

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 792, entitled

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.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

(attached)

Third: That the Senate and House agree to the title of the bill to read as follows:

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.

John Proos

Earl Poleski

Tonya Schuitmaker

Laura Cox

Coleman Young II

Jon Hoadley

Conferees for the Senate

Conferees for the House

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:

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 Sec. 101. There is appropriated for the judiciary for the
4 fiscal year ending September 30, 2017, from the following funds:

5 JUDICIARY

6 APPROPRIATION SUMMARY

7	Full-time equated exempted positions.....	510.0	
8	GROSS APPROPRIATION.....	\$	298,234,000
9	Interdepartmental grant revenues:		
10	IDG from department of state police.....		1,500,000

1	IDG from department of corrections.....	50,000
2	Total interdepartmental grants and intradepartmental	
3	transfers	1,550,000
4	ADJUSTED GROSS APPROPRIATION.....	\$ 296,684,000
5	Federal revenues:	
6	DOJ, drug court training and evaluation.....	300,000
7	DOT, National Highway Traffic Safety Administration..	2,210,700
8	HHS, access and visitation grant.....	621,200
9	HHS, children's justice grant.....	233,000
10	HHS, court improvement project.....	1,309,700
11	HHS, title IV-D child support program.....	1,024,700
12	HHS, title IV-E foster care program.....	392,500
13	Other federal grant revenues.....	341,700
14	Total federal revenues.....	6,433,500
15	Special revenue funds:	
16	Local - user fees.....	7,349,300
17	Total local revenues.....	7,349,300
18	Private.....	190,800
19	Private - interest on lawyers trust accounts.....	346,800
20	Private - state justice institute.....	420,200
21	Total private revenues.....	957,800
22	Total local and private revenues.....	8,307,100
23	Community dispute resolution fund.....	2,377,200
24	Court equity fund.....	50,440,000
25	Court fee fund.....	2,988,100
26	Court of appeals filing/motion fees.....	1,641,800
27	Drug court fund.....	1,920,500

1	Drug fund.....	250,000
2	Drunk driving fund.....	3,300,000
3	Judicial technology improvement fund.....	4,815,000
4	Juror compensation fund.....	6,600,000
5	Electronic filing fee fund.....	8,500,000
6	Justice system fund.....	575,200
7	Law exam fees.....	649,700
8	Miscellaneous revenue.....	408,700
9	State court fund.....	8,319,800
10	Total other state restricted revenues.....	92,786,000
11	State general fund/general purpose.....	\$ 189,157,400
12	Sec. 102. SUPREME COURT	
13	Full-time equated exempted positions.....	246.0
14	Supreme court administration--92.0 FTE positions.....	\$ 13,606,300
15	Judicial institute--13.0 FTE positions.....	1,800,800
16	State court administrative office--61.0 FTE positions	12,211,100
17	Judicial information systems--22.0 FTE positions.....	3,427,500
18	Direct trial court automation support--44.0 FTE	
19	positions	7,349,300
20	Foster care review board--10.0 FTE positions.....	1,305,700
21	Community dispute resolution--3.0 FTE positions.....	2,377,200
22	Other federal grants.....	275,100
23	Drug treatment courts.....	11,083,000
24	Mental health courts and diversion service--1.0 FTE	
25	position	5,462,700
26	Veterans courts.....	500,000
27	Swift and sure sanctions program.....	4,000,000

1	Next generation Michigan court system.....	<u>4,116,000</u>
2	GROSS APPROPRIATION.....	\$ 67,514,700
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG from department of state police.....	1,500,000
6	IDG from department of corrections.....	50,000
7	Federal revenues:	
8	DOJ, drug court training and evaluation.....	300,000
9	DOT, National Highway Traffic Safety Administration..	2,210,700
10	HHS, access and visitation grant.....	621,200
11	HHS, children's justice grant.....	233,000
12	HHS, court improvement project.....	1,309,700
13	HHS, title IV-D child support program.....	1,024,700
14	HHS, title IV-E foster care program.....	392,500
15	Other federal grant revenues.....	275,100
16	Special revenue funds:	
17	Local - user fees.....	7,349,300
18	Private.....	190,800
19	Private - interest on lawyers trust accounts.....	262,600
20	Private - state justice institute.....	420,200
21	Community dispute resolution fund.....	2,377,200
22	Court of appeals filing/motion fees.....	1,641,800
23	Law exam fees.....	649,700
24	Drug court fund.....	1,920,500
25	Miscellaneous revenue.....	273,300
26	Justice system fund.....	575,200
27	State court fund.....	382,800

