

SUBSTITUTE FOR
SENATE BILL NO. 792

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2017; 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, 2017, from the following funds:

JUDICIARY

APPROPRIATION SUMMARY

Full-time equated exempted positions..... 510.0

GROSS APPROPRIATION..... \$ 297,411,400

Interdepartmental grant revenues:

1	IDG from department of state police.....	1,500,000
2	IDG from department of corrections.....	50,000
3	Total interdepartmental grants and intradepartmental	
4	transfers	1,550,000
5	ADJUSTED GROSS APPROPRIATION.....	\$ 295,861,400
6	Federal revenues:	
7	DOJ, drug court training and evaluation.....	300,000
8	DOT, National Highway Traffic Safety Administration..	2,210,700
9	HHS, access and visitation grant.....	621,200
10	HHS, children's justice grant.....	233,000
11	HHS, court improvement project.....	1,309,700
12	HHS, title IV-D child support program.....	1,024,700
13	HHS, title IV-E foster care program.....	392,500
14	Other federal grant revenues.....	341,700
15	Total federal revenues.....	6,433,500
16	Special revenue funds:	
17	Local - user fees.....	7,349,300
18	Total local revenues.....	7,349,300
19	Private.....	190,800
20	Private - interest on lawyers trust accounts.....	346,800
21	Private - state justice institute.....	420,200
22	Total private revenues.....	957,800
23	Total local and private revenues.....	8,307,100
24	Community dispute resolution fund.....	2,377,200
25	Court equity fund.....	50,440,000
26	Court fee fund.....	2,988,100
27	Court of appeals filing/motion fees.....	1,641,800

1	Drug court fund.....	1,920,500
2	Drug fund.....	250,000
3	Drunk driving fund.....	3,300,000
4	Judicial technology improvement fund.....	4,815,000
5	Juror compensation fund.....	6,600,000
6	Electronic filing fee fund.....	8,500,000
7	Justice system fund.....	575,200
8	Law exam fees.....	649,700
9	Miscellaneous revenue.....	408,700
10	State court fund.....	8,319,800
11	Total other state restricted revenues.....	92,786,000
12	State general fund/general purpose.....	\$ 188,334,800
13	Sec. 102. SUPREME COURT	
14	Full-time equated exempted positions.....	246.0
15	Supreme court administration--92.0 FTE positions.....	\$ 13,629,100
16	Judicial institute--13.0 FTE positions.....	1,778,000
17	State court administrative office--61.0 FTE positions	12,211,100
18	Judicial information systems--22.0 FTE positions.....	3,427,500
19	Direct trial court automation support--44.0 FTE	
20	positions	7,349,300
21	Foster care review board--10.0 FTE positions.....	1,305,700
22	Community dispute resolution--3.0 FTE positions.....	2,377,200
23	Other federal grants.....	275,100
24	Drug treatment courts.....	10,958,000
25	Mental health courts and diversion services--1.0 FTE	
26	position	5,337,700
27	Veterans courts.....	500,000

1	Swift and sure sanctions program.....	5,050,000
2	Next generation Michigan court system.....	<u>4,116,000</u>
3	GROSS APPROPRIATION.....	\$ 68,314,700
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG from department of state police.....	1,500,000
7	IDG from department of corrections.....	50,000
8	Federal revenues:	
9	DOJ, drug court training and evaluation.....	300,000
10	DOT, National Highway Traffic Safety Administration..	2,210,700
11	HHS, access and visitation grant.....	621,200
12	HHS, children's justice grant.....	233,000
13	HHS, court improvement project.....	1,309,700
14	HHS, title IV-D child support program.....	1,024,700
15	HHS, title IV-E foster care program.....	392,500
16	Other federal grant revenues.....	275,100
17	Special revenue funds:	
18	Local - user fees.....	7,349,300
19	Private.....	190,800
20	Private - interest on lawyers trust accounts.....	262,600
21	Private - state justice institute.....	420,200
22	Community dispute resolution fund.....	2,377,200
23	Court of appeals filing/motion fees.....	1,641,800
24	Law exam fees.....	649,700
25	Drug court fund.....	1,920,500
26	Miscellaneous revenue.....	273,300
27	Justice system fund.....	575,200

