

Office of the
Legislative Fiscal Analyst

FY 2001 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices, Criminal Justice and Legislature

Utah Department of Courts

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1.0 Summary: The Courts

The Utah court system consists of: two appellate courts, a court of general jurisdiction and a juvenile court at the state level. These courts are state funded and state operated. Additional Justice courts are funded and operated by local governments under standards established by the state.

	Analyst FY 2001 Base	Analyst FY 2001 Changes	Analyst FY 2001 Total
Financing			
General Fund	\$85,062,000	\$509,200	\$85,571,200
General Fund, One-time		(640,000)	(640,000)
Federal Funds	175,900		175,900
Dedicated Credits Revenue	1,116,800		1,116,800
GFR - Alternative Dispute Resolution	140,000		140,000
GFR - Children's Legal Defense Fund	605,900		605,900
GFR - Court Trust Interest	273,000		273,000
GFR - Guardian Ad Litem Services	200,000		200,000
GFR - Non-Judicial Assessment	675,700		675,700
GFR - State Court Complex	3,323,200		3,323,200
GFR - Substance Abuse Prevention	312,300		312,300
GFR - Transcriptions	150,000		150,000
Transfers - CCJJ	1,022,200		1,022,200
Beginning Nonlapsing	422,800		422,800
Closing Nonlapsing	1,022,400		1,022,400
Total	<u>\$94,502,200</u>	<u>(\$130,800)</u>	<u>\$94,371,400</u>
Programs			
State Courts	\$73,805,400		\$73,805,400
Contracts and Leases	15,915,700	(130,800)	15,784,900
Grand Jury Prosecution	1,000		1,000
Juror/Witness Fees	1,864,000		1,864,000
Gardian ad Litem	2,916,100		2,916,100
Total	<u>\$94,502,200</u>	<u>(\$130,800)</u>	<u>\$94,371,400</u>
FTE	1,245.4		1,245.4

2.0 Issues: The Courts

2.1 Bailiff Services Costs

While the Analyst has no immediate recommendation for funding or statutory action, the issue of bailiff funding is presented as a policy issue with significant fiscal implications that is, and will continue to be, a growing policy problem.

2.2 Base Adjustments (\$640,000)

Rent Savings on Construction: In recognition of rent savings due to delivery dates on construction the Analyst has taken a one-time reduction of \$640,000 from the Contracts and Leases FY 2001 budget.

3.0 Courts

The Utah court system consists of state courts, both Appellate and Trial courts of original jurisdiction and Justice courts funded and operated by local governments under standards established by the state. In addition to the courts the Third Branch has a full administrative support system.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$67,533,700	\$69,841,150	\$68,974,200	(\$866,950)
General Fund, One-time		57,800		(57,800)
Federal Funds	84,100	182,000	175,900	(6,100)
Dedicated Credits Revenue	993,500	964,500	936,200	(28,300)
GFR - Alternative Dispute Reso	140,000	140,000	140,000	
GFR - Children's Legal Defensi	238,500	240,000	240,000	
GFR - Court Trust Interest	238,500	290,000	273,000	(17,000)
GFR - Non-Judicial Assessmen	634,600	685,700	675,700	(10,000)
GFR - Substance Abuse Preven	312,400	312,300	312,300	
GFR - Transcriptions	150,000	150,000	150,000	
Transfers - CCJJ	828,800	1,022,200	1,022,200	
Transfers - Federal	72,100			
Beginning Nonlapsing	1,287,700	1,037,500	1,037,500	
Closing Nonlapsing	(950,300)	(131,600)	(131,600)	
Lapsing Balance	(71,600)			
Total	<u>\$71,492,000</u>	<u>\$74,791,550</u>	<u>\$73,805,400</u>	<u>(\$986,150)</u>
Expenditures				
Personal Services	\$57,007,600	\$59,848,750	\$59,127,200	(\$721,550)
In-State Travel	403,600	403,300	403,300	
Out of State Travel	162,900	166,800	166,800	
Current Expense	10,484,900	11,623,200	11,358,600	(264,600)
DP Current Expense	3,088,000	1,972,600	1,972,600	
DP Capital Outlay	43,800	328,100	328,100	
Capital Outlay	301,100	448,800	448,800	
Other Charges/Pass Thru	100			
Total	<u>\$71,492,000</u>	<u>\$74,791,550</u>	<u>\$73,805,400</u>	<u>(\$986,150)</u>
FTE	1,174.7	1,197.3	1,191.5	(5.8)

Purpose

This line item funds the main operations of the Third Branch of Government.