1	State general fund/general purpose	\$	43,554,400
2	Sec. 103. COURT OF APPEALS		
3	Full-time equated exempted positions		175.0
4	Court of appeals operations--175.0 FTE positions	\$	<u>23,102,700</u>
5	GROSS APPROPRIATION	\$	23,102,700
6	Appropriated from:		
7	Special revenue funds:		
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		4,014,100
19	District court judges' state base salaries--241.0		
20	judges		22,613,900
21	District court judicial salary standardization		11,008,100
22	Probate court judges' state base salaries--103.0		
23	judges		9,770,600
24	Probate court judicial salary standardization		4,669,600
25	Circuit court judges' state base salaries--215.0		
26	judges		20,481,400
27	Circuit court judicial salary standardization		9,796,400

1	Judges' retirement system defined contributions	4,526,500
2	OASI, social security	<u>5,733,000</u>
3	GROSS APPROPRIATION	\$ 93,765,900
4	Appropriated from:	
5	Special revenue funds:	
6	Court fee fund	2,988,100
7	State general fund/general purpose	\$ 90,777,800
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>2,345,600</u>
19	GROSS APPROPRIATION	\$ 10,050,100
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	\$ 9,763,900
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.....	\$	750,000
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.....	\$ 1,700,000
4	Appropriated from:	
5	State general fund/general purpose.....	\$ 1,700,000

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 \$281,943,400.00 and state

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

14 government for fiscal year 2016-2017 is \$137,778,000.00. 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.....	11,083,000
21	Mental health courts and diversion services.....	5,462,700
22	Veterans courts.....	500,000
23	Swift and sure sanctions program.....	3,900,000
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.....		9,770,600
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>979,000</u>
13	TOTAL.....	\$	137,778,000

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

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

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

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

20 (a) The dates of each travel occurrence.

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

26 Sec. 219. Not later than November 30, the state budget office
27 shall prepare and transmit a report that provides for estimates of

1 the total general fund/general purpose appropriation lapses at the
2 close of the prior fiscal year. This report shall summarize the
3 projected year-end general fund/general purpose appropriation
4 lapses by major program or program areas. The report shall be
5 transmitted to the chairpersons of the senate and house
6 appropriations committees and the senate and house fiscal agencies.

7 Sec. 221. From the funds appropriated in part 1, the judicial
8 branch shall maintain a searchable website accessible by the public
9 at no cost that includes all expenditures made by the judicial
10 branch within a fiscal year. The posting shall include the purpose
11 for which each expenditure is made. The judicial branch shall not
12 provide financial information on its website under this section if
13 doing so would violate a federal or state law, rule, regulation, or
14 guideline that establishes privacy or security standards applicable
15 to that financial information.

16 Sec. 222. Within 14 days after the release of the executive
17 budget recommendation, the judicial branch shall cooperate with the
18 state budget office to provide the senate and house appropriations
19 chairs, the senate and house appropriations subcommittees chairs,
20 and the senate and house fiscal agencies with an annual report on
21 estimated state restricted fund balances, state restricted fund
22 projected revenues, and state restricted fund expenditures for the
23 fiscal years ending September 30, 2016 and September 30, 2017.

24 Sec. 223. The judiciary shall maintain, on a publicly
25 accessible website, a scorecard that identifies, tracks, and
26 regularly updates key metrics that are used to monitor and improve
27 the judiciary's performance.

1 Sec. 224. Total authorized appropriations from all sources
2 under part 1 for legacy costs for the fiscal year ending September
3 30, 2017 are \$14,104,600.00. From this amount, total judiciary
4 appropriations for pension-related legacy costs are estimated at
5 \$7,820,600.00. Total appropriations for judiciary retiree health
6 care legacy costs are estimated at \$6,284,000.00.

7 Sec. 225. In addition to the metrics required under section
8 447 of the management and budget act, 1984 PA 431, MCL 18.1447, for
9 each new program or program enhancement for which funds in excess
10 of \$500,000.00 are appropriated in part 1, the judiciary shall
11 provide not later than November 1 a list of program-specific
12 metrics intended to measure its performance based on a return on
13 taxpayer investment. The judiciary shall deliver the program-
14 specific metrics to members of the senate and house appropriations
15 subcommittees on judiciary, to the senate and house fiscal
16 agencies, and to the state budget director. The judiciary shall
17 provide an update on its progress in tracking program-specific
18 metrics and the status of program success at an appropriations
19 subcommittee meeting called for by the subcommittee chair.

