

JUDICIAL BRANCH

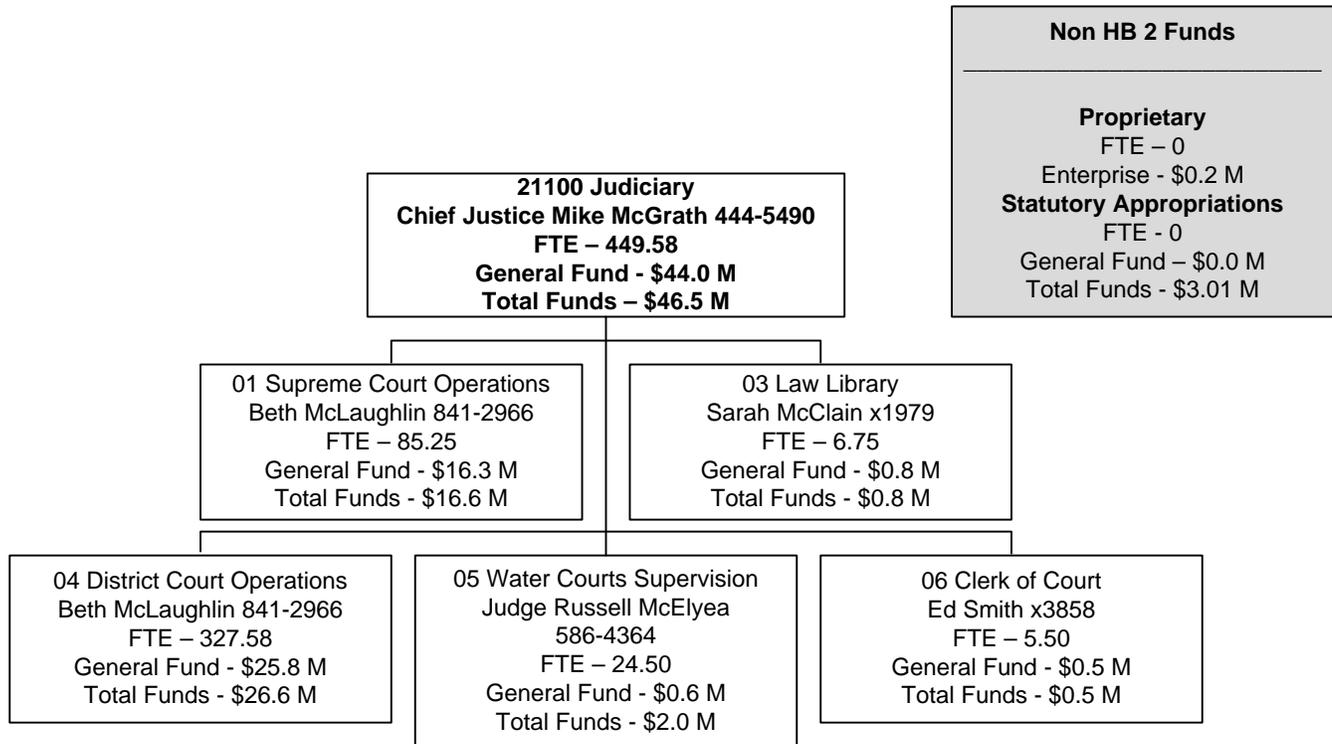
An Agency Profile Prepared by the
Legislative Fiscal Division

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INTRODUCTION

The Judicial Branch's mission is to provide an independent, accessible, responsive, impartial and timely forum to resolve disputes; to preserve the rule of law; and to protect the rights and liberties guaranteed by the Constitutions of the United States and Montana.



HOW SERVICES ARE PROVIDED

The Judicial Branch provides services through the following courts and supporting functions.

