## SUBSTITUTE FOR SENATE BILL NO. 192

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2024; 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, 2024, from the following funds:
5	JUDICIARY
6	APPROPRIATION SUMMARY
7	Full-time equated exempted positions 594.0
8	GROSS APPROPRIATION \$ 351,472,300
9	Interdepartmental grant revenues:

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Total interdepartmental grants and		
intradepartmental transfers		1,902,300
ADJUSTED GROSS APPROPRIATION		\$ 349,570,000
Federal revenues:		
Total federal revenues		6,751,300
Special revenue funds:		
Total private revenues		1,523,900
Total other state restricted revenues		95,152,600
State general fund/general purpose		\$ 246,142,200
Sec. 102. SUPREME COURT		
Full-time equated exempted positions	287.0	
Community dispute resolutionFTEs	3.0	\$ 3,370,50
Drug treatment courtsFTEs	2.0	12,648,20
Foster care review boardFTEs	10.0	1,381,00
Jail reform advisory supportFTE	1.0	153,10
Judicial information systemsFTEs	84.0	18,231,600
Judicial instituteFTEs	16.0	2,695,300
Justice for allFTEs	2.0	1,525,00
Mental health courts and diversion ser	rvices	
FTE	1.0	5,707,60
Next generation Michigan court system		4,116,00
Other federal grants		275,100
State court administrative officeFTF	Ts 76.0	13,229,40
Supreme court administrationFTEs	92.0	15,632,00
Swift and sure sanctions program		3,350,000
Veterans courts		1,061,20
GROSS APPROPRIATION		\$ 83,376,00

1	Interdepartmental grant revenues:	
2	IDG from department of corrections	52,300
3	IDG from department of state police	1,500,000
4	IDG from department of state police, Michigan	
5	justice training fund	100,000
6	Federal revenues:	
7	DOJ, drug court training and evaluation	300,000
8	DOT, National Highway Traffic Safety	
9	Administration	1,950,100
10	Federal funds	275,100
11	HHS, access and visitation grant	499,400
12	HHS, children's justice grant	247,300
13	HHS, court improvement project	959,800
14	HHS, safe access for victims economic security	
15	grant	420,000
16	HHS, state opioid response grant	350,800
17	HHS, title IV-D child support program	853,500
18	HHS, title IV-E foster care program	319,100
19	Special revenue funds:	
20	Interest on lawyers' trust accounts	405,400
21	Private	501,100
22	State justice institute	529,000
23	Community dispute resolution fund	2,406,400
24	Court of appeals filing/motion fees	1,450,000
25	Drug treatment court fund	1,920,500
26	Justice system fund	617,200
27	Law exam fees	775,800
28	Miscellaneous revenue	249,400

State court fund		408,100
State general fund/general purpose		\$ 66,285,700
Sec. 103. COURT OF APPEALS		
Full-time equated exempted positions	177.0	
Court of appeals law clerks investmentFTEs	2.0	\$ 100
Court of appeals operationsFTEs	175.0	\$ 26,083,100
GROSS APPROPRIATION		\$ 26,083,200
Appropriated from:		
State general fund/general purpose		\$ 26,083,200
Sec. 104. BRANCHWIDE APPROPRIATIONS		
Full-time equated exempted positions	6.0	
Branchwide appropriationsFTEs	6.0	\$ 9,803,700
GROSS APPROPRIATION		\$ 9,803,700
Appropriated from:		
State general fund/general purpose		\$ 9,803,700
Sec. 105. JUSTICES' AND JUDGES' COMPENSATION		
Judges' positions587.0 justices and judges		
Supreme court justices' salaries7.0 justices		\$ 1,270,500
Circuit court judges' state base salaries		
221.0 judges		27,936,700
Circuit court judicial salary standardization		10,105,400
Court of appeals judges' salaries25.0 judges		4,657,800
District court judges' state base salaries		
231.0 judges		29,200,900
		10 500 000
District court judicial salary standardization		10,562,900
District court judicial salary standardization  Probate court judges' state base salaries		10,562,900
		10,562,900

Judges' retirement system defined contribution	S	6,526,500
OASI, Social Security		7,454,000
GROSS APPROPRIATION		\$ 115,298,200
Appropriated from:		
Special revenue funds:		
Court fee fund		1,970,800
State general fund/general purpose		\$ 113,327,40
Sec. 106. JUDICIAL AGENCIES		
Full-time equated exempted positions	12.0	
Judicial tenure commissionFTEs	12.0	\$ 2,417,20
GROSS APPROPRIATION		\$ 2,417,20
Appropriated from:		
State general fund/general purpose		\$ 2,417,20
Sec. 107. INDIGENT DEFENSE - CRIMINAL		
Full-time equated exempted positions	84.0	
Appellate public defender programFTEs	66.0	\$ 10,648,60
Juvenile life resentencingFTEs	18.0	2,529,60
Michigan appellate assigned counsel system		
roster attorney compensation grants		3,208,10
GROSS APPROPRIATION		\$ 16,386,30
Appropriated from:		
IDG from department of state police		250,00
Federal revenues:		
Federal funds		576,20
Special revenue funds:		
		88,40
Interest on lawyers' trust accounts		00,40

