

Judiciary - Supreme Court

Arizona Constitution Article VI
A.R.S. § 12-101

Chief Justice: The Honorable Ruth McGregor

JLBC Analyst: Jon McAvoy

	FY 2007 Actual	FY 2008 Estimate	FY 2009 Approved
SPECIAL LINE ITEMS			
<i>Full Time Equivalent Positions</i>	194.2	194.0	194.0 ^{1/}
Personal Services	6,254,200	6,711,500	6,711,500
Employee Related Expenditures	1,518,500	2,003,700	2,006,100
Professional and Outside Services	333,500	402,300	237,300
Travel - In State	65,400	69,300	69,300
Travel - Out of State	29,600	45,900	45,900
Other Operating Expenditures	7,618,400	7,841,300	7,842,300
Equipment	124,700	20,100	20,100
OPERATING SUBTOTAL	15,944,300	17,094,100	16,932,300^{2/3/}
SPECIAL LINE ITEMS			
State Aid	4,618,000	7,098,800	6,099,000
Rural State Aid to Courts	418,500	418,500	418,500 ^{4/}
County Reimbursements	240,200	246,000	246,000
Automation	8,913,900	12,420,400	12,421,400 ^{3/}
Case and Cash Management System	792,200	1,517,300	1,517,300 ^{5/}
Foster Care Review Board	2,364,800	2,448,800	2,449,400
Court Appointed Special Advocate	2,724,600	3,558,000	3,558,000
Model Court	514,000	514,300	514,300
Domestic Relations	711,800	766,400	766,500
Judicial Nominations and Performance Review	302,700	326,200	326,300
Commission on Judicial Conduct	386,700	464,100	441,200
Integrated Family Court; Pilot Program	849,700	0	0
Sex Offenders GPS Monitoring	0	0	0
Photo Radar Enforcement	0	0	4,056,600
Lump Sum Reduction	0	(654,300)	(1,001,800)
AGENCY TOTAL	38,781,400	46,218,600	48,745,000^{6/}
FUND SOURCES			
General Fund	17,910,200	17,890,100	17,358,400
<u>Other Appropriated Funds</u>			
Confidential Intermediary and Fiduciary Fund	408,500	484,200	484,400
Court Appointed Special Advocate Fund	3,373,300	3,449,200	3,449,200
Criminal Justice Enhancement Fund	2,133,400	3,053,600	3,053,700 ^{7/}
Defensive Driving School Fund	3,347,000	5,393,300	5,393,600 ^{8/}
Judicial Collection Enhancement Fund	9,164,500	12,002,900	12,003,800 ^{9/}
Photo Enforcement Fund	0	0	4,056,600
State Aid to the Courts Fund	2,444,500	3,945,300	2,945,300
SUBTOTAL - Other Appropriated Funds	20,871,200	28,328,500	31,386,600
SUBTOTAL - Appropriated Funds	38,781,400	46,218,600	48,745,000
Other Non-Appropriated Funds	8,996,500	10,520,300	10,520,300
TOTAL - ALL SOURCES	47,777,900	56,738,900	59,265,300^{10/}

1/ Includes 50.1 GF and 20.6 OF FTE Positions funded from Special Line Items in FY 2009.

2/ Included in the appropriation for the Supreme Court program is \$1,000 for the purchase of mementos and items for visiting officials. (General Appropriation Act footnote)

3/ The Administrative Office of the Courts shall not transfer monies between the Supreme Court operating budget and the Automation line item without review by the Joint Legislative Budget Committee. (General Appropriation Act footnote)

4/ Notwithstanding any other law, the amount appropriated for Rural State Aid to the Courts shall be allocated to counties with populations of less than 500,000 persons. (General Appropriation Act footnote)

5/ By September 1, 2008, the Supreme Court shall report to the Joint Legislative Budget Committee on current and future automation projects coordinated by the Administrative Office of the Courts. The report shall include a list of court automation projects receiving or anticipated to receive state monies in the current or next 2 fiscal years as well as a description of each project, number of FTE Positions, the entities involved, and the goals and anticipated results for each automation project. The report shall be submitted in one summary document. The report shall indicate each project's total multi-year cost by fund source and budget line item, including any prior year, current year and any future year expenditures. (General Appropriation Act footnote)

AGENCY DESCRIPTION — The Supreme Court consists of 5 Supreme Court Justices, judicial support staff and the Administrative Office of the Courts (AOC). The Supreme Court, as the state’s highest court, has the responsibility to review appeals and to provide rules of procedure for all the courts in Arizona. Under the direction of the Chief Justice, the AOC provides administrative supervision over the Arizona court system.

