

**Judiciary - Superior Court**

Arizona Constitution Article VI  
A.R.S. § 12-121

Director: David K. Byers

JLBC Analyst: Kim Hohman

	FY 2001 Actual	FY 2002 Estimate	FY 2003 Approved
<b>PROGRAM BUDGET</b>			
Judges Compensation	11,089,400	12,407,300	12,647,600
Adult Probation Services			
<u>Subprograms</u>			
Standard Probation	28,665,300	26,501,100	27,232,000 <sup>1/</sup>
Intensive Probation	21,408,700	19,769,000	20,194,900
Community Punishment	4,786,100	5,137,100	5,278,600 <sup>2/</sup>
Interstate Compact	1,418,100	1,306,200	1,346,600
<i>Program Subtotal - Adult Probation Services</i>	56,278,200	52,713,400	54,052,100
Juvenile Probation Services			
<u>Subprograms</u>			
Standard Probation	7,907,500	7,870,600	8,339,800 <sup>3/</sup>
Intensive Probation	13,955,100	13,009,300	13,233,100
Treatment Services	24,491,600	23,295,100	23,307,800 <sup>4/</sup>
Family Counseling	613,400	660,400	660,400
Progressively Increasing Consequences	9,717,200	9,099,700	9,268,100 <sup>4/</sup>
Juvenile Crime Reduction	2,114,700	5,056,400	5,061,100 <sup>5/</sup>
<i>Program Subtotal - Juvenile Probation Services</i>	58,799,500	58,991,500	59,870,300
Maricopa and Pima County Lump Sum Reduction	0	0	(3,770,100)
<b>TOTAL APPROPRIATIONS</b>	<b>126,167,100</b>	<b>124,112,200</b>	<b>122,799,900</b>
<b>OPERATING BUDGET</b>			
Full Time Equivalent Positions	192.0	199.0	201.3 <sup>6/</sup>
Personal Services	12,337,900	12,789,100	14,531,100
Employee Related Expenditures	1,195,200	1,517,700	1,796,900
Professional and Outside Services	719,200	175,600	175,600
Travel	2,092,700	161,800	161,800
Other Operating Expenditures	109,459,300	108,960,100	109,468,800
Equipment	362,800	507,900	435,800
Lump Sum Reduction	0	0	(3,770,100) <sup>7/</sup>
<b>TOTAL APPROPRIATIONS</b>	<b>126,167,100</b>	<b>124,112,200</b>	<b>122,799,900</b> <sup>8/9/</sup>
<b>FUND SOURCES</b>			
General Fund	123,052,400	117,225,400	115,908,400
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	3,114,700	6,886,800	6,891,500
<i>Subtotal - Other Appropriated Funds</i>	3,114,700	6,886,800	6,891,500
<b>TOTAL APPROPRIATIONS</b>	<b>126,167,100</b>	<b>124,112,200</b>	<b>122,799,900</b>

**AGENCY DESCRIPTION**— *The Superior Court, which has a division in every county, is the state’s only general jurisdiction court. Superior Court judges hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances. In addition, the responsibility for supervising adults and juveniles who have been placed on probation resides in the Superior Court.*

PERFORMANCE MEASURES	FY 1999	FY 2000	FY 2001	FY 2002-03
	Est./Actual	Est./Actual	Est./Actual	Estimate
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	NA	NA	NA	6.0
<b>Juvenile Standard Probation:</b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	68/68	71/71	75/74	75
• Average annual state cost per probation slot (in \$)	1,425/1,049	929/982	945/1,385	1,016
<b>Juvenile Intensive Probation (JIPS):</b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	68/70	70/67	70/70	70
• Average annual state cost per probation slot (in \$)	6,372/8,084	6,567/7,696	6,374/5,616	6,941
<b>Adult Standard Probation:</b>				
• % of probationers successfully completing probation without a new conviction	NA/90	NA/88	90/89	90
• Average annual state cost per probation slot (in \$)	833/643	884/781	885/693	756
<b>Adult Intensive Probation (AIPS):</b>				
• % of probationers successfully completing probation without a new conviction	75/86	75/77	81/62	81
• Average annual state cost per probation slot (in \$)	5,540/5,510	5,621/6,044	5,614/4,971	5,821

**Unfunded FTE Positions** — The approved amount includes a General Fund decrease of (0.7) FTE Positions below FY 2002 due to the statewide elimination of unfunded FTE Positions. For details on the methodology used to calculate the reduction, please see the *General Provisions* section at the front of the *Appropriations Report*.

