

**Program Budget Comparison**

The following table summarizes the total proposed budget by year, type of expenditure, and source of funding.

Program Budget Comparison								
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Budget Fiscal 2016	Budget Fiscal 2017	Biennium Fiscal 14-15	Biennium Fiscal 16-17	Biennium Change	Biennium % Change
FTE	71.75	71.75	82.75	82.75	71.75	82.75	11.00	15.33 %
Personal Services	4,952,371	6,205,218	6,666,467	6,606,022	11,157,589	13,272,489	2,114,900	18.95 %
Operating Expenses	4,531,605	4,601,180	5,774,457	5,753,127	9,132,785	11,527,584	2,394,799	26.22 %
Equipment & Intangible Assets	24,386	8,885	24,386	24,386	33,271	48,772	15,501	46.59 %
Grants	71,248	0	71,248	71,248	71,248	142,496	71,248	100.00 %
Benefits & Claims	490,934	416,800	695,122	695,122	907,734	1,390,244	482,510	53.16 %
Transfers	24,350	0	24,350	24,350	24,350	48,700	24,350	100.00 %
<b>Total Costs</b>	<b>\$10,094,894</b>	<b>\$11,232,083</b>	<b>\$13,256,030</b>	<b>\$13,174,255</b>	<b>\$21,326,977</b>	<b>\$26,430,285</b>	<b>\$5,103,308</b>	<b>23.93 %</b>
General Fund	9,705,328	10,864,188	12,841,464	12,759,689	20,569,516	25,601,153	5,031,637	24.46 %
State/Other Special Rev. Funds	269,617	241,654	294,617	294,617	511,271	589,234	77,963	15.25 %
Federal Spec. Rev. Funds	119,949	126,241	119,949	119,949	246,190	239,898	(6,292)	(2.56)%
<b>Total Funds</b>	<b>\$10,094,894</b>	<b>\$11,232,083</b>	<b>\$13,256,030</b>	<b>\$13,174,255</b>	<b>\$21,326,977</b>	<b>\$26,430,285</b>	<b>\$5,103,308</b>	<b>23.93 %</b>

**Program Description**

The Supreme Court has appellate jurisdiction for the State of Montana. The court has original jurisdiction to issue, hear, and determine writs of habeas corpus and other writs provided by law. It also has general supervisory control over all other courts in the state. The Supreme Court is charged with establishing rules governing appellate procedure, the practice and procedure for all other courts, and admission to the bar and conduct of its members. Within the Supreme Court Operations program, the Office of Court Administrator provides centralized services to the Judicial Branch including information technology, budget and finance, payroll and human resource management, policy and technical support for the Youth Courts, judicial education, and services provided through the federal Court Assessment Program related to child abuse and neglect cases. The program also provides staff and other support to constitutionally and statutorily required commissions attached to the Montana Supreme Court, specifically the Judicial Standards Commission, the Sentence Review Board, and the Commission on Courts of Limited Jurisdiction. It also supports activities of the Commission on Practice. Other specialized commissions and task forces - not required by the Constitution and statute but created by the Supreme Court to address specific issues - receive minimal financial assistance with travel expenses and supplies.

**Program Highlights**

<b>Supreme Court Operations Major Budget Highlights</b>
<ul style="list-style-type: none"> <li>• The adjustments for this program are to:                             <ul style="list-style-type: none"> <li>◦ Annualize the pay plan passed by the 2013 Legislature</li> <li>◦ Adjust certain expenditure accounts for inflation</li> <li>◦ Adjust funding for office lease contract increases</li> <li>◦ Fund requests for general fund to replace federal funds for treatment courts</li> <li>◦ Fund requests for information technology staff and the Court Help Program that were budgeted as one-time-only in the 2015 biennium</li> </ul> </li> <li>• The Governor proposes funding to add FTE for the following purposes:                             <ul style="list-style-type: none"> <li>◦ 3.00 FTE information technology positions to support court automation systems that were one-time-only funded in the 2015 biennium</li> <li>◦ 1.00 FTE treatment court coordinator for treatment courts funded by the 2013 Legislature but that were only partially expended in the base</li> <li>◦ 6.00 FTE to support the Court Help Program that was funded with one-time-only funds in the 2015 biennium</li> <li>◦ 1.00 FTE to support drug courts that are currently being funded with expiring federal grant funds</li> </ul> </li> </ul>
<b>Legislative Action Issues</b>
<ul style="list-style-type: none"> <li>• General fund is requested to replace expiring federal grant funds for drug courts</li> <li>• General fund is requested to replace federal funds for a co-occurring treatment court of a municipality when state funds do not fund municipal courts</li> </ul>

