

# JUDICIAL BRANCH (STATE COURTS)

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE  
STAFF: GARY SYPHUS

BUDGET BRIEF

## SUMMARY

The Utah State Courts constitute the judicial branch of government. Its mission is to provide the people of Utah with an open, fair, efficient, and independent system for the advancement of justice under the law. The Utah State Constitution establishes governance of the judicial branch and authorizes the Judicial Council to oversee this branch of government.

The Utah Court System consists of the Utah Supreme Court, Utah Court of Appeals, District Courts (trial courts of general jurisdiction), and Juvenile Courts. The Judicial Council also provides oversight for the locally-funded and operated Justice Court System. Justice Courts receive some administrative support from the state and must operate in accordance with state standards and rules.

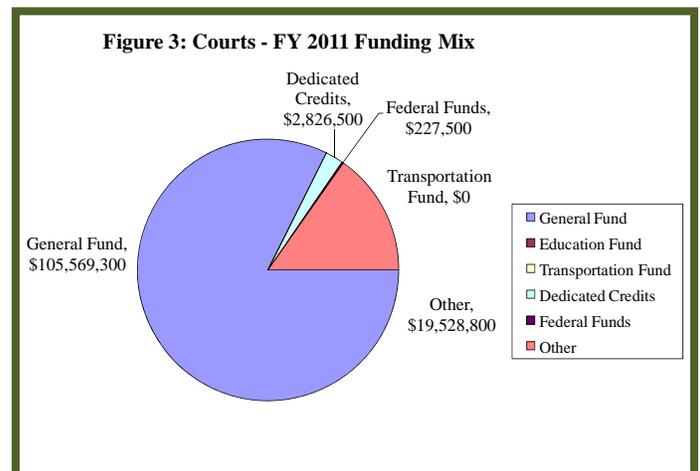
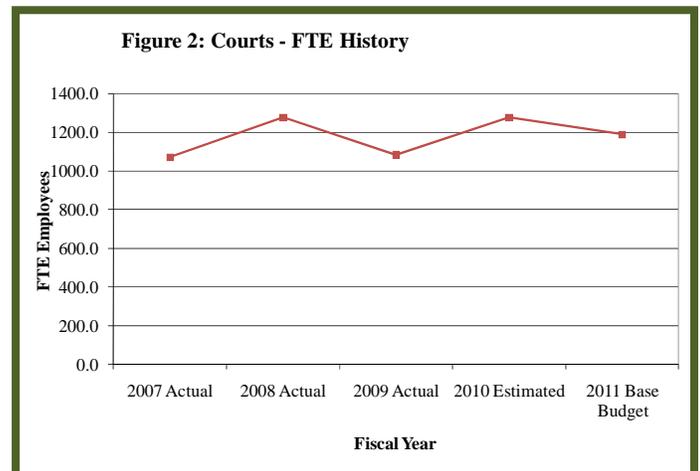
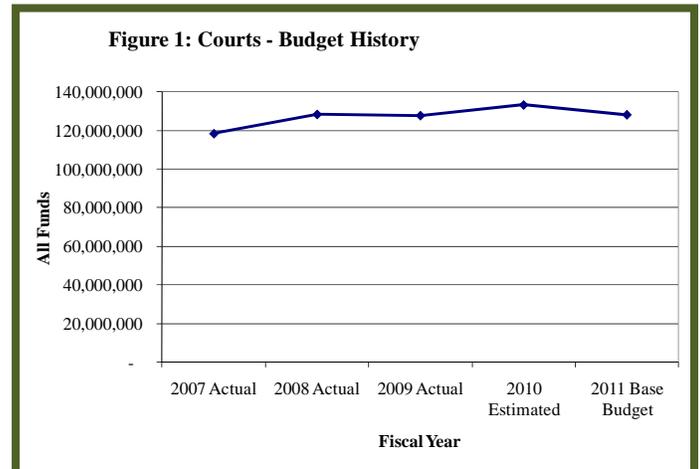
The Utah Court System is divided into the following line items:

- Administration
- Grand Jury
- Contracts and Leases
- Jury and Witness Fees
- Guardian Ad Litem

*Administration* - The main Courts line item is Administration. The Utah court system consists of Appellate Courts, Trial Courts, and Justice Courts—funded and operated by local government—functioning under standards established by the Judicial Council.