20 JUDICIAL BRANCH

21 Sec. 301. From the funds appropriated in part 1, the direct
22 trial court automation support program of the state court
23 administrative office shall recover direct and overhead costs from
24 trial courts by charging for services rendered. The fee shall cover
25 the actual costs incurred to the direct trial court automation
26 support program in providing the service, including development of

1 future versions of case management systems.

2 Sec. 302. Funds appropriated within the judicial branch shall
3 not be expended by any component within the judicial branch without
4 the approval of the supreme court.

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

9 Sec. 306. By February 1, the state court administrative office
10 shall produce a statistical report, categorized by county,
11 regarding both the collected and uncollected amounts of restitution
12 payments, court fees, and any other applicable judgments placed
13 upon persons within the county, reported for the year 2015.

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

17 Sec. 308. If sufficient funds are not available from the court
18 fee fund to pay judges' compensation, the difference between the
19 appropriated amount from that fund for judges' compensation and the
20 actual amount available after the amount appropriated for trial
21 court reimbursement is made shall be appropriated from the state
22 general fund for judges' compensation. If an appropriation is made
23 under this section, the state court administrative office shall
24 notify, within 14 days of the appropriation, the senate and house
25 standing committees on appropriations, the senate and house
26 appropriations subcommittees on judiciary, the senate and house
27 fiscal agencies, and the state budget office.

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

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

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

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

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

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

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

21 Sec. 320. (1) From the funds appropriated in part 1 for the
22 swift and sure sanctions program, created under section 3 of
23 chapter XIA of the code of criminal procedure, 1927 PA 175, MCL
24 771A.3, the state court administrative office shall administer a
25 program to distribute grants to qualifying courts in accordance
26 with the objectives and requirements of the probation swift and
27 sure sanctions act, chapter XIA of the code of criminal procedure,

1 1927 PA 175, MCL 771A.1 to 771A.8. Of the \$4,000,000.00 designated
2 for the program, not more than \$100,000.00 shall be available to
3 the state court administrative office to pay for employee costs
4 associated with the administration of the program funds. Of the
5 funds designated for the program, \$500,000.00 is reserved for
6 programs in counties that had more than 325 individuals sentenced
7 to prison in the previous calendar year. Courts interested in
8 participating in the swift and sure sanctions program may apply to
9 the state court administrative office for a portion of the funds
10 appropriated in part 1 under this section.

11 (2) By April 1, the state court administrative office shall
12 provide a report on the courts that receive funding under the swift
13 and sure sanctions program described in subsection (1) to the
14 senate and house appropriations subcommittees on judiciary, the
15 senate and house fiscal agencies, and the state budget director.
16 The report shall include all of the following:

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

18 (b) The criminal history of offenders who participate in the
19 program.

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

22 (d) A detailed description of the establishment and parameters
23 of the program.

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

26 Sec. 321. From the funds appropriated in part 1, the judicial
27 branch shall support a statewide legal self-help Internet website

1 and local nonprofit self-help centers that use the statewide
2 website to provide assistance to individuals representing
3 themselves in civil legal proceedings. The state court
4 administrative office shall summarize the costs of maintaining the
5 website, provide statistics on the number of people visiting the
6 website, and provide information on content usage, form completion,
7 and user feedback. By March 1, the state court administrative
8 office shall report this information for the preceding fiscal year
9 to the senate and house appropriations subcommittees on judiciary,
10 the senate and house fiscal agencies, and the state budget
11 director.

12 Sec. 322. If Byrne formula grant funding is awarded to the
13 state appellate defender, the state appellate defender office may
14 receive and expend Byrne formula grant funds in an amount not to
15 exceed \$250,000.00 as an interdepartmental grant from the
16 department of state police. If the appellate defender appointed
17 under section 3 of the appellate defender act, 1978 PA 620, MCL
18 780.713, receives federal grant funding from the United States
19 Department of Justice in excess of the amount appropriated in part
20 1, the office of appellate defender may receive and expend grant
21 funds in an amount not to exceed \$300,000.00 as other federal
22 grants.

23 Sec. 322a. If Byrne formula grant funding is awarded to the
24 Michigan indigent defense commission, the Michigan indigent defense
25 commission may receive and expend Byrne formula grant funds in an
26 amount not to exceed \$250,000.00 as an interdepartmental grant from
27 the department of state police. The Michigan indigent defense

1 commission, created under section 5 of the Michigan indigent
2 defense commission act, 2013 PA 93, MCL 780.985, may receive and
3 expend federal grant funding from the United States Department of
4 Justice in an amount not to exceed \$300,000.00 as other federal
5 grants.