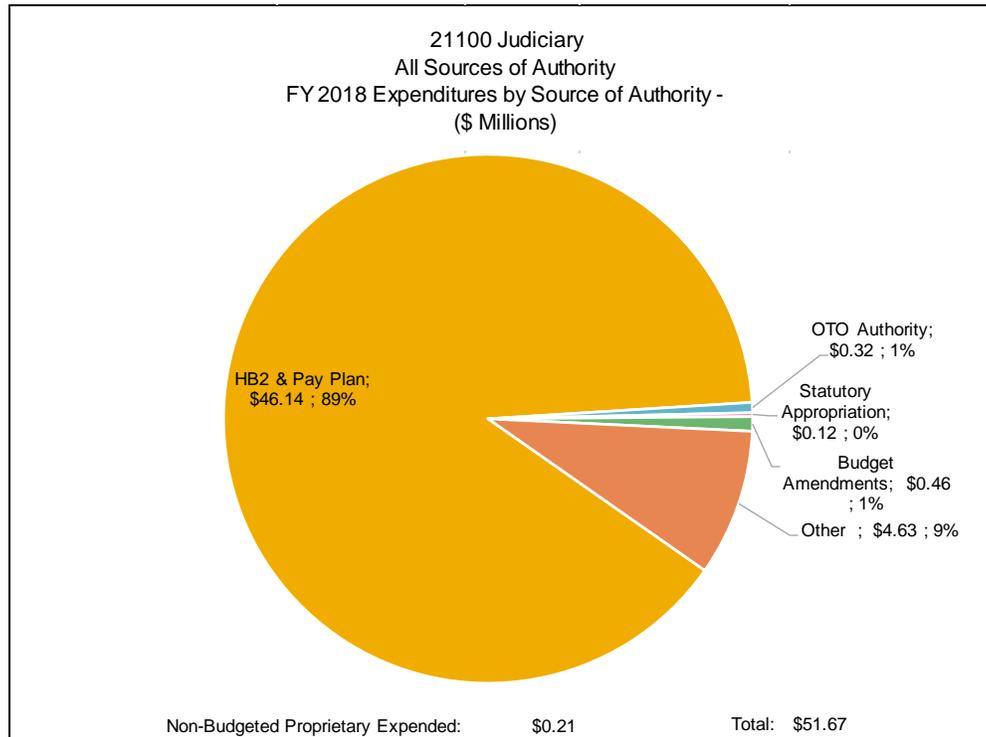
The Montana Supreme Court is a court of review and a court of original jurisdiction. The court has jurisdiction over appeals from all Montana district courts. This court also hears appeals from the Water and the Workers' Compensation Courts. It has original jurisdiction to hear and determine writs, attorney discipline, rules governing appellate procedure, and practice and procedures for the other courts. It also has supervisory control of all state courts and the entire judicial system. Under this court is the Court Administrator who is the appointed administrative officer of the Supreme Court, administrative services, court services, and information technology development and support. The court uses boards and commissions to assist it in matters involving rulemaking and oversight of Judicial Branch functions in Montana. Among the boards and commissions within the branch are the: Sentence Review Board, Commission on Practice, Commission on Courts of Limited Jurisdiction, Judicial Standards Commission, and the Judicial Nomination Commission. The Clerk of the Supreme Court, an elected official, conducts the business of the Supreme Court, including controlling the dockets and filings, managing appellate mediations, maintaining the official roll of Montana attorneys, and licensing for the attorneys.

District courts are courts of general jurisdiction that process felony cases, probate cases, civil cases and actions, special actions and proceedings, naturalization proceedings, writs, and ballot issues and have some appellate jurisdiction of cases from courts of limited jurisdiction. Included in district courts is a function for overseeing probation of juveniles. Except for clerks of court or other elected county officials, operations of district courts including judges are funded by the state.

The Water Court adjudicates state law-based water rights and federal and Indian water right claims. The State Law Library, governed by the board of trustees composed of the seven members of the Supreme Court, provides resource information to the public and those working within the court system.

SOURCES OF SPENDING AUTHORITY

The following chart shows the expenditures by source of authority for the Judicial Branch in FY 2018. The majority of the authority came from HB 2.



