

## Arizona Criminal Justice Commission

JLBC: Jon McAvoy  
 OSPB: Brandon Nee

DESCRIPTION	FY 2008 ACTUAL	FY 2009 ESTIMATE	FY 2010 JLBC
<b>OPERATING BUDGET</b>			
<i>Full Time Equivalent Positions</i>	8.0	8.0	8.0
Personal Services	398,500	406,200	406,200
Employee Related Expenditures	133,700	139,300	139,300
Professional and Outside Services	250,900	119,500	119,500
Travel - In State	10,000	10,900	10,900
Travel - Out of State	6,900	5,000	5,000
Other Operating Expenditures	864,200	968,500	968,500
Equipment	12,900	0	0
<b>OPERATING SUBTOTAL</b>	<b>1,677,100</b>	<b>1,649,400</b>	<b>1,649,400</b>
<b>SPECIAL LINE ITEMS</b>			
Rural State Aid to County Attorneys	157,700	157,700	157,700
Rural State Aid to Indigent Defense	149,900	150,100	150,100
State Aid to County Attorneys	1,052,500	1,052,500	1,052,500
State Aid to Indigent Defense	997,800	999,200	999,200
Victim Compensation and Assistance	4,008,200	4,100,000	4,100,000
<b>AGENCY TOTAL</b>	<b>8,043,200</b>	<b>8,108,900</b>	<b>8,108,900</b>
<b>FUND SOURCES</b>			
General Fund	1,089,100	1,172,000	1,172,000
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	895,600	785,200	785,200
State Aid to County Attorneys Fund	1,052,500	1,052,500	1,052,500
State Aid to Indigent Defense Fund	997,800	999,200	999,200
Victim Compensation and Assistance Fund	4,008,200	4,100,000	4,100,000
SUBTOTAL - Other Appropriated Funds	6,954,100	6,936,900	6,936,900
<b>SUBTOTAL - Appropriated Funds</b>	<b>8,043,200</b>	<b>8,108,900</b>	<b>8,108,900</b>
Other Non-Appropriated Funds	9,465,400	11,931,900	10,674,500
Federal Funds	15,934,600	17,497,300	11,113,200
<b>TOTAL - ALL SOURCES</b>	<b>33,443,200</b>	<b>37,538,100</b>	<b>29,896,600</b>

### CHANGE IN FUNDING SUMMARY

	FY 2009 to FY 2010 JLBC	
	\$ Change	% Change
General Fund	0	0.0%
Other Appropriated Funds	0	0.0%
Total Appropriated Funds	0	0.0%
Non-Appropriated Funds	(7,641,500)	(26.0%)
Total - All Sources	(7,641,500)	(20.4%)

**AGENCY DESCRIPTION** — The commission was created to enhance the effectiveness and coordination of the criminal justice system in Arizona; to monitor the criminal justice system and the progress and implementation of new and continuing criminal justice legislation; to identify needed revisions in the system or legislation; to make appropriate reports on the system and legislation; and to administer special funds for the enhancement of designated criminal justice system programs and activities in the state of Arizona. The Arizona Criminal Justice Commission (ACJC) receives 1.57% of Criminal Justice Enhancement Fund (CJEF) monies.

<b>PERFORMANCE MEASURES</b>	FY 2006	FY 2007	FY 2008	FY 2010
	Actual	Actual	Actual	JLBC
• Number of grants awarded in a timely manner to victim services providers	42	43	47	42
• Customer satisfaction rating (Scale 1-10)	9.1	9.3	9.1	9.2

### ***Operating Budget***

The JLBC includes \$1,649,400 and 8 FTE Positions for the operating budget in FY 2010. These amounts consist of:

General Fund	\$864,200
Criminal Justice Enhancement Fund (CJEF)	785,200

These amounts are unchanged from FY 2009.

### ***Rural State Aid to County Attorneys***

The JLBC includes \$157,700 from the General Fund for Rural State Aid to County Attorneys in FY 2010. This amount is unchanged from FY 2009.

This line item receives General Fund appropriations deposited into the State Aid to County Attorneys Fund. These monies provide funding for the various offices of county attorneys throughout Arizona with populations of less than 500,000 persons to improve the processing of criminal cases. Non-General Fund monies in the State Aid to County Attorneys Fund are still distributed to both urban and rural counties. (*See State Aid to County Attorneys Special Line Item.*)

### ***Rural State Aid to Indigent Defense***

The JLBC includes \$150,100 from the General Fund for Rural State Aid to Indigent Defense in FY 2010. This amount is unchanged from FY 2009.