6 Sec. 323. The state court administrative office shall provide
7 courts with a quarterly listing of out-of-state placements of
8 juveniles by each court. The state court administrative office
9 shall also provide each judge who hears juvenile matters with the
10 annual listing of per diem costs of the public and private
11 residential care facilities located or doing business in this
12 state, and the recidivism data for each facility, if available, as
13 provided by the department of health and human services. The courts
14 shall acknowledge receipt of this information.

15 Sec. 324. (1) From the increased funds appropriated in part 1
16 for the Michigan indigent defense commission, the commission shall
17 increase the total number of staff and begin bringing the Michigan
18 criminal defense system into compliance with the right to counsel
19 requirements of amendment VI of the constitution of the United
20 States and section 20 of article I of the state constitution of
21 1963. The purpose of this program expansion is to implement minimum
22 standards, rules, and procedures to guarantee the right of indigent
23 defendants to the assistance of proficient counsel, collect
24 comprehensive data from all indigent defense systems and attorneys
25 providing indigent defense, and monitor and audit county compliance
26 plans.

27 (2) The commission shall identify specific outcomes and

1 performance measures for this initiative based on the minimum
2 standards approved by the supreme court, including, but not limited
3 to, the following:

4 (a) Monitoring the success of approved minimum standards,
5 including increased training and education of trial-level defense
6 attorneys, prompt meetings between attorneys and clients, increased
7 access to and use of experts and investigators, and increased use
8 of counsel at first appearance.

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

12 (c) Monitoring the number of first-time offenders sentenced to
13 serve prison time within the department of corrections to determine
14 if there is a measurable decline as a result of the standards
15 approved by the supreme court, including training and education
16 requirements, required meetings between client and counsel,
17 increased use of experts and investigators, and the provision of
18 attorneys at first appearance.

19 Sec. 325. From the funds appropriated in part 1, the Michigan
20 indigent defense commission shall submit a report by September 30
21 to the senate and house appropriations subcommittees on judiciary,
22 the senate and house fiscal agencies, and the state budget director
23 on the incremental costs associated with the standard development
24 process, the compliance plan process, and the collection of data
25 from all indigent defense systems and attorneys providing indigent
26 defense. Particular emphasis shall be placed on those costs that
27 may be avoided after standards are developed and compliance plans

1 are in place.

2 **ONE-TIME APPROPRIATIONS**

3 Sec. 401. From the funds appropriated in part 1 for drug
4 treatment courts, the judiciary shall increase funding available
5 for establishing problem-solving courts. The purpose of this
6 program expansion is to increase the number of participants and to
7 decrease recidivism rates.

8 Sec. 402. (1) The state appellate defender office attorneys
9 and support staff shall increase to ensure Michigan compliance with
10 Montgomery v Louisiana, 577 US _____ (2016). The purpose of the
11 program expansion is to ensure competent, resourced, and supervised
12 counsel in cases involving the resentencing of juvenile lifers. The
13 representation by SADO counsel will create opportunities for
14 release, saving prison costs for the state.

15 (2) From the funds appropriated in part 1, the state appellate
16 defender office shall submit a report by September 30 to the senate
17 and house appropriations subcommittees on judiciary, the senate and
18 house fiscal agencies, and the state budget director on the number
19 of juvenile lifer cases investigated and prepared by the state
20 appellate defender office. The report shall include a calculation
21 of hours spent and focus on incremental costs associated with
22 investigating and conducting a robust examination of each case,
23 with particular emphasis on those costs that may be avoided after
24 the cases have been disposed.

25 Sec. 403. From the funds appropriated in part 1 for the
26 medication-assisted treatment pilot, the judiciary shall establish

1 a medication-assisted treatment pilot program to provide treatment
2 for opioid-addicted and alcohol-addicted individuals who are
3 referred to and voluntarily participate in the medication-assisted
4 treatment pilot program.

5 PART 2A
6 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS
7 FOR FISCAL YEAR 2017-2018

8 **GENERAL SECTIONS**

9 Sec. 1201. It is the intent of the legislature to provide
10 appropriations for the fiscal year ending on September 30, 2018 for
11 the line items listed in part 1. The fiscal year 2017-2018
12 appropriations are anticipated to be the same as those for fiscal
13 year 2016-2017, except that the line items will be adjusted for
14 changes in caseload and related costs, federal fund match rates,
15 economic factors, and available revenue. These adjustments will be
16 determined after the January 2017 consensus revenue estimating
17 conference.