Performance Measures	Overall evaluation of the performance of the courts of the state must remain with the electorate. This is accomplished through: Judicial evaluations and retention elections which respond to the individual judge and his or her performance, and Joint Legislative Appropriation Subcommittee reviews of performance indicators for the courts system. As with any large corporate entity there are overall performance goals and lessor goals and indicators for different elements of the enterprise. These disparate indicators will be presented with the various court functions and budget presentations that follow.
Judicial Salaries	The Executive and Judicial Compensation Commission was created in 1969 to recommend comprehensive compensation plans for the Executive Offices and the judiciary. The salaries for the various judgeships and the Court Administrator are set relative to the District Judges salary which is currently \$95,900 (FY 2000) .
Recommendation	Under their proposal the salary for the District Court Judges and the State Court Administrator for FY 2001 would be \$99,700 . Total cost for this increase would be \$498,400. This represents a 4 percent increase for the Judiciary and the Court Administrator.
Bailiff Services Costs	<p>While the Analyst has no immediate recommendation for funding or statutory action, the issue of bailiff funding is presented as a policy issue with significant fiscal implications that is, and will continue to be, a growing policy problem.</p> <p>Bailiff services are provided by the county sheriff's department to the various courts. Current contracts and leases cover <u>part</u> of the total cost for such services in the District Courts throughout the state. There are, however, <u>no payments</u> for the services required by the Juvenile Court. This, then, is a growing cost center for the local sheriff's departments with an increasing gap between payments and service demands.</p>

A summary of costs by county (provided on request by the Utah Sheriff's Association) for 1999 follows:

Bailiff Funding Information 1999			
County	Total Bailiff Cost	District Court Not Reimbursed	Juvenile Court Not Reimbursed
Beaver	\$11,300	0	\$1,920
Box Elder	198,005	80,030	40,015
Cache	150,405	110,730	45,673
Carbon	30,309	25,365	680
Daggett	658	0	114
Davis	118,081	500,000	45,986
Duchesne	8,336	1,214	2,672
Emery	2,473	0	2,600
Garfield		No Report	
Grand	2,490	0	870
Iron	28,172	0	6,655
Juab	4,525	0	1,434
Kane	12,828	0	1,188
Millard	12,660	5,460	1,700
Morgan	1,128	1,032	96
Piute	600	200	400
Rich	1,062	0	850
Salt Lake	2,724,743	1,101,397	493,346
San Juan	1,744	1,360	384
Sanpete	10,514	1,323	2,620
Sevier	32,556	2,982	16,500
Summit	65,250	42,381	1,556
Tooele	50,688	18,680	18,680
Uintah	18,778	3,826	6,612
Utah	660,971	16,331	145,340
Wasatch	12,229	622	3,107
Washington	107,566	\$33,952	32,614
Wayne	407	0	\$388
Weber	\$745,295	(320,379 for both courts)	

Recommendation

The Analyst suggests that the sub-committee may wish to have a representative of the Sheriff's Association and a representative of the courts testify on this issue.

Staffing Changes

Each year there are a number of bills introduced and passed which impact the court operations. Typically the fiscal notes for those bills estimate the impact on the courts, and more specifically the clerks of the court, and include funds to cover the increased workload costs. As these fiscal note funds are appropriated to the courts there has not been concomitant recognition that these funds were for workload increases and as such represent some increase in FTE clerks. The Analyst suggests that the Legislature should recognize that fiscal note driven additions to the funds for the court should be related to FTE increases so as to accommodate the workload increases.

Intent Language

The Analyst, therefore, recommends the following intent language be adopted by the sub-committee:

“It is the intent of the Legislature that for every \$50,000 in accumulated fiscal note driven costs to the courts in any given year, that the courts be authorized an additional clerk FTE. These FTE clerk increases are to be included in all subsequent budget submittals under the appropriate appeals, trial, or juvenile court program budget category.”

Main Courts Line Item

3.1 Supreme Courts

Recommendation The Analyst recommends a continuation budget for the Supreme Court.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$1,874,700	\$1,881,000	\$1,878,700	(\$2,300)
Closing Nonlapsing	(11,300)			
Total	<u>\$1,863,400</u>	<u>\$1,881,000</u>	<u>\$1,878,700</u>	<u>(\$2,300)</u>
Expenditures				
Personal Services	\$1,774,900	\$1,781,100	\$1,778,700	(\$2,400)
In-State Travel	500	1,600	1,600	
Out of State Travel	3,500	2,500	2,500	
Current Expense	75,900	95,800	95,900	100
DP Current Expense	8,600			
Total	<u>\$1,863,400</u>	<u>\$1,881,000</u>	<u>\$1,878,700</u>	<u>(\$2,300)</u>
FTE	26.0	26.0	26.0	

Purpose The Utah Supreme Court is a creation of the Constitution of the State of Utah (Article VIII, Sections 1 through 4). The Court consists of five justices who serve ten-year terms. The Utah Supreme Court is the highest appellate court in the State. It has appellate jurisdiction to hear first degree and capital felony convictions from the district court and civil judgements (other than domestic relations). It also has jurisdiction of the Court of Appeals, and proceedings of the Judicial Conduct Commission. The Supreme Court reviews administrative proceedings of the Public Service Commission, Tax Commission, Board of State Lands and Forestry, Board of Oil, Gas and Mining and the State Engineer.

Performance Measures The State Supreme Court’s case filings increased by 3 percent in FY 1998. The most significant changes for the Supreme Court involve the type of cases being heard as opposed to the number of case filings:

FY 1994	criminal cases	21 percent of the Court’s caseload
FY 1998	criminal cases	28 percent of the Court’s caseload.