1	State court fund.....	382,800
2	State general fund/general purpose.....	\$ 44,354,400
3	Sec. 103. COURT OF APPEALS	
4	Full-time equated exempted positions.....	175.0
5	Court of appeals operations--175.0 FTE positions.....	\$ <u>23,102,700</u>
6	GROSS APPROPRIATION.....	\$ 23,102,700
7	Appropriated from:	
8	State general fund/general purpose.....	\$ 23,102,700
9	Sec. 104. BRANCHWIDE APPROPRIATIONS	
10	Full-time equated exempted positions.....	4.0
11	Branchwide appropriations--4.0 FTE positions.....	\$ <u>8,745,300</u>
12	GROSS APPROPRIATION.....	\$ 8,745,300
13	Appropriated from:	
14	State general fund/general purpose.....	\$ 8,745,300
15	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
16	Full-time judges positions	592.0
17	Supreme court justices' salaries--7.0 justices.....	\$ 1,152,300
18	Court of appeals judges' salaries--26.0 judges.....	3,974,300
19	District court judges' state base salaries--241.0	
20	judges	22,281,000
21	District court judicial salary standardization.....	11,008,100
22	Probate court judges' state base salaries--103.0	
23	judges	9,627,900
24	Probate court judicial salary standardization.....	4,669,600
25	Circuit court judges' state base salaries--215.0	
26	judges	20,181,600
27	Circuit court judicial salary standardization.....	9,796,400

1	Judges' retirement system defined contributions	4,480,900
2	OASI, social security	<u>5,721,200</u>
3	GROSS APPROPRIATION	\$ 92,893,300
4	Appropriated from:	
5	Special revenue funds:	
6	Court fee fund	2,988,100
7	State general fund/general purpose	\$ 89,905,200
8	Sec. 106. JUDICIAL AGENCIES	
9	Full-time equated exempted positions	7.0
10	Judicial tenure commission--7.0 FTE positions	\$ <u>1,137,600</u>
11	GROSS APPROPRIATION	\$ 1,137,600
12	Appropriated from:	
13	State general fund/general purpose	\$ 1,137,600
14	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
15	Full-time equated exempted positions	67.0
16	Appellate public defender program--51.0 FTE positions	\$ 7,704,500
17	Michigan indigent defense commission--16.0 FTE	
18	positions	<u>1,845,600</u>
19	GROSS APPROPRIATION	\$ 9,550,100
20	Appropriated from:	
21	Federal revenues:	
22	Other federal grant revenues	66,600
23	Special revenue funds:	
24	Private - interest on lawyers trust accounts	84,200
25	Miscellaneous revenue	135,400
26	State general fund/general purpose	\$ 9,263,900
27	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	

1	Indigent civil legal assistance.....	\$	<u>7,937,000</u>
2	GROSS APPROPRIATION.....	\$	7,937,000
3	Appropriated from:		
4	Special revenue funds:		
5	State court fund.....		7,937,000
6	State general fund/general purpose.....	\$	0
7	Sec. 109. TRIAL COURT OPERATIONS		
8	Court equity fund reimbursements.....	\$	60,815,700
9	Judicial technology improvement fund.....		4,815,000
10	Drug case-flow program.....		250,000
11	Drunk driving case-flow program.....		3,300,000
12	Juror compensation reimbursement.....		6,600,000
13	Statewide e-file system.....		<u>8,500,000</u>
14	GROSS APPROPRIATION.....	\$	84,280,700
15	Appropriated from:		
16	Special revenue funds:		
17	Court equity fund.....		50,440,000
18	Judicial technology improvement fund.....		4,815,000
19	Drug fund.....		250,000
20	Drunk driving fund.....		3,300,000
21	Juror compensation fund.....		6,600,000
22	Electronic filing fee fund.....		8,500,000
23	State general fund/general purpose.....	\$	10,375,700
24	Sec. 110. ONE-TIME BASIS ONLY APPROPRIATIONS		
25	Full-time equated exempted positions.....		11.0
26	Medication assisted treatment pilot program.....	\$	500,000
27	Compliance with <u>Montgomery</u> v <u>Louisiana</u>		