Indigent civil legal assistance		\$ 7,937,000
GROSS APPROPRIATION		\$ 7,937,000
Appropriated from:		
Special revenue funds:		
State court fund		7,937,00
State general fund/general purpose		\$ (
Sec. 109. TRIAL COURT OPERATIONS		
Full-time equated exempted positions	26.0	
Court equity fund reimbursements		\$ 60,815,70
Drug case-flow program		250,00
Drunk driving case-flow program		3,300,00
Judicial technology improvement fund		4,815,00
Juror compensation reimbursementFTE	1.0	6,610,00
Statewide e-file systemFTEs	25.0	11,830,00
GROSS APPROPRIATION		\$ 87,620,70
Appropriated from:		
Special revenue funds:		
Court equity fund		50,440,00
Drug case information management fund		250,00
Drunk driving case-flow assistance fund		3,300,00
Judicial electronic filing fund		11,830,00
Judicial technology improvement fund		4,815,00
Juror compensation fund		6,610,00
State general fund/general purpose		\$ 10,375,70
Sec. 110. ONE-TIME APPROPRIATIONS		
Full-time equated exempted positions	2.0	
Judicial institute - administrative bench book		300,00

	Judicial tenure commissionFTEs	2.0	100
	Michigan statewide court data transparency		
	project		2,249,900
	GROSS APPROPRIATION	\$	2,550,000
_	Appropriated from:		
_	Federal revenues:		
_	State general fund/general purpose	\$	2,550,000
	PART 2		
	PROVISIONS CONCERNING APPROPRIATIO	NS	
	FOR FISCAL YEAR 2023-2024		
G	ENERAL SECTIONS		
	Sec. 201. In accordance with section 30 of ar	ticle IX of	the
S	state constitution of 1963, total state spending from state sources		
u	under part 1 for fiscal year 2023-2024 is \$344,557,300.00 and state		
S	pending from state sources to be paid to local un	its of gover	nment
i	s \$150,611,100.00. The itemized statement below i	dentifies	
a	ppropriations from which spending to local units	of governmen	t
W	vill occur:		
_	JUDICIARY		
_	SUPREME COURT		
_	Drug treatment courts	\$	9,003,200
_	Mental health courts and diversion services		5,707,600
_	Next generation Michigan court system		4,116,000
_	State court administrative office		200,000
_	Swift and sure sanctions program		3,350,000

JUSTICES' AND JUDGES' COMPENSATION

Veterans courts

1,061,200

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Statewide e-file system		11,830,000
Juror compensation reimbursement		6,610,000
Judicial technology improvement fund		4,815,000
Drunk driving case-flow program		3,300,000
Drug case-flow program		250,000
Court equity fund reimbursements	\$	60,815,700
TRIAL COURT OPERATIONS		
Probate court judicial salary standardization		4,669,600
Probate court judges' state base salaries		12,913,900
OASI, Social Security		1,300,600
District court judicial salary standardization		10,562,900
Circuit court judicial salary standardization	\$	10,105,400
	District court judicial salary standardization  OASI, Social Security  Probate court judges' state base salaries  Probate court judicial salary standardization  TRIAL COURT OPERATIONS  Court equity fund reimbursements  Drug case-flow program  Drunk driving case-flow program  Judicial technology improvement fund  Juror compensation reimbursement	District court judicial salary standardization  OASI, Social Security  Probate court judges' state base salaries  Probate court judicial salary standardization  TRIAL COURT OPERATIONS  Court equity fund reimbursements \$  Drug case-flow program  Drunk driving case-flow program  Judicial technology improvement fund  Juror compensation reimbursement

Sec. 202. 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.

- Sec. 203. As used in this part and part 1:
- 18 (a) "DOJ" means the United States Department of Justice.
- 19 (b) "DOT" means the United States Department of
- 20 Transportation.

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- 21 (c) "FTE" means full-time equated.
- (d) "HHS" means the United States Department of Health andHuman Services.
- 24 (e) "IDG" means interdepartmental grant.
- (f) "MAACS" means the Michigan assigned appellate counselsystem.
- 27 (g) "OASI" means old age survivor's insurance.
- (h) "SADO" means the state appellate defender office createdunder the appellate defender act, 1978 PA 620, MCL 780.711 to

780.719.