**Program Discussion -**

This agency was exempt from the HB 2 boilerplate language.

*Treatment Courts*

Purpose for Treatment Courts

The legislature began funding treatment (drug) courts with state funds in FY 2008. Since then the legislature has provided the funding shown in the figure below. Treatment courts in Montana have first been established with federal funds established via budget amendments approved by the executive. Federal funds are typically limited to three years and are provided to startup a treatment court, establish a docket for the court, and prove to the funding jurisdiction that the court can be successful. When federal funds for the treatment courts are no longer available, the executive has requested state funds to continue the treatment courts.

Drug Court Historical Funding			
Fiscal Year	Basis	General Fund	Total Funds
FY 2008	Actual	\$326,202	\$326,202
FY 2009	Actual	1,012,139	1,012,139
FY 2010	Actual	709,619	712,719
FY 2011	Actual	752,428	757,764
FY 2012	Actual	796,540	803,175
FY 2013	Actual	758,469	771,835
FY 2014	Actual	1,083,765	1,118,237
FY 2015	Budget	1,034,729	1,070,981
FY 2016	Proposed	1,462,527	1,521,841
FY 2017	Proposed	1,462,819	1,522,133

Drug courts are specialized court dockets, or portions of judges' calendars of cases, that generally target nonviolent offenders with substance-abuse problems. These programs provide offenders with intensive court supervision, mandatory drug testing, substance-abuse treatment, and other social services as an alternative to adjudication or incarceration. In this way, drug courts are designed to break the cycle of substance abuse, addiction, and crime by changing the behavior of substance-abusing offenders. Participation in these programs is voluntary. Eligible defendants must agree to the program's requirements and successfully complete the program in exchange for avoiding incarceration, having their criminal charges reduced or dismissed, or having their sentences reduced. Drug courts encourage participants' compliance and impose sanctions on those who fail to comply with the program's requirements. The drug courts deal with crimes involving controlled substances, illegal drugs and alcohol. As such, a driving while intoxicated (DUI) court is a specific type of drug court. A co-occurring drug treatment court involves offenders who are addicted to alcohol and other drugs and may also have a mental illness.

#### Monitoring Performance of Treatment Courts

The Montana Judicial Branch (branch) monitors performance of state drug treatment courts and reports on several indicators of performance, including program completion rates, graduation rates, length of stay, retention rate, recidivism, and employment status: admission to discharge. If a drug treatment court is successful, reductions should be seen in the rates of recidivism, which according to the United States Department of Justice is the rate at which offenders are re-arrested within three years of being convicted and punished. The branch defines the term somewhat differently to mean a return to criminal activity by someone who has already been adjudicated guilty, delinquent, or has an open child abuse and neglect case. Montana drug courts report recidivism rates for the 6 month, 12 month, and 24 month intervals after discharge of the case.

The performance measures including goals for Montana drug courts are provided in the appendix. A report prepared by the branch on drug court statistics and recidivism performance measures covering the period is also provided in the appendix and can be found on the Internet at:

[http://courts.mt.gov/content/cao/ct\\_services/treatment/docs/2012\\_dc\\_report.pdf](http://courts.mt.gov/content/cao/ct_services/treatment/docs/2012_dc_report.pdf)