This line item receives General Fund appropriations deposited into the State Aid to Indigent Defense Fund. The monies provide funding to the various counties in Arizona with populations of less than 500,000 persons for processing of criminal cases by the offices of the public defender, legal defender, and/or contract indigent defense counsel in each county. Non-General Fund monies in the State Aid to Indigent Defense Fund are still distributed to both urban and rural counties.

### ***State Aid to County Attorneys***

The JLBC includes \$1,052,500 from the State Aid to County Attorneys Fund for State Aid to County Attorneys in FY 2010. This amount is unchanged from FY 2009.

This line item provides funding for the various offices of county attorneys throughout Arizona to improve the

processing of criminal cases. The line item receives funds from a 15.44% allocation of a 7% penalty assessment on fines, penalties, and forfeitures imposed by the courts for criminal and civil motor vehicle violations and a portion of the monies collected by the Supreme Court and Court of Appeals. ACJC is required to distribute the monies to each county based on a composite index formula using Superior Court felony filings and county population.

### ***State Aid to Indigent Defense***

The JLBC includes \$999,200 from the State Aid to Indigent Defense Fund for State Aid to Indigent Defense in FY 2010. This amount is unchanged from FY 2009.

This line item provides funding to the various counties in Arizona for processing of criminal cases by the offices of the public defender, legal defender, and/or contract indigent defense counsel in each county. The line item receives funding from a 14.66% allocation of a 7% penalty assessment on fines, penalties, and forfeitures imposed by the courts for criminal and civil motor vehicle violations and a portion of the monies collected by the Supreme Court and Court of Appeals. ACJC is required to distribute the monies to each county based on a composite index formula using Superior Court felony filings and county population.

### ***Victim Compensation and Assistance***

The JLBC includes \$4,100,000 from the Victim Compensation and Assistance Fund for Victim Compensation and Assistance in FY 2010. This amount is unchanged from FY 2009.

This line item provides funding for 2 crime victim grant programs: the Victim Compensation Program and the Victim Assistance Program. Victim compensation monies are distributed by ACJC to county compensation boards that award cash compensation to crime victims for specified expenses resulting from their victimization. Victims are eligible for lost wages, medical, funeral, and counseling expenses. Revenues for victim compensation grant monies come from 3 sources: 4.6% CJEF distribution, inmate work fees, and unclaimed victim restitution. Victim assistance monies are granted by ACJC to local government and not-for-profit agencies on a competitive basis and are used for operating expenses related to their victim assistance programs, such as crisis intervention, information and referral services, emergency services, and other victim support services. Revenues for

victim assistance grants come from community supervision fees and interstate compact fees.

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**FORMAT** — Operating Lump Sum with Special Line Items by Agency

**FOOTNOTES**

*Standard Footnotes*

Notwithstanding any other law, the amount appropriated for Rural State Aid to County Attorneys and Rural State Aid to Indigent Defense shall be allocated to counties with populations of less than 500,000 persons.

All Victim Compensation and Assistance receipts received by the Arizona Criminal Justice Commission in excess of \$4,100,000 in FY 2010 are appropriated to the Crime Victims Program. Before the expenditure of any Victim Compensation and Assistance receipts in excess of \$4,100,000 in FY 2010, the Arizona Criminal Justice Commission shall submit the intended use of the monies for review by the Joint Legislative Budget Committee.

*Deletion of Prior Year Footnotes*

The JLBC would delete the footnote requiring a quarterly report on the expenditure of monies and the progress of the Criminal Justice Information Systems as all funding was reduced from ACJC's budget to help resolve the FY 2008 and FY 2009 budget shortfalls.

The JLBC would delete the footnote requiring the appropriation for the Grants Management Automation Projects to be reverted to the Criminal Justice Enhancement Fund if the Government Information Technology Agency (GITA) did not approve the Project Investment Justification (PIJ) as GITA approved the PIJ in February 2007.

**OTHER ISSUES FOR LEGISLATIVE CONSIDERATION**

*Arizona Youth Survey*

The JLBC does not include a request of \$25,000 from the Criminal Justice Enhancement Fund in FY 2010 to conduct the Arizona Youth Survey, a statutorily-required survey of 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> grade students in schools across Arizona. ACJC would have to fund the survey from the agency's base appropriation. This survey has been conducted every 2 years for the past 16 years.