Authority	FYE Budget
HB2 & Pay Plan	\$ 46.14
OTO Authority	\$ 0.32
Statutory Appropriation	\$ 0.12
Budget Amendments	\$ 0.46
Other	\$ 4.63

One-time-only authority expenditures provided in HB 2 included:

- \$118,834 in general fund for increased information technology staff, mostly in personal services in FY 2018
- \$32,690 in general fund, mostly in personal services, for a child abuse diversion project begun in FY 2016
- \$171,172 in general fund for pre-trial diversion services, a biennial appropriation which the Judicial Branch expended for personal services, operating expenses, and grants

Statute provides for a youth court intervention and prevention account which is statutorily appropriated to the Judicial Branch. The funding is allocated each year to each judicial district for:

- Community prevention and intervention programs that provide direct services to youth

- Alternatives for funding out-of-home placements
- Matching funds for federal grants for intervention and preventions programs that serve youth

In FY 2018, the District Court Program expended \$120,776 in statutory appropriations on youth court intervention and prevention.

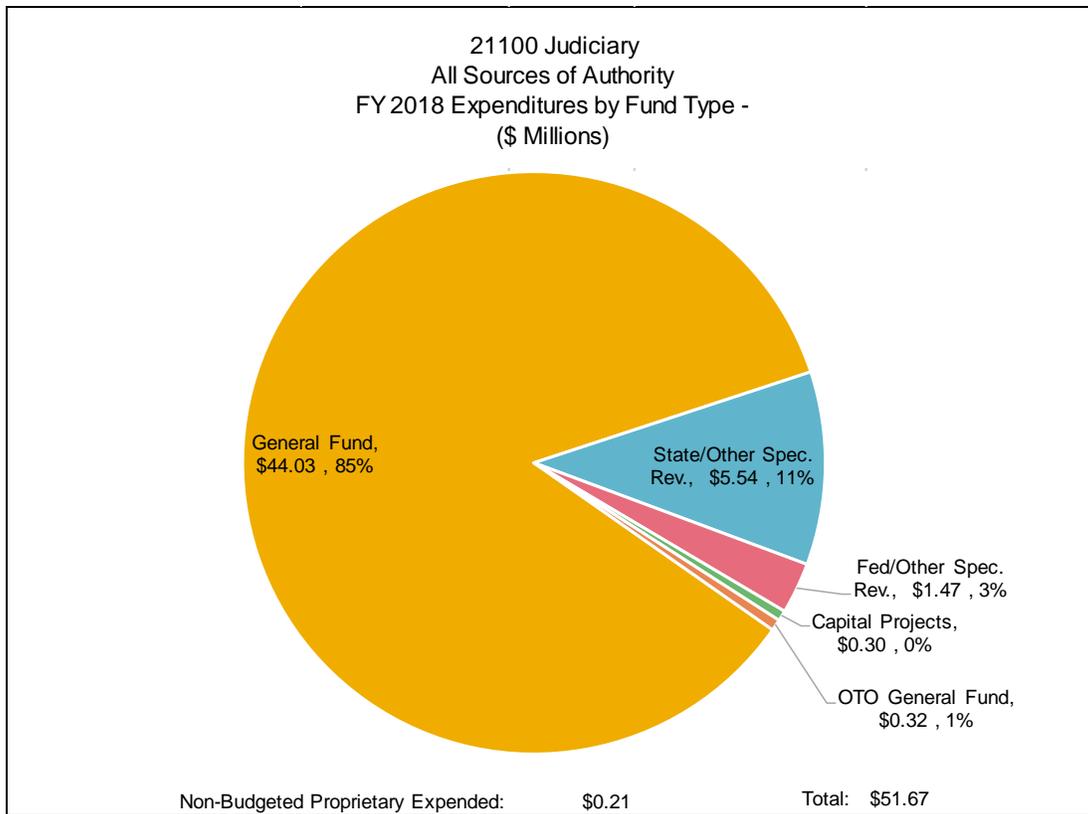
Budget amendments include federal grant funds for:

- Court data improvement
- Driving under the influence of alcohol programs
- Veterans and adult treatment courts

Other authority is made up of continuing authority for budget amendments for federal special revenue, carry forward authority, and long-range information technology projects.

