

**Judiciary - Superior Court**

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

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	FY 2009 ACTUAL	FY 2010 ESTIMATE	FY 2011 APPROVED
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	230.5	230.5	231.5 <sup>1/</sup>
Judges Compensation	17,556,800	16,323,600	7,393,400
<b>Adult Probation Programs</b>			
Adult Standard Probation	14,402,100	13,565,300	13,543,300
Adult Intensive Probation	11,025,800	10,771,100	10,752,300
Community Punishment	1,993,500	2,320,300	2,316,300
Interstate Compact	635,500	650,400	641,800
Sex Offenders GPS Monitoring	405,100	0	0
Drug Court	996,300	1,013,600	1,013,600
Probation Surcharge	2,667,500	5,032,000	5,029,700
<b>Juvenile Probation Programs</b>			
Juvenile Standard Probation	5,037,200	4,613,900	4,606,000
Juvenile Intensive Probation	8,985,500	9,189,300	9,177,500
Juvenile Treatment Services	22,338,200	22,357,100	22,322,700 <sup>2/</sup>
Juvenile Family Counseling	640,000	660,400	660,400
Juvenile Diversion Consequences	9,367,000	9,024,900	9,024,900
Juvenile Crime Reduction	4,137,900	5,154,000	5,123,400
Special Water Master	20,000	20,000	20,000
<b>AGENCY TOTAL</b>	<b>100,208,400</b>	<b>100,695,900</b>	<b>91,625,300</b> <sup>3/4/5/</sup>
<b>FUND SOURCES</b>			
General Fund	91,409,500	88,189,600	79,155,900
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	5,636,500	6,974,300	6,939,700
Drug Treatment and Education Fund	494,900	500,000	500,000
Judicial Collection Enhancement Fund	2,667,500	5,032,000	5,029,700
SUBTOTAL - Other Appropriated Funds	8,798,900	12,506,300	12,469,400
<b>SUBTOTAL - Appropriated Funds</b>	<b>100,208,400</b>	<b>100,695,900</b>	<b>91,625,300</b>
Other Non-Appropriated Funds	6,063,900	5,940,300	5,940,300
Federal Funds	1,782,900	2,287,400	2,287,400
<b>TOTAL - ALL SOURCES</b>	<b>108,055,200</b>	<b>108,923,600</b>	<b>99,853,000</b>

**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.

<sup>1/</sup> Of the 231.5 FTE Positions, 176 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)

<sup>2/</sup> 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)

<sup>3/</sup> 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)

<sup>4/</sup> General Appropriation Act funds are appropriated as Special Line Items by Agency.

## **Judges Compensation**

The budget includes \$7,393,400 and 176 FTE Positions from the General Fund for Judges Compensation in FY 2011. These amounts fund the following adjustments:

### **New Judgeships**

The budget includes an increase of \$105,300 and 2 FTE Positions from the General Fund in FY 2011 for 2 additional Superior Court judges. This includes funding for judgeships in Pinal and Coconino County with an effective date of January 1, 2010.

### **5<sup>th</sup> Special Session Reduction**

The budget includes a decrease of \$(200,000) from the General Fund in FY 2011 to continue the 5<sup>th</sup> Special Session FY 2010 Lump Sum Reduction. This amount was allocated to the Judges Compensation Line Item pursuant to the agency's allocation decisions.

### **Maricopa County Judge Shift**

The budget includes a decrease of \$(9,079,400) from the General Fund in FY 2011 to shift the costs of Maricopa County judges to Maricopa County. The Criminal Justice Budget Reconciliation Bill (Laws, 2010, 7<sup>th</sup> Special Session, Chapter 6) requires Maricopa County to pay 100% of the county's Superior Court judges' salaries.

The budget did not reduce the FTE count for 95 Maricopa judges. This technical adjustment would be made in a future budget.

### **Statewide Adjustments**

The budget includes an increase of \$43,900 from the General Fund in FY 2011 for 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. A.R.S. § 12-128 requires the state General Fund to pay for one-half of Superior Court Judges' salaries, except for Maricopa judges. Pursuant to Laws 2010, 7<sup>th</sup> Special Session, Chapter 6 Maricopa County is responsible for the salary and Employee Related Expenditures of Maricopa County Superior Court Judges.

## **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 \$40 surcharge assessed on civil and criminal traffic violations.

## **Adult Standard Probation**

The budget includes \$13,543,300 and 10.1 FTE Positions from the General Fund for Adult Standard Probation in FY 2011. These amounts fund the following adjustments:

### **5<sup>th</sup> Special Session Reduction**

The budget includes a decrease of \$(55,000) from the General Fund in FY 2011 to continue the 5<sup>th</sup> Special Session FY 2010 Lump Sum Reduction. This amount was allocated to the Adult Standard Probation Line Item pursuant to the agency's allocation decisions.

### **Statewide Adjustments**

The budget includes a decrease of \$(22,000) from the General Fund in FY 2011 for statewide adjustments.

*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.