*Grand Jury* - The Legislature enacted the Grand Jury Reform Act that created a separate budget item for this purpose. The budget exists as a vehicle to pay Grand Jury expenses when one is convened.

*Contracts and Leases* - Expenses under Contracts and Leases include items such as rent/lease payments for facilities, janitorial services, utility costs, perimeter/building security, and county contract sites.



*Juror, Witness, and Interpreter* - The state is responsible for the payment of jurors and witnesses who appear in court. The state must also pay for court interpreter expenses. This line item regularly runs a deficit. Such shortfalls are referred to the Board of Examiners to be certified as a claim against the state. At the end of a fiscal year, surplus General Fund is used to pay the deficit, although budgetary accounting shows a negative carry-forward amount. Over the past several years this line item has consistently run a deficit.

*Guardian ad Litem* - The Office of Guardian ad Litem (GAL) is a separate line item within the court's budget. The program provides state-funded attorneys to represent the interests of minors in Juvenile Court when there is an allegation of abuse, neglect, or dependency. The Office also administers the private GAL program which provides trained private attorneys to serve as GAL for children in custody disputes which do not involve allegations of abuse and/or neglect. There are Guardian ad Litem offices in all eight judicial districts.

### **ISSUES AND RECOMMENDATIONS**

#### ***Intent Language***

The Analyst recommends the following intent language to make the State Court's 5 Line Items FY 2010 unexpended appropriations nonlapsing at the end of FY 2010:

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Administration in Item 19 of Chapter 396 Laws of Utah 2009 not lapse at the close of fiscal year 2010.*

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Grand Jury in Item 20 of Chapter 396 Laws of Utah 2009 not lapse at the close of fiscal year 2010.*

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Contracts and Leases in Item 21 of Chapter 396 Laws of Utah 2009 not lapse at the close of fiscal year 2010.*

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Jury and Witness Fees in Item 22 of Chapter 396 Laws of Utah 2009 not lapse at the close of fiscal year 2010.*

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Guardian ad Litem in Item 23 of Chapter 396 Laws of Utah 2009 not lapse at the close of fiscal year 2010.*

#### ***Caseload Growth***

For FY 2009, overall caseload growth for the Courts increased by approximately 15%. The majority of this increase is attributed to increases in civil cases.

