

Judiciary - Superior Court

JLBC: Jon McAvoy
 OSPB: Melissa Harto

DESCRIPTION	FY 2007 ACTUAL	FY 2008 ESTIMATE	FY 2009 JLBC
SPECIAL LINE ITEMS			
<i>Full Time Equivalent Positions</i>	227.5	234.5	236.5
Judges Compensation	16,151,400	17,956,900	18,136,100
Adult Probation Programs			
Adult Standard Probation	13,315,900	13,991,300	15,174,600
Adult Intensive Probation	11,368,700	11,616,600	11,396,000
Community Punishment	1,881,900	2,873,700	2,873,700
Interstate Compact	640,400	658,100	658,100
Sex Offenders GPS Monitoring	336,400	756,800	756,800
Drug Court	999,700	1,013,600	1,013,600
Probation Surcharge	3,325,600	3,425,700	3,425,700
Juvenile Probation Programs			
Juvenile Standard Probation	5,068,700	5,214,400	4,774,300
Juvenile Intensive Probation	10,024,200	10,410,700	9,888,100
Juvenile Treatment Services	22,454,200	22,504,700	22,504,700
Juvenile Family Counseling	652,300	660,400	660,400
Juvenile Diversion Consequences	10,168,500	10,334,300	10,334,300
Juvenile Crime Reduction	4,943,000	5,221,800	5,221,800
Special Water Master	20,000	20,000	20,000
AGENCY TOTAL	101,350,900	106,659,000	106,838,200
FUND SOURCES			
General Fund	91,723,000	95,681,100	95,860,300
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	5,808,200	7,052,200	7,052,200
Drug Treatment and Education Fund	494,100	500,000	500,000
Judicial Collection Enhancement Fund	3,325,600	3,425,700	3,425,700
SUBTOTAL - Other Appropriated Funds	9,627,900	10,977,900	10,977,900
SUBTOTAL - Appropriated Funds	101,350,900	106,659,000	106,838,200
Other Non-Appropriated Funds	8,542,900	8,546,000	8,546,000
TOTAL - ALL SOURCES	109,893,800	115,205,000	115,384,200

CHANGE IN FUNDING SUMMARY

	FY 2008 to FY 2009 JLBC	
	\$ Change	% Change
General Fund	179,200	0.2%
Other Appropriated Funds	0	0.0%
Total Appropriated Funds	179,200	0.2%
Non Appropriated Funds	0	0.0%
Total - All Sources	179,200	0.2%

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.

Background - 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 JLBC includes \$11,396,000 and 8.7 FTE Positions from the General Fund for Adult Intensive Probation in FY 2009. FY 2009 adjustments would be as follows:

Probation Capacity Shift GF (220,600)

This adjustment would be a decrease of \$(220,600) from the General Fund in FY 2009 to shift surplus funding to the Adult Standard Probation line item for increased caseload. This increase would have a zero net effect on the overall budget because of an increase in Adult Standard Probation.

While the funded caseload in FY 2008 was 1,633 probationers, the current caseload is 1,498. The average FY 2008 caseload is now projected to be 1,497 probationers. Adult Intensive Probation is forecasted to grow by 0.7%, or an increase of 11 probationers, to reach an average caseload of 1,508 offenders in FY 2009. The forecasted percentage is based on the average actual monthly growth during the last 4 fiscal years. (*See Adult Standard Probation, Juvenile Standard Probation, and Juvenile Intensive Probation for more information.*)

With a FY 2008 funded level of 1,633 probationers and a projected FY 2009 caseload of 1,508, there are surplus funds in this program. By shifting \$220,600 to Adult Standard Probation, the FY 2009 funding level will support a caseload of 1,600 and leave a surplus of \$369,400, or 92 probationers above the forecasted caseload of 1,508.

Background - 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 JLBC includes \$2,873,700 and 1 FTE Position for Community Punishment in FY 2009. These amounts consist of:

General Fund	543,300
Drug Treatment and Education Fund	500,000
Criminal Justice Enhancement Fund	1,830,400

These amounts are unchanged from FY 2008.

This line item provides 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. Since FY 2007, Maricopa County has been required to assume the costs of its Community Punishment program. Laws 2006, Chapter 261 made this shift permanent.

