

Judiciary - Superior Court

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

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	FY 2008 ACTUAL	FY 2009 ESTIMATE	FY 2010 APPROVED
SPECIAL LINE ITEMS			
<i>Full Time Equivalent Positions</i>	234.5	230.5	231.5 ^{1/}
Judges Compensation	17,640,900	18,073,600	19,336,900
Adult Probation Programs			
Adult Standard Probation	13,961,100	15,051,100	15,053,700
Adult Intensive Probation	11,606,300	11,330,500	11,332,400
Community Punishment	1,990,400	2,861,300	2,861,300
Interstate Compact	639,900	654,200	655,000
Sex Offenders GPS Monitoring	642,200	436,600	436,600
Drug Court	992,800	1,013,600	1,013,600
Probation Surcharge	3,421,500	3,421,500	3,421,500
Juvenile Probation Programs			
Juvenile Standard Probation	5,152,100	4,724,200	4,725,200
Juvenile Intensive Probation	10,250,200	9,882,100	9,883,500
Juvenile Treatment Services	22,470,500	22,493,300	22,497,600 ^{2/}
Juvenile Family Counseling	656,100	660,400	660,400
Juvenile Diversion Consequences	10,334,300	10,160,300	10,160,300 ^{2/}
Juvenile Crime Reduction	5,129,700	5,197,800	5,200,700
Special Water Master	0	20,000	20,000
Lump Sum Reduction	0	(3,740,600)	(5,735,900)
AGENCY TOTAL	104,888,000	102,239,900	101,522,800 ^{3/4/5/}
FUND SOURCES			
General Fund	94,880,800	91,754,900	89,014,800
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	6,085,700	6,559,200	6,975,900
Drug Treatment and Education Fund	500,000	500,000	500,000
Judicial Collection Enhancement Fund	3,421,500	3,425,800	5,032,100
SUBTOTAL - Other Appropriated Funds	10,007,200	10,485,000	12,508,000
SUBTOTAL - Appropriated Funds	104,888,000	102,239,900	101,522,800
Other Non-Appropriated Funds	8,981,700	9,671,000	9,365,600
TOTAL - ALL SOURCES	113,869,700	111,910,900	110,888,400

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.

^{1/} Of the 231.5 FTE Positions, 174 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, as adjusted by Laws 2009, 1st Regular Session, Chapter 12)

^{2/} 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. (General Appropriation Act footnote)

^{3/} 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)

^{4/} General Appropriation Act funds are appropriated as Special Line Items by Agency. As appropriated by Laws 2009, 1st Regular Session, Chapter 11.

	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2010 Approved
PERFORMANCE MEASURES				
• Customer satisfaction rating by states participating in the interstate compact (Scale 1-8)	6.7	6.6	6.6	7.0
<u>Juvenile Standard Probation:</u>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	85	85	83	85
<u>Juvenile Intensive Probation (JIPS):</u>				
• % of probationers successfully completing probation without a referral (a notice of misbehavior)	66	62	61	61
<u>Adult Standard Probation:</u>				
• % of probationers exiting probation and not committed to county jail or prison	80	67	68	68
<u>Adult Intensive Probation (AIPS):</u>				
• % of probationers exiting intensive probation and not committed to county jail or prison	50	53	51	50

Judges Compensation

The budget includes \$19,336,900 and 174 FTE Positions from the General Fund for Judges Compensation in FY 2010. These amounts fund the following adjustments:

New Judgeship

The budget includes an increase of \$95,500 and 1 FTE Position from the General Fund in FY 2010 for an additional Superior Court judge. This adjustment includes funding for a judgeship in Yavapai County that was filled in FY 2008.

Judicial Salaries

The budget includes an increase of \$1,129,500 from the General Fund in FY 2010 for a 6.8% salary increase for Superior Court judges. Beginning January 1, 2009, a Superior Court judge's salary increased from \$135,800 to \$145,000.