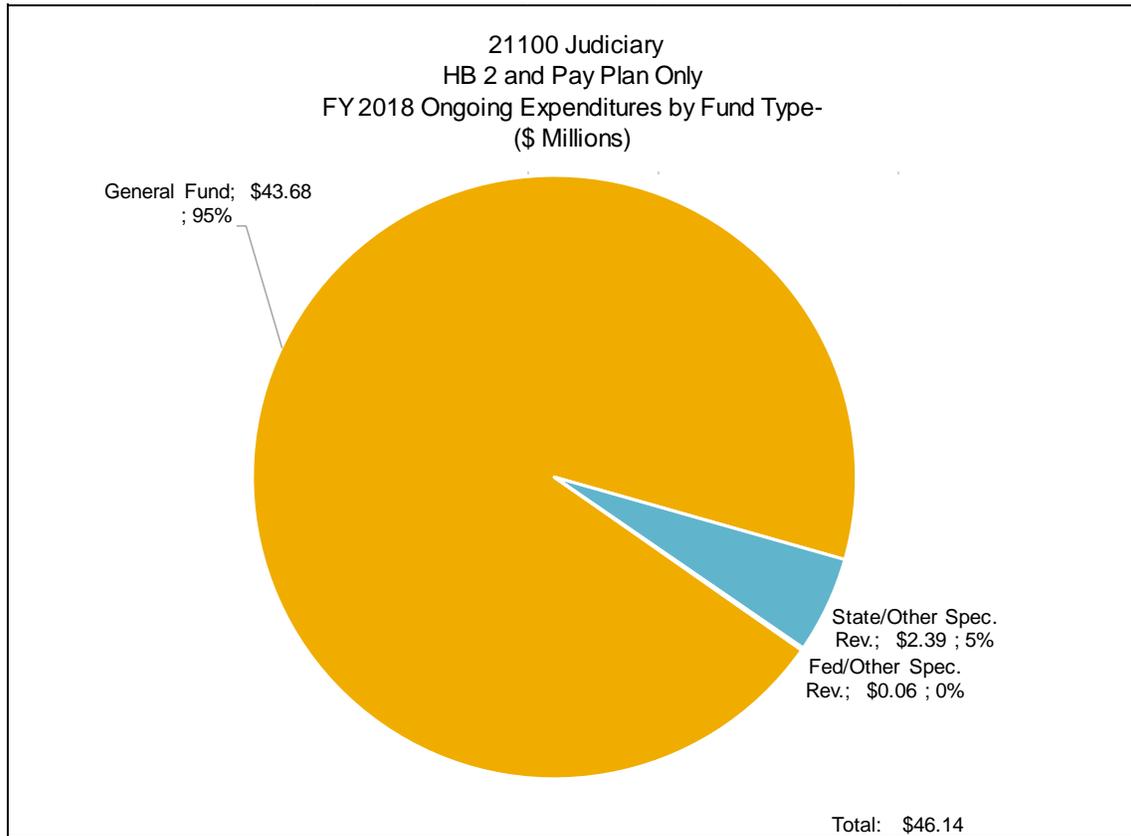
FUNDING

The branch receives the majority of its funding from the general fund. The largest sources of state special revenue are the youth court intervention and prevention account, and the water adjudication fund, which supports the Water Court. Other sources of state special revenue include fines and fees, assessments for training events, and the court appointed special advocate account established for court appointed special advocates and guardian ad litem services. Federal funds received by the branch support the Court Assessment Program.



The above chart shows how Judicial Branch expenditures were funded in FY 2018 from all sources of authority by fund type.

