

**Judiciary - Superior Court**

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

Director: David K. Byers

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	<b>FY 2005 Actual</b>	<b>FY 2006 Estimate</b>	<b>FY 2007 Approved</b>
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	225.5	228.2	231.2 <sup>1/</sup>
Judges Compensation	14,646,400	15,813,100	17,206,800
Adult Standard Probation	11,349,300	12,046,100	12,921,900
Adult Intensive Probation	10,368,700	10,660,200	11,393,400
Community Punishment	1,510,500	2,787,900	2,854,800 <sup>2/</sup>
Interstate Compact	570,100	600,200	640,500
Drug Court	0	0	1,000,000
Probation Surcharge	0	0	2,723,800
Juvenile Standard Probation	7,620,500	8,030,200	5,189,500 <sup>3/</sup>
Juvenile Intensive Probation	12,950,300	13,734,300	10,372,700 <sup>3/</sup>
Juvenile Treatment Services	22,101,400	22,250,000	22,454,200 <sup>4/</sup>
Juvenile Family Counseling	651,000	660,400	660,400
Progressively Increasing Consequences	9,391,900	9,700,400	10,168,500 <sup>4/</sup>
Juvenile Crime Reduction	3,149,800	5,172,700	5,198,200 <sup>5/</sup>
Special Water Master	20,000	20,000	20,000
<b>AGENCY TOTAL</b>	<b>94,329,900</b>	<b>101,475,500</b>	<b>102,804,700<sup>6/7/8/9/</sup></b>

**FUND SOURCES**

General Fund	90,580,100	93,972,400	92,552,300
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	3,749,800	7,003,100	7,028,600
Drug Treatment and Education Fund	0	500,000	500,000
Judicial Collection Enhancement Fund	0	0	2,723,800 <sup>10/</sup>
SUBTOTAL - Other Appropriated Funds	3,749,800	7,503,100	10,252,400
<b>SUBTOTAL - Appropriated Funds</b>	<b>94,329,900</b>	<b>101,475,500</b>	<b>102,804,700</b>
Other Non-Appropriated Funds	7,813,100	7,791,400	7,791,400
<b>TOTAL - ALL SOURCES</b>	<b>102,143,000</b>	<b>109,266,900</b>	<b>110,596,100<sup>11/</sup></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.

- <sup>1/</sup> Of the 231.2 FTE Positions, 166 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 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 \$2,854,800 in FY 2007 are appropriated to the Community Punishment line item. Before the expenditure of any Community Punishment receipts in excess of \$2,854,800 in FY 2007, 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>3/</sup> The Juvenile Standard Probation program includes a \$(3,424,400) reduction and the Juvenile Intensive Probation program includes a \$(4,106,200) reduction as authorized by Laws 2006, Chapter 261 and FY 2007 retirement allocations that are no longer needed.
- <sup>4/</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>5/</sup> All Juvenile Crime Reduction Fund receipts received by the Administrative Office of the Courts in excess of \$5,198,200 in FY 2007 are appropriated to the Juvenile Crime Reduction line item. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of \$5,198,200 in FY 2007, 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>6/</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)

PERFORMANCE MEASURES	FY 2003	FY 2004	FY 2005	FY 2007
	Actual	Actual	Actual	Approved
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	7.6	7.3	7.0	7.2
<b>Juvenile Standard Probation:</b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	75	79	74	75
<b>Juvenile Intensive Probation (JIPS):</b>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	70	73	69	69
<b>Adult Standard Probation:</b>				
• % of probationers exiting probation and not committed to county jail or prison	86	70	80	83
Comments: Adult Standard Probation measure revised to more accurately reflect data tracked by AOC. Data for above measure effective beginning with FY 2005 Actual column. Previous figures represent the % of probationers successfully completing probation without a new conviction.				
<b>Adult Intensive Probation (AIPS):</b>				
• % of probationers exiting intensive probation and not committed to county jail or prison	69	65	48	52
Comments: Adult Intensive Probation measure revised to more accurately reflect data tracked by AOC. Data for above measure effective beginning with FY 2005 Actual column. Previous figures represent the % of probationers successfully completing probation without a new conviction.				

### Special Line Items

#### Judges Compensation

The budget provides \$17,206,800 and 166 FTE Positions from the General Fund for Judges Compensation in FY 2007. The amount includes an increase of \$457,800 from the General Fund for statewide adjustments. (Please see the Statewide Adjustments section at the end of this Appropriations Report for details.)