According to an October 2010 Congressional Research Service report titled Drug Courts: Background, Effectiveness, and Policy Issues for Congress, "drug courts are considered by many to be one of the most effective strategies for reducing recidivism and criminal activities among participants in the program and providing an alternative to incarceration." Critics of drug courts point to perceived weaknesses in evaluating the court's effectiveness and lack of long-term monitoring of program graduates. In Montana, statistics on court participation, program disposition, and recidivism are monitored. Re-arrest data is monitored for individuals who were discharged from drug courts after being out for 1 year, 2 years, and over the 53-month period of the report. Over the 53 months data has been tracked, 77% of court participants had not reoffended, while 2.4% were arrested for a felony and 20.6% were arrested for a misdemeanor. Data on re-offenses 24 months after discharging from a drug court indicate that 0.67% were arrested for a felony and 9.7% were arrested for a misdemeanor for a 90.3% rate of those who did not reoffend. This compares to a 60% re-arrest rate, or 40% rate of not re-offending, after 24 months of being released from a state prison, as reported in an April 2014 report by the U.S. Department of Justice, Bureau of Justice Statistics that tracked recidivism of inmates released in 2005 from 30 states' prisons for 5 years after release.

The 2012 report for Montana drug courts identified that from May 2008 through September 2012, 1,304 participants entered Montana drug courts with 442, or 54.7%, graduating. Graduating means that the participant fulfilled all requirements of the court. Through participation in the drug court, 442 individuals were diverted from potential incarceration, thus potentially reducing incarceration costs to the state or local jurisdictions.

#### Treatment Courts Currently Funded with State Funds

Since FY 2008, the legislature has funded the following treatment courts:

- Gallatin County Treatment Court
- Cascade County Adult Treatment Court
- Billings Adult Misdemeanor Treatment Court
- Custer County Adult Treatment Court
- Teton/Toole/Pondera/Glacier Counties Adult Treatment Court
- Yellowstone County Family Drug Treatment Court
- Missoula/Mineral Counties Juvenile Drug Court
- Cascade County Juvenile Drug Treatment Court
- Richland/Dawson Counties Juvenile Treatment Court
- Butte Silver- Bow Family Drug Court
- Missoula County Family Drug Court
- Missoula Co-Occurring Treatment Court
- Richland/Dawson Counties Adult Drug Court
- Yellowstone County Adult Treatment Court
- Yellowstone County Veterans Treatment Court

In FY 2014, general fund supported 96.6% of the expenditures of these treatment courts. The remaining funds were state special revenue from grants to treatment courts or fees collected by the treatment courts.

#### Treatment Court Funding Requests

The executive has requested funding for four purposes associated with drug courts:

- Annualize drug courts funding approved by the 2013 Legislature
  - Would annualize funding for treatment courts in which funding was approved by the 2013 Legislature but where the federal grant did not expire until part way through the 2015 biennium
- Increase funding for existing drug courts
  - Would provide funding to address cost increases experienced in drug courts previously funded by the legislature
- Add funding to drug courts where grant funding is expiring
  - Would provide general fund to replace expiring federal funds used to start drug courts in courts that did not previously exist.
- Fund the Billings municipal co-occurring drug court
  - Would provide general fund to replace expiring federal funds used to start a co-occurring drug court in the Billings municipal court that did not previously exist

While all interrelated, there are three primary issues associated with the requests. Does the legislature wish to:

1. Continue funding the drug treatment courts as an ongoing function and if so, at what level?
2. Replace more federal funds used to help start drug treatment course with ongoing general fund?
3. Begin funding a portion of municipal courts with general fund?

**LFD  
ISSUE**Continue Funding Drug Treatment Courts

The FY 2015 legislative budget includes funding for drug treatment courts including \$1,034,729 general fund and \$1,070,981 total funds. These funds support the treatment courts listed above and have served 1,304 offenders with a 54.7% graduation rate and 9.7% re-offense rate after 24 months of being discharged from the court compared to a 60% rate for offenders discharged from state prisons in 30 states.

Given the information provided, does the legislature wish to continue to fund the treatment courts with state funds?

**LFD  
ISSUE**Replacing Federal Funds With General Fund for Treatment Courts

Two of the four requests for funding associated with treatment courts are to replace federal funds that will be expiring in the 2017 biennium that were used to start new drug courts. Federal funds used to start new drug courts were allocated according to federal priorities.