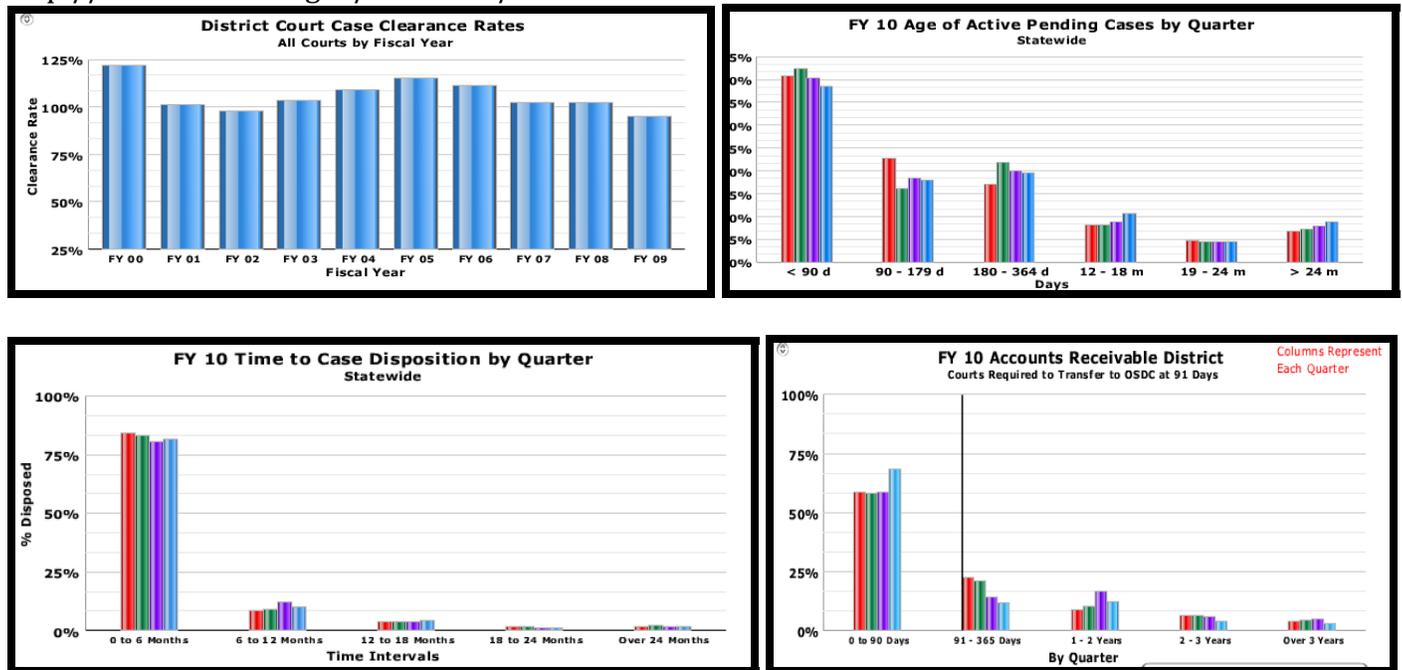
#### ***Fees***

During the 2009 General Session 3 bills passed that increased specific Court fees: (1) *SB 176 - Civil Fees in Small Claims Courts Amendments*, (2) *SB 184 - Civil Filing Fees*, and (3) *HB 455 - Court Security Restricted Account*. The revenue collections for SB 176 and SB 184 are projected to exceed original estimates (SB 176 is now estimated to collect app. \$18 million compared to the original \$11.3 million estimate; SB 184 is on pace to collect approximately \$800,000 versus the original estimate of \$492,000). All collections go the General Fund. Revenue collections for HB 455 of \$1.6 million are expected for FY 2010 compared to the original \$2.8 million estimate however they are steadily increasing may meet projections as more local

governments are improving their collecting and reporting. These collections go into to the Courts Security Restricted Account for use by the Courts (within appropriations).

**ACCOUNTABILITY DETAIL**

The following are performance measures for State Courts and can be found at:  
<http://www.utcourts.gov/courtools/>



**LEGISLATIVE ACTION**

The Executive Appropriations Committee adopted FY 2011 General and Education Fund revenue estimates that are 98% of the original FY 2010 ongoing appropriations. The FY 2011 base budget bills (S.B. 1 and H.B. 1) reduce appropriations for all line items and programs proportionately to match revenues. However, the Executive Appropriations Committee allocated 95% of original FY 2010 ongoing appropriations to each subcommittee and directed the subcommittees to compile a list of options equal to a 5% ongoing cut. The Executive Appropriations Committee will use these options to make final adjustments to the FY 2011 budget. The Analyst recommends the following alternatives for budget changes in the Programs and Operations Line item to help accomplish the subcommittee's 5% target:

CRTS - Discretionary - Personnel, Current Expense, etc.	\$	5,135,600
CRTS - GAL Current Expense	\$	15,000

**RECOMMENDATIONS**

The Analyst recommends the Legislature:

1. Adopt the base budget as shown in the budget detail table.
2. Approve the intent language on page 2.
3. Consider how to prioritize the 5% General Fund budget reduction item on page 3.
4. Approve Court fees as on the separate document titled "Court Fees".
5. Approve Federal Funds for the Courts on the issue brief titled "State Courts: Federal Funds".

