

## Judiciary - Superior Court

JLBC: Jon McAvoy  
 OSPB: Melissa Harto

DESCRIPTION	FY 2008 ACTUAL	FY 2009 ESTIMATE	FY 2010 JLBC
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	234.5	230.5	231.5
Judges Compensation	17,640,900	18,073,600	18,169,100
<b>Adult Probation Programs</b>			
Adult Standard Probation	13,961,100	15,051,100	15,051,100
Adult Intensive Probation	11,606,300	11,330,500	11,330,500
Community Punishment	1,990,400	2,861,300	2,861,300
Interstate Compact	639,900	654,200	654,200
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
<b>Juvenile Probation Programs</b>			
Juvenile Standard Probation	5,152,100	4,724,200	4,724,200
Juvenile Intensive Probation	10,250,200	9,882,100	9,882,100
Juvenile Treatment Services	22,470,500	22,493,300	22,493,300
Juvenile Family Counseling	656,100	660,400	660,400
Juvenile Diversion Consequences	10,334,300	10,160,300	10,160,300
Juvenile Crime Reduction	5,129,700	5,197,800	5,197,800
Special Water Master	0	20,000	20,000
<b>AGENCY TOTAL</b>	<b>104,888,000</b>	<b>105,980,500</b>	<b>106,076,000</b>

### FUND SOURCES

General Fund	94,880,800	95,040,800	95,136,300
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	6,085,700	7,018,200	7,018,200
Drug Treatment and Education Fund	500,000	500,000	500,000
Judicial Collection Enhancement Fund	3,421,500	3,421,500	3,421,500
SUBTOTAL - Other Appropriated Funds	10,007,200	10,939,700	10,939,700
<b>SUBTOTAL - Appropriated Funds</b>	<b>104,888,000</b>	<b>105,980,500</b>	<b>106,076,000</b>
Other Non-Appropriated Funds	8,981,700	9,897,300	9,396,700
<b>TOTAL - ALL SOURCES</b>	<b>113,869,700</b>	<b>115,877,800</b>	<b>115,472,700</b>

### CHANGE IN FUNDING SUMMARY

	FY 2009 to FY 2010 JLBC	
	\$ Change	% Change
General Fund	95,500	0.1%
Other Appropriated Fund	0	0.0%
Total Appropriated	95,500	0.1%
Non-Appropriated Funds	(500,600)	(5.1%)
Total - All Sources	(405,100)	(0.3%)

**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.



officers in rural counties must travel to supervise probationers.

### **Community Punishment**

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

General Fund	540,900
Criminal Justice Enhancement Fund	1,820,400
Drug Treatment and Education Fund	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 JLBC includes \$654,200 and 3.8 FTE Positions from the General Fund for Interstate Compact in FY 2010. These amounts are unchanged from FY 2009.

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 \$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.

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 JLBC 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 JLBC 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**

#### **Juvenile Standard Probation**

The JLBC includes \$4,724,200 and 4.5 FTE Positions from the General Fund for Juvenile Standard Probation in FY 2010. These amounts are unchanged from FY 2009.

*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 \$9,882,100 and 6.5 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2010. These amounts are unchanged from FY 2009.

*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 \$22,493,300 and 16.7 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2010. These amounts are unchanged from FY 2009.

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 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 JLBC 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. 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 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 JLBC includes \$5,197,800 and 7.6 FTE Positions from the Criminal Justice Enhancement Fund (CJEF) for Juvenile Crime Reduction in FY 2010. These amounts are unchanged from FY 2009.

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 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.

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**FORMAT** — Special Line Items by Agency

### **FOOTNOTES**

#### *Standard Footnotes*

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.

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.

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, 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

*Deletion of Prior Year Footnotes*

The JLBC would delete the footnotes that require receipts in excess of \$2,861,300 for the Community Punishment Program, \$5,197,800 from Juvenile Crime Reduction Fund, and \$3,421,500 from the Judicial Collection Enhancement Fund to be appropriated to the Superior Court. Given the current shortfall, the Legislature will need to evaluate these funds prior to authorizing any additional spending.

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
<b>Community Punishment Program Fines Fund (SPA2119/A.R.S. § 13-821)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Discretionary fines imposed by the courts on drug offenders.		
<b>Purpose of Fund:</b> To provide drug treatment services to adult probationers through the Community Punishment Program.		
<b>Funds Expended</b>	95,800	69,800
<b>Year-End Fund Balance</b>	98,600	49,300
<b>Criminal Justice Enhancement Fund (SPA2075/A.R.S. § 41-2401)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> 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.		
<b>Purpose of Fund:</b> 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.		
<b>Funds Expended</b>	6,085,700	7,018,200
<b>Year-End Fund Balance</b>	3,335,200	2,096,300
<b>Drug Enforcement Account (SPA2075/A.R.S. § 41-2402)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Federal grant monies passed through the Arizona Criminal Justice Commission's Drug and Gang Enforcement Account.		
<b>Purpose of Fund:</b> To fund programs that enhance the ability of the courts to process drug offenses and related cases.		
<b>Funds Expended</b>	1,908,500	1,782,400
<b>Year-End Fund Balance</b>	0	0

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
<b>Drug Treatment and Education Fund (SPA2277/A.R.S. § 13-901.02)</b>		<b>Partially-Appropriated</b>
<b>Source of Revenue:</b> 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.		
<b>Purpose of Fund:</b> 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.		
<b>Appropriated Funds Expended</b>	500,000	500,000
<b>Non-Appropriated Funds Expended</b>	4,085,300	3,947,600
<b>Year-End Fund Balance</b>	1,770,400	1,185,500
<b>Grants and Special Revenue (SPA2084/A.R.S. § 35-142)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies provided from various sources, private and public, for specific programs and projects.		
<b>Purpose of Fund:</b> To expend grants as required by the contribution.		
<b>Funds Expended</b>	1,303,600	3,556,900
<b>Year-End Fund Balance</b>	3,062,300	1,531,100
<b>Judicial Collection Enhancement Fund (SPA2246/A.R.S. § 12-113)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> 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 14.02% to 15.58% 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>		
<b>Purpose of Fund:</b> 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.		
<b>Funds Expended</b>	3,421,500	3,421,500
<b>Year-End Fund Balance</b>	947,200	1,056,500
<b>Juvenile Delinquent Reduction Fund (SPA2193/A.R.S. § 8-322)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> 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.		
<b>Purpose of Fund:</b> 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.		
<b>Funds Expended</b>	1,543,800	500,600
<b>Year-End Fund Balance*</b>	4,352,500	(1,147,500)
<b>State Aid to Detention Fund (SPA2141/A.R.S. § 41-2417)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Monies appropriated by the Legislature.		
<b>Purpose of Fund:</b> 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.		
<b>Funds Expended</b>	44,700	40,000
<b>Year-End Fund Balance</b>	77,900	41,900

\*As reported by the agency. Actual ending balance will not be negative