



## Issue Brief

# MICHIGAN COUNTIES

## LEGISLATIVE CONFERENCE

Lansing Center | DoubleTree Hotel | April 29 - May 1, 2024

# Trial Court Funding Reform

## Background

Trial court funding has been challenged in court over the last decade, leading to recommendations to reform the system and legislative hurdles to extend court fee authority. In June 2014, the Michigan Supreme Court ruled state law did not give courts the authority to impose costs on criminal defendants to fund court operations. With MAC's urging, the Legislature enacted statute granting courts the authority to assess costs on criminal defendants and then created the Trial Court Funding Commission. The commission was tasked with reviewing the current court funding system and providing recommendations for reform. The issue we continue to face lies in the expiration date included in the court fee authority, which has now been extended four times – in 2017, 2020, 2022 and now 2024. The authority is now set to expire on Dec. 31, 2026. In the meantime, the State Court Administrative Office must conduct a study and provide new recommendations to the Legislature by May 1, 2026. The hope is before the next expiration, the Legislature will implement the Trial Court Funding Commission's recommendations and fee authority will not need further extension.



## Funding Commission Recommendations

- 1. Establish a stable court funding system.**
  - The current model is not sustainable or equitable, courts should be administering justice, not collecting revenue.
- 2. The state shall offer to provide all court technology needs.**
  - There are too many different data systems and a lack of centralized data.
- 3. Establish uniform assessments and centralized collections.**
  - Addresses ethical dilemma facing judges when assessing fines to fund courts and frees court personnel from collections.
- 4. Move toward a uniform employment system.**
  - Begin with judges and eventually transition all court staff to state employees.
- 5. Establish a transition plan for new court funding model.**
  - Michigan Judicial Council is tasked with creating this plan.

## Key Takeaways

- Counties are by far the largest funding source to Michigan's trial courts.
- If the authority for courts to assess costs on criminal defendants expires without a new funding model in place, counties will be responsible for filling the funding gap — upwards of \$50 million annually across the state.
- Legislators need to address the Trial Court Funding Commission's recommendations to create a stable, efficient court funding model that does not increase the financial burden on counties.