



Issue Brief: Judicial Branch (Courts)

SUMMARY

The Utah State Courts constitute the judicial branch of government. Their 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. Each of these court systems is state funded and operated. 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.

Most of the programs within the judiciary are in a single line item titled Court Administration. The single line item gives the judicial branch the ability to shift funding between programs as needed.

The budget for the state court system is primarily State General Fund. A significant amount of revenue is generated by court fees, which goes to the General Fund. These court fees must be appropriated from the General Fund to the Courts by the Legislature.

Major Funding Reductions FY 2010

In the 2009 General Session, the Legislature passed H.B. 3 which significantly impacts the Courts. The major ongoing funding reductions include:

Main line item reduction	\$ 8,252,100
Bountiful Courthouse closure	\$ 425,600
Orem Youth Probation office closure	\$ 54,000
Total	\$ 8,731,700

Courts						
Sources of Finance	FY 2008	FY 2009		FY 2009		FY 2010*
	Actual	Appropriated	Changes	Revised	Changes	Base Budget
General Fund	112,398,400	113,147,600	(8,731,700)	104,415,900	0	104,415,900
General Fund, One-time	745,300	(894,700)	4,117,800	3,223,100	(3,223,100)	0
Federal Funds	273,400	166,600	(3,900)	162,700	3,900	166,600
Dedicated Credits Revenue	1,866,700	1,673,200	81,200	1,754,400	(81,200)	1,673,200
GFR - Alternative Dispute R	310,700	317,500	0	317,500	0	317,500
GFR - Children's Legal Defen	667,500	685,600	125,000	810,600	0	810,600
GFR - Court Reporter Techn	0	250,000	(250,000)	0	250,000	250,000
GFR - Court Security Accou	4,756,400	4,756,400	(400,000)	4,356,400	400,000	4,756,400
GFR - Court Trust Interest	250,000	250,000	525,000	775,000	0	775,000
GFR - DNA Specimen	244,200	252,800	0	252,800	0	252,800
GFR - Guardian Ad Litem Se	355,300	360,900	0	360,900	0	360,900
GFR - Justice Court Tech, St	899,400	1,299,300	400,000	1,699,300	(400,000)	1,299,300
GFR - Non-Judicial Assessn	721,700	1,445,300	0	1,445,300	0	1,445,300
GFR - Online Court Assistar	74,400	75,000	0	75,000	0	75,000
GFR - State Court Complex	4,700,000	4,400,000	300,000	4,700,000	0	4,700,000
GFR - Substance Abuse Pre	447,700	452,400	50,000	502,400	0	502,400
GFR - Tobacco Settlement	193,700	193,700	0	193,700	0	193,700
GFR - Transcriptions	250,000	0	250,000	250,000	(250,000)	0
Transfers - Commission on C	551,900	575,500	(81,300)	494,200	81,300	575,500
Transfers - Human Services	89,100	152,000	(152,000)	0	152,000	152,000
Transfers - Other Agencies	658,300	564,000	313,200	877,200	(313,200)	564,000
Transfers - Public Safety	28,000	0	0	0	0	0
Transfers - Youth Correctio	0	178,500	(178,500)	0	178,500	178,500
Beginning Nonlapsing	961,800	1,292,600	392,100	1,684,700	(1,684,700)	0
Closing Nonlapsing	(1,628,800)	(509,600)	1,005,500	495,900	(495,900)	0
Lapsing Balance	(1,500,900)	0	0	0	0	0
Total	\$128,314,200	\$131,084,600	(\$2,237,600)	\$128,847,000	(\$5,382,400)	\$123,464,600
Line Items						
Administration	99,357,700	101,358,300	(2,221,900)	99,136,400	(5,214,300)	93,922,100
Grand Jury	800	800	0	800	0	800
Contracts and Leases	21,734,500	22,124,100	(212,800)	21,911,300	255,600	22,166,900
Jury and Witness Fees	1,897,800	1,748,300	141,400	1,889,700	(354,800)	1,534,900
Guardian ad Litem	5,323,400	5,853,100	55,700	5,908,800	(68,900)	5,839,900
Total	\$128,314,200	\$131,084,600	(\$2,237,600)	\$128,847,000	(\$5,382,400)	\$123,464,600
Categories of Expenditure						
Personal Services	86,625,700	93,094,300	(3,393,800)	89,700,500	(6,488,500)	83,212,000
In-State Travel	457,100	5,137,700	(4,714,300)	423,400	26,200	449,600
Out of State Travel	239,900	254,600	(48,500)	206,100	3,000	209,100
Current Expense	33,799,300	28,749,300	5,960,400	34,709,700	1,864,200	36,573,900
DP Current Expense	2,678,100	659,900	723,000	1,382,900	(419,300)	963,600
DP Capital Outlay	729,800	42,300	(33,400)	8,900	0	8,900
Capital Outlay	257,700	3,000	10,200	13,200	(13,200)	0
Other Charges/Pass Thru	3,526,600	3,143,500	(741,200)	2,402,300	(354,800)	2,047,500
Total	\$128,314,200	\$131,084,600	(\$2,237,600)	\$128,847,000	(\$5,382,400)	\$123,464,600