Interstate Compact

The JLBC includes \$658,100 and 3.8 FTE Positions from the General Fund for Interstate Compact in FY 2009. These amounts are unchanged from FY 2008.

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.

Sex Offenders GPS Monitoring

The JLBC includes \$756,800 and a 0.1 FTE Position from the General Fund for Sex Offenders Global Position System (GPS) Monitoring in FY 2009. These amounts are unchanged from FY 2008.

GPS monitoring is required of those who are convicted of committing a dangerous crime against children and who are imposed with a term of probation. The Department of Corrections is responsible for GPS monitoring of those released on parole, community supervision or other release after being convicted of these crimes.

These monies were transferred in FY 2008 to the Superior Court budget from the Supreme Court for the statewide GPS monitoring of sex offenders. In FY 2007, GPS monitoring was funded in the Supreme Court's budget; however, for comparison purposes, the funding and FTE Positions are shown in the Superior Court's budget.

Drug Court

The JLBC includes \$1,013,600 from the General Fund for Drug Court programs in FY 2009. This amount is unchanged from FY 2008.

This line item provides funding for juvenile and adult drug courts within the Superior Court throughout the state. It 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.

Probation Surcharge

The JLBC includes \$3,425,700 and a 0.8 FTE Position from the Judicial Collection Enhancement Fund (JCEF) for Probation Surcharge in FY 2009. These amounts are unchanged from FY 2008.

Laws 2006, Chapter 261 increased the probation surcharge from \$5 to \$10, resulting in additional revenue generated in JCEF. The Joint Legislative Budget Committee granted a \$700,000 increase in expenditure authority in FY 2007 and FY 2008 causing the Probation Surcharge SLI appropriation to increase from \$2,725,700 to \$3,425,700 in both years. The JLBC continues this increase in FY 2009.

This line item consists of monies collected from a \$10 surcharge 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 within Maricopa County) are deposited into the JCEF and redistributed by the Administrative Office of the Courts (AOC) to all counties to supplement funding for the salaries of probation and surveillance officers and for the support of programs and services of the Superior Court adult and juvenile probation departments.

Juvenile Probation Programs

Juvenile Standard Probation

The JLBC includes \$4,774,300 and 4.5 FTE Positions from the General Fund for Juvenile Standard Probation in FY 2009. FY 2009 adjustments would be as follows:

Probation Capacity Shift GF (440,100)

This adjustment would be a decrease of \$(440,100) from the General Fund in FY 2009 to shift surplus funding to the Adult Standard Probation line item for increased caseload. This increase would have a zero net effect on

the overall budget because of an increase in Adult Standard Probation.

While FY 2008 was budgeted for 3,850 probationers, the current caseload is 3,153. The average FY 2008 caseload is now projected to be 3,157 probationers. Juvenile Standard Probation is forecasted to grow by 0.3% in FY 2009, or an increase of 9 probationers, to reach an average caseload of 3,166 offenders in FY 2009. The forecasted percentage is based on the average actual monthly growth during the last 4 fiscal years. (*See Adult Standard Probation, Adult Intensive Probation, and Juvenile Intensive Probation for more information.*)

With a FY 2008 funded level of 3,850 probationers and a projected FY 2009 caseload of 3,166, there are surplus funds in this program. By shifting \$440,100 to Adult Standard Probation, the FY 2009 funding level would support a caseload of 3,669 and leave a surplus of \$711,800, or 503 probationers above the forecasted caseload of 3,166.

Background - 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 JLBC includes \$9,888,100 and 6.5 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2009. FY 2009 adjustments would be as follows:

Probation Capacity Shift GF (522,600)

This adjustment would be a decrease of \$(522,600) from the General Fund in FY 2009 to shift surplus funding to the Adult Standard Probation line item for increased caseload. This increase will have a zero net effect on the overall budget because of an increase in Adult Standard Probation.

While FY 2008 was budgeted for 1,075 probationers, the current caseload is 801. The average FY 2008 caseload is now projected to be 824 probationers. Juvenile Intensive Probation is forecasted to decline by (5.3)% in FY 2009, or a decrease of 43 probationers, to reach an average caseload of 781 offenders in FY 2009. The forecasted percentage is based on the average actual monthly growth during the last 4 fiscal years. (*See Adult Standard Probation, Adult Intensive Probation, and Juvenile Standard Probation for more information.*)

With a FY 2008 funded level of 1,075 probationers and a projected FY 2009 caseload of 781, there are surplus funds in this program. By shifting \$522,600 to Adult Standard Probation, the FY 2009 funding level will support a caseload of 950 and leave a surplus of \$865,300, or 171 probationers above the forecasted caseload of 781.

