

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5810**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1

PART 1

2

LINE-ITEM APPROPRIATIONS

3

Sec. 101. Subject to the conditions set forth in this act, the

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amounts listed in this part are appropriated for the judicial

branch for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

#### JUDICIARY

##### APPROPRIATION SUMMARY:

Full-time equated exempted positions..... 496.0

GROSS APPROPRIATION..... \$ 262,746,900

##### Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers ..... 3,553,500

ADJUSTED GROSS APPROPRIATION..... \$ 259,193,400

##### Federal revenues:

Total federal revenues..... 5,126,400

##### Special revenue funds:

Total local revenues..... 6,093,100

Total private revenues..... 842,500

Total other state restricted revenues..... 87,947,900

State general fund/general purpose..... \$ 159,183,500

#### Sec. 102. SUPREME COURT

Full-time equated exempted positions..... 243.0

Supreme court administration--97.0 FTE positions..... \$ 11,062,700

Judicial institute--13.0 FTE positions..... 2,675,200

State court administrative office--60.0 FTE positions 11,301,900

Judicial information systems--22.0 FTE positions..... 3,236,500

Direct trial court automation support--36.0 FTE

positions ..... 6,093,100

Foster care review board--12.0 FTE positions..... 1,271,700

1	Community dispute resolution--3.0 FTE positions .....	2,292,700
2	Other federal grants .....	275,000
3	Drug treatment courts .....	5,178,800
4	Mental health treatment courts .....	<u>100</u>
5	GROSS APPROPRIATION .....	\$ 43,387,700
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG from department of community health .....	1,800,000
9	IDG from department of corrections .....	1,030,000
10	IDG from state police - Michigan justice training fund	300,000
11	Federal revenues:	
12	DOJ, victims assistance programs .....	50,000
13	DOJ, drug court training and evaluation .....	300,000
14	DOT, national highway traffic safety administration ..	1,300,000
15	HHS, access and visitation grant .....	387,000
16	HHS, children's justice grant .....	206,300
17	HHS, court improvement project .....	1,160,000
18	HHS, title IV-D child support program .....	907,700
19	HHS, title IV-E foster care program .....	540,400
20	Other federal grant revenues .....	275,000
21	Special revenue funds:	
22	Local - user fees .....	6,093,100
23	Private .....	169,000
24	Private - interest on lawyers trust accounts .....	232,700
25	Private - state justice institute .....	370,800
26	Community dispute resolution fund .....	2,292,700
27	Law exam fees .....	536,200

1	Drug court fund.....	1,920,500
2	Miscellaneous revenue.....	227,900
3	Justice system fund.....	700,000
4	State court fund.....	339,000
5	State general fund/general purpose.....	\$ 22,249,400
6	<b>Sec. 103. COURT OF APPEALS</b>	
7	Full-time equated exempted positions.....	195.0
8	Court of appeals operations--195.0 FTE positions.....	\$ <u>19,588,700</u>
9	GROSS APPROPRIATION.....	\$ 19,588,700
10	Appropriated from:	
11	Special revenue funds:	
12	Court filing/motion fees.....	1,958,500
13	Miscellaneous revenue.....	77,800
14	State general fund/general purpose.....	\$ 17,552,400
15	<b>Sec. 104. BRANCHWIDE APPROPRIATIONS</b>	
16	Full-time equated exempted positions.....	4.0
17	Branchwide appropriations--4.0 FTE positions.....	\$ <u>7,882,700</u>
18	GROSS APPROPRIATION.....	\$ 7,882,700
19	Appropriated from:	
20	State general fund/general purpose.....	\$ 7,882,700
21	<b>Sec. 105. JUSTICES' AND JUDGES' COMPENSATION</b>	
22	Full-time judges positions .....	617.0
23	Supreme court justices' salaries--7.0 justices.....	\$ 1,152,300
24	Court of appeals judges' salaries--28.0 judges.....	4,240,300
25	District court judges' state base salaries--258.0	
26	judges .....	23,877,200
27	District court judicial salary standardization.....	11,796,800