<sup>5/</sup> By November 1, 2010, the Administrative Office of the Courts shall report to the Joint Legislative Budget Committee the FY 2010 actual, FY 2011 estimated and FY 2012 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 Intensive Probation**

The budget includes \$10,752,300 and 8.2 FTE Positions from the General Fund for Adult Intensive Probation in FY 2011. These amounts fund the following adjustments:

#### **5<sup>th</sup> Special Session Reduction**

The budget includes a decrease of \$(45,000) from the General Fund in FY 2011 to continue the 5<sup>th</sup> Special Session FY 2010 Lump Sum Reduction. This amount was allocated to the Adult Intensive Probation Line Item pursuant to the agency's allocation decisions.

#### **Statewide Adjustments**

The budget includes a decrease of \$(18,800) from the General Fund in FY 2011 for statewide adjustments.

*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 \$2,316,300 and a 0.9 FTE Position for Community Punishment in FY 2011. These amounts consist of:

	<b>FY 2011</b>
Criminal Justice Enhancement Fund (CJEF)	\$1,816,300
Drug Treatment and Education Fund (DTEF)	500,000

These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes a decrease of \$(4,000) from CJEF in FY 2011 for statewide adjustments.

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 \$641,800 and 4.9 FTE Positions from the General Fund for Interstate Compact in FY 2011. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes a decrease of \$(8,600) from the General Fund in FY 2011 for 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 no funding for the Sex Offenders Global Position System (GPS) Monitoring in FY 2011. These amounts are unchanged from FY 2010.

*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. *(Please see the Probation Surcharge Special Line Item for more information.)*

### **Drug Court**

The budget includes \$1,013,600 from the General Fund for Drug Court programs in FY 2011. This amount is unchanged from FY 2010.

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 10 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 \$5,029,700 and a 0.8 FTE Position from the Judicial Collection Enhancement Fund (JCEF) for the Probation Surcharge in FY 2011. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes a decrease of \$(2,300) from JCEF in FY 2011 for statewide adjustments.

This line item consists of monies collected from a \$20 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. Beginning in FY 2010, Sex Offender GPS monitoring will be funded from the Probation Surcharge line item.

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**Juvenile Probation Programs**

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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 \$40 surcharge assessed on civil and criminal traffic violations.

**Juvenile Standard Probation**

The budget includes \$4,606,000 and 3.6 FTE Positions from the General Fund for Juvenile Standard Probation in FY 2011. These amounts fund the following adjustments:

**Statewide Adjustments**

The budget includes a decrease of \$(7,900) from the General Fund in FY 2011 for 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 \$9,177,500 and 5.4 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2011. These amounts fund the following adjustments:

**5<sup>th</sup> Special Session Reduction**

The budget includes a decrease of \$(200,000) from the General Fund in FY 2011 to continue the 5<sup>th</sup> Special Session FY 2010 Lump Sum Reduction. This amount was allocated to the Juvenile Intensive Probation Line Item pursuant to the agency's allocation decisions.

**Statewide Adjustments**

The budget includes a decrease of \$(11,800) from the General Fund in FY 2011 for 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 \$22,322,700 and 16.6 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2011. These amounts fund the following adjustments:

**Statewide Adjustments**

The budget includes a decrease of \$(34,400) from the General Fund in FY 2011 for statewide adjustments.

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 2011. This amount is unchanged from FY 2010.

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 \$9,024,900 from the General Fund for Juvenile Diversion Consequences in FY 2011. This amount funds the following adjustments:

#### **5<sup>th</sup> Special Session Reduction**

The budget includes a decrease of \$(320,000) from the General Fund in FY 2011 to continue the 5<sup>th</sup> Special Session FY 2010 Lump Sum Reduction. This amount was allocated to the Juvenile Diversion Consequences Line Item pursuant to the agency's allocation decisions.

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 2009, there were approximately 21,359 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

### ***Juvenile Crime Reduction***

The budget includes \$5,123,400 and 7 FTE Positions from CJEF for Juvenile Crime Reduction in FY 2011. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes a decrease of \$(30,600) from CJEF in FY 2011 for 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 2011. This amount is unchanged from FY 2010.

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 2009, about 30,700 individuals, communities, governments, and companies have filed about 95,200 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.

### ***Fund Transfers***

The budget includes transfers from this agency's funds to the General Fund. (*Please see the Fund Transfers section at the back of this report for more details.*)

### ***Additional Legislation***

#### ***County Non-Supplanting Provisions***

The Criminal Justice Budget Reconciliation Bill (Laws 2010, 7<sup>th</sup> Special Session, Chapter 6) continues the FY 2010 suspension of 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.

#### ***Probation Revocation Payment Suspension***

Laws 2010, 7<sup>th</sup> Special Session, Chapter 6 suspends A.R.S. § 12-270, which requires the Legislature to annually appropriate 40% of any cost savings related to a reduction in probation revocations. These funds were to be deposited into the Adult Probation Services Fund of each county if there was a reduction in the percentage of supervised probationers who are convicted of new felony offenses.

### ***Other Issues***

#### ***5% FTE Position Reduction***

Laws 2009, 3<sup>rd</sup> Special Session, Chapter 11, Section 17 mandated a 5% General Fund FTE Position reduction by February 1, 2010. This provision required the Superior Court to reduce 1 General Fund FTE Position in FY 2010 and an additional 1 General Fund FTE Position in FY 2011. These changes have not been incorporated in the narrative since the agency does not have an operating budget; the agency may allocate to Special Line Items.