**Judges Compensation Program** — This program provides funding for the state's 50% share of the salary and Employee Related Expenditures of Superior Court Judges. Pursuant to A.R.S. § 121-128, one-half of Superior Court Judges' salaries are provided by the state

General Fund. The approved amount includes a General Fund increase of \$193,200 and 3 FTE Positions above FY 2002 to provide full-year funding for 3 judgeships added in FY 2002.

**Adult Probation Services Program** — This program provides funding for regular and intensive probation programs and related treatment services for the adult probation population. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). For the standard programs and treatment services, the state and counties both fund probation officer salaries, although in recent

- 1/ Included in the \$27,232,000 appropriation for the Adult Standard Probation program for FY 2003 is \$193,900 for additional probation officers. These monies shall only be used in counties with populations of less than 500,000 persons. (General Appropriation Act footnote, as adjusted for statewide allocations)
- 2/ All Community Punishment Program receipts received by the Administrative Office of the Courts in excess of \$5,278,600 in FY 2003 are appropriated to the Community Punishment Subprogram. Before the expenditure of any Community Punishment receipts in excess of \$5,278,600 in FY 2003, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee. (General Appropriation Act footnote, as adjusted for statewide allocations)
- 3/ Included in the \$8,339,800 appropriation for the Juvenile Standard Probation program is \$79,300 for additional probation officers needed in FY 2003. These monies shall only be used in counties with populations of less than 500,000 persons. (General Appropriation Act footnote, as adjusted for statewide allocations)
- 4/ Up to 4.6% of the amounts appropriated for Juvenile Probation Services – Treatment Services and Progressively Increasing Consequences may be retained and expended by the Supreme Court to administer the programs established by A.R.S. § 8-322, and to conduct evaluations as needed. The remaining portion of the Treatment Services and Progressively Increasing Consequences programs shall be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322. (General Appropriation Act footnote)
- 5/ All Juvenile Crime Reduction Fund receipts received by the Administrative Office of the Courts in excess of \$5,061,100 in FY 2003 are appropriated to the Juvenile Crime Reduction Subprogram. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of \$5,061,100 in FY 2003, the Administrative Office of the Courts shall submit the intended use of the monies for review by the Joint Legislative Budget Committee. (General Appropriation Act footnote, as adjusted for statewide allocations)
- 6/ Of the 201.3 FTE Positions, 158 FTE Positions represent Superior Court judges. One-half of their salaries are provided by state General Fund appropriations pursuant to A.R.S. § 12-128. This is not meant to limit the counties' ability to add additional judges pursuant to A.R.S. § 12-121. (General Appropriation Act footnote)
- 7/ The Maricopa and Pima County Lump Sum Reduction shall not be implemented in any county with a population of less than 500,000 persons (General Appropriation Act footnote).
- 8/ Receipt of state probation monies by the counties is contingent on the county maintenance of FY 1995 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs. (General Appropriation Act footnote)
- 9/ General Appropriation Act (Laws 2002, Chapter 327) funds are appropriated as a Lump Sum by Program/Subprogram.

years the state had predominately covered the full cost of additional probation officers (the majority of the state funding for the regular probation programs is required by statute to be expended on salaries for staff). Counties contribute through Probation Service Fee collections, outside grants, and office space.

**Adult Standard Probation Subprogram** — This subprogram provides funding for community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than an average of 60 adults on probation at one time. In rural counties, small populations spread over great distances require funding the staffing ratios at less than 100% capacity. Therefore, the approved amount is based on a minimum caseload capacity of 98%. Beginning in FY 2000, the Administrative Office of the Courts (AOC) required each county to fund 1 officer for every 4 state-funded officers in Adult Standard Probation.

The FY 2003 budget:

- Adds \$193,900 from the General Fund for 7 state-funded (and 2 fee-funded) probation officers and related equipment for 6 months. Pursuant to a General Appropriation Act footnote, these monies are to be used to fund probation growth only in counties with less than 500,000 persons.
- Requires that Maricopa and Pima Counties fund their population growth with their own resources. Between the 2 counties, this growth is estimated to cost \$552,500 and would fund an additional 15 probation officers, 2 supervisors and 5 support staff positions. (*See Additional Legislation.*)
- Provides for a year-end caseload capacity of 38,508 probationers, based on 4% growth.

**Adult Intensive Probation (AIPS) Subprogram** — This subprogram is a sentencing alternative intended to divert serious, non-violent offenders from prison. Pursuant to A.R.S. § 13-916, 1 team (2 probation officers) shall not supervise more than 25 intensive probationers at one time. In rural counties, small populations spread over great distances require funding the staffing ratios at less than 100% capacity. Therefore, the approved amount is based on a minimum caseload capacity of 95%.

The approved appropriation is funded from the General Fund and does not include additional funding for FY 2003 due to a lack of growth in the program. The funding for this subprogram supports a total caseload capacity of 3,595 probationer slots in FY 2003.