1	decision--11.0 FTE positions	700,000
2	Expansion of problem solving courts.....	<u>250,000</u>
3	GROSS APPROPRIATION.....	\$ 1,450,000
4	Appropriated from:	
5	State general fund/general purpose.....	\$ 1,450,000

6 PART 2

7 PROVISIONS CONCERNING APPROPRIATIONS

8 FOR FISCAL YEAR 2016-2017

9 **GENERAL SECTIONS**

10 Sec. 201. Pursuant to section 30 of article IX of the state

11 constitution of 1963, total state spending from state resources

12 under part 1 for fiscal year 2016-2017 is \$281,120,800.00 and state

13 spending from state resources to be paid to local units of

14 government for fiscal year 2016-2017 is \$138,768,300.00. The

15 itemized statement below identifies appropriations from which

16 spending to local units of government will occur:

17 JUDICIARY

18 SUPREME COURT

19	State court administrative office.....	\$ 711,900
20	Drug treatment courts.....	11,158,000
21	Mental health courts and diversion services.....	5,222,800
22	Veterans courts.....	750,000
23	Swift and sure sanctions program.....	4,950,000
24	Next generation Michigan court system.....	4,116,000

25 TRIAL COURT OPERATIONS

1	Court equity fund reimbursements.....	\$	60,815,700
2	Judicial technology improvement fund.....		4,815,000
3	Drunk driving case-flow program.....		3,300,000
4	Drug case-flow program.....		250,000
5	Juror compensation reimbursement.....		6,600,000
6	JUSTICES' AND JUDGES' COMPENSATION		
7	District court judicial salary standardization.....	\$	11,008,100
8	Probate court judges' state base salaries.....		9,627,900
9	Probate court judicial salary standardization.....		4,669,600
10	Circuit court judicial salary standardization.....		9,796,400
11	Grant to OASI contribution fund, employers share,		
12	social security		<u>976,900</u>
13	TOTAL.....	\$	138,768,300

14 Sec. 202. (1) The appropriations authorized under this part
15 and part 1 are subject to the management and budget act, 1984 PA
16 431, MCL 18.1101 to 18.1594.

17 (2) Funds appropriated in part 1 to an entity within the
18 judicial branch shall not be expended or transferred to another
19 account without written approval of the authorized agent of the
20 judicial entity. If the authorized agent of the judicial entity
21 notifies the state budget director of its approval of an
22 expenditure or transfer, the state budget director shall
23 immediately make the expenditure or transfer. The authorized
24 judicial entity agent shall be designated by the chief justice of
25 the supreme court.

26 Sec. 203. As used in this part and part 1:

27 (a) "DOJ" means the United States Department of Justice.

1 (b) "DOT" means the United States Department of
2 Transportation.

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

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

6 (e) "IDG" means interdepartmental grant.

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

8 (g) "SADO" means the state appellate defender office created
9 under the appellate defender act, 1978 PA 620, MCL 780.711 to
10 780.719.

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

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

16 Sec. 204. The judicial branch shall not take disciplinary
17 action against an employee for communicating with a member of the
18 legislature or his or her staff.

19 Sec. 205. It is the intent of the legislature that judges who
20 are presiding over a hearing on a foster care case shall publicly
21 acknowledge and request the input of the foster parent or foster
22 parents during the hearing.

23 Sec. 207. If the judicial branch makes any changes to a foster
24 care family service plan before its finalization, it is the intent
25 of the legislature that the presiding judge provide an explanation
26 for any changes to that plan in the court record.