Background - 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 communities must travel to supervise probationers.

Juvenile Treatment Services

The JLBC includes \$22,504,700 and 19.7 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2009. These amounts are unchanged from FY 2008.

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 JLBC includes \$660,400 from the General Fund for Juvenile Family Counseling in FY 2009. This amount is unchanged from FY 2008.

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.

Juvenile Diversion Consequences

The JLBC includes \$10,334,300 from the General Fund for Juvenile Diversion Consequences in FY 2009. This amount is unchanged from FY 2008.

This program diverts youth from formal court proceedings in order to reduce court costs and prevent re-offending. A juvenile diversion probation officer assigns consequences for the juvenile to complete, such as substance abuse education, graffiti abatement, counseling, or other community service programs. This line item was previously known as Progressively Increasing

Consequences (PIC-Act) but has been relabeled Juvenile Diversion Consequences to reflect the current program title. In FY 2007, there were approximately 19,222 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

Juvenile Crime Reduction

The JLBC includes \$5,221,800 and 7.6 FTE Positions from the Criminal Justice Enhancement Fund (CJEF) for Juvenile Crime Reduction in FY 2009. These amounts are unchanged from FY 2008.

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, AOC distributes monies in this line item to approximately 20 public and private entities.

Special Water Master

The JLBC includes \$20,000 from the General Fund for the Special Water Master line item in FY 2009. This amount is unchanged from FY 2008.

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 2007, about 30,000 individuals, communities, governments, and companies have filed about 83,000 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.

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FORMAT — Special Line Items by Agency

FOOTNOTES

Standard Footnotes

Of the 236.5 FTE Positions, 173 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.

All Community Punishment Program receipts received by the Administrative Office of the Courts in excess of \$2,873,700 in FY 2009 are appropriated to the Community

Punishment line item. Before the expenditure of any Community Punishment receipts in excess of \$2,873,700 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.

Up to 4.6% of the amounts appropriated for Juvenile Probation Services – Treatment Services and Juvenile Diversion 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 Juvenile Diversion Consequences programs shall be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322.

All Juvenile Crime Reduction Fund receipts received by the Administrative Office of the Courts in excess of \$5,221,800 in FY 2009 are appropriated to the Juvenile Crime Reduction line item. Before the expenditure of any Juvenile Crime Reduction Fund receipts in excess of \$5,221,800 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.

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.

By November 1, 2008, the Administrative Office of the Courts shall report to the Joint Legislative Budget

Committee the FY 2008 actual, FY 2009 estimated and FY 2010 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, Adult Intensive, 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

All Judicial Collection Enhancement Fund receipts received by the Administrative Office of the Courts resulting from the probation surcharge in excess of \$3,425,700 in FY 2009 are appropriated to the Superior Court. Before the expenditures of Judicial Collection Enhancement Fund receipts in excess of \$3,425,700 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.

SUMMARY OF FUNDS	FY 2007 Actual	FY 2008 Estimate
Community Punishment Program Fines Fund (SPA2119/A.R.S. § 13-821)		Non-Appropriated
Source of Revenue: Discretionary fines imposed by the courts on drug offenders.		
Purpose of Fund: To provide drug treatment services to adult probationers through the Community Punishment Program.		
Funds Expended	93,000	100,000
Year-End Fund Balance	173,700	125,700
Criminal Justice Enhancement Fund (SPA2075/A.R.S. § 41-2401)		Appropriated
Source of Revenue: Includes allocations of the Criminal Justice Enhancement Fund (CJEF). CJEF consists of a 47% penalty assessment on fines, violations, forfeitures, and penalties imposed by the courts for criminal offenses and civil motor vehicle statute violations.		
Purpose of Fund: 9.35% of CJEF monies allocated to the courts are used to reduce juvenile crime, 6.02% of CJEF monies are used to enhance the court's ability to process criminal and delinquency cases and salaries of Superior Court judges, and 2.13% of CJEF monies are used to provide drug treatment services to adult probationers. The portions of the fund dedicated to juvenile crime reduction and drug treatment are included in the Superior Court's budget, while the case processing portion is part of the Supreme Court's budget.		
Funds Expended	5,808,200	7,052,200
Year-End Fund Balance	10,172,800	8,000,200

