

**Judiciary - Superior Court**

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

Director: David K. Byers

JLBC Analyst: Kim Hohman

	FY 2002 Actual	FY 2003 Estimate	FY 2004 Approved
<b>OPERATING BUDGET</b>			
<i>Full Time Equivalent Positions</i>	199.0	199.3	199.3 <sup>1/</sup>
Judges Compensation	12,407,300	12,647,600	13,374,500
Adult Standard Probation	26,427,900	22,885,600	11,110,200
Adult Intensive Probation	19,639,200	18,438,300	10,170,800
Community Punishment	4,132,800	3,555,700	2,721,900 <sup>2/</sup>
Interstate Compact	1,302,600	1,318,000	558,600
Juvenile Standard Probation	7,855,500	7,455,900	8,341,600
Juvenile Intensive Probation	12,920,900	13,233,100	13,236,400
Juvenile Treatment Services	23,041,000	23,307,800	23,315,600 <sup>3/</sup>
Juvenile Family Counseling	656,300	660,400	660,400
Progressively Increasing Consequences	8,948,000	9,268,100	9,268,100 <sup>3/</sup>
Juvenile Crime Reduction	4,298,700	5,061,100	5,136,100 <sup>4/</sup>
Special Water Master	0	0	20,000
<b>AGENCY TOTAL</b>	<b>121,630,200</b>	<b>117,831,600</b>	<b>97,914,200<sup>5/6/7/</sup></b>
<b>FUND SOURCES</b>			
General Fund	116,502,500	110,940,100	90,947,700
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	5,127,700	6,891,500	6,966,500
SUBTOTAL - Other Appropriated Funds	5,127,700	6,891,500	6,966,500
<b>AGENCY TOTAL</b>	<b>121,630,200</b>	<b>117,831,600</b>	<b>97,914,200</b>

<sup>1/</sup> Of the 199.3 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)

<sup>2/</sup> All Community Punishment Program receipts received by the Administrative Office of the Courts in excess of \$2,721,900 in FY 2004 are appropriated to the Community Punishment Subprogram. Before the expenditure of any Community Punishment receipts in excess of \$2,721,900 in FY 2004, 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)

<sup>3/</sup> 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)

<sup>4/</sup> All Juvenile Crime Reduction Fund receipts received by the Administrative Office of the Courts in excess of \$5,136,100 in FY 2004 are appropriated to the Juvenile Crime Reduction Subprogram. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of \$5,136,100 in FY 2004, 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)

<sup>5/</sup> Receipt of state probation monies by the counties is contingent on the county maintenance of FY 2004 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs. (General Appropriation Act footnote)

<sup>6/</sup> General Appropriation Act funds are appropriated as Special Line Items by Agency. (General Appropriation Act footnote)

<sup>7/</sup> The Administrative Office of the Courts shall not allocate any monies appropriated for adult probation services to Maricopa County. It is the intent of the Legislature that Maricopa County will pay for adult probation programs in that county.

**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.*

<b>PERFORMANCE MEASURES</b>	FY 2002 Appropriation	FY 2002 Actual	FY 2003 Appropriation	FY 2004 Appropriation
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	6.0	NA	6.0	6.0
<b><u>Juvenile Standard Probation:</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	75	74	75	75
• Average annual state cost per probation slot (in \$)	1,016	869	1,016	1,000
<b><u>Juvenile Intensive Probation (JIPS):</u></b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	70	74	70	74
• Average annual state cost per probation slot (in \$)	6,941	7,085	6,941	7,000
<b><u>Adult Standard Probation:</u></b>				
• % of probationers successfully completing probation without a new conviction	90	88	90	92
• Average annual state cost per probation slot (in \$)	756	715	756	750
<b><u>Adult Intensive Probation (AIPS):</u></b>				
• % of probationers successfully completing probation without a new conviction	81	73	81	75
• Average annual state cost per probation slot (in \$)	5,821	5,499	5,821	5,750

**Comments:** The agency did not submit information for any measure labeled as "NA."

**Technical Adjustments** — The FY 2004 approved amounts include technical adjustments for Employee Related Expenditures, Risk Management charges, Other Fund health and dental insurance changes, and Other Fund retirement changes. *(Please see the General Provisions section at the end of this Appropriations Report for further details on these changes.)*

**Maricopa County Adult Probation** — The approved amount includes a General Fund decrease of \$(24,533,900) below FY 2003 as part of the agreement between the state and Maricopa County, for the latter to assume the state's share of Maricopa's adult probation costs in FY 2004. The state and counties currently share the costs of adult probation. 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 predominately pays for the cost of additional probation officers. Counties typically contribute through Probation Service Fee collections, outside grants, and office space.

The approved decrease is implemented as follows: \$(14,664,900) from Adult Standard Probation; \$(8,272,800) from Adult Intensive Probation; \$(835,200) from Community Punishment; and \$(761,000) from Interstate Compact. Pursuant to a provision in the Public Finances Omnibus Reconciliation Bill (ORB) (Laws 2003, Chapter 263), Maricopa County is required to fund adult

probation in that county and submit monthly performance measures for each of the probation programs. *(See Additional Legislation for more information.)*

**Special Line Items**

**Judges Compensation** — This line item provides funding for the state's 50% share of the salary and Employee Related Expenditures of Superior Court Judges. Pursuant to A.R.S. § 12-128, one-half of Superior Court Judges' salaries are provided by the state General Fund. The approved amount is funded entirely from the General Fund and is unchanged from FY 2003 except for technical adjustments. The line item includes 158 General Fund FTE Positions.