The amount also includes the following adjustments:

#### Judicial Salary Increase

The budget provides an increase of \$702,500 from the General Fund in FY 2007 for half-year funding of a 12.5%

judicial salary increase authorized in Laws 2005, Chapter 286. Chapter 286 appropriated the funding to increase a Superior Court Judge's salary from \$120,750 to \$135,844 beginning January 1, 2007. Because the budget funds half-year costs, annual costs of \$1,490,000 will not be realized until FY 2008. As a result of this advance appropriation, this funding does not appear in the FY 2007 General Appropriation Act (Laws 2006, Chapter 344).

The Commission on Salaries for Elected State Officers conducts biennial salary reviews and provides recommendations to the Governor based on the results of their findings. The Legislature disagreed with the Executive recommendations but approved the 12.5% pay raise, which will take effect January 1, 2007.

7/ General Appropriation Act funds are appropriated as Special Line Items by Agency.

8/ 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. (General Appropriation Act footnote)

9/ The Administrative Office of the Courts shall include with their FY 2008 budget request a report indicating FY 2006 actual, FY 2007 estimated and FY 2008 requested amounts for the following:

1. On a county-by-county basis, the number of authorized and filled case carrying probation positions and non-case carrying positions, distinguishing between adult standard, juvenile standard and juvenile intensive. The report shall indicate the level of state probation funding, other state funding, county funding and probation surcharge funding for those positions.
2. Total receipts and expenditures by county and fund source for the adult standard, adult intensive, juvenile standard and juvenile intensive line items, including the amount of Personal Services expended from each revenue source of each account.
3. The amount of monies from the Adult Standard, Adult Intensive, Juvenile Standard and Juvenile Intensive line items that the office does not distribute as direct aid to counties. The report shall delineate how the office expends these monies that are not distributed as direct aid to counties. (General Appropriation Act footnote)

10/ All Judicial Collection Enhancement Fund receipts received by the Administrative Office of the Courts resulting from the probation surcharge in excess of \$2,723,800 in FY 2007 are appropriated to the Superior Court. Before the expenditures of Judicial Collection Enhancement Fund receipts in excess of \$2,723,800 in FY 2007, 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)

11/ The Administrative Office of the Courts shall submit the intended use of any reimbursement monies received for review to the Joint Legislative Budget Committee prior to their expenditure. (General Appropriation Act footnote)

This line item provides funding for the state's 50% share of the salary and ERE 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.

#### **New Judgeships**

The budget provides an increase of \$266,100 from the General Fund in FY 2007 for 3 new judgeships: 2 in Maricopa County and 1 in Pima County. The 3 additional judgeships have been operating since October 2005.

The budget also provides an additional 2 FTE Positions for judgeships authorized prior to FY 2005.

#### **Standard Changes**

The budget includes a decrease of \$(32,700) from the General Fund in FY 2007 for standard changes relating to the redistribution of monies appropriated in FY 2006 for the Elected Officials Retirement Increase.

#### **Adult Probation Programs**

The state and counties have typically shared 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 predominantly pays for the cost of additional probation officers. Counties typically contribute through Probation Service Fee collections, outside grants and office space.

Since FY 2004, Maricopa County has assumed the state's share of its adult probation costs. The FY 2007 budget continues to require Maricopa County to fund 100% of its adult probation costs. In addition, Laws 2006, Chapter 261 transfers funding responsibility for juvenile probation costs in Maricopa County to Maricopa County and allows Maricopa County to retain monies collected from a \$5 surcharge assessed on civil and criminal traffic violations. (See *Additional Legislation section for more information.*)

The FY 2007 budget discontinues a previous requirement that Pima County pay \$1,381,900 of its probation costs in FY 2007. This change will reduce General Fund revenue by this amount.

#### ***Adult Standard Probation***

The budget provides \$12,921,900 and 13.3 FTE Positions from the General Fund for Adult Standard Probation in FY 2007. The amount includes an increase of \$875,800 from the General Fund for statewide adjustments.

The FY 2007 budget funds a caseload of 13,320 probationers, the same level as budgeted in FY 2006. As of April 2006, there were 13,231 adult offenders on standard probation in non-Maricopa counties.

This line item provides funding for community supervision services for adults placed on standard probation by the

Adult Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than 60 adults on standard probation at one time. In funding caseload growth, this ratio is adjusted downward by 2% because of the distances officers in rural counties must travel to supervise probationers.