*Request to Replace Expiring Federal Funds with General Fund in District Courts*

The 1st Judicial District adult felony drug court was started using federal funds and general fund is now being requested to continue funding its operations - \$131,879 over the biennium.

*Request to Replace expiring Federal Funds with General Fund in a Municipal Court*

The executive requests general fund to replace federal funding used to startup a co-occurring drug court in the Billings municipal court - \$133,750 over the biennium.

## The Issues

The following issues arise regarding these two funding requests:

1. Does the legislature wish to increase the funding for additional treatment courts beyond those currently funded with state funds?
2. Does the legislature want to use state funds for costs that are the responsibility of a municipality for a court created by the municipality? Montana laws define the creation, jurisdiction, and responsibilities for courts place the burden for funding municipal courts on the municipality that created the court. Consequently, when a municipality makes the decision to establish a court, it makes the decision based on the knowledge that it will be responsible for costs to operate the court. Under state assumption of district courts, the general fund only funds a certain operating costs for district courts. Courts of lower jurisdiction are funded by the entity with jurisdiction to establish the court. The Billings municipal court is not currently subject to state funding.

*Personal Services*

In the FY 2015 legislative budget, personal services comprised 54.6% of the program budget. The Governor proposes 50.3% in FY 2016 and 50.1% in FY 2017. The increases in costs are due to:

- Funding to annualize the legislative pay plan
- Restoration of the 2% vacancy savings applied to non-elected official positions

In FY 2014 the program experienced vacancy savings of 7.9% in hours paid compared to hours budgeted. This vacancy rate was primarily due to: a nearly 6 month opening of one Supreme Court justice, turnover of several law clerks, an information technology position that was open 7 months but is now filled, a family evaluator and a court assessment

program coordinator that were both open 8 months but are now filled. The program has been experiencing difficulties filling information technology positions.

**Funding**

The following table shows proposed program funding by source from all sources of authority.

Judicial Branch, 01-Supreme Court Operations Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	25,601,153	0	0	25,601,153	96.86 %
02399 Boards And Commissions - MJJ	129,268	0	0	129,268	21.94 %
02536 Legal Assistance	341,338	0	0	341,338	57.93 %
02961 State Grants to Drug Courts	118,628	0	0	118,628	20.13 %
<b>State Special Total</b>	<b>\$589,234</b>	<b>\$0</b>	<b>\$0</b>	<b>\$589,234</b>	<b>2.23 %</b>
03083 Judicial Education Grant	0	0	0	0	0.00 %
03136 STATE JUSTICE INSTITUTE GRANT	0	0	0	0	0.00 %
03153 Court Improvement Prg Grants	0	0	0	0	0.00 %
03240 COURT ASSESSMENT PROGRAM	239,898	0	0	239,898	100.00 %
<b>Federal Special Total</b>	<b>\$239,898</b>	<b>\$0</b>	<b>\$0</b>	<b>\$239,898</b>	<b>0.91 %</b>
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>
<b>Total All Funds</b>	<b>\$26,430,285</b>	<b>\$0</b>	<b>\$0</b>	<b>\$26,430,285</b>	

The bulk of the program’s funding comes from the general fund. State special revenues supporting the program include revenue from a portion of the dissolution of marriage fees used to provide civil legal services for indigent victims of domestic violence (3-2-714, MCA) and fees collected by drug courts. State special revenue from fees charged for training events provides a portion of the funding in support of boards and commissions. Federal funds support the court assessment program.