**Adult Standard Probation** — This line item 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. A provision in the Public Finances ORB suspends Adult Standard Probation ratios in Maricopa County for FY 2004.

The approved amount includes a total General Fund decrease of \$(11,775,400) below FY 2003. The change from FY 2003 consists of: 1) a decrease of \$(14,664,900) as part of the Maricopa County Adult Standard Probation

cost shift in FY 2004; 2) an increase of \$2,886,400 to restore funding from a FY 2003 probation billing arrangement with Maricopa and Pima Counties; and 3) an increase of \$3,100 for technical adjustments. The approved amount is funded entirely from the General Fund and will be distributed to all counties except Maricopa County. The line item includes 4.3 General Fund FTE Positions.

**Adult Intensive Probation (AIPS)** — This line item provides funding for 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. A provision in the Public Finances ORB (Laws 2003, Chapter 263) suspends Adult Intensive Probation ratios in Maricopa County for FY 2004. The approved amount includes a total General Fund decrease of \$(8,267,500) below FY 2003. The change from FY 2003 consists of: 1) a decrease of \$(8,272,800) as part of the Maricopa County Adult Intensive Probation cost shift in FY 2004; and 2) an increase of \$5,300 for technical adjustments. The approved amount is funded entirely from the General Fund and will be distributed to all counties except Maricopa County. The line item includes 8 General Fund FTE Positions.

**Community Punishment** — This line item 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. The approved amount includes a total General Fund decrease of \$(833,800) below FY 2003. The change from FY 2003 consists of: 1) a decrease of \$(835,200) as part of the Maricopa County Community Punishment cost shift in FY 2004; and 2) an increase of \$1,400 for technical adjustments. The approved amount includes \$1,830,400 from CJEF and \$891,500 from the General Fund. These monies will be distributed to all counties except Maricopa County. The line item includes 3 General Fund FTE Positions.

**Interstate Compact** — This line item provides funding for supervision and intervention to probationers transferring to Arizona and monitors the supervision of probationers transferred to other states from Arizona. The approved amount includes a total General Fund decrease of \$(759,400) below FY 2003. The change from FY 2003 consists of: 1) a decrease of \$(761,000) as part of the Maricopa County Interstate Compact cost shift in FY 2004; and 2) an increase of \$1,600 for technical adjustments. The approved amount is funded entirely from the General Fund and will be distributed to all counties except Maricopa County. The line item includes 3 General Fund FTE Positions.

**Juvenile Standard Probation** — This line item 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. The approved amount includes a total General Fund increase of \$885,700 above FY 200. The change from FY 2003 consists of: 1) an increase of \$883,700 to restore funding from a FY 2003 probation billing arrangement with Maricopa and Pima Counties; and 2) an increase of \$2,000 for technical adjustments. The approved amount will be distributed to all 15 counties. The line item includes 3.9 General Fund FTE Positions.

**Juvenile Intensive Probation (JIPS)** — This line item 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. The approved amount is funded from the General Fund and is unchanged from FY 2003 except for technical adjustments. These monies will be distributed to all 15 counties. The line item includes 7 General Fund FTE Positions.

**Juvenile Treatment Services** — This line item 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 amount is funded from the General Fund and is unchanged from FY 2003 except for technical adjustments. These monies will be distributed to all 15 counties. The line item includes 7.1 General Fund FTE Positions.

**Juvenile Family Counseling** — This line item provides funding to the Juvenile Division of the Superior Court 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 amount is funded from the General Fund and is unchanged from FY 2003. These monies will be distributed to all 15 counties.

**Progressively Increasing Consequences (PIC-Act)** — This program 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 amount is funded from the General Fund and is unchanged from FY 2003. These monies will be distributed to all 15 counties.

**Juvenile Crime Reduction** — This line item 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 amount is funded from an allocation from CJEF and is unchanged from FY 2003 except for technical adjustments. These monies will be distributed to all 15 counties. The line item includes 5 CJEF FTE Positions.

**Special Water Master** — This line item provides funding for the Special Water Master assigned by the court in 1990 to the Little Colorado River water rights adjudication. The adjudication of water rights for the Little Colorado River was petitioned in 1978. Since that time, about 3,100 individuals, communities, and companies have filed about 11,000 water rights claims. The Special Water Master conducts hearings for each claimant and makes recommendations to the Superior Court Judge.

Pursuant to statute, the costs of the Water Master are funded from claimant fees. If claimant fees are insufficient, statute requires the state General Fund to pay for these expenses in a special line item within the Superior Court budget.

**Additional Legislation:** Budget Reconciliation: Public Finances (Chapter 263) – Section 71 of this bill suspends adult probation caseload ratios in Maricopa County for the Adult Standard and Adult Intensive Probation programs.

Section 82 of this bill requires Pima County to quarterly reimburse the AOC for \$1,381,900 in FY 2004 probation program allocations within 30 days after the AOC has made its request. These monies will be deposited in the state General Fund. 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. This issue is a continuation of a billing arrangement established in FY 2003.

Section 83 of the bill requires Maricopa County to fund Adult Probation in FY 2004 without state General Fund assistance. The county will provide funding for its Adult Standard, Adult Intensive, Interstate Compact, and Community Punishment probation programs. The bill also requires the county to report monthly on performance measures related to these programs. Section 84 increases the county's expenditure limit to reflect the additional probation costs.

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