

Issue Brief – The Judicial Branch Building Blocks

EOCJ-CRT-IB01

SUMMARY

The Fiscal Analyst has recommended 11 funding requests at a cost of \$2,378,800 for the Judicial Branch or the Courts. The following chart details each of the Governor's recommendations and the corresponding Legislative Fiscal Analyst recommendation. Commentary regarding the Fiscal Analyst building block recommendations for the Courts will be elaborated upon in the Discussion and Analysis Section. All recommendations are simply made to assist Executive Offices and Criminal Justice Appropriations Subcommittee members as they evaluate the needs of the Judicial Branch. Final subcommittee recommendations will be presented to the Executive Appropriations Committee. There is no particular order of priority for recommendations in the chart below.

Courts		LFA
Request Number	Building Block Requests	Recommendations
1	District Court Law Clerks	\$ 327,700
2	4th District Court Judge and Support Staff	\$ 257,500
3	3rd District Juvenile Court Judge and Support Staff	\$ 257,500
4	Bailiff Services	\$ 170,000
5	Juror/Witness/Interpreter Fees	\$ -
6	Contracts and Leases	\$ 882,500
7	Expand Drug Courts	\$ 221,000
8	Online Court Assistance GFR Increase	\$ 25,000
	Subtotal	\$ 2,141,200
One-time Building Block Requests		
9	Data Processing Replacement	To Be Determined
10	DORA Pilot Funding	\$ 20,000
11	Juror/Witness/Interpreter Fees Supplemental	\$ 127,600
12	Equipment for Court Buildings	\$ 90,000
	One-time Subtotal	\$ 237,600
Courts Grand Total		\$ 2,378,800

DISCUSSION AND ANALYSIS

Building block recommendations discussed in this brief are from the Analyst's recommendations only. The analyst recommends seven ongoing appropriations and four one-time requests.

Ongoing Funding Requests

1. **District Court Law Clerks—\$327,700** (4 FTEs). This funding increase would provide 4 new law clerks for Utah's District Court Judges.

Currently, the ratio of clerks to judges is 1:4.5. The additional clerks would reduce this ratio to one clerk to 3.5 judges. Nationally, 50 percent of states provide clerks to judges on a 1:1 ratio. For example, Idaho and Nevada staff all judges and clerks on a 1:1 basis. Law clerks help judges manage increasing caseloads by providing legal research upon which judges base their decisions. Better decisions may equate to fewer appeals.

2. **4th District Judge and Support Staff—\$257,500**. Approval of this building block would add one judge and two support staff to the

4th Judicial District. The 4th District comprises Utah, Wasatch, Millard, and Juab counties. As noted in the table below, weighted caseload in the district has increased 12 percent since FY01. Statewide, caseloads decreased six percent during the same period. However, it should be noted that part of this reduction is due to Justice Courts assuming responsibility for smaller or less complicated cases. Population in the 4th district has grown 23 percent for the same time period.

	FY01	FY02	FY03	FY04	FY05	% Change FY01-FY05
4th District Weighted Caseload	20,958	21,908	22,822	21,874	23,457	12%

SB 159 calls for an additional judge in the 4th District. Should the subcommittee recommend approval of this appropriation and the bill passes as well, only one appropriation will be made.

3. 3rd District Juvenile Judge and Support Staff—\$257,500. Approval of this building block would add one judge and two support staff to the 3rd District Juvenile Court. The 3rd District comprises Salt Lake and Tooele counties. Population in the 3rd district increased 8 percent in Salt Lake County and 25 percent in Tooele County since FY01. HB 249 calls for an additional juvenile judge in the 3rd District. Should the subcommittee recommend approval of this appropriation and the bill passes as well, only one appropriation will be made.

4. Bailiff Security Increase—\$170,000 (4 FTEs). In 2004, Court Security Fees were instituted by the Legislature to fund Court security contracts with the County Sheriffs. At the end of FY06, projections indicate that the Court Security Account will have \$400,000 more than contracted amounts. The Courts would like to add 4 Bailiffs to cover new judges coming into the system. The Contracted amount with County Sheriffs would go from \$4,000,000 to \$4,170,000.

5. Court Building Contracts and Leases—\$882,500 (\$582,500 for increased leases and \$300,000 removed from GFR to GF) and \$90,000 one-time funding for building equipment costs at the Tooele Courthouse. The transfer of \$300,000 is the second of two

transfers agreed to with the Legislature in the 2004 General Session. The ongoing increases consist of the following: \$200,000—O&M contract increase at the Tooele Courthouse, \$9,000—O&M contract increase for the Manti Courthouse, \$82,000—Perimeter Security Contract for the Tooele Courthouse, \$117,200—Matheson Courthouse Underground Parking Security Contract, \$65,800—Existing security contract adjustments, and \$108,500—Lease increases for 15 facilities. An additional one-time funding request has been made for equipment at the Tooele Courthouse.

6. Drug Courts—\$221,000. This request is a Department of Human Services (DHS) Building Block request for \$1,700,000. However, UCA requirements stipulate that any funding increases be divided between DHS and the Courts on an 87 percent and 13 percent basis respectively. Courts would receive \$221,000 of the \$1,700,000 to expand their Drug Courts. The following information indicates the numbers served by Drug Courts and the corresponding recidivism rates for Drug Court graduates.

Drug Courts		
Type of Drug Court	Number to be Served	Funding Needed
Family	67	\$315,000
Felony	451	1,925,000
Parolee	72	210,000
Juvenile	215	525,000
Total	805	\$2,975,000

Recidivism Rate Statistics		
Percent of New Arrests for Felons Within 18 Months	Any Offense	Drug Related Offense
Drug Court Graduates	39.2%	15.4%
Drug Court Participants That Did Not Graduate	55.4%	39.3%
Control Group of Non-Drug Court Felons	78.0%	64.0%

7. Online Court Assistance Increase—\$25,000 increase in GFR spending level to \$75,000.

One-time Funding Requests**1. Data Processing Replacement—\$240,000.**

The Court use one-time funding requests as their plan for data processing replacement. The \$240,000 would replace 200 PCs, 50 laptops, and 25 printers. The Courts had a closing \$996,000 nonlapsing balance for FY05. If \$240,000 of these funds have not been committed for FY06, the Analyst recommends funding this request out of nonlapsing funds.

2. Drug Offender Reform Act (DORA)—\$20,000.

During the April 2005 General Session, the Legislature authorized the DORA pilot program for a duration of three years. The legislation funded only one year of funding. This request will provide the remainder of DORA funding for the final two years of the DORA pilot program. The Division of Substance Abuse

and Mental Health (DSAMH) is requesting one-time GF for FY07 of \$647,000 for their part of DORA pilot program funding.

3. Juror/Witness/Interpreter Fees--\$127,600 FY06 Supplemental Funding. The Board of Examiners recommended the Legislature fund the FY05 shortfall of \$127,600. For your information, the Courts are estimating a \$150,000 shortfall for FY06. By law, the Courts are allowed deficit spending in the Juror/Witness/Interpreter line item.

RECOMMENDATIONS

1. Discuss building block requests, one-time funding requests and supplemental funding.
2. Add Subcommittee priorities to the list for EAC consideration.