PERFORMANCE MEASURES	FY 2005	FY 2006	FY 2007	FY 2009
	Actual	Actual	Actual	Approved
• Customer satisfaction rating for defensive driving schools (Scale 1-8) Comments: This agency did not submit information for this measure in FY 2007 as required by the General Appropriation Act.	NA	7.9	NA	--

Operating Budget

The budget provides \$16,932,300 and 123.3 FTE Positions for the operating budget in FY 2009. These amounts consist of:

General Fund	\$12,878,700
Confidential Intermediary and Fiduciary Fund	489,200
Defensive Driving School Fund	702,900
Judicial Collection Enhancement Fund (JCEF)	2,861,500

These amounts fund the following adjustments:

New Statewide Adjustments

The budget provides \$3,200 in FY 2009 for new statewide adjustments. This amount consists of:

General Fund	2,100
Confidential Intermediary and Fiduciary Fund	300
Defensive Driving School Fund	400
JCEF	400

(Please see the New Statewide Adjustments narrative at the end of this Appropriations Report for details.)

Eliminate Report Distribution

The budget provides a decrease of \$(65,000) from the General Fund in FY 2009 to eliminate costs associated with distribution of the Court’s report of opinions. The Criminal Justice Budget Reconciliation Bill (Laws 2008, Chapter 286) eliminates the requirement for the Supreme Court to bind, print and distribute the report of opinions to

various libraries and other entities. Bound copies will still be available for purchase.

Eliminate Elder Hotline

The budget provides a decrease of \$(100,000) from the General Fund in FY 2009 to eliminate the Elder Hotline. The Elder Hotline provided free legal advice over the telephone for senior citizens. This information will continue to be available on the court eldercare website.

State Aid

The budget provides \$6,099,000 and 2.9 FTE Positions for State Aid in FY 2009. These amounts consist of:

General Fund	84,700
Criminal Justice Enhancement Fund (CJEF)	3,068,400
State Aid to the Courts Fund	2,945,900

These amounts fund the following adjustments:

New Statewide Adjustments

The budget provides an increase of \$200 from the CJEF in FY 2009 for new statewide adjustments.

Eliminate One-Time Funding

The budget provides a decrease of \$(1,000,000) from the State Aid to the Courts Fund in FY 2009 to eliminate one-time funding added in FY 2008 to purchase software and hardware for implementation of programs designed to reduce felony case processing times.

6/ General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.
7/ All Case Processing Assistance Fund receipts received by the Administrative Office of the Courts in excess of \$3,053,700 in FY 2009 are appropriated to the Supreme Court. Before the expenditure of any Case Processing Assistance Fund receipts in excess of \$3,053,700 in FY 2009, 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 adjustments)
8/ All Defensive Driving School Fund receipts received by the Administrative Office of the Courts in excess of \$5,393,600 in FY 2009 are appropriated to the Supreme Court. Before the expenditure of any Defensive Driving School Fund receipts in excess of \$5,393,600 in FY 2009, 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)
9/ All Judicial Collection Enhancement Fund receipts, excluding revenues resulting from the probation surcharge, received by the Administrative Office of the Courts in excess of \$12,003,800 in FY 2009 are appropriated to the Supreme Court. Before the expenditure of Judicial Collection Enhancement Fund receipts in excess of \$12,003,800 in FY 2009, 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)
10/ 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)

The State Aid line item provides state aid to counties for the payment of judges pro tempore salaries and for projects designed to improve the processing of criminal cases in the Superior Court and Justice Courts. The State Aid to the Courts Fund receives: 1) General Fund monies, 2) 40.97% of a 7% penalty assessment on fines, penalties, and forfeitures imposed by the courts for criminal and civil motor vehicle violations, and 3) a portion of the monies collected by the Supreme Court and the Court of Appeals.

The Administrative Office of the Courts (AOC) distributes the monies appropriated from court fines and collections to the Superior Court and the Justice Courts based on a composite index formula using Superior Court felony filings and county population. Monies appropriated from the State Aid to the Courts Fund in the State Aid line item are distributed to all counties. General Fund monies deposited in the State Aid to the Courts Fund are appropriated in the Rural State Aid to the Courts line item. General Fund monies used for pro tem judges are appropriated in the State Aid line item.

Rural State Aid to Courts

The budget provides \$418,500 from the General Fund for Rural State Aid to Courts in FY 2009. This amount is unchanged from FY 2008.

The Rural State Aid to Courts line item provides funding for projects designed to improve the processing of criminal cases in the Superior Court and Justice Courts. The General Fund monies are allocated to counties with populations of less than 500,000 persons. These monies are deposited in the State Aid to the Courts Fund.

County Reimbursements

The budget provides \$246,000 from the General Fund for County Reimbursements in FY 2009. This amount is unchanged from FY 2008.

The County Reimbursements line item provides reimbursement to counties for grand jury expenses and for state-funded representation of indigent defendants in first-time capital post conviction relief proceedings.