1	Probate court judges' state base salaries--103.0	
2	judges .....	9,627,900
3	Probate court judicial salary standardization .....	4,669,700
4	Circuit court judges' state base salaries--221.0	
5	judges .....	20,817,200
6	Circuit court judicial salary standardization .....	10,105,000
7	Judges' retirement system defined contributions .....	3,556,700
8	OASI, social security .....	<u>5,353,900</u>
9	GROSS APPROPRIATION .....	\$ 95,197,000
10	Appropriated from:	
11	Special revenue funds:	
12	Court fee fund .....	7,090,200
13	State general fund/general purpose .....	\$ 88,106,800
14	<b>Sec. 106. JUDICIAL AGENCIES</b>	
15	Full-time equated exempted positions .....	7.0
16	Judicial tenure commission--7.0 FTE positions .....	\$ <u>1,013,100</u>
17	GROSS APPROPRIATION .....	\$ 1,013,100
18	Appropriated from:	
19	State general fund/general purpose .....	\$ 1,013,100
20	<b>Sec. 107. INDIGENT DEFENSE - CRIMINAL</b>	
21	Full-time equated exempted positions .....	47.0
22	Appellate public defender program--39.0 FTE positions	\$ 5,078,500
23	Appellate assigned counsel administration--8.0 FTE	
24	positions .....	<u>943,300</u>
25	GROSS APPROPRIATION .....	\$ 6,021,800
26	Appropriated from:	
27	Interdepartmental grant revenues:	

1	IDG from state police - Michigan justice training fund	423,500
2	Special revenue funds:	
3	Private - interest on lawyers trust accounts .....	70,000
4	Miscellaneous revenue .....	113,100
5	State general fund/general purpose .....	\$ 5,415,200
6	<b>Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE</b>	
7	Indigent civil legal assistance .....	\$ <u>7,937,000</u>
8	GROSS APPROPRIATION .....	\$ 7,937,000
9	Appropriated from:	
10	Special revenue funds:	
11	State court fund .....	7,937,000
12	State general fund/general purpose .....	\$ 0
13	<b>Sec. 109. TRIAL COURT OPERATIONS</b>	
14	Court equity fund reimbursements .....	\$ 67,403,900
15	Judicial technology improvement fund .....	<u>4,465,000</u>
16	GROSS APPROPRIATION .....	\$ 71,868,900
17	Appropriated from:	
18	Special revenue funds:	
19	Court equity fund .....	50,440,000
20	Judicial technology improvement fund .....	4,465,000
21	State general fund/general purpose .....	\$ 16,963,900
22	<b>Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL</b>	
23	<b>GOVERNMENT</b>	
24	Drug case-flow program .....	\$ 250,000
25	Drunk driving case-flow program .....	3,000,000
26	Juror compensation reimbursement .....	<u>6,600,000</u>
27	GROSS APPROPRIATION .....	\$ 9,850,000

1	Appropriated from:	
2	Special revenue funds:	
3	Drug fund.....	250,000
4	Drunk driving fund.....	3,000,000
5	Juror compensation fund.....	6,600,000
6	State general fund/general purpose.....	\$ 0

7 PART 2

8 PROVISIONS CONCERNING APPROPRIATIONS

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 2008-2009 is \$247,131,300.00 and state

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

14 government for fiscal year 2008-2009 is \$124,193,800.00. 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.....	\$ 511,900
20	Drug treatment courts.....	4,878,800

21 TRIAL COURT OPERATIONS

22	Court equity fund reimbursements.....	\$ 67,403,900
23	Judicial technology improvement fund.....	4,465,000

24 JUSTICES' AND JUDGES' COMPENSATION

25	District court judicial salary standardization.....	\$ 11,796,800
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1	Probate court judges' state base salaries .....	9,627,900
2	Probate court judicial salary standardization .....	4,669,700
3	Circuit court judicial salary standardization .....	10,105,000
4	Grant to OASI contribution fund, employers share,	
5	social security .....	884,800
6	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
7	Drunk driving case-flow program .....	\$ 3,000,000
8	Drug case-flow program .....	250,000
9	Juror compensation reimbursement .....	<u>6,600,000</u>
10	TOTAL .....	\$ 124,193,800

11       Sec. 202. (1) The appropriations authorized under this act are  
 12 subject to the management and budget act, 1984 PA 431, MCL 18.1101  
 13 to 18.1594.

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

23       Sec. 203. As used in this act:

24       (a) "DOJ" means the United States department of justice.

25       (b) "DOT" means the United States department of  
 26 transportation.

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



1 (d) "HHS" means the United States department of health and  
2 human services.

3 (e) "IDG" means interdepartmental grant.

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

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

8 Sec. 208. The reporting requirements of this act shall be  
9 completed with the approval of, and at the direction of, the  
10 supreme court. The judicial branch shall use the Internet to  
11 fulfill the reporting requirements of this act. This may include  
12 transmission of reports via electronic mail to the recipients  
13 identified for each reporting requirement, or it may include  
14 placement of reports on an Internet or Intranet site.