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

Line Item: Administration

The main line item is Administration. It includes the Utah court system and related supportive services. 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. The Judicial Council, through the Administrative Office of the Courts, provides the administrative support for the judicial branch.

Courts - Administration						
Sources of Finance	FY 2008	FY 2009		FY 2009		FY 2010*
	Actual	Appropriated	Changes	Revised	Changes	Base Budget
General Fund	88,872,200	88,615,600	(8,252,100)	80,363,500	0	80,363,500
General Fund, One-time	733,400	(105,900)	3,851,000	3,745,100	(3,745,100)	0
Federal Funds	273,400	166,600	(3,900)	162,700	3,900	166,600
Dedicated Credits Revenue	1,369,900	1,393,200	81,200	1,474,400	(81,200)	1,393,200
GFR - Alternative Dispute Resolution	310,700	317,500	0	317,500	0	317,500
GFR - Children's Legal Defense	229,800	236,400	125,000	361,400	0	361,400
GFR - Court Reporter Technology	0	250,000	(250,000)	0	250,000	250,000
GFR - Court Security Account	4,756,400	4,756,400	(400,000)	4,356,400	400,000	4,756,400
GFR - Court Trust Interest	250,000	250,000	525,000	775,000	0	775,000
GFR - DNA Specimen	244,200	252,800	0	252,800	0	252,800
GFR - Justice Court Tech, Sec.& Train	899,400	1,299,300	400,000	1,699,300	(400,000)	1,299,300
GFR - Non-Judicial Assessment	721,700	1,445,300	0	1,445,300	0	1,445,300
GFR - Online Court Assistance	74,400	75,000	0	75,000	0	75,000
GFR - State Court Complex	0	0	300,000	300,000	0	300,000
GFR - Substance Abuse Prevention	447,700	452,400	50,000	502,400	0	502,400
GFR - Tobacco Settlement	193,700	193,700	0	193,700	0	193,700
GFR - Transcriptions	250,000	0	250,000	250,000	(250,000)	0
Transfers - Commission on Criminal a	551,900	575,500	(81,300)	494,200	81,300	575,500
Transfers - Human Services	89,100	152,000	(152,000)	0	152,000	152,000
Transfers - Other Agencies	658,300	564,000	313,200	877,200	(313,200)	564,000
Transfers - Public Safety	28,000	0	0	0	0	0
Transfers - Youth Corrections	0	178,500	(178,500)	0	178,500	178,500
Beginning Nonlapsing	1,256,900	1,520,600	187,900	1,708,500	(1,708,500)	0
Closing Nonlapsing	(1,652,500)	(1,230,600)	1,012,600	(218,000)	218,000	0
Lapsing Balance	(1,200,900)	0	0	0	0	0
Total	\$99,357,700	\$101,358,300	(\$2,221,900)	\$99,136,400	(\$5,214,300)	\$93,922,100
Programs						
Administrative Office	4,349,600	3,205,200	995,000	4,200,200	47,500	4,247,700
Court of Appeals	3,304,700	3,606,900	(13,100)	3,593,800	13,100	3,606,900
Courts Security	3,995,600	4,760,300	(403,900)	4,356,400	403,900	4,760,300
Data Processing	7,025,400	5,468,400	(14,600)	5,453,800	14,600	5,468,400
District Courts	40,950,100	42,157,400	(3,073,700)	39,083,700	(5,990,000)	33,093,700
Grants Program	920,700	821,800	(110,600)	711,200	110,600	821,800
Judicial Education	653,900	678,900	19,900	698,800	(19,900)	678,900
Justice Courts	1,154,900	1,163,000	75,200	1,238,200	(75,200)	1,163,000
Juvenile Courts	33,835,300	36,241,200	186,500	36,427,700	388,500	36,816,200
Law Library	772,600	691,000	149,500	840,500	(139,500)	701,000
Supreme Court	2,394,900	2,564,200	(32,100)	2,532,100	32,100	2,564,200
Total	\$99,357,700	\$101,358,300	(\$2,221,900)	\$99,136,400	(\$5,214,300)	\$93,922,100
Categories of Expenditure						
Personal Services	81,626,200	87,445,000	(3,533,800)	83,911,200	(6,114,700)	77,796,500
In-State Travel	386,600	5,034,800	(4,681,700)	353,100	25,200	378,300
Out of State Travel	231,200	228,700	(26,500)	202,200	3,000	205,200
Current Expense	12,841,500	7,381,400	5,642,000	13,023,400	811,900	13,835,300
DP Current Expense	2,600,100	655,900	727,000	1,382,900	60,300	1,443,200
DP Capital Outlay	729,800	42,300	(33,400)	8,900	0	8,900
Capital Outlay	156,000	3,000	(3,000)	0	0	0
Other Charges/Pass Thru	786,300	567,200	(312,500)	254,700	0	254,700
Total	\$99,357,700	\$101,358,300	(\$2,221,900)	\$99,136,400	(\$5,214,300)	\$93,922,100