Automation

The budget provides \$12,421,400 and 10.8 FTE Positions for Automation in FY 2009. These amounts consist of:

Defensive Driving School Fund	4,565,100
JCEF	7,856,300

These amounts fund the following adjustments:

New Statewide Adjustments

The budget provides an increase of \$1,000 from JCEF in FY 2009 for new statewide adjustments. *(Please see the New Statewide Adjustments narrative at the end of this Appropriations Report for details.)*

The Automation line item provides funding for court automation projects throughout the state.

Case and Cash Management System

The budget provides \$1,517,300 for Case and Cash Management System in FY 2009. This amount consists of:

Defensive Driving School Fund	151,700
JCEF	1,365,600

These amounts are unchanged from FY 2008.

Monies in this line item are used to fund the replacement of the computer systems in the larger volume Superior and Limited Jurisdiction Courts in Pima and Maricopa Counties, as well as the case and financial management system that is provided to over 145 of the 180 courts at the state, county and municipal level located throughout the state. The AOC estimates the upgrade of these systems will continue through FY 2010.

Foster Care Review Board

The budget provides \$2,449,400 and 36.3 FTE Positions from the General Fund for Foster Care Review Board in FY 2009. These amounts fund the following adjustments:

New Statewide Adjustments

The budget provides an increase of \$600 from the General Fund in FY 2009 for new statewide adjustments.

The Foster Care Review Board line item coordinates local volunteer review boards for foster care children in out-of-home placement. It also coordinates the activities of a state advisory board that oversees the activities of the 95 local review boards and makes recommendations to the Governor and the Legislature for improving the state's foster care system.

Court Appointed Special Advocate

The budget provides \$3,558,000 and 5.4 FTE Positions for Court Appointed Special Advocate in FY 2009. These amounts consist of:

General Fund	102,000
Court Appointed Special Advocate Fund	3,456,000

These amounts are unchanged from FY 2008.

The Court Appointed Special Advocate line item administers and monitors a community-based volunteer advocacy program for abused and neglected children in the Juvenile Court System. Local volunteers are trained and then appointed to individual dependency cases by presiding juvenile judges to function as independent advocates for children who are wards of the state. In FY 2007, approximately 1,005 individuals volunteered for this program. This line item is funded from the Court Appointed Special Advocate Fund (CASA) Fund, which consists of 30% of State Lottery unclaimed prize money.

Model Court

The budget provides \$514,300 from the General Fund for Model Court in FY 2009. This amount is unchanged from FY 2008.

The Model Court line item and Model Court program are responsible for overseeing and recommending changes to laws governing court processing of cases for children in the state's foster care system. Monies in this line item represent a pass-through to counties to improve processing of dependency cases.

Domestic Relations

The budget provides \$766,500 and 5.3 FTE Positions from the General Fund for Domestic Relations in FY 2009. These amounts fund the following adjustments:

New Statewide Adjustments

The budget provides an increase of \$100 from the General Fund in FY 2009 for new statewide adjustments.

The Domestic Relations line item provides coordination and technical support for groups formed to develop and review policies and programs related to domestic relations and child support.

Judicial Nominations and Performance Review

The budget provides \$326,300 and 5 FTE Positions from the General Fund for Judicial Nominations and Performance Review in FY 2009. These amounts fund the following adjustments:

New Statewide Adjustments

The budget provides an increase of \$100 from the General Fund in FY 2009 for new statewide adjustments.

The Judicial Nominations and Performance Review line item provides a mechanism for nominating individuals for appointment to the Supreme Court, the Court of Appeals, and the Superior Court in Maricopa and Pima Counties, as well as evaluating the performance of all merit retention justices and judges. The results of the performance

evaluations are provided to the voters before each retention election.

Commission on Judicial Conduct

The budget provides \$441,200 and 5 FTE Positions from the General Fund for Commission on Judicial Conduct in FY 2009. These amounts fund the following adjustments:

New Statewide Adjustments

The budget provides an increase of \$100 from the General Fund in FY 2009 for new statewide adjustments.

Eliminate One-Time Funding

This adjustment would be a decrease of \$(23,000) from the General Fund in FY 2009 to eliminate one-time funding added in FY 2008 associated with the purchase of a new copy machine.

The Commission on Judicial Conduct line item functions as an internal audit body of the Judicial Branch by investigating and resolving all complaints of judicial misconduct.

Integrated Family Court; Pilot Program

The budget provides no funding from the General Fund for Integrated Family Court Pilot Program in FY 2009. This amount is unchanged from FY 2008.