Statewide Health Insurance Adjustments

The budget includes an increase of \$38,300 from the General Fund in FY 2010 for state employee health insurance statewide adjustments. *(Please see the General Provisions section.)*

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.

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. Laws 2006, Chapter 261 made permanent this shift of adult probation costs to Maricopa County, as well as allowing Maricopa County to retain monies collected from a \$20 surcharge assessed on civil and criminal traffic violations.

^{5/} By November 1, 2009, the Administrative Office of the Courts shall report to the Joint Legislative Budget Committee the FY 2009 actual, FY 2010 estimated and FY 2011 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. (General Appropriation Act footnote)

Adult Standard Probation

The budget includes \$15,053,700 and 10.8 FTE Positions from the General Fund for Adult Standard Probation in FY 2010. These amounts fund the following adjustments:

Restore Non-Case Carrying Positions

The budget includes an increase of 2 FTE Positions from the General Fund in FY 2010 to restore 2 non-case carrying positions.

Statewide Health Insurance Adjustments

The budget includes an increase of \$2,600 from the General Fund in FY 2010 for state employee health insurance statewide adjustments.

The FY 2010 Criminal Justice Budget Reconciliation Bill (BRB) (Laws 2009, 3rd Special Session, Chapter 6) increases the probation supervision ratio to 1 probation officer for every 65 probationers. Prior to FY 2010, the probation supervision ratio was 1 probation officer for every 60 probationers.

The FY 2010 Criminal Justice BRB also provides for an Adult Standard Probation shift of \$1,000,000 from the General Fund to JCEF as a result of a \$10 increase to the probation surcharge. (*Please see the Lump Sum Reduction Special Line Item for more information.*)

Laws 2009, 1st Special Session, Chapter 5 increases the adult standard probationer fee from \$50 to \$65 per month. These fees are paid by individuals on probation and are used by the counties to support local Superior Court probation programs. (*Please see the Lump Sum Reduction Special Line Item for more information.*)

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 65 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 includes \$11,332,400 and 8.7 FTE Positions from the General Fund for Adult Intensive Probation in FY 2010. These amounts fund the following adjustments:

Restore Non-Case Carrying Positions

The budget includes an increase of 1 FTE Position from the General Fund in FY 2010 to restore 1 non-case carrying position.

Statewide Health Insurance Adjustments

The budget includes an increase of \$1,900 from the General Fund in FY 2010 for state employee health insurance statewide adjustments.

The FY 2010 Criminal Justice BRB (Laws 2009, 3rd Special Session, Chapter 6) expands the definition of an adult intensive probation team to include 2 adult probation officers. Prior to FY 2010, the adult intensive probation team had to consist of 1 adult probation officer and 1 surveillance officer, or 1 adult probation officer and 2 surveillance officers.

The FY 2010 Criminal Justice BRB also increases the adult intensive probationer fee from \$50 to \$75 per month. These fees are paid by individuals on probation and are used by the counties to support local Superior Court probation programs. (*Please see the Lump Sum Reduction Special Line Item for more information.*)

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 budget includes \$2,861,300 and 1 FTE Position for Community Punishment in FY 2010. These amounts consist of:

	FY 2010
General Fund	\$540,900
Criminal Justice Enhancement Fund (CJEF)	1,820,400
Drug Treatment and Education Fund (DTEF)	500,000

These amounts are unchanged from FY 2009.

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 budget includes \$655,000 and 3.8 FTE Positions from the General Fund for Interstate Compact in FY 2010. These amounts fund the following adjustments:

Statewide Health Insurance Adjustments

The budget includes an increase of \$800 from the General Fund in FY 2010 for state employee health insurance 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.

Sex Offenders GPS Monitoring

The budget includes \$436,600 and a 0.1 FTE Position from the General Fund for Sex Offenders Global Position System (GPS) Monitoring in FY 2010. These amounts are unchanged from FY 2009.