**Community Punishment Subprogram** — This subprogram receives both General Fund and Criminal Justice Enhancement Fund (CJEF) monies to provide behavioral treatment services for adult probationers and for enhanced supervision, such as electronic monitoring and

specialized probation caseloads. The funding is intended to provide for diversion of offenders from prison and jail, as well as to enhance probation programs.

**Interstate Compact Subprogram** — This subprogram provides supervision and intervention to probationers transferring to Arizona and monitors the supervision of probationers transferred to other states from Arizona. The approved appropriation is funded entirely from the General Fund.

**Juvenile Probation Services Program** — This program provides funding for regular and intensive probation programs and related treatment services for the juvenile probation population. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). For the standard programs and treatment services, the state and counties both fund probation officer salaries, although in recent years the state had predominately covered the full cost of additional probation officers (the majority of the state funding for the regular probation programs is required by statute to be expended on salaries for staff). Counties contribute through Probation Service Fee collections, outside grants, and office space.

**Juvenile Standard Probation Subprogram** — This subprogram provides community services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Probation supervision is intended to monitor the juvenile's compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-203B, a juvenile probation officer shall not supervise more than an average of 35 juveniles on standard probation at one time. In rural counties, small populations spread over great distances require funding the staffing ratios at less than 100% capacity. Therefore, the approved amount is based on a minimum caseload capacity of 95%. Beginning in FY 2000, the AOC required each county to fund 1 officer for every 8 state-funded officers in Juvenile Standard Probation.

The FY 2003 budget:

- Includes \$163,400 from the General Fund to annualize probation officers and staff positions added in FY 2002.
- Adds \$79,300 from the General Fund for 3 state-funded probation officers and related equipment for 6 months. Pursuant to a General Appropriation Act footnote, these monies are to be used to fund probation growth only in counties with less than 500,000 persons.
- Requires that Maricopa and Pima Counties fund their population growth with their own resources. Between the 2 counties, this growth is estimated to cost \$225,900 and would fund an additional 5 probation officers, 1 supervisor, and 2 support staff positions. (*See Additional Legislation.*)
- Provides for a year-end caseload capacity of 9,236 probationers, based on 3% growth.

**Juvenile Intensive Probation (JIPS) Subprogram**

— This subprogram was created to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Pursuant to A.R.S. § 8-353B, 1 JIPS team shall not supervise more than an average of 25 juveniles on intensive probation at one time. In rural counties, small populations spread over great distances require funding the staffing ratios at less than 100% capacity. Therefore, the approved amount is based on a minimum caseload capacity of 95%.

The approved appropriation is funded from the General Fund and does not include additional funding for FY 2003 due to a lack of growth in the program. The funding for this subprogram supports a total caseload capacity of 1,862 probationer slots in FY 2003.

**Treatment Services Subprogram**

— This subprogram provides funding to the juvenile courts to meet the requirements of A.R.S. § 8-230.01 and A.R.S. § 8-230.02, relating to the assignment of youths referred for delinquency or incorrigibility to treatment programs, residential treatment centers, counseling, shelter care, and other programs. The approved appropriation is funded from the General Fund.

**Family Counseling Subprogram**

— This subprogram provides funding to the Juvenile Division of the Superior Courts for prevention of delinquency among juvenile offenders by strengthening their family relationships. These monies are predominately for non-adjudicated juveniles and their families, and require a 25% county match. The approved appropriation is funded from the General Fund.

**Progressively Increasing Consequences (PIC-Act) Subprogram** — This subprogram diverts youth from formal court proceedings in order to reduce court costs and prevent re-offending. A PIC-Act probation officer assigns consequences for the juvenile to complete, such as substance abuse education, graffiti abatement, counseling or other community service programs. The approved appropriation is funded from the General Fund.

**Juvenile Crime Reduction Subprogram**

— This subprogram provides funding for the design and implementation of community-based strategies for reducing juvenile crime. Strategies include prevention, early intervention, effective intermediate sanctions, and rehabilitation. The approved appropriation is funded from an allocation from the Criminal Justice Enhancement Fund.

**Additional Legislation: Omnibus Budget Reconciliation: Public Finances (Chapter 328)** – Section 29 of this bill requires the Administrative Office of the Courts (AOC) to proportionately allocate the funds designated for probation cost sharing to counties with 500,000 persons or more. The bill also requires counties to quarterly reimburse the

AOC for FY 2003 probation program allocations within 30 days after the AOC has made its request. The Director of the AOC is required to notify the State Treasurer if a county has not made its reimbursement within this timeframe. The State Treasurer will then withhold any transaction privilege tax distributions to the county. These monies will be credited to the appropriate probation program.

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