3.2 Court of Appeals

Recommendation

The Analyst recommends a continuation budget for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$2,572,000	\$2,592,400	\$2,588,500	(\$3,900)
Beginning Nonlapsing		13,400	13,400	
Closing Nonlapsing	(25,200)			
Total	<u>\$2,546,800</u>	<u>\$2,605,800</u>	<u>\$2,601,900</u>	<u>(\$3,900)</u>
Expenditures				
Personal Services	\$2,420,100	\$2,424,000	\$2,420,000	(\$4,000)
In-State Travel	2,400	5,800	5,800	
Out of State Travel	3,300	7,000	7,000	
Current Expense	119,300	169,000	169,100	100
DP Current Expense	1,700			
Total	<u>\$2,546,800</u>	<u>\$2,605,800</u>	<u>\$2,601,900</u>	<u>(\$3,900)</u>
FTE	39.3	39.3	33.5	(5.8)

Purpose

The Court of Appeals is a statutorily constituted body and consists of seven judges who sit in rotating panels of three judges. In addition to the cases of direct jurisdiction and appeals from lessor courts, the appeals court handles those cases transferred by the Supreme Court.

Performance Measures

The Court of Appeals experienced a dramatic decline in filings in FY 1998.

FY 1997 822 cases filed
 FY 1998 701 cases filed

The change represents a 15 percent reduction in case filings for the Court of Appeals.

3.3 Trail Courts

Recommendation

The Analyst recommends a continuation budget for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$30,517,700	\$31,290,350	\$31,076,300	(\$214,050)
Dedicated Credits Revenue	504,500	383,900	365,600	(18,300)
GFR - Alternative Dispute Resolution	140,000	140,000	140,000	
GFR - Children's Legal Defense Fund	238,500	240,000	240,000	
GFR - Transcriptions	150,000	150,000	150,000	
Beginning Nonlapsing		321,300	321,300	
Closing Nonlapsing	(222,500)			
Total	\$31,328,200	\$32,525,550	\$32,293,200	(\$232,350)
Expenditures				
Personal Services	\$28,363,000	\$29,256,250	\$29,044,000	(\$212,250)
In-State Travel	173,900	181,700	181,700	
Out of State Travel	25,800	12,500	12,500	
Current Expense	2,691,700	3,053,900	3,033,800	(20,100)
DP Current Expense	58,500	21,200	21,200	
Capital Outlay	15,300			
Total	\$31,328,200	\$32,525,550	\$32,293,200	(\$232,350)
FTE	562.5	585.1	585.1	

Purpose

The 29 District Courts are the courts of general jurisdiction of the state and currently have **70 judges** on the bench. These courts have original jurisdiction in general civil cases and criminal felonies. Other, specialized, caseloads include: domestic relations, divorces, child custody, support, and adoption; and appeals from the justice courts. Within the District Courts specialized courts have been created to accommodate unique problems such as the drug courts and tax courts.

Constitutionally created, District Courts operate in each of the state's counties. In addition to the primary court locations the courts may also travel to secondary locations staffed by county and municipal employees. Administratively the trial courts of the state are divided into eight judicial districts. The following chart identifies the various district boundaries for the courts:

State Map goes here

Issue General Court Revenues

The Analyst has included within the various court budget reviews references to the court revenues. A review of the court revenue shows the following:

Revenues of the Court			
	FY 1999	FY 2000 Estimated	FY 2001 Projected
Filing Fees	\$4,804,866	\$4,852,915	\$4,800,000
Fines	10,376,678	10,480,445	10,500,000
Higher Ed.	2,519	30,000	30,000
25 % surcharge			
35 % surcharge	1,367,287	1,377,542	1,375,000
85 % surcharge	3,694,405	3,722,113	3,700,000
Cap Projects	3,805,900	3,824,930	3,800,000
All Other	<u>3,663,277</u>	<u>3,736,543</u>	<u>3,900,000</u>
Total	<u>\$27,714,932</u>	<u>\$28,024,486</u>	<u>\$28,105,000</u>
Percent Increase	4.33%	1.12%	0.29%

While the courts are not designed as a revenue producing entity there is a considerable level of funding generated by fees, fines and charges. Shifts of these revenues over the years have reduced the amount of free revenue for the General Fund and increased the revenue to special projects and funds and local justice courts communities.

Performance Measures

The District Courts established by the Constitution of Utah are the courts of general jurisdiction for Utah. The court has original jurisdiction in civil cases involving claims of more than \$20,000 and criminal felonies. In addition the court caseload includes domestic relations cases, such as divorces, child custody, support and adoption.

Each District has at least one primary location served by a full-time judge and clerical staff. A Court may also include secondary locations staffed by county employees and municipal departments staffed by municipal employees. The State reimburses the county or city for secondary location and municipal department expenses on a contractual basis. The State receives most of the fines, fees, and forfeitures collected by the court. A portion of the monies collected as forfeitures are remitted to the city or county which initiates and prosecutes matters before the court.

As the following chart shows, civil filings represent approximately 90 percent of total district court filings. While the Court of Appeals has seen a decline in filings this year, the District Courts have continued to experience a 4 percent increase in case filings, caused primarily by an increase in traffic and civil filings

District Court - Case Filings and Dispositions						
	Filings			Dispositions		
	1998	1999	Change	1998	1999	Change
Criminal	64,504	66,697	1.03%	62,884	59,570	0.95%
Domestic	21,809	20,824	0.95%	20,102	21,190	1.05%
General Civil	78,479	75,305	0.96%	93,362	73,957	0.79%
Probate	6,727	7,032	1.05%	6,173	6,245	1.01%
Property Rights	3,678	7,707	2.10%	2,066	5,758	2.79%
Small Claims	41,508	34,104	0.82%	40,646	31,360	0.77%
Torts	1,849	2,386	1.29%	1,576	2,035	1.29%
Traffic	128,953	140,248	1.09%	119,405	127,922	1.07%
Parking	7,164	4,412	0.62%	6,321	3,980	0.63%
Other	488	426	0.87%	115	188	1.63%
Total	355,159	359,141	1.01%	352,650	332,205	0.94%

One positive trend to report for the District Courts is that criminal filings are decreasing. In past years criminal filings increased at a consistent rate of between 5 percent and 6 percent annually. This trend began to change last year as criminal filings started to slow, and in FY1998 criminal filings were down by over 5 percent with a slight increase in 1999.