Laws 2006, Chapter 364 appropriated \$850,000 in FY 2007 for a 2-year integrated family court pilot program. In FY 2003, the Domestic Relations Committee prepared a statewide plan for an integrated family court system that would have comprehensive subject matter jurisdiction over all matters involving the family, including divorce, paternity, child support, child custody and related cases. Chapter 364 provided monies to implement a 2-year integrated family court pilot project based on the recommendations in the statewide plan or other recommendations made by the committee. The pilot project was being conducted in Coconino County. Monies appropriated by Chapter 364 were non-lapsing through FY 2008. The program began operation in January 2007.

Sex Offenders; GPS Monitoring; Appropriations

The budget provides no funding from the General Fund for Global Position System (GPS) Monitoring in FY 2009. In FY 2008, funding for the statewide global position system (GPS) monitoring of sex offenders was transferred to the Superior Court budget. (*Please see the Superior Court – Adult Standard Probation section for more information.*)

Photo Radar Enforcement

The Criminal Justice Budget Reconciliation Bill (Laws 2008, Chapter 286) appropriates \$4,056,600 from the Photo Enforcement Fund to the Administrative Office of the Courts in FY 2009 for the processing of citations from the new statewide photo radar enforcement system.

Chapter 286 establishes the Photo Enforcement Fund that will receive photo citation and notice of violation revenue. A portion of these revenues will be appropriated to the Administrative Office of the Courts for processing citations. Chapter 286 also provides that 1) the state photo enforcement citations or notices of violation will not be included in calculations for Judicial Productivity Credits; 2) permits a notice of violation to be issued prior to filing a citation in court; and 3) allows the citation to be issued by a person that is paid to act on behalf of the department.

The Department of Public Safety will administer the Photo Enforcement Fund and oversee the photo enforcement private vendor contracts. *(Please see the Department of Public Safety narrative for more information.)*

Lump Sum Reduction

The budget provides \$(1,001,800) in FY 2009 for a lump sum reduction. This amount consists of:

General Fund	(869,200)
Confidential Intermediary and Fiduciary Fund	(4,800)
Court Appointed Special Advocate Fund	(6,800)
Criminal Justice Enhancement Fund	(14,700)
Defensive Driving School Fund	(26,100)
Judicial Collection Enhancement Fund	(79,600)
State Aid to the Courts Fund	(600)

These amounts fund the following adjustments:

Additional Lump Sum Reduction

The budget provides an additional decrease of \$(350,200) from the General Fund in FY 2009 from the department's budget for a lump sum reduction. The agency is responsible for identifying savings sufficient to meet this reduction.

Eliminate Hiring Freeze Reduction

The budget provides an increase of \$3,500 from the General Fund in FY 2009 to partially restore the hiring freeze originally enacted as part of the FY 2008 budget revisions.

Additional Hiring Freeze Reduction

The budget provides an additional decrease of \$(800) from the General Fund in FY 2009 for the hiring freeze originally enacted as part of the FY 2008 budget revisions. This amount consists of:

Confidential Intermediary and Fiduciary	(100)
Criminal Justice Enhancement	(100)
Defensive Driving School	(100)
Judicial Collection Enhancement	(500)

Fund Transfers

The budget provides a transfer of \$2,620,000 to the General Fund in FY 2008 and \$750,000 to the General Fund in FY 2009. These amounts comprise transfers from the funds listed below.

	FY 2008	FY 2009
Arizona Lengthy Trial Fund	\$1,000,000	\$750,000
Criminal Justice Enhancement Fund	450,000	0
Judicial Collection Enhancement Fund	1,170,000	0

These transfers are not part of the agency's appropriation and are not reflected in the table above.

Additional Legislation

Defensive Driving Surcharge

The Criminal Justice Budget Reconciliation Bill (Laws 2008, Chapter 286) adds a \$45 surcharge for all persons who elect to take a Defensive Driving Course in lieu of paying the civil traffic violation fine. This surcharge is anticipated to equalize the cost to attend defensive driving and the cost to plead guilty and pay the citation at an estimated total cost of \$165. Monies from this surcharge are deposited into the General Fund. The surcharge is expected to generate \$10.8 million in revenue for the General Fund.

Time Payment Fee

The Criminal Justice Budget Reconciliation Bill (Laws 2008, Chapter 286) repeals Laws 2006, Chapter 369, to continue the time payment fee at a cost of \$20. Chapter 369 reduced the time payment fee from \$20 to \$12 beginning January 1, 2010. The time payment fee is assessed on any fine when that fine is not paid in full on the date the court imposed the fine.

Filing Fees

The Criminal Justice Budget Reconciliation Bill (Laws 2008, Chapter 286) allows the Supreme Court to increase appellate filing fees. The Supreme Court fees are anticipated to generate an additional \$8,200 annually for the General Fund, or approximately \$17,800 in total state revenues. The bill also allows the Superior Court and Court of Appeals to increase these fees. *(Please see the Court of Appeals and Superior Court narratives for more information.)*