**Budget Summary by Category**

The following summarizes the total budget utilizing the FY 2015 Legislative base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget
2015 Budget	10,318,531	10,318,531	20,637,062	80.61 %	10,686,426	10,686,426	21,372,852	80.86 %
PL Adjustments	1,589,648	1,512,061	3,101,709	12.12 %	1,636,319	1,558,732	3,195,051	12.09 %
New Proposals	933,285	929,097	1,862,382	7.27 %	933,285	929,097	1,862,382	7.05 %
<b>Total Budget</b>	<b>\$12,841,464</b>	<b>\$12,759,689</b>	<b>\$25,601,153</b>		<b>\$13,256,030</b>	<b>\$13,174,255</b>	<b>\$26,430,285</b>	

**Present Law Adjustments -**

The “Present Law Adjustments” table shows the changes from FY 2015 legislative appropriation to the budget proposed by the executive. PSPL adjusts all personal services. LGPL provides for adjustments to other expenditures such as operating expenses. Each is discussed in the narrative that follows. Total funds in the Present Law Adjustments table do not include proprietary funds budgeted in House Bill 2.

	-----Fiscal 2016-----					-----Fiscal 2017-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 98 - LEG. Personal Services Present Law	0.00	329,206	12,497	4,952	346,655	0.00	1,990,407	(18,179)	(1,685,030)	287,198
DP 99 - LEG. Present Law	0.00	1,260,442	40,466	(11,244)	1,289,664	0.00	(478,346)	71,142	1,678,738	1,271,534
<b>Grand Total All Present Law Adjustments</b>	<b>0.00</b>	<b>\$1,589,648</b>	<b>\$52,963</b>	<b>(\$6,292)</b>	<b>\$1,636,319</b>	<b>0.00</b>	<b>\$1,512,061</b>	<b>\$52,963</b>	<b>(\$6,292)</b>	<b>\$1,558,732</b>

DP 98 - LEG. Personal Services Present Law -

The following table outlines various components of the changes included in the PS PL adjustments.

Personal Services Present Law Adjustments					
CP 98 PSPL Item	FY 2016				
	FTE	General Fund	State Special	Federal Special	Total Funds
State Share Health Insurance	71.75	\$34,871	\$0	\$0	\$34,871
Executive Implementation of 2015 Pay Increase	-	-	-	-	-
Fully Fund 2015 Legislatively Authorized FTE	-	-	-	-	-
Other	1.00	294,336	12,497	4,952	311,785
<b>Personal Services Present Law Adjustments</b>	<b>72.75</b>	<b>\$329,206</b>	<b>\$12,497</b>	<b>\$4,952</b>	<b>\$346,655</b>
CP 98 PSPL Item	FY 2017				
	FTE	General Fund	State Special	Federal Special	Total Funds
State Share Health Insurance	71.75	\$34,871	\$0	\$0	\$34,871
Executive Implementation of 2015 Pay Increase	-	-	-	-	-
Fully Fund 2015 Legislatively Authorized FTE	-	-	-	-	-
Other	1.00	1,955,537	(18,179)	(1,685,030)	252,328
<b>Personal Services Present Law Adjustments</b>	<b>72.75</b>	<b>\$1,990,407</b>	<b>(\$18,179)</b>	<b>(\$1,685,030)</b>	<b>\$287,198</b>

The executive has proposed to increase funding for personal services by 9.2% in FY 2016 and by 8.2% in FY 2017 compared to the FY 2015 legislative budget.

Changes that make up the other adjustments include the following:

- The 2013 Legislature approved funding for additional drug court and funding for 1.00 FTE
- Elected official pay increases per the statutory survey
- Funding to restore 2% vacancy savings applied to the non-elected official positions in this program

The 2013 legislature approved funding for three additional drug courts including funding for 1.00 FTE. The legislature did not anticipate the funding for the additional FTE would be needed until part way through FY 2015.

Montana law requires a survey of elected officials' salaries in the four states surrounding Montana be done by June 30 in even years. Salary increases determined by the survey take effect on July 1 of the year following the year of the survey. For the 2017 biennium, the survey was due June 30, 2014, and the increases due July 1, 2015, or at the beginning of FY 2016.