27 Sec. 208. The reporting requirements of this part shall be

1 completed with the approval of, and at the direction of, the
2 supreme court, except as otherwise provided in this part. The
3 judicial branch shall use the Internet to fulfill the reporting
4 requirements of this part. This may include transmission of reports
5 via electronic mail to the recipients identified for each reporting
6 requirement, or it may include placement of reports on an Internet
7 or Intranet site.

8 Sec. 209. (1) If funds become available in part 1 for juvenile
9 justice vision 20/20, the state court administrative office shall
10 implement the information technology services and projects
11 described in subsection (2).

12 (2) The state court administrative office shall use the funds
13 described in subsection (1) to implement a data exchange for use by
14 circuit and probate courts, private juvenile justice agencies, and
15 the state court administrative office under the guidance of
16 appropriate data sharing agreements that tracks statistical and
17 demographic data on juveniles referred to the family division of
18 the circuit court, otherwise known as the juvenile courts, after
19 successful implementation and evaluation of the existing pilot
20 database in Ottawa, Kalamazoo, Kent, Ionia, and Berrien Counties.

21 (3) It is the intent of the legislature that the purpose of
22 the project is to implement a new juvenile justice data sharing
23 model that will track data on juveniles referred to the courts. The
24 project will be accomplished by local court staff, state employees,
25 contracts with private vendors, and juvenile justice stakeholders.
26 The total estimated cost of the project is \$5,550,000.00. The
27 tentative completion date is September 30, 2019. The data exchange

1 shall be compatible with the Michigan statewide automated child
2 welfare information system.

3 (4) If funding becomes available for the project, the state
4 court administrative office shall submit a report by March 1 to the
5 senate and house appropriations subcommittees on judiciary, the
6 senate and house fiscal agencies, the senate and house policy
7 offices, and the state budget office on the status of the
8 implementation items described in subsections (1) and (2) should
9 funding become available.

10 Sec. 211. From the funds appropriated in part 1, the state
11 court administrative office shall evaluate programs within the
12 department of health and human services and the department of
13 talent and economic development to establish programmatic
14 connections with the participants in the swift and sure sanctions
15 program. The purpose of this relationship is to leverage
16 collaborations and to determine avenues of success for offenders
17 who are eligible for state-provided programs. By March 1, the state
18 court administrative office shall deliver guidance to courts
19 participating in the swift and sure sanctions program under the
20 probation swift and sure sanctions act, chapter XIA of the code of
21 criminal procedure, 1927 PA 175, MCL 771A.1 to 771A.8, detailing
22 the evaluations and to direct participants into available
23 programming.

24 Sec. 212. The judicial branch shall receive and retain copies
25 of all reports funded from appropriations in part 1. Federal and
26 state guidelines for short-term and long-term retention of records
27 shall be followed. The judicial branch may electronically retain

1 copies of reports unless otherwise required by federal and state
2 guidelines.

3 Sec. 214. Funds appropriated in part 1 shall not be used for
4 the purchase of foreign goods or services, or both, if
5 competitively priced and of comparable quality American goods or
6 services, or both, are available. Preference shall be given to
7 goods or services, or both, manufactured or provided by Michigan
8 businesses, if they are competitively priced and of comparable
9 quality. In addition, preference shall be given to goods or
10 services, or both, that are manufactured or provided by Michigan
11 businesses owned and operated by veterans, if they are
12 competitively priced and of comparable quality.

13 Sec. 215. Not later than January 1 of each year, the state
14 court administrative office shall prepare a report on out-of-state
15 travel listing all travel by judicial branch employees outside this
16 state in the immediately preceding fiscal year that was funded in
17 whole or in part with funds appropriated in the budget for the
18 judicial branch. The report shall be submitted to the senate and
19 house appropriations committees, the senate and house fiscal
20 agencies, and the state budget director. The report shall include
21 the following information:

22 (a) The dates of each travel occurrence.