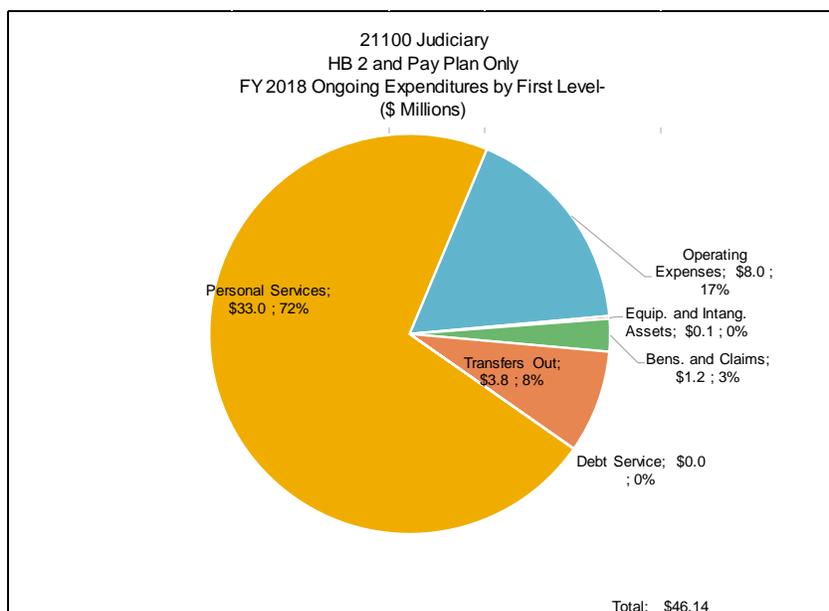
The following chart shows how Judicial Branch expenditures were funded in FY 2018 from HB 2 and pay plan by fund type.



In the chart above, HB 2 appropriations include ongoing funding only.

EXPENDITURES

The following chart explains how the HB 2 and pay plan authority was spent in FY 2018.



Personal services include the salaries and benefits for the justices, judges, and staff of the Supreme Court and the district courts. Operating expenses include support for information technology, jury related expenses such as fees and travel, supplies and materials, communications, and repair and maintenance. Transfers out are mainly general fund transferred to the youth court intervention and prevention account.

HOW THE 2019 LEGISLATURE CAN EFFECT CHANGE

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following factors that drive costs:

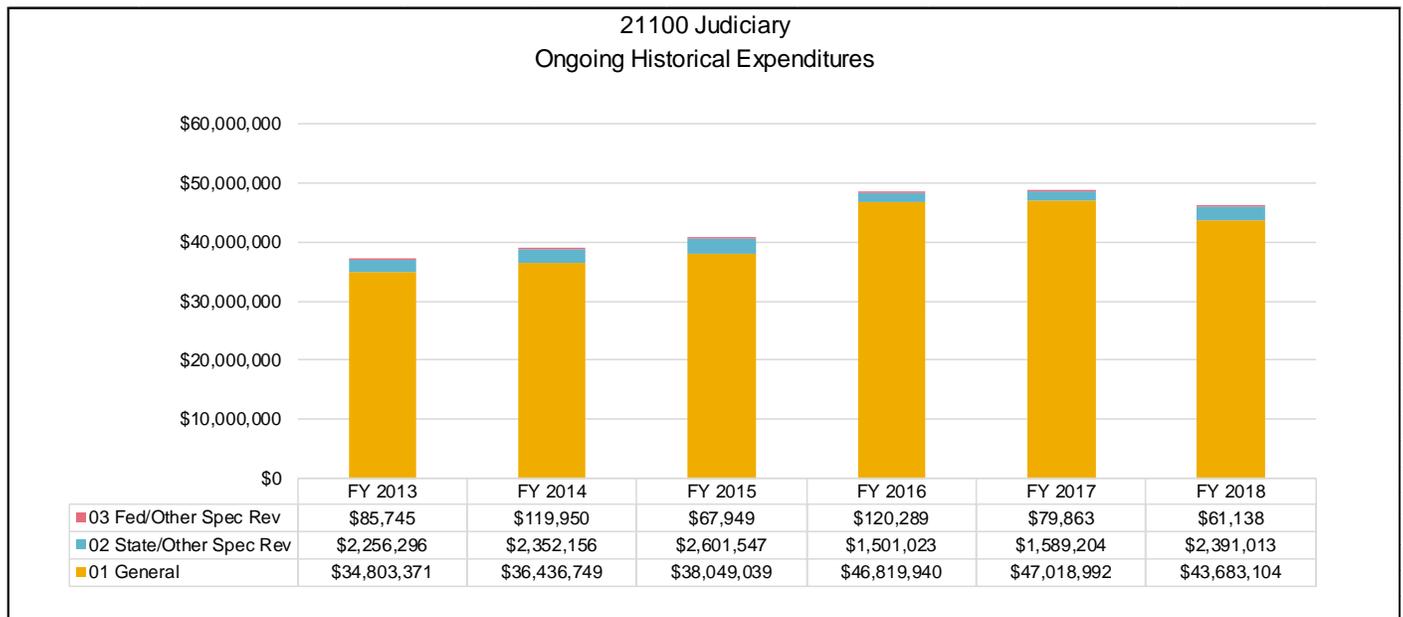
- Change constitutional guarantees and/or provisions related to the judicial system
- Impact caseloads by changing statutes – criminal and civil proceedings. Also, in some cases dollar value of the crime directs the case to either a district court or lower court. Cases could be shifted between courts by changing the dollar threshold. This could create cost shifts since the state funds district courts while counties and cities fund lower court activities
- Increase or decrease the number of courts and/or create specialty courts (for example, family court, drug court, treatment courts). A change in the number and/or function(s) of a court may also increase or decrease efficiency, and thus increase or decrease costs
- Use of technology, such as video conferencing, may impact costs
- Change statutory requirements related to how courts are funded