3.4 Juvenile Courts

Recommendation

The Analyst recommends a base budget for continuation of the program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$22,958,100	\$24,342,900	\$24,156,600	(\$186,300)
General Fund, One-time		57,800		(57,800)
Dedicated Credits Revenue	375,300	428,800	418,800	(10,000)
GFR - Non-Judicial Assessment	612,000	663,100	653,100	(10,000)
GFR - Substance Abuse Prevention	312,400	312,300	312,300	
Beginning Nonlapsing	1,233,400	205,000	205,000	
Closing Nonlapsing	(1,578,100)	(69,700)	(69,700)	
Lapsing Balance	(71,600)			
Total	\$23,841,500	\$25,940,200	\$25,676,100	(\$264,100)
Expenditures				
Personal Services	\$19,734,700	\$21,441,100	\$21,287,000	(\$154,100)
In-State Travel	139,100	119,400	119,400	
Out of State Travel	84,300	90,600	90,600	
Current Expense	3,566,900	4,287,600	4,177,600	(110,000)
DP Current Expense	307,800	1,500	1,500	
Capital Outlay	8,700			
Total	\$23,841,500	\$25,940,200	\$25,676,100	(\$264,100)
FTE	456.1	456.1	456.1	

Juvenile Courts - Contempt Funding: The Legislature in the 1997 General Session passed Senate Bill 90 A Juvenile Court Powers which strengthened the Juvenile Courts powers to cite youth for contempt. With that bill the Legislature provided \$585,000 to cover additional juvenile probation and services. Experience has shown that these funds are not needed.

Purpose

The Juvenile Court has exclusive jurisdiction over youth under 18 years of age who are charged with criminal violations, dependency, neglect, child abuse, and limited status offenses such as curfew and truancy. Where an adult has been charged with contributing to the delinquency or neglect of a minor, the case may be heard by the Juvenile Court.

The philosophy of the State of Utah concerning youths coming before the Juvenile Court as stated in 78-33a-1 U.C.A. 1953.

The State will

"... secure for each child coming before the juvenile court such care, guidance, and control, preferably in his own home, as will serve his welfare and the best interests of the State; to preserve and strengthen family ties whenever possible; to secure for any child who is removed from his home the care, guidance, and discipline required to assist him to develop into a responsible citizen, to improve the conditions and home environment responsible for his delinquency; and at the same time, to protect the community and its individual citizens against juvenile violence and juvenile law breaking."

Twenty-three judges, who are appointed by the Governor, constitute the Board of Juvenile Court Judges. The court has been organized into five functional areas to facilitate the management of referrals to the Court.

Intake - The intake function is performed by probation officers and involves the initial screening of all cases referred to the Court. Tasks involve reviewing police reports, contacting victims, interviewing youth and parents, providing short-term counseling, arranging voluntary restitution, referring to alternative community services, and preparing reports and recommendations for the Court.

Probation - the probation function is primarily focused on the supervision of the youth in his own home rather than a more expensive, out-of-home alternative. Supervision includes monitoring daily activities and school performance, providing individual and family counseling, helping the youth and family better utilize existing community resources, and providing progress reports to the Court.

Judicial - The judicial function includes the arraignment and disposition of all cases where a petition is filed. The court conducts hearings, protects rights, holds trials, issues legal findings and orders, and reviews all continuing jurisdictional cases.

Operations - The function provides all facilities and resources for the three previous functions, including clerical and data processing services. Clerical functions include processing all cases, issuing legal documents, recording hearings, and collecting ordered fines and restitution.

Administration - The administrative function includes responsibility for all non-judicial court functions, including fiscal control, personnel, administration, program operation and development, etc.

Court acting as an executive agent over youths

The Analyst notes that "Juvenile Court" as used for this program is something of a misnomer. This budget includes not just the court of justice function (as with other justice courts) but also incorporates a social services role. The court functions with Juvenile Court Judges and court clerks and related support staff which represents less than 20 percent of the FTE in this budget. The remainder of the staff are acting as social workers/analyst's and operating/contracting for probation programs.

Conflicts of Role

The Analyst sees a separation of powers issue and a conflict of role wherein a judge will be hearing recommendations from an intake system which is controlled by the judiciary and committing juveniles to a probation program which is operated by the judiciary. The constitutional/traditional separation of the judicial function from that of the program operation (executive) function is not in effect.