**BUDGET DETAIL TABLE**

Sources of Finance	Courts					
	FY 2009 Actual	FY 2010 Appropriated	Changes	FY 2010 Revised	Changes	FY 2011* Base Budget
General Fund	104,415,900	107,723,700	0	107,723,700	(2,154,400)	105,569,300
General Fund, One-time	4,347,200	55,000	804,200	859,200	(859,200)	0
Federal Funds	624,900	166,700	(4,000)	162,700	64,800	227,500
Dedicated Credits Revenue	2,257,800	1,673,100	1,210,400	2,883,500	(57,000)	2,826,500
GFR - Alternative Dispute Resolution	317,500	417,500	0	417,500	0	417,500
GFR - Children's Legal Defense	810,600	810,800	0	810,800	0	810,800
GFR - Court Reporter Technology	250,000	250,000	0	250,000	0	250,000
GFR - Court Security Account	5,106,400	7,556,400	0	7,556,400	0	7,556,400
GFR - Court Trust Interest	775,000	775,000	0	775,000	0	775,000
GFR - DNA Specimen	252,800	252,800	0	252,800	0	252,800
GFR - Guardian Ad Litem Services	360,900	360,900	0	360,900	0	360,900
GFR - Justice Court Tech, Sec.& Training	1,299,300	999,300	0	999,300	0	999,300
GFR - Non-Judicial Assessment	1,445,300	945,200	0	945,200	0	945,200
GFR - Online Court Assistance	75,000	251,000	0	251,000	(100,000)	151,000
GFR - State Court Complex	4,700,000	4,700,000	0	4,700,000	0	4,700,000
GFR - Substance Abuse Prevention	502,400	502,400	0	502,400	0	502,400
GFR - Tobacco Settlement	193,700	352,800	0	352,800	0	352,800
Transfers	152,000	0	432,000	432,000	(432,000)	0
Transfers - Commission on Criminal and Juvenik	554,700	575,700	585,000	1,160,700	(585,000)	575,700
Transfers - Human Services	0	152,000	(152,000)	0	0	0
Transfers - Other Agencies	0	564,300	(564,300)	0	279,000	279,000
Transfers - Youth Corrections	147,900	178,500	(31,500)	147,000	(147,000)	0
Beginning Nonlapsing	1,684,700	0	1,088,600	1,088,600	(2,492,800)	(1,404,200)
Closing Nonlapsing	(1,088,700)	0	600,000	600,000	1,404,200	2,004,200
Lapsing Balance	(1,482,600)	0	0	0	0	0
<b>Total</b>	<b>\$127,702,700</b>	<b>\$129,263,100</b>	<b>\$3,968,400</b>	<b>\$133,231,500</b>	<b>(\$5,079,400)</b>	<b>\$128,152,100</b>
<b>Line Items</b>						
Administration	98,579,300	102,518,400	2,504,800	105,023,200	(4,207,800)	100,815,400
Grand Jury	800	800	0	800	0	800
Contracts and Leases	21,400,500	19,367,700	315,600	19,683,300	(192,900)	19,490,400
Jury and Witness Fees	1,981,500	1,534,900	600,000	2,134,900	(30,500)	2,104,400
Guardian ad Litem	5,740,600	5,841,300	548,000	6,389,300	(648,200)	5,741,100
<b>Total</b>	<b>\$127,702,700</b>	<b>\$129,263,100</b>	<b>\$3,968,400</b>	<b>\$133,231,500</b>	<b>(\$5,079,400)</b>	<b>\$128,152,100</b>
<b>Categories of Expenditure</b>						
Personnel Services	89,544,300	74,254,100	15,629,000	89,883,100	(36,900)	89,846,200
In-state Travel	339,600	449,600	(43,600)	406,000	0	406,000
Out-of-state Travel	187,500	209,100	(46,700)	162,400	0	162,400
Current Expense	33,400,700	51,307,900	(11,838,200)	39,469,700	(5,012,000)	34,457,700
DP Current Expense	1,708,900	986,000	(107,800)	878,200	0	878,200
DP Capital Outlay	30,500	8,900	259,300	268,200	0	268,200
Capital Outlay	158,100	0	0	0	0	0
Other Charges/Pass Thru	2,285,800	2,047,500	116,400	2,163,900	(30,500)	2,133,400
Cost of Goods Sold	600	0	0	0	0	0
Transfers	46,700	0	0	0	0	0
<b>Total</b>	<b>\$127,702,700</b>	<b>\$129,263,100</b>	<b>\$3,968,400</b>	<b>\$133,231,500</b>	<b>(\$5,079,400)</b>	<b>\$128,152,100</b>
<b>Other Data</b>						
Budgeted FTE	1084.1	1279.6	(2.6)	1277.0	(90.1)	1186.9
Vehicles	154.0	158.0	0.0	158.0	(4.0)	154.0