SUMMARY OF FUNDS	FY 2007 Actual	FY 2008 Estimate
Drug Enforcement Account (SPA2075/A.R.S. § 41-2402)		Non-Appropriated
Source of Revenue: Federal grant monies passed through the Arizona Criminal Justice Commission's Drug and Gang Enforcement Account.		
Purpose of Fund: To fund programs that enhance the ability of the courts to process drug offenses and related cases.		
Funds Expended	1,822,300	1,909,200
Year-End Fund Balance	0	0
Drug Treatment and Education Fund (SPA2277/A.R.S. § 13-901.02)		Partially-Appropriated
Source of Revenue: The fund receives 7% of tax revenue collected on spirituous liquors and 18% of tax revenue collected on vinous and malt liquor. Of this amount, 50% is allocated to this fund and 50% is allocated to the Arizona Parents Commission on Drug Education and Prevention.		
Purpose of Fund: To place persons in drug education and treatment programs. Such monies are allocated to Superior Court probation departments according to a formula based on probation caseloads.		
Appropriated Funds Expended	494,100	500,000
Non-Appropriated Funds Expended	4,235,900	4,422,200
Year-End Fund Balance	2,022,000	1,261,400
Grants and Special Revenue (SPA2084/A.R.S. § 35-142)		Non-Appropriated
Source of Revenue: Monies provided from various sources, private and public, for specific programs and projects.		
Purpose of Fund: To expend grants as required by the contribution.		
Funds Expended	1,631,200	1,551,900
Year-End Fund Balance	5,840,200	6,137,100
Judicial Collection Enhancement Fund (SPA2246/A.R.S. § 12-113)		Appropriated
Source of Revenue: Electronic case filing and access fees; 27.78% of Supreme Court fees, 17.07% of Superior Court fees, 19.42% of Court of Appeals fees, 19.18% of Municipal Court fees, and 18.39% of Justice of the Peace fees; time payment fees assessed for late court payments; fees paid for court-ordered diversion programs, and a \$10 probation surcharge on fines, penalties, and forfeitures imposed by the courts for criminal offenses and civil motor vehicle statute violations. <i>(See Supreme Court for information regarding non-Maricopa counties.)</i>		
Purpose of Fund: To train court personnel, improve and enhance the court's ability to collect and manage monies assessed or received by the court, to fund court automation projects likely to improve case processing or the administration of justice, and for probation services. Funds represented here reflect the amount shifted from the Supreme Court budget to the Superior Court budget for probation officer salaries and programs.		
Funds Expended	3,325,600	3,425,700
Year-End Fund Balance	1,669,200	998,900
Juvenile Delinquent Reduction Fund (SPA2193/A.R.S. § 8-322)		Non-Appropriated
Source of Revenue: Monies appropriated to Juvenile Probation Services - Treatment Services and Juvenile Diversion Consequences and allocated by the Administrative Office of the Courts. These expenditures appear as General Fund expenditures in the appropriated budget.		
Purpose of Fund: To fund programs for juvenile probationers required as conditions of diversion. These programs are intended to reduce the number of repetitive juvenile offenders and provide services, including treatment, testing, independent living programs, residential foster and shelter care, and for juveniles referred to the juvenile court for incorrigibility or delinquency offenses.		
Funds Expended	705,000	507,700
Year-End Fund Balance	6,209,600	6,211,600
State Aid to Detention Fund (SPA2141/A.R.S. § 41-2417)		Non-Appropriated
Source of Revenue: Monies appropriated by the Legislature.		
Purpose of Fund: To provide state assistance to counties in maintaining, expanding, and operating juvenile detention centers. On behalf of the juvenile court, the Administrative Office of the Courts may use monies in the fund to enter into agreements with public agencies or private entities to acquire land for, build, purchase, lease-purchase, lease, maintain, expand, or operate juvenile detention centers.		
Funds Expended	55,500	55,000
Year-End Fund Balance	118,100	69,800