23 (b) The transportation and related costs of each travel
24 occurrence, including the proportion funded with state general
25 fund/general purpose revenues, the proportion funded with state
26 restricted revenues, the proportion funded with federal revenues,
27 and the proportion funded with other revenues.

1 Sec. 219. Not later than November 30, the state budget office
2 shall prepare and transmit a report that provides for estimates of
3 the total general fund/general purpose appropriation lapses at the
4 close of the prior fiscal year. This report shall summarize the
5 projected year-end general fund/general purpose appropriation
6 lapses by major program or program areas. The report shall be
7 transmitted to the chairpersons of the senate and house
8 appropriations committees and the senate and house fiscal agencies.

9 Sec. 221. The department shall cooperate with the department
10 of technology, management, and budget to maintain a searchable
11 website accessible by the public at no cost that includes, but is
12 not limited to, all of the following for each department or agency:

13 (a) Fiscal year-to-date expenditures by category.

14 (b) Fiscal year-to-date expenditures by appropriation unit.

15 (c) Fiscal year-to-date payments to a selected vendor,
16 including the vendor name, payment date, payment amount, and
17 payment description.

18 (d) The number of active department employees by job
19 classification.

20 (e) Job specifications and wage rates.

21 Sec. 222. Within 14 days after the release of the executive
22 budget recommendation, the judicial branch shall cooperate with the
23 state budget office to provide the senate and house appropriations
24 chairs, the senate and house appropriations subcommittees chairs,
25 and the senate and house fiscal agencies with an annual report on
26 estimated state restricted fund balances, state restricted fund
27 projected revenues, and state restricted fund expenditures for the

1 fiscal years ending September 30, 2016 and September 30, 2017.

2 Sec. 223. The judiciary shall maintain, on a publicly
3 accessible website, a scorecard that identifies, tracks, and
4 regularly updates key metrics that are used to monitor and improve
5 the judiciary's performance.

6 Sec. 224. Total authorized appropriations from all sources
7 under part 1 for legacy costs for the fiscal year ending September
8 30, 2017 are \$14,104,600.00. From this amount, total judiciary
9 appropriations for pension-related legacy costs are estimated at
10 \$7,820,600.00. Total appropriations for judiciary retiree health
11 care legacy costs are estimated at \$6,284,000.00.

12 Sec. 225. In addition to the metrics required under section
13 447 of the management and budget act, 1984 PA 431, MCL 18.1447, for
14 each new program or program enhancement for which funds in excess
15 of \$500,000.00 are appropriated in part 1, the judiciary shall
16 provide not later than November 1 a list of program-specific
17 metrics intended to measure its performance based on a return on
18 taxpayer investment. The judiciary shall deliver the program-
19 specific metrics to members of the senate and house subcommittees
20 that have subject matter jurisdiction for this budget, to the
21 senate and house fiscal agencies, and to the state budget director.
22 The judiciary shall provide an update on its progress in tracking
23 program-specific metrics and the status of program success at an
24 appropriations subcommittee meeting called for by the subcommittee
25 chair.

26 **JUDICIAL BRANCH**

1 Sec. 301. From the funds appropriated in part 1, the direct
2 trial court automation support program of the state court
3 administrative office shall recover direct and overhead costs from
4 trial courts by charging for services rendered. The fee shall cover
5 the actual costs incurred to the direct trial court automation
6 support program in providing the service, including development of
7 future versions of case management systems.

8 Sec. 302. Funds appropriated within the judicial branch shall
9 not be expended by any component within the judicial branch without
10 the approval of the supreme court.

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

15 Sec. 306. By February 1, the state court administrative office
16 shall produce a statistical report, categorized by county,
17 regarding both the collected and uncollected amounts of restitution
18 payments, court fees, and any other applicable judgment placed upon
19 any person within the county reported for the year 2015.