Juvenile Courts as a Service Provider

Over the last several years the number and complexity of programs for youth have increased adding to the non-judicial workload and functions of the "court". The Analyst notes that the judiciary is not, in this instance, merely carrying it's unique and independent "judgement" function but is becoming a major provider of a growing package of service delivery programs. In some instances the court is contracting for services/programming that is similar to if not duplicative of those provided in Youth Corrections. The Legislative Auditor General expressed concern for this overlapping responsibility in his Report #99-01 dated January 1999.

The Analyst is aware that Utah is not unique in the way the Juvenile Court operates, several other states have a similar judicial/social services mix in the Juvenile Court. The Analyst questions, however, whether a Juvenile Court that had only judicial issues in it's workload might be significantly more efficient at those tasks and workloads. Similarly it would seem that a social services oriented intake and probation function would be more efficiently associated with a social services/executive branch agency which is staffed and supervised to deal with this exact population, such as a Youth Authority or the Division of Youth Corrections, or the Department of Human Services.

Recent Juvenile Justice System Audit

In the Legislative Auditor’s Audit of the state’s Juvenile Justice System (#99-01 Dated January 1999), one of the major findings is that “the organizational roles and responsibilities need clarification”. The roles being referred to are those of the Division of Youth Correction and the Juvenile Court.

Joint Youth Corrections and Juvenile Court Study

In response to the above report the two agencies co-hosted a series of Leadership Conferences throughout the 1999 interim period. The product of those meetings was a joint report that dealt with a variety of issues including duplication of service. There was, however, no definitive conclusion as to which, if either agency, should be the exclusive deliverer of services to troubled youth.

Recommendation

The Analyst strongly recommends that the sub-committee review the report and hear presentations by both agencies prior to action on either budget request.

Performance Measures

Juvenile Court - Case Filings and Dispositions						
	Filings			Dispositions		
	1998	1999	Change	1998	1999	Change
Adult	116	273	2.35%	121	255	2.11%
Dependency/Neglect/Abuse	2,768	2,784	1.01%	2,789	2,674	0.96%
Infractions	2,177	2,362	1.08%	2,290	2,410	1.05%
Felonies	4,603	4,550	0.99%	4,886	4,610	0.94%
Misdemeanors	35,257	34,041	0.97%	36,232	39,278	1.08%
Subtotal (Criminal)	39,860	38,591	0.97%	41,118	43,888	1.07%
Juvenile Traffic	1,207	1,172	0.97%	1,296	1,201	0.93%
Status Offenses	10,516	9,441	0.90%	10,812	9,986	0.92%
Totals	96,504	93,214	0.97%	99,544	104,302	1.05%

As noted in the chart both overall Juvenile “crime” and the most serious offenses are down for 1999. Conversely, adult crimes heard in the Juvenile Court continue to grow.

3.5 Justice Courts

Recommendation

The Analyst recommends a continuation budget for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$162,500	\$165,400	\$165,100	(\$300)
Closing Nonlapsing	6,100			
Total	\$168,600	\$165,400	\$165,100	(\$300)
Expenditures				
Personal Services	\$85,400	\$88,400	\$88,100	(\$300)
In-State Travel	11,700	10,000	10,000	
Out of State Travel	1,600			
Current Expense	69,900	67,000	67,000	
Total	\$168,600	\$165,400	\$165,100	(\$300)
FTE	1.0	1.0	1.0	

Purpose

There are 128 justices serving in the Justice of the Peace Courts of the counties and municipalities. The jurisdiction of such courts is changing as a part of the general court reorganization. Justices of the Peace do not have to be lawyers but do have State training requirements they must meet as they serve. While these courts, are not of record, are not funded and run by the State, they are subject to rule making of the Judicial Council and are assisted by the Office of The State Court Administrator.

The Analyst notes that over the last several years the jurisdiction of the Justice Courts has been expanded. This shifts both caseloads and revenues to the local courts. The Analyst also notes that where local jurisdictions de-criminalize traffic violations the cases may be heard by an administrative judge who is not subject to the same standards and certification as a justice court judge.

Performance Measures

While the state sets standards and provides training for the justice court judges their performance is measured by their parent local government

Administrative Office of the Courts

The Administrative Office of the Courts includes all those subsidiary and support functions required to operate a corporate entity with a budget of almost \$100 millions. As an independent branch of the state government the courts operate under the direction of the constitutionally established Judicial Council. Under their direction the State Court Administrator manages and directs the 1,040 FTE non-judicial staff and operations statewide.

3.6 State Court Administrator (AOC)

Recommendation The Analyst recommends a continuation budget for the AOC.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$2,664,900	\$2,662,900	\$2,485,100	(\$177,800)
GFR - Court Trust Interest	238,500	290,000	273,000	(17,000)
Beginning Nonlapsing		14,500	14,500	
Closing Nonlapsing	45,200			
Total	<u>\$2,948,600</u>	<u>\$2,967,400</u>	<u>\$2,772,600</u>	<u>(\$194,800)</u>
Expenditures				
Personal Services	\$2,197,900	\$2,149,400	\$1,928,300	(\$221,100)
In-State Travel	40,500	57,700	57,700	
Out of State Travel	26,500	30,500	30,500	
Current Expense	656,700	729,800	756,100	26,300
DP Current Expense	8,900			
Capital Outlay	18,100			
Total	<u>\$2,948,600</u>	<u>\$2,967,400</u>	<u>\$2,772,600</u>	<u>(\$194,800)</u>
FTE	41.8	41.8	41.8	

Purpose The State Court Administrator has a broad range of statutory authority, powers, duties and responsibilities. The AOC is directly responsible to the Judicial Council for the efficient and effect operations of the Court’s administrative systems. As the official representative of the Courts the State Court Administrator attends and actively participates in a variety of intra-governmental activities including the Utah Commission on Criminal and Juvenile Justice.