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

Line Item: 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 should one be convened. The Act also authorized a Grand Jury Prosecution budget.

Courts - Grand Jury						
Sources of Finance	FY 2008 Actual	FY 2009 Appropriated	Changes	FY 2009 Revised	Changes	FY 2010* Base Budget
General Fund	800	800	0	800	0	800
Total	\$800	\$800	\$0	\$800	\$0	\$800
Programs						
Grand Jury	800	800	0	800	0	800
Total	\$800	\$800	\$0	\$800	\$0	\$800
Categories of Expenditure						
In-State Travel	700	800	0	800	0	800
Current Expense	100	0	0	0	0	0
Total	\$800	\$800	\$0	\$800	\$0	\$800

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

Line Item: Contracts and Leases

The Contracts and Leases line item provides courthouses and office space in which the judiciary adjudicates cases. The Contracts and Leases Program also provides offices in the community where juvenile probation officers can meet with the family and youth under their supervision. 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.

The Courts assure that facilities comply with courthouse security requirements which allows for appropriate separation and safety of the public, judges, staff, and prisoners while avoiding possible mistrial situations occasioned by inappropriate contact with judges during case deliberations.

Courts - Contracts and Leases						
Sources of Finance	FY 2008 Actual	FY 2009 Appropriated	Changes	FY 2009 Revised	Changes	FY 2010* Base Budget
General Fund	17,436,800	17,996,500	(479,600)	17,516,900	0	17,516,900
General Fund, One-time	(373,200)	(702,000)	266,800	(435,200)	435,200	0
Dedicated Credits Revenue	435,600	250,000	0	250,000	0	250,000
GFR - State Court Complex	4,700,000	4,400,000	0	4,400,000	0	4,400,000
Beginning Nonlapsing	14,900	179,600	0	179,600	(179,600)	0
Closing Nonlapsing	(179,600)	0	0	0	0	0
Lapsing Balance	(300,000)	0	0	0	0	0
Total	\$21,734,500	\$22,124,100	(\$212,800)	\$21,911,300	\$255,600	\$22,166,900
Programs						
Contracts and Leases	21,734,500	22,124,100	(212,800)	21,911,300	255,600	22,166,900
Total	\$21,734,500	\$22,124,100	(\$212,800)	\$21,911,300	\$255,600	\$22,166,900
Categories of Expenditure						
Personal Services	274,800	345,300	146,000	491,300	(373,800)	117,500
In-State Travel	6,700	3,400	0	3,400	1,000	4,400
Out of State Travel	0	1,000	0	1,000	0	1,000
Current Expense	20,278,200	20,689,100	264,600	20,953,700	1,108,000	22,061,700
DP Current Expense	23,500	(500)	500	0	(479,600)	(479,600)
Capital Outlay	95,600	0	0	0	0	0
Other Charges/Pass Thru	1,055,700	1,085,800	(623,900)	461,900	0	461,900
Total	\$21,734,500	\$22,124,100	(\$212,800)	\$21,911,300	\$255,600	\$22,166,900

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

Line Item: 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.