The FY 2010 Criminal Justice BRB (Laws 2009, 3rd Special Session, Chapter 6) provides for a GPS monitoring shift of \$435,200 from the General Fund to JCEF as a result of a \$10 increase to the probation surcharge. (*Please see the Lump Sum Reduction Special Line Item for more information.*)

Background – 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 State 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. Prior to FY 2008, GPS monitoring was funded in the Supreme Court's budget.

Drug Court

The budget includes \$1,013,600 from the General Fund for Drug Court programs in FY 2010. This amount is unchanged from FY 2009.

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 budget includes \$3,421,500 and a 0.8 FTE Position from the Judicial Collection Enhancement Fund (JCEF) for

the Probation Surcharge in FY 2010. These amounts are unchanged from 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

The state and counties have typically shared the costs of juvenile 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 juvenile probation costs. Laws 2006, Chapter 261 made permanent this shift of juvenile probation costs to Maricopa County, as well as allowing Maricopa County to retain monies collected from a \$20 surcharge assessed on civil and criminal traffic violations.

Juvenile Standard Probation

The budget includes \$4,725,200 and 4.5 FTE Positions from the General Fund for Juvenile Standard Probation in FY 2010. These amounts fund the following adjustments:

Statewide Health Insurance Adjustments

The budget includes an increase of \$1,000 from the General Fund in FY 2010 for state employee health insurance statewide adjustments.

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 budget includes \$9,883,500 and 6.5 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2010. These amounts fund the following adjustments:

Statewide Health Insurance Adjustments

The budget includes an increase of \$1,400 from the General Fund in FY 2010 for state employee health insurance statewide adjustments.

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 budget includes \$22,497,600 and 19.7 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2010. These amounts fund the following adjustments:

Statewide Health Insurance Adjustments

The budget includes an increase of \$4,300 from the General Fund in FY 2010 for state employee health insurance statewide adjustments.

Restore Juvenile Treatment Staff

The budget includes an increase of 3 FTE Positions from the General Fund in FY 2010 to restore juvenile treatment and diversion staff.

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 includes \$660,400 from the General Fund for Juvenile Family Counseling in FY 2010. This amount is unchanged from FY 2009.

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 budget includes \$10,160,300 from the General Fund for Juvenile Diversion Consequences in FY 2010. This amount is unchanged from FY 2009.

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. In FY 2008, 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 budget includes \$5,200,700 and 7.6 FTE Positions from CJEF for Juvenile Crime Reduction in FY 2010. These amounts fund the following adjustments:

Statewide Health Insurance Adjustments

The budget includes an increase of \$2,900 from CJEF in FY 2010 for state employee health insurance 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, AOC distributes monies in this line item to approximately 20 public and private entities.

Special Water Master

The budget includes \$20,000 from the General Fund for the Special Water Master line item in FY 2010. This amount is unchanged from FY 2009.

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 2008, 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.

Lump Sum Reduction

The budget includes an agencywide lump sum reduction of \$(3,740,600) for the midyear FY 2009 revisions and \$(5,735,900) for FY 2010. The latter reduction reflects the adjustment to the originally enacted FY 2009 appropriation.

	<u>FY 2009</u>	<u>FY 2010</u>
Lump Sum Reduction		
General Fund	\$(2,769,200)	\$(3,052,800)
JCEF	175,400	175,400

The budget continues a \$175,400 increase from the Judicial Collection Enhancement Fund originally approved in the midyear FY 2009 revisions to offset the General Fund lump sum reduction.

Fund Reduction and Transfer

CJEF	(440,000)	0
JCEF	(171,100)	0

Personnel Expense Reduction

CJEF	(19,000)	(45,200)
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Risk Management Shift

General Fund	\$(516,700)	(2,813,300)
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The budget continues a \$(516,700) decrease from the General Fund originally approved in the midyear FY 2009 revisions and includes an additional \$(2,296,600) decrease from the General Fund in FY 2010 by shifting a portion of the Superior Court's risk management costs to counties.