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
<b>Criminal Justice Enhancement Fund (JCA2134/A.R.S. § 41-2401)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> A 1.57% allocation of the Criminal Justice Enhancement Fund (CJEF). <i>(See below for additional information on statewide CJEF maintained in the Treasurer's Office but shown under ACJC as Arizona Revised Statute requires the Commission to annually report on CJEF).</i> 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> To cover the operating costs of the Arizona Criminal Justice Commission (ACJC).		
<b>Funds Expended</b>	895,600	785,200
<b>Year-End Fund Balance</b>	591,000	455,000

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
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<b>Criminal Justice Enhancement Fund (CJEF) (JCA2134/A.R.S. § 41-2401)</b>	<b>Partially-Appropriated</b>
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**Source of Revenue:** A 47% penalty on fines and forfeitures imposed by the courts for criminal and civil motor vehicle statute violations.  
**Purpose of Fund:** CJEF monies are distributed on a percentage basis to various state entities. (See individual agency pages for detailed information on each recipient.)

	<u>FY 2008</u>	<u>FY 2009</u>	<u>% of CJEF</u>	<u>Approp.</u>
<b>Funds Transferred</b> <sup>1/2/</sup>				
Attorney General				
AZ Prosecuting Attorneys Advisory Council (4)	\$1,447,400	\$1,474,900	3.03	no
County Attorneys (7)	4,466,400	4,551,300	9.35	no
Victim's Rights Implementation (13)	3,668,700	3,738,400	7.68	yes <sup>3/</sup>
AZ Criminal Justice Commission				
Operation Costs (10)	750,000	764,200	1.57	yes
Victim Compensation (14)	2,197,400	2,239,100	4.60	yes <sup>3/</sup>
Department of Corrections				
County Sheriffs (9)	5,589,000	5,695,200	11.70	no
Department of Public Safety				
Crime Lab Assessment Fund (12)	5,397,900	5,500,500	2.30	yes <sup>3/</sup>
DNA Identification System (6)	621,000	632,800	1.30	yes <sup>3/</sup>
Fingerprinting Identification System (1)	3,085,900	3,144,500	6.46	yes
Peace Officer's Training Fund (3)	7,948,800	8,099,800	16.64	no
State/Local Grants (6)	3,468,100	3,533,900	7.26	<sup>4/</sup>
Department of Juvenile Corrections (2)	769,100	783,700	1.61	yes
Supreme Court				
Case Processing (8)	2,875,700	2,930,400	6.02	yes
Juvenile Crime (5)	4,466,400	4,551,300	9.35	yes
Community Punishment Program (15)	1,017,500	1,036,800	2.13	yes
General Fund (11) <sup>5/</sup>	<u>0</u>	<u>0</u>	9.00	no
<b>Total Funds Transferred</b>	<b>\$47,769,300</b>	<b>\$48,676,800</b>		

<sup>1/</sup> The numbers following the recipient agencies represent the paragraph numbers from A.R.S. § 41-2401 subsection D.  
<sup>2/</sup> The numbers displayed in the chart represent monies distributed to agencies and may not correspond directly with agencies' actual expenditures or appropriation amounts.  
<sup>3/</sup> These monies represent a continuing appropriation from the CJEF, but are appropriated prior to expenditure by the recipient agency.  
<sup>4/</sup> Monies retained by the Department of Public Safety (DPS) for operating expenditures are appropriated. Monies passed through to state and local agencies are non-appropriated.  
<sup>5/</sup> As session law, revenues previously deposited to the General Fund were redirected to the DPS Crime Lab Assessment Fund for FY 2009.

<b>Driving Under the Influence Abatement Fund (JCA2422/A.R.S. § 28-1304)</b>	<b>Non-Appropriated</b>
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**Source of Revenue:** Fines collected from extreme DUI offenders with blood alcohol levels of 0.15 or above.  
**Purpose of Fund:** To fund DUI-related programs. The Oversight Council on Driving or Operating Under the Influence Abatement distributes 25% of the revenues to fund pilot programs that use emerging technologies to deter occurrences of driving under the influence, and at least 70% of the monies to fund subdivisions and tribal governments that apply for monies for enforcement and alcohol abuse treatment services. The Arizona Criminal Justice Commission staffs the Council. The Arizona Department of Transportation and Department of Public Safety receive grant funds from the Council. Not more than 5% of the monies are to be used for administrative purposes of the Oversight Council on Driving or Operating Under the Influence Abatement or payment of the costs of notification.

