. Senate retains current law.

ONE-TIME APPROPRIATIONS

Sec. 401. Innocence Investment Grant – NEW

Requires one-time appropriation to be granted to the Michigan Innocence Clinic at U of M Law School to be used for legal advocacy and investigation, and to cover litigation expenses associated with helping people who are wrongfully convicted; designates funding as a work project appropriation. Executive does not include. Senate includes new language.

Sec. 401. Eviction Diversion Pilot Program – DELETED

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 deletes. Senate deletes.

Sec. 402. Status Offender Pilot Program – DELETED

Requires SCAO to establish a grant program to award 5 eligible courts with grants of up to \$100,000 for innovative, community-based diversion programs and services that work solely with youth for who the court receives a complaint, referral, or petition for what is alleged to be a status offense; authorizes SCAO to partner with DHHS; designates unexpended funding as a work project account. Executive deletes. Senate deletes.

Sec. 403. Operation Drive – DELETED

Requires \$500,000 to be allocated to the 52nd District Court in Oakland County and \$500,000 to be allocated to district courts statewide that want to establish a program; requires courts receiving funding to work with the 44th District Court in Royal Oak on establishing a program; requires the program to provide individuals with guidance on how to address underlying issues that led to driver license suspension, guidance on how to maintain the individual's 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 deletes. Senate deletes.

Sec. 404. Prescription Compliance through Oral Fluid Testing Program – DELETED

Requires \$500,000 to be used to continue the program in veterans, mental health, and drug treatment courts that want to participate; requires SCAO to report on the number of programs, 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 deletes. Senate deletes.