Courts - Jury and Witness Fees						
Sources of Finance	FY 2008 Actual	FY 2009 Appropriated	Changes	FY 2009 Revised	Changes	FY 2010* Base Budget
General Fund	1,524,900	1,524,900	0	1,524,900	0	1,524,900
General Fund, One-time	310,000	0	0	0	0	0
Dedicated Credits Revenue	13,800	10,000	0	10,000	0	10,000
Beginning Nonlapsing	(310,000)	(563,300)	204,200	(359,100)	359,100	0
Closing Nonlapsing	359,100	776,700	(62,800)	713,900	(713,900)	0
Total	\$1,897,800	\$1,748,300	\$141,400	\$1,889,700	(\$354,800)	\$1,534,900
Programs						
Jury, Witness, and Interpreter	1,897,800	1,748,300	141,400	1,889,700	(354,800)	1,534,900
Total	\$1,897,800	\$1,748,300	\$141,400	\$1,889,700	(\$354,800)	\$1,534,900
Categories of Expenditure						
In-State Travel	5,000	30,000	(30,000)	0	0	0
Out of State Travel	2,600	20,000	(20,000)	0	0	0
Current Expense	205,600	207,800	(3,800)	204,000	0	204,000
Other Charges/Pass Thru	1,684,600	1,490,500	195,200	1,685,700	(354,800)	1,330,900
Total	\$1,897,800	\$1,748,300	\$141,400	\$1,889,700	(\$354,800)	\$1,534,900

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

Line Item: Guardian ad Litem

The Office of Guardian ad Litem (GAL) and Court Appointed Special Advocate (CASA) is a separate line item within the court's budget. The program provides state-funded attorneys to represent the best interests of minors in Juvenile Court when there is an allegation of abuse, neglect, or dependency. A GAL may also be appointed in juvenile court for child protective order, emancipation, or delinquency cases. A GAL may also be court-appointed to represent minors when allegations of abuse or neglect arise in the District Court during divorce or custody proceedings or in a criminal case when the victim is a child.

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. The GAL office includes a Court Appointed Special Advocate (CASA) system that uses trained volunteers to assist attorneys in representing the best interests of children in the juvenile courts.

Courts - Guardian ad Litem						
Sources of Finance	FY 2008	FY 2009		FY 2009		FY 2010*
	Actual	Appropriated	Changes	Revised	Changes	Base Budget
General Fund	4,563,700	5,009,800	0	5,009,800	0	5,009,800
General Fund, One-time	75,100	(86,800)	0	(86,800)	86,800	0
Dedicated Credits Revenue	47,400	20,000	0	20,000	0	20,000
GFR - Children's Legal Defense	437,700	449,200	0	449,200	0	449,200
GFR - Guardian Ad Litem Services	355,300	360,900	0	360,900	0	360,900
Beginning Nonlapsing	0	155,700	0	155,700	(155,700)	0
Closing Nonlapsing	(155,800)	(55,700)	55,700	0	0	0
Total	\$5,323,400	\$5,853,100	\$55,700	\$5,908,800	(\$68,900)	\$5,839,900
Programs						
Guardian ad Litem	5,323,400	5,853,100	55,700	5,908,800	(68,900)	5,839,900
Total	\$5,323,400	\$5,853,100	\$55,700	\$5,908,800	(\$68,900)	\$5,839,900
Categories of Expenditure						
Personal Services	4,724,700	5,304,000	(6,000)	5,298,000	0	5,298,000
In-State Travel	58,100	68,700	(2,600)	66,100	0	66,100
Out of State Travel	6,100	4,900	(2,000)	2,900	0	2,900
Current Expense	473,900	471,000	57,600	528,600	(55,700)	472,900
DP Current Expense	54,500	4,500	(4,500)	0	0	0
Capital Outlay	6,100	0	13,200	13,200	(13,200)	0
Total	\$5,323,400	\$5,853,100	\$55,700	\$5,908,800	(\$68,900)	\$5,839,900

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.