<b>Funds Expended</b>	2,034,400	1,138,500
<b>Year-End Fund Balance</b>	886,100	1,548,300

<b>Drug and Gang Enforcement Account (JCA2134/A.R.S. § 41-2402)</b>	<b>Non-Appropriated</b>
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**Source of Revenue:** Drug fees and fines (A.R.S. § 13-811), selected Superior Court fees (A.R.S. § 12-284), and local matching funds.  
**Purpose of Fund:** To make grants in amounts not to exceed the percentages shown to enhance efforts to prosecute (50%), adjudicate (30%), and punish (30%) drug offenders and members of criminal street gangs, as well as to enhance investigations and education programs relating to drug and gang activities (50%), and to improve criminal justice records integration (30%).

<b>Funds Expended</b>	7,431,000	10,293,400
<b>Year-End Fund Balance</b>	4,134,900	2,668,800

SUMMARY OF FUNDS	FY 2008 Actual	FY 2009 Estimate
<b>Federal Grants (JCA2000/A.R.S. § 41-2405)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Federal grants, including Edward Byrne Memorial grant monies.		
<b>Purpose of Fund:</b> To improve the criminal justice records system in Arizona; to fund state and local correction and detention agencies' substance abuse programs for incarcerated offenders; and to provide support dealing with criminal justice issues.		
<b>Funds Expended</b>	15,934,600	17,497,300
<b>Year-End Fund Balance</b>	3,348,700	1,110,000
<b>Public Safety Equipment Fund (PSA2391/A.R.S. § 41-1723)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Revenue generated by additional assessments of up to \$1,500 to be paid by every offender convicted of driving or operating under the influence (DUI and DOI) offenses, as established by Laws 2008, Chapter 286. In FY 2009, the first \$500,000 will be directly distributed to the Arizona Criminal Justice Commission.		
<b>Purpose of Fund:</b> For one-time distribution to local law enforcement agencies to retrofit public safety vehicles for fire prevention resulting from rear-end collisions. Monies are to be distributed on a first-come, first serve basis with a maximum allocation of \$1,000 per vehicle. (See the Department of Public Safety Summary of Funds Section for other purposes of this fund.)		
<b>Funds Expended</b>	0	500,000
<b>Year-End Fund Balance</b>	0	0
<b>State Aid to County Attorneys Fund (JCA2443/A.R.S. § 11-539)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> Legislative appropriations, a 15.44% allocation of a 7% penalty assessment on fines, penalties and forfeitures imposed by the courts for criminal and civil motor vehicle violations, and a 21.61% allocation of a 5% portion of fines and fees collected by the Supreme Court and Court of Appeals.		
<b>Purpose of Fund:</b> To provide state aid to county attorneys to improve the processing of criminal cases in the Superior and Justice Courts. ACJC administers the fund and distributes the monies to each county based on a composite index formula using felony filings and population. Pursuant to a General Appropriation Act footnote, General Fund monies are distributed only to rural counties (defined as counties with populations of less than 500,000 persons).		
<b>Funds Expended</b>	1,052,500	1,052,500
<b>Year-End Fund Balance</b>	1,446,100	99,200
<b>State Aid to Indigent Defense Fund (JCA2445/A.R.S. § 11-588)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> Legislative appropriations, a 14.66% allocation of a 7% penalty assessment on fines, penalties and forfeitures imposed by the courts for criminal and civil motor vehicle violations, and a 20.53% allocation of a 5% portion of fines and fees collected by the Supreme Court and Court of Appeals.		
<b>Purpose of Fund:</b> To provide state aid to county public defenders, legal defenders and contract indigent counsel for the processing of criminal cases. ACJC administers the fund and distributes the monies to each county based on a composite index formula using felony filings and population. Pursuant to a General Appropriation Act footnote, General Fund monies are distributed only to rural counties (defined as counties with populations of less than 500,000 persons).		
<b>Funds Expended</b>	997,800	999,200
<b>Year-End Fund Balance</b>	1,372,300	93,600
<b>Victim Compensation and Assistance Fund (JCA2198/A.R.S. § 41-2407)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> The fund consists of 2 sub-accounts. The Victim Compensation sub-account receives a 4.6% distribution from CJEF, monies collected from a 10% assessment of a working prisoner's gross compensation, and unclaimed restitution. The Victim Assistance sub-account receives revenue derived from community supervision fees and interstate compact fees. Following a 2006 court settlement which resulted in a \$2.9 million deposit into the fund, the annual fund appropriation was increased by \$300,000 to spend down the settlement monies. At this rate the settlement monies would provide an increased level of program funding through FY 2012.		
<b>Purpose of Fund:</b> To establish, maintain and support programs that compensate and assist victims of crime.		
<b>Funds Expended</b>	4,008,200	4,100,000
<b>Year-End Fund Balance</b>	3,381,400	2,672,700