15 Sec. 212. As a condition of expending appropriations made  
16 under part 1, the judicial branch shall receive and retain copies  
17 of all reports funded from appropriations in part 1 and shall  
18 follow federal and state guidelines for short-term and long-term  
19 retention of such reports and records.

20 Sec. 214. Funds appropriated in part 1 shall not be used for  
21 the purchase of foreign goods or services, or both, if  
22 competitively priced and of comparable quality American goods or  
23 services, or both, are available. Preference shall be given to  
24 goods or services, or both, manufactured or provided by Michigan  
25 businesses, if they are competitively priced and of comparable  
26 quality. In addition, preference shall be given to goods or  
27 services, or both, that are manufactured or provided by Michigan

1 businesses owned and operated by veterans, if they are  
2 competitively priced and of comparable quality.

3 Sec. 215. (1) Due to the current budgetary problems in this  
4 state, out-of-state travel for the fiscal year ending September 30,  
5 2009 shall be limited to situations in which 1 or more of the  
6 following conditions apply:

7 (a) The travel is required by legal mandate or court order or  
8 for law enforcement purposes.

9 (b) The travel is necessary to protect the health or safety of  
10 Michigan citizens or visitors or to assist other states in similar  
11 circumstances.

12 (c) The travel is necessary to produce budgetary savings or to  
13 increase state revenues, including protecting existing federal  
14 funds or securing additional federal funds.

15 (d) The travel is necessary to comply with federal  
16 requirements.

17 (e) The travel is necessary to secure specialized training for  
18 staff that is not available within this state.

19 (f) The travel is financed entirely by federal or nonstate  
20 funds.

21 (2) If out-of-state travel is necessary but does not meet 1 or  
22 more of the conditions in subsection (1), the chief justice or his  
23 or her designee may grant an exception to allow the travel. Any  
24 exceptions granted by the chief justice or his or her designee  
25 shall be reported on a monthly basis to the senate and house of  
26 representatives standing committees on appropriations.

27 (3) Not later than January 1 of each year, the state court

1 administrative office shall prepare a travel report listing all  
2 travel by judicial branch employees outside this state in the  
3 immediately preceding fiscal year that was funded in whole or in  
4 part with funds appropriated in the budget for the judicial branch.  
5 The report shall be submitted to the senate and house of  
6 representatives standing committees on appropriations, the senate  
7 and house fiscal agencies, and the state budget director. The  
8 report shall include the following information:

9 (a) The name of each person receiving reimbursement for travel  
10 outside this state or whose travel costs were paid by this state.

11 (b) The destination of each travel occurrence.

12 (c) The dates of each travel occurrence.

13 (d) A brief statement of the reason for each travel  
14 occurrence.

15 (e) The transportation and related costs of each travel  
16 occurrence, including the proportion funded with state general  
17 fund/general purpose revenues, the proportion funded with state  
18 restricted revenues, the proportion funded with federal revenues,  
19 and the proportion funded with other revenues.

20 (f) A total of all out-of-state travel funded for the  
21 immediately preceding fiscal year.

22 Sec. 216. (1) The judicial branch shall report no later than  
23 April 1, 2008 on each specific policy change made to implement a  
24 public act affecting the judicial branch that took effect during  
25 the prior calendar year to the house and senate appropriations  
26 subcommittees on the judicial branch budget, the joint committee on  
27 administrative rules, and the senate and house fiscal agencies.

1           (2) Funds appropriated in part 1 shall not be used by the  
2     judicial branch to adopt a rule that will apply to a small business  
3     and that will have a disproportionate economic impact on small  
4     businesses because of the size of those businesses if the judicial  
5     branch fails to reduce the disproportionate economic impact of the  
6     rule on small businesses as provided under section 40 of the  
7     administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

8           (3) As used in this section:

9           (a) "Rule" means that term as defined under section 7 of the  
10    administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

11          (b) "Small business" means that term as defined under section  
12    7a of the administrative procedures act of 1969, 1969 PA 306, MCL  
13    24.207a.

14          Sec. 217. From the funds appropriated in part 1, the judicial  
15    branch shall develop, post, and maintain, on a publicly accessible  
16    Internet site, all expenditures made by the judicial branch within  
17    the fiscal year. This posting shall include the purpose for which  
18    each expenditure is made.