DP 99 - LEG. Present Law -

The following table outlines various components of the changes included in the LGPL adjustments

Legislative Present Law Adjustments				
FY 2016				
	General	State	Federal	Total
CP 99 Item	Fund	Special	Special	Funds
Judicial Standards	(\$8,690)	\$0	\$0	(\$8,690)
Rent Old Federal Building	12,194	-	-	12,194
Drug Court Increase to Existing Funding	187,406	23,062	-	210,468
Information Technology System Maintenance Costs	34,955	-	-	34,955
Other	1,034,577	17,404	(11,244)	1,040,737
<b>Legislative Present Law Adjustments</b>	<b>\$1,260,442</b>	<b>\$40,466</b>	<b>(\$11,244)</b>	<b>\$1,289,664</b>
FY 2017				
	General	State	Federal	Total
CP 99 Item	Fund	Special	Special	Funds
Judicial Standards	(\$17,990)	\$0	\$0	(\$17,990)
Rent Old Federal Building	14,869	-	-	14,869
Drug Court Increase to Existing Funding	187,425	23,062	-	210,487
Information Technology System Maintenance Costs	34,955	-	-	34,955
Other	(697,605)	48,080	1,678,738	1,029,213
<b>Legislative Present Law Adjustments</b>	<b>(\$478,346)</b>	<b>\$71,142</b>	<b>\$1,678,738</b>	<b>\$1,271,534</b>

The executive has proposed to increase funding for all other expenditure categories excluding personal services by 30.0% in FY 2016 and by 29.6% in FY 2017 compared to the FY 2015 legislative budget. Changes that make up the other category include the following, while individually listed adjustments are described separately:

- Funding to annualize drug courts funded by the 2013 Legislature
- Increases in funding for fixed costs paid for services provided by other state agencies, with the major contributor an increase for information technology services purchased from the Department of Administration

The executive requests funding to annualize funding for courts funded by the 2013 Legislature. The executive recommends approving the funding for treatment courts funded for the first time with state funds in the 2015 biennium as biennial.

*Judicial Standards* - The executive requests funding for the constitutionally mandated Judicial Standards Commission. This adjustment would be used to pay for the investigations of complaints against judges and would restore the biennium funding to \$25,000, which is the level the legislature has appropriated since the 2007 biennium. This request was approved by the 2013 Legislature at this level, but was all placed in the budget for FY 2014. The executive recommends approving this funding as restricted and biennial.

*Rent Old Federal Building* - The executive requests funding to address a 2% inflation clause in the lease for the building that houses a portion of program staff in downtown Helena.

*Drug Court Increase to Existing Funding* - The executive requests funding for additional costs for the treatment courts funded since the 2009 Legislature. The increased funding would be used primarily to address inflationary pressures as well as allow more participation in the program if funds are available after addressing cost inflation. The executive recommends that \$25,000 of the funding in each year come from state special revenue from charges, up to \$300 per month and based on participant's ability to pay, on participants for program costs. section for a listing of drug courts the legislature has funded since 2009.

**LFD  
ISSUE**

Drug Courts Funded with State Funds

Refer to the narrative in Program Discussion section for a listing of drug courts the legislature has funded since 2009.

*Information Technology System Maintenance Costs* - The executive requests funding for contractual increases in the vendor contracts to maintain the case management systems and to provide technical support via vender contracts.

**New Proposals -**

Total funds in the New Proposals table do not include proprietary funds budgeted in House Bill 2.

New Proposals	-----Fiscal 2016-----					-----Fiscal 2017-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 100002 - Information Technology Increased Staffing	3.00	206,275	0	0	206,275	3.00	205,938	0	0	205,938
DP 100003 - Court Help Program	6.00	439,475	0	0	439,475	6.00	435,714	0	0	435,714
DP 100006 - Drug Courts Add Funding for Expiring Grants (Bien)	1.00	65,983	0	0	65,983	1.00	65,893	0	0	65,893
DP 100008 - Funding for Billings Muni Co-Occurring Drug Court	0.00	66,875	0	0	66,875	0.00	66,875	0	0	66,875
DP 100009 - Judicial Education	0.00	154,677	0	0	154,677	0.00	154,677	0	0	154,677
<b>Total</b>	<b>10.00</b>	<b>\$933,285</b>	<b>\$0</b>	<b>\$0</b>	<b>\$933,285</b>	<b>10.00</b>	<b>\$929,097</b>	<b>\$0</b>	<b>\$0</b>	<b>\$929,097</b>

