

Judiciary - Superior Court

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	FY 2009 ACTUAL	FY 2010 ESTIMATE	FY 2011 BASELINE
SPECIAL LINE ITEMS			
<i>Full Time Equivalent Positions</i>	230.5	226.5	222.5
Judges Compensation	17,556,800	16,523,600	16,628,900
Adult Probation Programs			
Adult Standard Probation	14,402,100	13,621,300	13,621,300
Adult Intensive Probation	11,025,800	10,817,000	10,817,000
Community Punishment	1,993,500	2,320,400	2,320,400
Interstate Compact	635,500	650,900	650,900
Sex Offenders GPS Monitoring	405,100	0	0
Drug Court	996,300	1,013,600	1,013,600
Probation Surcharge	2,667,500	5,032,100	5,032,100
Juvenile Probation Programs			
Juvenile Standard Probation	5,037,200	4,614,300	4,614,300
Juvenile Intensive Probation	8,985,500	9,389,900	9,389,900
Juvenile Treatment Services	22,338,200	22,358,900	22,358,900
Juvenile Family Counseling	640,000	660,400	660,400
Juvenile Diversion Consequences	9,367,000	9,344,900	9,344,900
Juvenile Crime Reduction	4,137,900	5,155,500	5,155,500
Special Water Master	20,000	20,000	20,000
Other			
5th Special Session Reduction	0	(820,000)	(820,000)
AGENCY TOTAL	100,208,400	100,702,800	100,808,100
FUND SOURCES			
General Fund	91,409,500	88,194,800	88,300,100
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	5,636,500	6,975,900	6,975,900
Drug Treatment and Education Fund	494,900	500,000	500,000
Judicial Collection Enhancement Fund	2,667,500	5,032,100	5,032,100
SUBTOTAL - Other Appropriated Funds	8,798,900	12,508,000	12,508,000
SUBTOTAL - Appropriated Funds	100,208,400	100,702,800	100,808,100
Other Non-Appropriated Funds	6,063,900	5,940,300	5,940,300
Federal Funds	1,782,900	2,287,400	2,287,400
TOTAL - ALL SOURCES	108,055,200	108,930,500	109,035,800

CHANGE IN FUNDING SUMMARY

	FY 2010 to FY 2011 Baseline	
	\$ Change	% Change
General Fund	105,300	0.1%
Other Appropriated Funds	0	0.0%
Total Appropriated Funds	105,300	0.1%
Non-Appropriated Funds	0	0.0%
Total - All Sources	105,300	0.1%

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.

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.)*

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 Baseline 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 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 Baseline includes \$5,032,100 and a 0.8 FTE Position from the Judicial Collection Enhancement Fund (JCEF) for the Probation Surcharge in FY 2011. These amounts are unchanged from FY 2010.

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 Probation Surcharge line item.

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

Juvenile Standard Probation

The Baseline includes \$4,614,300 and 3.6 FTE Positions from the General Fund for Juvenile Standard Probation in FY 2011. These amounts are unchanged from FY 2010.

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 Baseline includes \$9,389,900 and 5.4 FTE Positions from the General Fund for Juvenile Intensive Probation in FY 2011. These amounts are unchanged from FY 2010.

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 Baseline includes \$22,358,900 and 16.6 FTE Positions from the General Fund for Juvenile Treatment Services in FY 2011. These amounts are unchanged from FY 2010.

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 Baseline 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 Baseline includes \$9,344,900 from the General Fund for Juvenile Diversion Consequences in FY 2011. This amount is unchanged from FY 2010.

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 Baseline includes \$5,155,500 and 7 FTE Positions from CJEF for Juvenile Crime Reduction in FY 2011. These amounts are unchanged from FY 2010.

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 Baseline 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.

5th Special Session Reduction

The Baseline includes \$(820,000) from the General Fund in FY 2011 to continue the 5th Special Session FY 2010 Lump Sum Reduction. This lump sum reduction would be allocated to specific line items in the FY 2011 General Appropriation Act.

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FORMAT — Special Line Items by Agency

FOOTNOTES

Standard Footnotes

Of the 222.5 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.

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, 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.

- 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.

STATUTORY CHANGES

The Baseline would, as session law, continue to suspend county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs, and require the counties to report on reductions in county funding as a result of the elimination of the non-supplanting provisions.

OTHER ISSUES FOR LEGISLATIVE CONSIDERATION

FTE Allocation

Supreme Court FTE Positions have been realigned between line items to reflect current usage.

5% FTE Position Reduction

The Superior Court was originally budgeted 223.1 General Fund FTE Positions in FY 2010. Laws 2009, 3rd Special Session, Chapter 11, Section 17 mandates a 5% General Fund FTE Position reduction by February 1, 2010. Given the mid-year implementation, this provision requires the Superior Court to reduce an additional 5 FTE Positions in FY 2010 and 11 General Fund FTE Positions in FY 2011. This reduction has not been allocated in the narrative since the agency does not have an operating budget; the agency may allocate to Special Line Items. The Superior Court revised their FY 2010 estimate to 222.8; as a result, the aforementioned FTE reductions have been applied to this figure.

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 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	0	100,000
Year-End Fund Balance	132,700	66,800
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	5,636,500	6,975,900
Year-End Fund Balance*	1,916,000	(94,600)
Drug and Gang Enforcement Account (SPA2074/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	1,782,900	2,287,400
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	494,900	500,000
Non-Appropriated Funds Expended	3,764,700	3,947,600
Year-End Fund Balance	646,100	384,000

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 Estimate
Grants and Special Revenue Fund (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	2,276,100	1,867,700
Year-End Fund Balance*	(30,800)	139,800
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 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 \$20 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	2,667,500	5,032,100
Year-End Fund Balance	932,500	235,800
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	0	0
Year-End Fund Balance	1,051,600	567,500
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	23,100	25,000
Year-End Fund Balance	56,100	32,400

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