19          Sec. 218. The judicial branch shall not approve the travel of  
20    more than 1 judicial branch employee to a specific professional  
21    development conference or training seminar that is located outside  
22    of this state. The only exception to this travel restriction  
23    involves a professional development conference or training seminar  
24    that is funded by a federal or private funding source and requires  
25    more than 1 person from the judicial branch to attend.

26    **JUDICIAL BRANCH**

1       Sec. 301. (1) The direct trial court automation support  
2 program of the state court administrative office shall recover  
3 direct and overhead costs from trial courts by charging for  
4 services rendered. The fee shall cover the actual costs incurred to  
5 the direct trial court automation support program in providing the  
6 service, including development of future versions of case  
7 management systems. A report of amounts collected in excess of  
8 funds identified as user service charges in part 1 shall be  
9 submitted to the state budget director and to the house and senate  
10 appropriations subcommittees on judiciary 30 days before  
11 expenditure by the direct trial court automation support program.

12       (2) From funds appropriated in part 1, the direct trial court  
13 automation support program of the state court administrative office  
14 shall provide to the state budget director, the senate and house  
15 appropriations committees, and the senate and house fiscal agencies  
16 before January 1 of each year a detailed list of user service  
17 charges collected during the immediately preceding state fiscal  
18 year.

19       Sec. 302. Funds appropriated within the judicial branch shall  
20 not be expended by any component within the judicial branch without  
21 the approval of the supreme court.

22       Sec. 303. Of the amount appropriated in part 1 for the  
23 judicial branch, \$325,000.00 is allocated for circuit court  
24 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and  
25 \$186,900.00 is allocated for court of claims reimbursement under  
26 section 6413 of the revised judicature act of 1961, 1961 PA 236,  
27 MCL 600.6413.

1       Sec. 304. As a condition of expending appropriations made  
2 under part 1, the judicial branch shall cooperate with the auditor  
3 general regarding audits of the judicial branch conducted under  
4 section 53 of article IV of the state constitution of 1963.

5       Sec. 305. As a condition of expending appropriations made  
6 under part 1, and to avoid the overexpenditure of funds  
7 appropriated under this act, the supreme court shall report  
8 quarterly to members of the senate and house appropriations  
9 subcommittees on the judiciary, the senate and house fiscal  
10 agencies, and the state budget director on the status of accounts  
11 set forth in part 1. The report required by this section shall  
12 include quarterly, year-to-date, and projected expenditures by  
13 funding source for each line item, and beginning balances and  
14 quarterly, year-to-date, and projected revenues for each source of  
15 revenue other than general fund/general purpose revenues.

16       Sec. 306. The supreme court and the state court administrative  
17 office shall continue to maintain, as a priority, the assisting of  
18 local trial courts in improving the collection of judgments.

19       Sec. 307. It is the intent of the legislature that from the  
20 funds appropriated in part 1 for court of appeals operations, the  
21 judiciary shall use the following revenue amounts for the purpose  
22 of delay reduction:

23       (a) \$225,000.00 of additional filing fee revenue raised from  
24 the increase from \$250.00 to \$375.00 in court of appeals filing  
25 fees under section 321(1)(a) of the revised judicature act of 1961,  
26 1961 PA 236, MCL 600.321.

27       (b) \$87,500.00 of additional fee revenue raised from the

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1 increase in court of appeals motion fees from \$75.00 to \$100.00 and  
2 from the increase from \$150.00 to \$200.00 in fees for motions for  
3 immediate consideration or expedited appeal under section 321(1)(b)  
4 and (c) of the revised judicature act of 1961, 1961 PA 236, MCL  
5 600.321.

6 Sec. 308. If sufficient funds are not available from the court  
7 fee fund to pay judges' compensation, the difference between the  
8 appropriated amount from that fund for judges' compensation and the  
9 actual amount available after the amount appropriated for trial  
10 court reimbursement is made shall be appropriated from the state  
11 general fund for judges' compensation.

12 Sec. 309. (1) The legislature respectfully requests that the  
13 state court administrative office develop protocols and principles  
14 to assist local courts in developing practices for mental health  
15 treatment courts. <<When developing the guiding protocols and principles,  
16 consideration should be given to>> the 10 essential elements as defined  
17 of justice assistance, which include:

18 (a) Planning and administration: A broad-based group of  
19 stakeholders representing the criminal justice, mental health,  
20 substance abuse treatment, and related systems and the community  
21 guides the planning and administration of the court.