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

23 Sec. 308. If sufficient funds are not available from the court
24 fee fund to pay judges' compensation, the difference between the
25 appropriated amount from that fund for judges' compensation and the
26 actual amount available after the amount appropriated for trial
27 court reimbursement is made shall be appropriated from the state

1 general fund for judges' compensation. If an appropriation is made
2 under this section, the state court administrative office shall
3 notify, within 14 days of the appropriation, the senate and house
4 standing committees on appropriations, the senate and house
5 subcommittees on judiciary, the senate and house fiscal agencies,
6 and the state budget office.

7 Sec. 309. By April 1, the state court administrative office
8 shall provide a report on drug treatment, mental health, and
9 veterans court programs in this state. The report shall include
10 information on the number of each type of program that has been
11 established, the number of program participants in each
12 jurisdiction, and the impact of the programs on offender criminal
13 involvement and recidivism. The report shall be submitted to the
14 senate and house appropriations subcommittees on judiciary, the
15 senate and house fiscal agencies, and the state budget director.

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

1 used in connection with other federal, state, and local funding
2 sources.

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

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

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

15 Sec. 312. From the funds appropriated in part 1, the state
16 court administrator shall produce a statistical report regarding
17 the implementation of the parental rights restoration act, 1990 PA
18 211, MCL 722.901 to 722.908, as it pertains to minors seeking a
19 court-issued waiver of parental consent. The state court
20 administrative office shall report the total number of petitions
21 filed and the total number of petitions granted under that act.

22 Sec. 317. Funds appropriated in part 1 shall not be used for
23 the permanent assignment of state-owned vehicles to justices or
24 judges or any other judicial branch employee. This section does not
25 preclude the use of state-owned motor pool vehicles for state
26 business in accordance with approved guidelines.

27 Sec. 320. (1) From the funds appropriated in part 1 for the

1 swift and sure sanctions program, created under section 3 of
2 chapter XIA of the code of criminal procedure, 1927 PA 175, MCL
3 771A.3, the state court administrative office shall administer a
4 program to distribute grants to qualifying courts in accordance
5 with the objectives and requirements of the probation swift and
6 sure sanctions act, chapter XIA of the code of criminal procedure,
7 1927 PA 175, MCL 771A.1 to 771A.8. Of the \$5,050,000.00 designated
8 for the program, not more than \$100,000.00 shall be available to
9 the state court administrative office to pay for employee costs
10 associated with the administration of the program funds. For any
11 county with more than 325 individuals sentenced to prison in the
12 previous calendar year, the supreme court may appoint not more than
13 1 judge per county and not more than a total of 5 judges to oversee
14 specialty courts for participants in the swift and sure sanctions
15 program. If a judge is appointed under this section, the county may
16 apply for reimbursement of not more than \$160,000.00 for the costs
17 of either that judge or support staff to that judge. Of the funds
18 designated for the program, \$800,000.00 is reserved for these
19 reimbursements. Subject to annual appropriation, if a county that
20 is approved for reimbursement has fewer than 325 individuals
21 sentenced to prison in a future year, the county will continue to
22 receive reimbursements. Courts interested in participating in the
23 swift and sure sanctions program may apply to the state court
24 administrative office for a portion of the funds appropriated in
25 part 1 under this section.

26 (2) By April 1, the state court administrative office shall
27 provide a report on the courts that receive funding under the swift

1 and sure sanctions program described in subsection (1) to the
2 senate and house appropriations subcommittees on judiciary, the
3 senate and house fiscal agencies, and the state budget director.

4 The report shall include all of the following:

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

6 (b) The criminal history of offenders who participate in the
7 program.

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

10 (d) A detailed description of the establishment and parameters
11 of the program.

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

14 Sec. 321. It is the intent of the legislature that the
15 judicial branch support a statewide legal self-help Internet
16 website and local nonprofit self-help centers that use the
17 statewide website to provide assistance to individuals representing
18 themselves in civil legal proceedings. The state court
19 administrative office shall summarize the costs of maintaining the
20 website, provide statistics on the number of people visiting the
21 website, and provide information on content usage, form completion,
22 and user feedback. By March 1, the state court administrative
23 office shall report this information for the preceding fiscal year
24 to the senate and house appropriations subcommittees on judiciary,
25 the senate and house fiscal agencies, and the state budget
26 director.

