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BILL ANALYSIS



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House Bill 4209 (Substitute S-1)
House Bill 4210 (Substitute S-1)
Sponsor: Representative Peter J. Lucido
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 5-17-17

CONTENT

House Bill 4209 (S-1) would amend Section 1344 of the Revised Judicature Act to do the following, beginning April 1, 2018:

- Increase from \$0.10 per mile to \$0.20 per mile the mileage reimbursement rate for jurors.
- Increase the minimum compensation for jurors provided sufficient funds were available in the Juror Compensation Reimbursement Fund.

House Bill 4210 (S-1) would amend the Revised Judicature Act to do the following:

- Authorize the State Court Administrator to allocate money from the Juror Compensation Reimbursement Fund to enter into a contract for jury management software.
- Authorize the State Court Administrator to provide money from the Fund for a position within the State Court Administrative Office that provided technical assistance to all State trial courts on jury management.
- Eliminate a \$40,000 annual cap on expenses for which the State Court Administrator must be reimbursed.
- Provide for court funding units to receive reimbursement from the Fund for the increase in the statutory minimum compensation rate under Section 1344 of the Act, excluding certain amounts.

Each bill would take effect 90 days after its enactment. House Bill 4210 (S-1) is tie-barred to House Bill 4209.

House Bill 4209 (S-1)

Under the Act, a juror must be reimbursed for his or her traveling expenses for traveling from his or her residence to the court and back for each day or half day of actual attendance. The minimum rate is \$0.10 per mile. A juror also must be compensated for his or her service. The minimum compensation for a juror is \$25 per day and \$12.50 per half day for the first day of actual attendance at the court. For each subsequent day or half day of attendance, the minimum compensation is \$40 per day and \$20 per half day. (The rates are determined by county boards of commissioners, subject to the minimum amounts set in the Act.)

Under the bill, beginning April 1, 2018, a juror would have to be reimbursed for his or traveling expenses at a minimum rate of \$0.20 per mile. Also, beginning April 1, 2018, and every subsequent fiscal year, the rate for the first day or half day of actual attendance at the court would be a minimum of \$30 per day and \$15 per half day. For each subsequent day or half day, the minimum rate would be \$45 per day, and \$22.50 per half day.

The increased rates for service would apply if, as of the end of the two most recent fiscal years, the State Court Administrator, at the direction of the Michigan Supreme Court and upon confirmation of the State Treasurer, determined that sufficient funds were available in the Juror Compensation Reimbursement Fund. "Sufficient funds" would mean an amount exceeding \$2.0 million in the Fund.

(The Fund receives proceeds from the collection of driver license clearance fees and jury demand fees. Money from the Fund is used to reimburse court funding units for expenses incurred by that unit for the increase in the statutory minimum compensation rate for jurors.)

House Bill 4210 (S-1)

Jury Management System

Section 151e of the Act provides for the disposition of money from the Juror Compensation Reimbursement Fund. Under the bill, the State Court Administrator would be authorized to allocate money from the Fund to enter into a contract with a jury management software vendor to provide software and ongoing support and maintenance to all State trial courts. The State Court Administrator also would be authorized to provide money from the Fund for a position within the State Court Administrative Office that provided technical assistance to all State trial courts on jury management in order to improve efficiency, reduce the number of individuals summoned unnecessarily for jury service, and reduce costs to State taxpayers for juror pay, mileage, and meals. The money spent for these purposes could not diminish the amount reimbursed to court funding units.

Reimbursement for Juror Expenses

The Act requires each court funding unit to submit a report semiannually to the State Court Administrator, for each court for which it is a funding unit, giving the total amount of expense it incurred during the fiscal year due to the increase in the statutory minimum compensation rate for jurors that took effect October 1, 2003, pursuant to Section 1344. (That rate increase was enacted by Public Act 739 of 2002 and is reflected in the current provisions of Section 1344.) Under the bill, each court funding unit would have to submit a semiannual report to the State Court Administrator for each court for which it was a funding unit providing the total amount of expense it incurred during the period for juror compensation.

Annually, the State Court Administrator, at the direction of the Michigan Supreme Court and upon confirmation by the State Treasurer of the total amount available in the Fund, must distribute from the Fund the amount needed for reimbursements to court funding units, except that the State Court Administrator must be reimbursed semiannually for reasonable costs associated with administration of Section 151e, not to exceed \$40,000 each year. If the amount available in the Fund in any fiscal year is more than the amount needed to pay the entire reimbursement required for all court funding units, the unencumbered balance must be carried forward to the next fiscal year and may not revert to the General Fund.

The bill would eliminate the \$40,000 semiannual reimbursement cap. Instead, the State Court Administrator would have to be reimbursed semiannually for reasonable costs associated with the administration of Section 151e, which would include expenditures incurred for the

allocation of money for software, ongoing support for a jury management system, and the State Court Administrative Office technical assistance position described above. If the amount available in the Fund in any fiscal year were more than the amount needed to pay the entire reimbursement required those expenses, the unencumbered balance would be carried forward to the next fiscal year and could not revert to the General Fund.

Each court funding unit is entitled to receive reimbursement from the Juror Compensation Reimbursement Fund for the expense amount reported for the preceding six months, excluding any juror compensation in excess of the statutory minimum. The bill specifies that each funding unit would be entitled to reimbursement from the Fund for juror compensation expenses, excluding juror compensation in excess of the statutory minimum under Section 1344 and excluding the first \$7.50 for half-day juror attendance rates, the first \$15 for full-day juror attendance rates, and the first \$0.10 per mile reimbursement.

The bill also would eliminate a provision that required the State Court Administrator to pay an additional amount to each court funding unit in fiscal year 2003-04, to offset expenses incurred for costs in adapting to the changes in the statutory minimum rate for juror compensation implemented by Public Act 739 of 2002.

MCL 600.1344 (H.B. 4209)
600.151e (H.B. 4210)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bills would have no direct fiscal impact on the State and local government. The mileage reimbursement increase would be paid to local units from the Juror Compensation Reimbursement Fund, and the increased daily juror compensation rate would go into effect only if it were determined that sufficient funds were in the Juror Compensation Reimbursement Fund to pay for the increase. According to statute, the Fund receives deposits from the collection of driver license clearance fees, jury demand fees, and income from investment credited to the Fund. The unencumbered balance remaining in the Fund at the end of the fiscal year must remain in the Fund and not revert to the General Fund.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.