22 (b) Target population: Eligibility criteria address public  
23 safety and consider a community's treatment capacity, in addition  
24 to the availability of alternatives to pretrial detention for  
25 defendants with mental illnesses. Eligibility criteria also take  
26 into account the relationship between mental illness and a  
27 defendant's offenses, while allowing the individual circumstances

1 of each case to be considered.

2 (c) Timely participant identification and linkage to services:  
3 Participants are identified, referred and accepted into mental  
4 health courts, and then linked to community-based service providers  
5 as quickly as possible.

6 (d) Terms of participation: Terms of participation are clear,  
7 promote public safety, facilitate the defendant's engagement in  
8 treatment, are individualized to correspond to the level of risk  
9 that the defendant presents to the community, and provide for  
10 positive legal outcomes for those individuals who successfully  
11 complete the program.

12 (e) Informed choice: Defendants fully understand the program  
13 requirements before agreeing to participate in a mental health  
14 court. They are provided legal counsel to inform this decision and  
15 subsequent decisions about program involvement. Procedures exist in  
16 the mental health court to address, in a timely fashion, concerns  
17 about a defendant's competency whenever they arise.

18 (f) Treatment support and services: Mental health courts  
19 connect participants to comprehensive and individualized treatment  
20 supports and services in the community. They strive to use, and  
21 increase the availability of, treatment and services that are  
22 evidence-based.

23 (g) Confidentiality: Health and legal information should be  
24 shared in a way that protects potential participants'  
25 confidentiality rights as mental health consumers and their  
26 constitutional rights as defendants. Information gathered as part  
27 of the participants' court-ordered treatment program or services



1 should be safeguarded in the event that participants are returned  
2 to traditional court processing.

3 (h) Court team: A team of criminal justice and mental health  
4 staff and service and treatment providers receives special, ongoing  
5 training and helps mental health court participants achieve  
6 treatment and criminal justice goals by regularly reviewing and  
7 revising the court process.

8 (i) Monitoring adherence to court requirements: Criminal  
9 justice and mental health staff collaboratively monitor  
10 participants' adherence to court conditions, offer individualized  
11 graduated incentives and sanctions, and modify treatment as  
12 necessary to promote public safety and participants' recovery.

13 (j) Sustainability: Data are collected and analyzed to  
14 demonstrate the impact of the mental health court, its performance  
15 is assessed periodically (and procedures modified accordingly),  
16 court processes are institutionalized, and support for the court in  
17 the community is cultivated and expanded.

18 (2) The legislature encourages the state court administrative  
19 office to develop mental health court guidelines in cooperation  
20 with all key stakeholders, including, but not limited to, circuit,  
21 district, and probate court judges, county prosecuting attorneys,  
22 representatives of the criminal defense bar, representatives of  
23 community treatment providers, community mental health service  
24 providers, any other prosecutor in the circuit or district court  
25 district, local law enforcement, the probation departments, the  
26 local substance abuse coordinating agencies, domestic violence  
27 service provider programs that receive funding from the state

1 domestic violence prevention and treatment board, and community  
2 corrections agencies, as well as any other parties considered  
3 necessary. The state court administrative office is also encouraged  
4 to develop guidelines comparable to those established for drug  
5 treatment courts, found in chapter 10A of the revised judicature  
6 act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082.

7       Sec. 310. From the funds appropriated in part 1 for drug  
8 treatment court programs, with the approval of and at the  
9 discretion of the supreme court, the state court administrative  
10 office shall evaluate and collect data on the performance of drug  
11 treatment court programs. The state court administrative office  
12 shall provide an annual review of the performance of drug courts as  
13 prescribed in section 1078(6) of the revised judicature act of  
14 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that  
15 annual review:

16       (a) It shall include measures of the impact of drug court  
17 programs in changing offender criminal involvement (recidivism) and  
18 substance abuse and in reducing prison admissions.

19       (b) It shall be completed no later than April 1 of each year  
20 and shall also be provided to the senate and house appropriations  
21 subcommittees on the judiciary, the senate and house fiscal  
22 agencies, and the state budget director.

23       (c) The evaluation of a program funded with federal Byrne  
24 funds shall be consistent with the requirements contained in the  
25 federal Byrne grant for that program.