- (i) "SCAO" means the state court administrative office, which is the administrative agency of the Michigan supreme court.
- 4 (j) "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.
  - (k) "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 includes transmission of reports via email to the recipients identified for each reporting requirement and includes 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:

- (a) The funds appropriated in part 1 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

1 comparable quality.

 Sec. 207. Not later than January 1 of each year, SCAO 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 and to the report recipients required in section 217 of this part. 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. 208. 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. 209. 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 1 quideline that establishes privacy or security standards applicable to that financial information. 3

Sec. 210. 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. 211. 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.

16 Sec. 212. (1) In addition to the funds appropriated in part 1, 17 there is appropriated an amount not to exceed \$2,500,000.00 from federal sources. 18

- (2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$6,000,000.00 from state restricted sources.
- 22 (3) In addition to the funds appropriated in part 1, there is 23 appropriated an amount not to exceed \$200,000.00 from local 24 sources.
- 25 (4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 from private 26 27 sources.
- Sec. 213. The judicial branch shall not take disciplinary 28 29 action against an employee for communicating with a member of the

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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. 214. From the funds appropriated in part 1, the state court administrative office may 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. 215. 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 shall be followed. The judicial branch may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 217. Except as otherwise provided in this part, all reports required under this part must be submitted to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget office.

Sec. 218. Funds appropriated within the judicial branch must

not be expended by any component within the judicial branch without the approval of the supreme court.

## JUDICIAL BRANCH

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. 306. 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. 307. 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 is appropriated from the state general fund for judges' compensation. If an appropriation is made under this section, the state court administrative office shall issue a report within 14 days of the appropriation to the senate and house standing committees on appropriations and to the report recipients required in section 205 of this part.

Sec. 308. By April 1, SCAO 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.

Sec. 310. (1) The funds appropriated in part 1 for drug treatment courts must be administered by SCAO 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. (1) From the funds appropriated in part 1 for the swift and sure sanctions program, SCAO 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 \$150,000.00 is available to SCAO 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.
- (2) By April 1, SCAO, in cooperation with the department of corrections, shall provide a report on the swift and sure sanctions program that 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.
  - Sec. 313. 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. SCAO 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 for the preceding fiscal year.
  - Sec. 314. (1) If Byrne formula grant funding is awarded to the state appellate defender office 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.
  - (2) If the state appellate defender office receives federal grant funding from the United States Department of Justice in excess of the amount appropriated in part 1, the state appellate defender office may receive and expend grant funds in an amount not

1 to exceed \$300,000.00.

shall ensure this state's compliance with *Montgomery v Louisiana*, 577 US 190 (2016), *People v Parks*, \_\_Mich\_\_ (2022), and *People v Stovall*, \_\_Mich\_\_ (2022). The purpose of the program is to ensure competent, resourced, and supervised counsel in cases involving the resentencing of individuals serving a life sentence for an offense committed when they were 18 years of age or younger. The representation by SADO will create opportunities for release and successful return to the community, saving prison costs for the state.

(2) SADO shall submit a report by December 31 on the number of cases investigated and prepared by SADO under this section. The report must include a calculation of the hours spent and the incremental costs associated with investigating and conducting a robust examination of each case, with a particular emphasis on those costs that may have been avoided after the cases have reached a disposition.

Sec. 317. From the funds appropriated in part 1 for MAACS roster attorney compensation grants, MAACS shall administer and provide grants to counties to provide reimbursement of approximately 1/2 of the compensation provided to public defenders appointed as appellate defense counsel under the appellate defender act, 1978 PA 620, MCL 780.711 to 780.719. Counties are eligible for grants under this section if the compensation paid to appointed appellate defense counsel is consistent with the rates established under the Michigan indigent defense commission act, 2013 PA 93, MCL 780.981 to 780.1003, under payment policies established by MAACS.

## ONE-TIME APPROPRIATIONS

Sec. 401. The unexpended appropriations in part 1 for Michigan statewide court data transparency project are designated as a work project appropriation. Any unencumbered or unallotted funds must not lapse at the end of the fiscal year and must be available for expenditure for the project under this section until the project has been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to collect and analyze court data, publish court data in a publicly accessible data portal, and develop data-driven criminal justice policies and goals.
- 12 (b) The project will be accomplished utilizing state employees
  13 and contracts.
- 14 (c) The total estimated completion cost of the project is \$2,249,900.00.
- 16 (d) The estimated completion date for the work project is17 September 30, 2028.

Sec. 402. The unexpended appropriations in part 1 for judicial institute are designated as a work project appropriation. Any unencumbered or unallotted funds must not lapse at the end of the fiscal year and must be available for expenditure for the project under this section until the project has been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to develop and maintain a court administration bench book.
- (b) The project will be accomplished utilizing state employeesand contracts.
  - (c) The total estimated completion cost of the project is

- **1** \$300,000.00.
- 2 (d) The estimated completion date for the work project is
- **3** September 30, 2026.