#### ***Adult Intensive Probation***

The budget provides \$11,393,400 and 10.8 FTE Positions from the General Fund for Adult Intensive Probation in FY 2007. The amount includes an increase of \$733,200 from the General Fund for statewide adjustments.

The FY 2007 budget provides funding for a caseload of 1,675 probationers, the same level as budgeted in FY 2006. As of April 2006, there were 1,550 adult offenders on intensive probation in non-Maricopa counties.

This line item provides funding for a sentencing alternative intended to divert serious, non-violent offenders from prison. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 13-916, 1 team shall not supervise more than 25 intensive probationers at one time. In funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural counties must travel to supervise probationers.

#### ***Community Punishment***

The budget provides \$2,854,800 and 1 FTE Position for Community Punishment in FY 2007. This amount consists of:

	<b><u>FY 2007</u></b>
General Fund	\$522,600
Drug Treatment and Education Fund	500,000
Criminal Justice Enhancement Fund	1,830,400

These amounts include an increase of \$66,900 from the General Fund for statewide adjustments.

This line item provides behavioral treatment services for adult probationers and for enhance 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 budget continues to require Maricopa County to assume the costs of its Community Punishment program. (See *Adult Probation Programs and Footnote 2 for more information.*)

#### ***Interstate Compact***

The budget provides \$640,500 and 3.9 FTE Positions from the General Fund for Interstate Compact in FY 2007. The amount includes an increase of \$40,300 from the General Fund for statewide adjustments.

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 budget continues to require Maricopa County to assume the costs of its Interstate Compact program. (See *Adult Probation Programs for more information.*)

#### **Drug Court**

The budget provides \$1,000,000 from the General Fund for Drug Court in FY 2007. The amount consists of monies appropriated by Laws 2005, Chapter 296 to fund juvenile and adult drug courts within the Superior Court throughout the state. As a result of this advance appropriation, this funding does not appear in the FY 2007 General Appropriation Act (Laws 2006, Chapter 344).

This line item provides funding for prosecuting, adjudicating and treating drug-dependent offenders. Superior Court divisions in 9 counties have implemented or are planning the implementation of drug courts. These programs utilize drug education, intensive therapy, parent support, case management, socialization alternatives, aftercare and compliance monitoring for drug abstinence.

The Administrative Office of the Courts (AOC) has identified 4 levels of priority to determine which drug courts shall receive funding. Monies will be awarded first to drug court programs scheduled to lose federal funding in FY 2007. Monies will be contingent on meeting national standards and are not to be used to supplant existing county or federal monies. Second priority will be given to current programs to help meet national standards.

Third priority will be given to the initiation of new drug courts within counties that have been unsuccessful in obtaining federal funding, or in those courts in which funding has expired and the program is no longer operational. AOC will coordinate grant-writing assistance for these programs and assist in obtaining federal monies. The last priority will be given to the expansion of existing programs to serve additional participants.

#### **Probation Surcharge**

The budget provides \$2,723,800 from the Judicial Collection Enhancement Fund for Probation Surcharge in FY 2007 for probation officer salaries and programs. The amount consists of monies transferred from the Supreme Court's Automation Special Line Item.

A probation surcharge is applied to various criminal offenses, civil traffic violations and game and fish statute violations throughout the state. Monies collected from the surcharge (excluding those collected in courts located in Maricopa County) are deposited into the JCEF and redistributed by the AOC to all counties to supplement monies for the salaries of probation and surveillance officers and for support of programs and services of the Superior Court adult and juvenile probation departments. As a result of the monies' revenue source and use, this shift to the Superior Court's budget more accurately

represents how and for what purposes the monies are expended. (See *Footnote 10 for more information.*)

### **Juvenile Probation Programs**

#### ***Juvenile Standard Probation***

The budget provides \$5,189,500 and 3.8 FTE Positions from the General Fund for Juvenile Standard Probation in FY 2007. The amount includes an increase of \$583,700 from the General Fund for statewide adjustments.

The FY 2007 budget provides funding for a caseload of 4,870 probationers in non-Maricopa counties, the same level as budgeted in FY 2006. As of May 2006, there were 3,160 juvenile offenders on standard probation outside Maricopa County.