MAJOR COST DRIVERS

Driver	2005	2017	Significance of Data
New district court cases filed and reopened - Abuse and Neglect	1,273	2,667	Shows caseload impacts on district courts
New district court cases filed and reopened - Criminal	8,752	12,378	Shows caseload impacts on district courts
New district court cases filed and reopened - Civil	12,998	15,703	Shows caseload impacts on district courts
New district court cases filed and reopened - Domestic Relations	8,137	10,644	Shows caseload impacts on district courts
New district court cases filed and reopened - All Cases	38,619	53,864	Shows caseload impacts on district courts
New case filings - Montana Supreme Court	738	743	Shows caseload impacts on district courts
Court cases are shown for calendar year			

FUNDING/EXPENDITURE HISTORY, AUTHORITY USED TO ESTABLISH THE BUDGET BASE

The following table shows historical changes in the agency's funding and expenditures.



MAJOR LEGISLATIVE CHANGES IN THE LAST TEN YEARS

The following legislative changes adopted by the 2017 Legislature include:

- The 2017 Legislature passed a package of bills recommended by the Commission on Sentencing. Those that impacted the Judicial Branch include:
 - SB 59 – requires the Judicial Branch to establish a pre-trial risk assessment tool and a deferred prosecution grant program
 - SB 63 – revises the process to revoke or terminate a deferred or suspended sentence

- HB 133 – revises sentencing laws
- HB 44 – increased the number of judges by one in the 4th and two in the 13th districts. Funding for the additional judges was provided in HB 2
- HB 70 – created a working interdisciplinary network of guardianship stakeholders (WINGS) and related grant program to provide ongoing evaluation of laws, services and practices related to adult guardianship and conservatorship (note in FY 2018 special session reductions delayed the program until FY 2019)

The 2015 Legislature adopted HB 233 which transferred administration of juvenile placement funds to the Judicial Branch from the Department of Corrections.

The 2013 Legislature passed HB 107 which assigned funding responsibility for court appointed counsel.

The 2011 Legislature added an associate water judge to the water court in HB 587. For more information, please visit the agency's website here: <http://courts.mt.gov/>.

The 2009 added three district court judges, in the 1st, 11th, and 13th districts, in SB 158.

The 2007 Legislature:

- Revised the Juvenile Delinquency Intervention Act and the Department of Corrections and the Judicial Branch in SB 146
- Established an Accelerated Water Adjudication Program in HB 473 and \$25.0 million general fund was transferred to the water adjudication state special revenue account to fund the program through FY 2020
- Appropriated Long-range Information Technology Program funding in HB 4 of the May 2007 Special Session for case management and courtroom technology improvements