State Law Library

Recommendation The Analyst recommends a continuation budget for the State Law Library.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$459,100	\$450,100	\$449,600	(\$500)
Dedicated Credits Revenue	15,000	35,000	35,000	
Beginning Nonlapsing	42,800	51,900	51,900	
Closing Nonlapsing	17,100	(61,900)	(61,900)	
Total	<u>\$534,000</u>	<u>\$475,100</u>	<u>\$474,600</u>	<u>(\$500)</u>
Expenditures				
Personal Services	\$153,500	\$138,800	\$138,300	(\$500)
In-State Travel		100	100	
Current Expense	348,500	336,200	336,200	
DP Current Expense	32,000			
Total	<u>\$534,000</u>	<u>\$475,100</u>	<u>\$474,600</u>	<u>(\$500)</u>
FTE	4.0	4.0	4.0	

Purpose

The State Law Library is a statutorily established function under Title 37-1 UCA. the Library. The main library is located in the Matheson Court Complex and is open to the public. The State Attorney General, the Legislative General Counsel, and the State Court Administrator are the Board of Control for the Library and would establish and evaluate any performance measures.

Judicial Education

Recommendation

The Analyst recommends a continuation budget for Judicial Education.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$326,200	\$350,200	\$349,400	(\$800)
Closing Nonlapsing	21,100			
Total	<u>\$347,300</u>	<u>\$350,200</u>	<u>\$349,400</u>	<u>(\$800)</u>
Expenditures				
Personal Services	\$218,500	\$258,300	\$257,500	(\$800)
In-State Travel	8,300			
Out of State Travel	600			
Current Expense	119,700	91,900	91,900	
DP Current Expense	200			
Total	<u>\$347,300</u>	<u>\$350,200</u>	<u>\$349,400</u>	<u>(\$800)</u>
FTE	4.0	4.0	4.0	

Purpose

The judicial council has established by rule (3-403) a requirement for in-service training of judges, commissioners, and judicial staff. Examples of out-of-state educational activities include:

The American Academy of Judicial Education
 The National Center for State courts
 The Institute for Court Management
 The National College of Juvenile and Family Justice
 The National Judicial College in Reno, Nevada

Performance Measures The training system must provide opportunities for all Judicial staff to meet the annual in-service training requirements.

Court Security

Recommendation The Analyst recommends a continuation budget for Court Security programs.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$2,216,100	\$2,216,000	\$2,216,000	
Closing Nonlapsing	(93,700)			
Total	<u>\$2,122,400</u>	<u>\$2,216,000</u>	<u>\$2,216,000</u>	<u>\$0</u>
Expenditures				
Out of State Travel	\$100			
Current Expense	2,122,300	2,216,000	2,216,000	
Total	<u>\$2,122,400</u>	<u>\$2,216,000</u>	<u>\$2,216,000</u>	<u>\$0</u>

Purpose The state contracts with the local sheriff’s departments to provide bailiff and court security services for the courts. By doing so the state provides security services without expanding state employment (FTE) and payroll. At the same time the state forfeits some control over personnel costs in the local jurisdictions. The Analyst acknowledges the increased need for court security as the court caseload increases the number and underlying violence of the criminal cases being heard.

As noted earlier, the local government costs of providing court security increasingly exceed the payments being made by the state courts.

Data Processing

Recommendation

The Analyst recommends a continuation budget for Data Processing.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$3,614,100	\$3,889,900	\$3,608,900	(\$281,000)
Dedicated Credits Revenue	14,800	15,000	15,000	
Beginning Nonlapsing		431,400	431,400	
Closing Nonlapsing	897,000			
Total	<u>\$4,525,900</u>	<u>\$4,336,300</u>	<u>\$4,055,300</u>	<u>(\$281,000)</u>
Expenditures				
Personal Services	\$1,568,200	\$1,814,500	\$1,694,500	(\$120,000)
In-State Travel	13,800	20,000	20,000	
Out of State Travel	8,300	13,000	13,000	
Current Expense	616,200	415,100	254,100	(161,000)
DP Current Expense	2,016,600	1,296,800	1,296,800	
DP Capital Outlay	43,800	328,100	328,100	
Capital Outlay	259,000	448,800	448,800	
Total	<u>\$4,525,900</u>	<u>\$4,336,300</u>	<u>\$4,055,300</u>	<u>(\$281,000)</u>
FTE	34.0	34.0	34.0	

Purpose

The courts have now deployed the new Court Computerized Case Management System (CORIS) statewide. A electronic data warehouse has been developed and is available on-line and electronic filing is under development. Court Rules are also now available on the Internet. The court WEB home page address is <http://courtlink.utcourts.gov>.