#### **Maricopa County Shift**

Laws 2006, Chapter 261 provides for a reduction of \$(3,424,400) from the General Fund for Maricopa County's share of Juvenile Standard Probation in FY 2007. Of this reduction, \$(3,110,900) is a reduction in direct state aid, \$(270,900) is a reduction in the Laws 2006, Chapter 1 pay increase and \$(42,600) is a reduction in the FY 2007 retirement increase. These amounts reflect a FY 2007 caseload of 4,016. (See *Additional Legislation section for more information.*)

This line item provides funding for community supervision services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Supervision is intended to monitor 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 funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural communities must travel to supervise probationers.

#### ***Juvenile Intensive Probation***

The budget provides \$10,372,700 and 5.8 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2007. The amount includes an increase of \$744,600 from the General Fund for statewide adjustments.

The FY 2007 budget provides funding for a caseload of 1,307 probationers in non-Maricopa counties, the same level as budgeted in FY 2006. As of May 2006, there were 871 juvenile offenders on intensive probation outside Maricopa County.

#### **Maricopa County Shift**

Laws 2006, Chapter 261 provides for a reduction of \$(4,106,200) from the General Fund for Maricopa County's share of Juvenile Intensive Probation in FY 2007. Of this reduction, \$(3,769,400) is a reduction in direct state aid, \$(284,200) is a reduction in the Laws 2006, Chapter 1 pay increase and \$(52,600) is a reduction

in the FY 2007 retirement increase. These amounts reflect a FY 2007 caseload of 555. (*See Additional Legislation section for more information.*)

This line item provides funding for a sentencing alternative to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. 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 funding caseload growth, this ratio is adjusted downward by 5% because of the distances officers in rural counties must travel to supervise probationers.

#### ***Juvenile Treatment Services***

The budget provides \$22,454,200 and 19.2 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2007. The amount includes an increase of \$204,200 from the General Fund for statewide adjustments.

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.

#### ***Juvenile Family Counseling***

The budget provides \$660,400 from the General Fund for Juvenile Family Counseling in FY 2007. This amount is unchanged from FY 2006.

This line item provides funding to the Juvenile Division of the Superior Court for prevention of delinquency among juvenile offenders by strengthening family relationships. These monies are predominantly for non-adjudicated juveniles and their families and require a 25% county match.

#### ***Progressively Increasing Consequences***

The budget provides \$10,168,500 from the General Fund for Progressively Increasing Consequences in FY 2007. The amount includes an increase of \$468,100 from the General Fund for statewide adjustments.

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. In FY 2005 there were approximately 20,300 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

#### ***Juvenile Crime Reduction***

The budget provides \$5,198,200 and 7.4 FTE Positions from the Criminal Justice Enhancement Fund for Juvenile Crime Reduction in FY 2007. The amount includes an increase of \$25,500 from the CJEF for statewide adjustments.

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. Through a grant process, the Administrative Office of the Courts distributes monies in this line item to approximately 20 public and private entities. (*See Footnote 5 for more information.*)

#### **Other**

##### ***Special Water Master***

The budget provides \$20,000 from the General Fund for the Special Water Master line item in FY 2007. This amount is unchanged from FY 2006.

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. Through FY 2005, about 3,100 individuals, communities, governments and companies have filed about 13,300 water rights claims. The Special Water Master conducts hearings for each claimant and makes recommendations to a 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***

##### ***Ch. 261 Adult Probation; County Responsibility***

Laws 2006, Chapter 261 provides a decrease of \$(7,435,400) from the General Fund for Juvenile Standard and Intensive Probation programs in Maricopa County in FY 2007. Chapter 261 transfers responsibility for juvenile probation costs in FY 2007 to Maricopa County in exchange for a dollar-for-dollar reduction of contributions to the Arizona Health Care Cost Containment System. As part of the FY 2007 budget, the state has reduced Maricopa County AHCCCS contributions by \$(7,435,400), shifting the costs of those reductions onto the General Fund. This shift is incorporated into the Juvenile Standard and Juvenile Intensive probation line items. (*See Juvenile Probation Programs for more information.*)

A footnote in the General Appropriation Act continues to require Maricopa County to pay for costs of adult probation programs in the county. (See *Footnote 8* for more information.)

<b><i>Other Issues</i></b>
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The AOC reallocated FTE Positions from FY 2006 to FY 2007, shifting positions mostly from other appropriated funds to the General Fund. See *Table 1* in the Supreme Court.