To partially offset the additional expense incurred by the counties, Laws 2009 1st Special Session, Chapter 5 generates approximately \$150,900 in FY 2009 and \$903,300 in FY 2010 by raising the adult standard probationer service fee from \$50 to \$65. The FY 2010 Criminal Justice BRB (Laws 2009, 3rd Special Session, Chapter 6) generates \$96,700 in FY 2010 through increasing the probationer service fee for adult intensive probationers from \$50 to \$75.

Since these fee increases will only be for new adult probationers, full implementation of the fee throughout all of adult standard and adult intensive probation will not be achieved for approximately 2 years. Upon full implementation, the adult standard probation fee will generate an additional \$2,196,700 annually, and the adult intensive probation fees will generate an additional \$178,500 annually. These fees will be collected by counties and used locally to support Superior Court probation programs.

Probation Fund Shift

General Fund	0	(1,000,000)
JCEF	0	1,000,000

The budget includes a decrease of \$(1,000,000) from the General Fund and a corresponding JCEF increase of \$1,000,000 in FY 2010. To offset the General Fund reduction, the FY 2010 Criminal Justice BRB (Laws 2009, 3rd Special Session, Chapter 6) will generate additional revenues for JCEF through increasing the probation surcharge, imposed on all criminal and civil traffic violations, from \$10 to \$20. Revenues received from this probation surcharge increase will also be used to offset the GPS Monitoring Fund Shift. Total revenue generated by this surcharge increase is estimated at \$1,435,200. *(Please see the Adult Standard Probation Special Line Item for more information.)*

GPS Monitoring Fund Shift

General Fund	0	(435,200)
JCEF	0	435,200

The budget includes a decrease of \$(435,200) from the General Fund and a corresponding JCEF increase of \$435,200 in FY 2010. To offset the General Fund reduction, the FY 2010 Criminal Justice BRB (Laws 2009, 3rd Special Session, Chapter 6) generates additional revenues for JCEF through increasing the probation surcharge, imposed on all criminal and civil traffic violations, from \$10 to \$20. Revenues received from this probation surcharge increase will also be used to offset a probation fund shift. Total revenue generated by this surcharge increase is estimated at \$1,435,200. *(Please see the Sex Offender GPS Monitoring Special Line Item for more information.)*

FTE Position Reduction

The budget includes a decrease of (6) FTE Positions for a lump sum FTE Position reduction. Per Laws 2009, 1st Regular Session, Chapter 11, the Superior Court received a decrease of (7) FTE Positions as the agency's FY 2010 lump sum FTE Position reduction. Laws 2009, 1st Regular Session, Chapter 12, increases the Superior Court's FTE Positions by 1 to offset the FY 2010 lump sum FTE Position reduction. *(Please see the General Provisions section.)*

Laws 2009, 3rd Special Session, Chapter 11, Section 17 requires every General Fund supported agency, board, commission, or other state entity to reduce its number of FTE Positions by 5% on or before February 1, 2010. This reduction has not been recorded in the summary table above. The actual impact of this provision is to be determined.

Fund Transfers

The budget includes the following midyear FY 2009 revisions and FY 2010 transfers to the General Fund from the funds listed below:

	<u>FY 2009</u>	<u>FY 2010</u>
CJEF - EBT	\$ (1,048,200)	\$0
CJEF - FRAT	(440,000)	0
CJEF - Salary	(19,000)	(45,200)
Drug Treatment and Education - EBT*	(592,800)	0
Drug Treatment and Education - FRAT*	(197,400)	0
Drug Treatment and Education - Salary*	(13,100)	(31,100)
Grants and Special Revenues - Salary*	(15,800)	0
JCEF - EBT	(528,300)	0
JCEF - FRAT	(171,100)	0

*These transfers are from non-appropriated funds.

Additional Legislation**County Non-Supplanting Provisions**

The FY 2010 Criminal Justice BRB (Laws 2009, 3rd Special Session, Chapter 6) suspends county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs and requires the counties to report on reductions in county funding as a result of the elimination of the non-supplanting provisions in FY 2010.