Federal Grants

Recommendation

The Analyst recommends a continuation budget for the Grants program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$168,300			
Federal Funds	84,100	\$182,000	\$175,900	(\$6,100)
Dedicated Credits Revenue	83,900	101,800	101,800	
GFR - Non-Judicial Assessment	22,600	22,600	22,600	
Transfers - CCJJ	828,800	1,022,200	1,022,200	
Transfers - Federal	72,100			
Beginning Nonlapsing	11,500			
Closing Nonlapsing	(6,000)			
Total	<u>\$1,265,300</u>	<u>\$1,328,600</u>	<u>\$1,322,500</u>	<u>(\$6,100)</u>
Expenditures				
Personal Services	\$491,400	\$496,900	\$490,800	(\$6,100)
In-State Travel	13,400	7,000	7,000	
Out of State Travel	8,900	10,700	10,700	
Current Expense	97,800	160,900	160,900	
DP Current Expense	653,700	653,100	653,100	
Other Charges/Pass Thru	100			
Total	<u>\$1,265,300</u>	<u>\$1,328,600</u>	<u>\$1,322,500</u>	<u>(\$6,100)</u>
FTE	6.0	6.0	6.0	

Purpose

This budget is designed to isolate and identify any federal grants used by the courts in any of their several programs. In the past most of these grants have related to Juvenile Court or “Systems” of the administrative machinery of the court rather than the courts and their judicial function per se.

3.7 Contracts and Leases

Recommendation The Analyst recommends a continuation budget for the Contracts and Leases of the courts.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$11,675,900	\$12,415,400	\$12,956,100	\$540,700
General Fund, One-time			(640,000)	(640,000)
Dedicated Credits Revenue	186,400	150,000	145,600	(4,400)
GFR - State Court Complex	3,400,000	3,323,200	3,323,200	
Closing Nonlapsing	(87,200)			
Total	\$15,175,100	\$15,888,600	\$15,784,900	(\$103,700)
Expenditures				
Personal Services	\$256,700	\$270,900	\$266,500	(\$4,400)
In-State Travel	59,200	3,400	3,400	
Out of State Travel		1,000	1,000	
Current Expense	14,082,900	15,539,200	15,439,900	(99,300)
DP Current Expense	(22,500)			
DP Capital Outlay	22,600			
Capital Outlay	391,000	74,100	74,100	
Other Charges/Pass Thru	385,200			
Total	\$15,175,100	\$15,888,600	\$15,784,900	(\$103,700)
FTE	7.3	7.3	7.3	

Base Adjustments
 (\$640,000)

Rent Savings on Construction: In recognition of rent savings due to delivery dates on construction the Analyst has taken a one-time reduction of \$640,000 from the Contracts and Leases FY 2001 budget.

Purpose

Starting in 1991 the court was asked by the Legislature to submit a separate budget for contracts and leases. This budget appears as a separate line item in the courts budget. Expenses included under contracts and leases include such disparate items as:

- ▶ rent/lease payments
- ▶ janitorial services
- ▶ utilities costs

Lease and O&M expenses are generally established prior to the Governor’s Office and the Legislature authorizing the building of a new facility, or the approval of a new or expanded lease. The Appropriations sub-committee for Executive Offices, Criminal Justice and the Legislature, recommends to the Appropriations sub-committee on Capital Facilities, whether or not to authorize funding for the purchase or building of a new court house. This recommendation carries the acknowledgment that future lease and O&M payments are the responsibility of the Appropriations sub-committee on Executive Offices, Criminal Justice and the Legislature.

The Analyst notes that this budget is the fastest growing element in the judicial budget (for the last 10 years) after Juvenile Court.

3.8 Jury, Witness, and Interpreter

Recommendation The Analyst recommends a continuation budget for Jury, Witness, and Interpreter.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$1,323,500	\$1,323,500	\$1,331,300	\$7,800
Dedicated Credits Revenue	12,000	15,000	15,000	
Beginning Nonlapsing	(155,600)	(636,300)	(636,300)	
Closing Nonlapsing	636,300	1,154,000	1,154,000	
Total	\$1,816,200	\$1,856,200	\$1,864,000	\$7,800
Expenditures				
In-State Travel	\$7,300	\$6,600	\$6,600	
Out of State Travel	7,700	8,100	8,100	
Current Expense	96,000	97,400	105,200	\$7,800
DP Current Expense	1,300			
Other Charges/Pass Thru	1,703,900	1,744,100	1,744,100	
Total	\$1,816,200	\$1,856,200	\$1,864,000	\$7,800

Intent Language The Analyst recommends the following intent language:

“It is the intent of the Legislature that these funds be non-lapsing.”

Purpose Under Title 21-5-1.5 UCA the state is responsible for the payment of the costs of Jurors, witnesses called by the court, and interpreters. House Bill 36, 1998 General Session increased the first day pay for a juror to \$18.50 with \$49 per day for each day thereafter. This increase has added to the traditional deficit in this budget. Under Section 21-5-1.5, UCA such shortfalls are referred to the Board of Examiners to be certified as a claim against the state (supplemental appropriations request).