26       Sec. 311. (1) The funds appropriated in part 1 for drug  
27 treatment courts shall be administered by the state court

1 administrative office to operate drug treatment court programs. A  
2 drug treatment court shall be responsible for handling cases  
3 involving substance abusing nonviolent offenders through  
4 comprehensive supervision, testing, treatment services, and  
5 immediate sanctions and incentives. A drug treatment court shall  
6 use all available county and state personnel involved in the  
7 disposition of cases including, but not limited to, parole and  
8 probation agents, prosecuting attorneys, defense attorneys, and  
9 community corrections providers. The funds may be used in  
10 connection with other federal, state, and local funding sources.

11 (2) Local units of government are encouraged to refer to  
12 federal drug treatment court guidelines to prepare proposals.  
13 However, federal agency approvals are not required for funding  
14 under this section.

15 (3) From the funds appropriated in part 1, the chief justice  
16 shall allocate sufficient funds for the judicial institute to  
17 provide in-state training for those identified in subsection (1),  
18 including training for new drug treatment court judges.

19 (4) For drug treatment court grants, consideration for  
20 priority may be given to those courts where higher instances of  
21 substance abuse cases are filed.

22 (5) The judiciary shall receive \$1,800,000.00 in Byrne formula  
23 grant funding as an interdepartmental grant from the department of  
24 community health to be used for expansion of drug treatment courts,  
25 to assist in avoiding prison bed space growth for nonviolent  
26 offenders in collaboration with the department of corrections.

27 Sec. 312. From the funds appropriated in part 1, the state

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1 court administrator shall produce a statistical report regarding  
2 the implementation of the parental rights restoration act, 1990 PA  
3 211, MCL 722.901 to 722.908, as it pertains to minors seeking a  
4 court-issued waiver of parental consent. The state court  
5 administrative office shall report the total number of petitions  
6 filed and the total number of petitions granted in accordance with  
7 section 208.

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

13 Sec. 318. (1) The judiciary shall receive \$980,000.00 as an  
14 interdepartmental grant from the department of corrections. The  
15 funds shall be utilized by the state court administrative office to  
16 administer a pilot program to target nondangerous offenders at  
17 significant risk to commit further crimes through assessment,  
18 treatment, and accountability, with the goal of reducing  
19 expenditures for long-term incarceration. All funds shall be spent  
20 on <<fulfilling the requirements of this section and>> treatment,  
monitoring, and testing of offenders in the pilot  
21 program administered by the state court administrative office. The  
22 state court administrative office shall work with the department of  
23 community health to develop the pilot program.

24 (2) The pilot program shall adhere to the following criteria:

25 (a) A minimum of 3 pilot sites shall be selected by the state  
26 court administrative office, at least 1 to be located in a major  
27 metropolitan area.

1 (b) The pilot programs shall incorporate the principles and  
2 practices of problem-solving courts developed by the national  
3 association of drug court professionals, and they shall operate  
4 pursuant to a written memorandum of understanding developed by the  
5 stakeholders in the jurisdiction.

6 (c) Each pilot court team shall include, at a minimum, a  
7 district and circuit judge, prosecutor, defense lawyer, treatment  
8 provider, circuit court probation officer, district court probation  
9 officer, community corrections representative, community mental  
10 health representative, court administration, and community  
11 representative.

12 (d) Before being enrolled in the pilot program, each  
13 participant shall be administered a comprehensive and valid risk  
14 and needs assessment. The assessment shall measure criminogenic and  
15 psychosocial factors to determine which participants are at  
16 significant risk of/for committing further crimes and are in need  
17 of services.

18 (e) The pilot projects shall employ evidence-based practices  
19 to develop a treatment plan in response to the assessment results.

20 (f) Each pilot project shall employ a case manager whose  
21 duties shall include referral and linkage to community resources,  
22 monitoring treatment plan requirements, data reporting, and other  
23 responsibilities as assigned.

24 (3) The department of corrections shall participate in the  
25 pilot program. The circuit court judge assigned to the pilot  
26 project shall select 1 or more circuit court probation officers to  
27 supervise the caseload of the circuit court project. Although the

1 probation officer shall remain an employee of the department of  
2 corrections, he or she shall report directly to the circuit court  
3 judge.

4 (4) The Michigan judicial institute shall provide appropriate  
5 training for all personnel involved in the pilot program.

6 (5) The state court administrative office shall conduct a  
7 process and outcome evaluation and a cost benefit analysis of the  
8 pilot programs and shall submit that analysis to the senate and  
9 house appropriations subcommittees on judiciary, the senate and  
10 house fiscal agencies, and the state budget director by September  
11 30, 2009.