27 Sec. 322. If Byrne formula grant funding is awarded to the

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

11 Sec. 322a. If Byrne formula grant funding is awarded to the
12 Michigan indigent defense commission, the Michigan indigent defense
13 commission may receive and expend Byrne formula grant funds in an
14 amount not to exceed \$250,000.00 as an interdepartmental grant from
15 the department of state police. The Michigan indigent defense
16 commission, created under section 5 of the Michigan indigent
17 defense commission act, 2013 PA 93, MCL 780.985, may receive and
18 expend federal grant funding from the United States Department of
19 Justice in an amount not to exceed \$300,000.00 as other federal
20 grants.

21 Sec. 323. The state court administrative office shall provide
22 courts with a quarterly listing of out-of-state placements of
23 juveniles by each court. The state court administrative office
24 shall also provide each judge who hears juvenile matters with the
25 annual listing of per diem costs of the public and private
26 residential care facilities located or doing business in this
27 state, and the recidivism data for each facility, if available, as

1 provided by the department of health and human services. The courts
2 shall acknowledge receipt of this information.

3 Sec. 324. (1) From the increased funds appropriated in part 1
4 for the Michigan indigent defense commission, the commission shall
5 increase the total number of staff and begin bringing the Michigan
6 criminal defense system into compliance with the right to counsel
7 requirements of amendment VI of the constitution of the United
8 States and section 20 of article I of the state constitution of
9 1963. The purpose of this program expansion is to implement minimum
10 standards, rules, and procedures to guarantee the right of indigent
11 defendants to the assistance of proficient counsel, collect
12 comprehensive data from all indigent defense systems and attorneys
13 providing indigent defense, and monitor and audit county compliance
14 plans.

15 (2) The commission shall identify specific outcomes and
16 performance measures for this initiative based on the minimum
17 standards approved by the supreme court, including, but not limited
18 to, the following:

19 (a) Monitoring the success of approved minimum standards,
20 including increased training and education of trial-level defense
21 attorneys, prompt meetings between attorneys and clients, increased
22 access to and use of experts and investigators, and increased use
23 of counsel at first appearance.

24 (b) The commission shall collect data on the standards
25 approved by the supreme court and shall work to identify metrics
26 associated with the improved standards.

27 (c) Monitoring the number of first-time offenders sentenced to

1 serve prison time within the department of corrections to determine
2 if there is a measurable decline as a result of the standards
3 approved by the supreme court, including training and education
4 requirements, required meetings between client and counsel,
5 increased use of experts and investigators, and the provision of
6 attorneys at first appearance.

7 **ONE-TIME APPROPRIATIONS**

8 Sec. 401. (1) The state appellate defender office attorneys
9 and support staff shall increase by 11 FTE positions to ensure
10 Michigan compliance with Montgomery v Louisiana, 577 US ____
11 (2016). The purpose of the program expansion is to ensure
12 competent, resourced, and supervised counsel in cases involving the
13 resentencing of juvenile lifers. The representation by SADO counsel
14 will create opportunities for release, saving prison costs for the
15 state.

16 PART 2A

17 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS

18 FOR FISCAL YEAR 2017-2018

19 **GENERAL SECTIONS**

20 Sec. 1201. It is the intent of the legislature to provide
21 appropriations for the fiscal year ending on September 30, 2018 for
22 the line items listed in part 1. The fiscal year 2017-2018
23 appropriations are anticipated to be the same as those for fiscal
24 year 2016-2017, except that the line items will be adjusted for

1 changes in caseload and related costs, federal fund match rates,
2 economic factors, and available revenue. These adjustments will be
3 determined after the January 2017 consensus revenue estimating
4 conference.