3.9 Guardian ad Litem

Recommendation The Analyst recommends a continuation budget for program Guardian ad Litem.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$2,201,900	\$2,314,100	\$2,308,600	(\$5,500)
Dedicated Credits Revenue	8,600	20,000	20,000	
GFR - Children's Legal Defense Fund	365,000	375,000	365,900	(9,100)
GFR - Guardian Ad Litem Services	240,500	240,500	200,000	(40,500)
Beginning Nonlapsing	44,900	21,600	21,600	
Closing Nonlapsing	(21,600)			
Lapsing Balance	(24,100)			
Total	<u>\$2,815,200</u>	<u>\$2,971,200</u>	<u>\$2,916,100</u>	<u>(\$55,100)</u>
Expenditures				
Personal Services	\$2,397,000	\$2,562,000	\$2,512,400	(\$49,600)
In-State Travel	43,900	25,800	25,800	
Out of State Travel	5,800	1,000	1,000	
Current Expense	368,400	382,400	376,900	(5,500)
DP Current Expense	100			
Total	<u>\$2,815,200</u>	<u>\$2,971,200</u>	<u>\$2,916,100</u>	<u>(\$55,100)</u>
FTE	46.6	46.6	46.6	

Purpose The Guardian ad Litem program is a system of attorneys who can be appointed by the court to protect the best interests of a minor in court actions. The budget includes administration and training of this semi-autonomous program as well as staff and contracted attorneys and volunteers.

Performance Measures The addition of Juvenile Court judges over the last several years has not been paralleled by the addition of Guardian ad Litem staff. The performance of the program should be evaluated in the context of ever expanding demand with limited or no expansion of staff or budget.

3.10 Grand Jury

Recommendation

The Analyst recommends a continuation budget for Grand Jury.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$1,000	\$1,000	\$1,000	
Total	\$1,000	\$1,000	\$1,000	\$0
Expenditures				
In-State Travel	\$900	\$1,000	\$1,000	
Current Expense	100			
Total	\$1,000	\$1,000	\$1,000	\$0

Purpose

The 1990 General Session of the Legislature passed a Grand Jury Reform Act which effectively created a separate budget item for this purpose. The budget exists as a vehicle to pay Grand Jury expenses if they are required. At the same time the act called for a Grand Jury Prosecution budget. These have been combined for presentation on a year to year basis.

4.0 Additional Information

4.1 Funding History

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	\$69,484,500	\$77,189,800	\$82,736,000	\$85,895,150	\$85,571,200
General Fund, One-time				57,800	(640,000)
Federal Funds	37,100	235,200	84,100	182,000	175,900
Dedicated Credits Revenue	1,172,800	1,627,100	1,200,500	1,149,500	1,116,800
GFR - Alternative Dispute Resolution	135,000	135,000	140,000	140,000	140,000
GFR - Children's Legal Defense Fund	641,000	666,000	603,500	615,000	605,900
GFR - Court Trust Interest	204,000	264,800	238,500	290,000	273,000
GFR - Donations of Jurors		40,000			
GFR - Guardian Ad Litem Services		210,000	240,500	240,500	200,000
GFR - Non-Judicial Assessment	400,000	647,100	634,600	685,700	675,700
GFR - State Court Complex			3,400,000	3,323,200	3,323,200
GFR - Substance Abuse Prevention	275,000	275,000	312,400	312,300	312,300
GFR - Transcriptions			150,000	150,000	150,000
Transfers - CCJJ	19,200	1,186,800	828,800	1,022,200	1,022,200
Transfers - Federal			72,100		
Beginning Nonlapsing	(333,000)	48,800	1,177,000	422,800	422,800
Closing Nonlapsing	(1,352,800)	(1,193,000)	(422,800)	1,022,400	1,022,400
Lapsing Balance	(235,800)	(235,600)	(95,700)		
Total	\$70,447,000	\$81,097,000	\$91,299,500	\$95,508,550	\$94,371,400
% Change		15.1%	12.6%	4.6%	-1.2%
Programs					
Courts-main line item	\$58,802,700	\$66,277,500	\$71,492,000	\$74,791,550	\$73,805,400
Contracts and Leases	7,924,400	10,747,600	15,175,100	15,888,600	15,784,900
Juror/Witness Fees	1,418,700	1,453,700	1,816,200	1,856,200	1,864,000
Gardian ad Litem	2,300,200	2,618,200	2,815,200	2,971,200	2,916,100
Grand Jury and G.J. Prosecution	1,000		1,000	1,000	1,000
Total	\$70,447,000	\$81,097,000	\$91,299,500	\$95,508,550	\$94,371,400
Expenditures					
Personal Services	\$50,161,400	\$55,650,300	\$59,661,300	\$62,681,650	\$61,906,100
In-State Travel	387,000	458,600	514,900	440,100	440,100
Out of State Travel	133,700	151,500	176,400	176,900	176,900
Current Expense	15,094,700	19,117,300	25,032,300	27,642,200	27,280,600
DP Current Expense	2,147,700	2,685,200	3,066,900	1,972,600	1,972,600
DP Capital Outlay	169,300	36,000	66,400	328,100	328,100
Capital Outlay	877,000	1,540,200	692,100	522,900	522,900
Other Charges/Pass Thru	1,476,200	1,457,900	2,089,200	1,744,100	1,744,100
Total	\$70,447,000	\$81,097,000	\$91,299,500	\$95,508,550	\$94,371,400

4.2 Federal Funds

Program		FY 1999 Actual	FY 2000 Estimated	FY 2001 Analyst
National Courts	Federal	\$84,100	\$182,000	\$175,900
	State Match	0	0	0
	Total	84,100	182,000	175,900
Federal Total		84,100	182,000	175,900
State Match Total		0	0	0
Total		\$84,100	\$182,000	\$175,900