DP 100002 - Information Technology Increased Staffing -

The executive requests funding for the addition of the following 3.00 FTE and operating costs to support branch automated court systems:

- 2.00 FTE network administrator/technicians
- 1.00 FTE business analyst/systems trainer

**LFD  
COMMENT**

One-Time-Only in the 2015 Biennium – IT Staff

The 2013 Legislature funded 3.00 FTE and operating costs as a one-time-only appropriation for the 2015 biennium and as such must be requested to continue into the 2017 biennium. The positions are being requested to continue to address workload issues due to increasing demand for court data that is used by state agencies and local governments and work to migrate from a distributed court database to a centralized browser-based system and electronic filing of court documents.

DP 100008 - Funding for Billings Muni Co-Occurring Drug Court -

The executive requests funding for a co-occurring drug treatment court in the Billings municipal court.

**LFD  
COMMENT**Establishment of the Billings Municipal Co-Occurring Drug Treatment Court

The Billings municipal co-occurring drug treatment court was established using federal funds from the United States Department of Justice via a Bureau of Justice Assistance grant. The court was implemented in October 2012 through the federal start-up grant that provides funding necessary to train the treatment team and establish a docket functioning with ten key components mandated in the grant. Generally, the court start-up grants provide two to three years of funding, which allows the court and community time to determine if a court can be successful. The federal funding for this court expired September 30, 2014, and an extension has been requested for FY 2015. A co-occurring drug treatment court involves offenders who are addicted to alcohol and other drugs and may also have a mental illness.

**LFD  
ISSUE**Municipal Courts are not a State Cost

Montana laws that define the creation, jurisdiction, and responsibilities for courts place the burden for funding municipal courts on the municipality that created the court. As such, the legislature may want to consider if it wants to use state funds for costs that are the responsibility of a municipality for a court created by the municipality. For further information on this request, refer to the narrative in the Program Discussion section.

DP 100003 - Court Help Program -

The executive requests funding for the addition of 6.00 FTE and associated operating costs for the Court Help Program. The staff this request would fund are:

- Statewide court help program administrator - 1.00 FTE
- Pro bono coordinator - 1.00 FTE
- Center coordinator for Yellowstone County – 1.00 FTE
- Center coordinator for Missoula County – 1.00 FTE
- Center coordinator for Flathead County – 1.00 FTE
- Center coordinator for Gallatin County – 0.50 FTE
- Center coordinator for Cascade County – 0.50 FTE

In addition to funding personal services for center coordinators, funding would continue AmeriCorps grants for 6 members who serve 17 counties.

**LFD  
COMMENT**One-Time-Only in the 2015 Biennium – Court Help

The Court Help Program has been funded with one-time-only appropriations since 2007. The legislature did not specify interim reporting requirements.

The Statewide Program Administrator manages the program budget and operations of the six self-help law centers that compose the Court Help program. The Pro Bono Coordinator works to develop pro bono legal services. Center Coordinators maintain services by providing direct service to center customers, managing remote service locations, and hiring, training, and supervising self-help center volunteers. The Court Help program helps make courts open and available to all citizens regardless of income. The Court Help program helps to improved court efficiency by providing self-represented litigant resources to be prepared to present and defend a case.

DP 100009 - Judicial Education -

The executive requests funding for Judicial Education. The specific training includes:

- Justice and judge specific training, \$69,450 per year
- Staff specific training, \$19,394 per year
- Drug court conference, \$65,833 per year

DP 100006 - Drug Courts Add Funding for Expiring Grants (Bien) -

The executive requests funding for the addition of 1.00 FTE in each year of the biennium and associated operating costs to replace federal funds with general fund for the 1st Judicial District adult felony drug court. Besides personal services related operating costs the funding includes drug testing and treatment expenses. The court is currently funded with federal grant funds that are slated to expire during the 2017 biennium. The executive recommends approving this funding as biennial.

**LFD  
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General Fund Requested to Replace Federal Startup Funds for Drug Courts

For further information on this request, refer to the narrative in the Program Discussion section.