

# Arizona Criminal Justice Commission

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	FY 2009 ACTUAL	FY 2010 ESTIMATE	FY 2011 BASELINE
<b>OPERATING BUDGET</b>			
<i>Full Time Equivalent Positions</i>	8.0	8.0	8.0
Personal Services	412,300	457,600	457,600
Employee Related Expenditures	140,600	159,200	159,200
Professional and Outside Services	117,800	15,600	15,600
Travel - In State	9,300	10,800	10,800
Travel - Out of State	6,900	6,500	6,500
Other Operating Expenditures	820,900	83,500	318,700
Equipment	3,100	6,400	6,400
<b>OPERATING SUBTOTAL</b>	<b>1,510,900</b>	<b>739,600</b>	<b>974,800</b>
<b>SPECIAL LINE ITEMS</b>			
Rural State Aid to County Attorneys	157,700	0	0
Rural State Aid to Indigent Defense	150,100	0	0
State Aid to County Attorneys	886,700	1,052,500	1,052,500
State Aid to Indigent Defense	841,700	999,200	999,200
Victim Compensation and Assistance	4,026,300	4,100,000	4,100,000
5th Special Session Reduction	0	(516,800)	(516,800)
<b>AGENCY TOTAL</b>	<b>7,573,400</b>	<b>6,374,500</b>	<b>6,609,700</b>
<b>FUND SOURCES</b>			
General Fund	1,054,800	0	0
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	763,900	684,100	684,100
Drug and Gang Prevention Resource Center Fund	0	0	235,200
State Aid to County Attorneys Fund	886,700	973,600	973,600
State Aid to Indigent Defense Fund	841,700	924,300	924,300
Victim Compensation and Assistance Fund	4,026,300	3,792,500	3,792,500
<b>SUBTOTAL - Other Appropriated Funds</b>	<b>6,518,600</b>	<b>6,374,500</b>	<b>6,609,700</b>
<b>SUBTOTAL - Appropriated Funds</b>	<b>7,573,400</b>	<b>6,374,500</b>	<b>6,609,700</b>
Other Non-Appropriated Funds	11,775,100	6,424,600	6,189,400
Federal Funds	14,770,700	21,821,300	21,997,800
<b>TOTAL - ALL SOURCES</b>	<b>34,119,200</b>	<b>34,620,400</b>	<b>34,796,900</b>

## CHANGE IN FUNDING SUMMARY

	FY 2010 to FY 2011 Baseline	
	\$ Change	% Change
General Fund	0	0.0%
Other Appropriated Funds	235,200	3.7%
Total Appropriated Funds	235,200	3.7%
Non-Appropriated Funds	(58,700)	(0.2%)
Total - All Sources	176,500	0.5%

**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.

### **Operating Budget**

The Baseline includes \$974,800 and 8 FTE Positions for the operating budget in FY 2011. These amounts consist of:

CJEF	\$739,600
Drug and Gang Prevention Resource Center Fund	235,200

FY 2011 adjustments would be as follows:

**Arizona Youth Survey                      OF                      235,200**

The Baseline includes an increase of \$235,200 from the Drug and Gang Prevention Resource Center Fund in FY 2011 for ongoing funding for costs associated with the Arizona Youth Survey. The Baseline also includes a corresponding decrease to the Drug and Gang Prevention Resource Center from the Drug and Gang Prevention Resource Center Fund. *(See Statutory Changes and the Drug and Gang Prevention Resource Center narrative for more information.)*

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

The Baseline includes no funding for Rural State Aid to County Attorneys in FY 2011. This amount is unchanged from FY 2010.

This line item received General Fund appropriations deposited into the State Aid to County Attorneys Fund. These monies provided 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. *(Please see State Aid to County Attorneys Special Line Item for more information.)*

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

The Baseline includes no funding for Rural State Aid to Indigent Defense in FY 2011. This amount is unchanged from FY 2010.

This line item received General Fund appropriations deposited into the State Aid to Indigent Defense Fund. The monies provided 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. *(Please see State Aid to Indigent Defense Special Line Item for more information.)*

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

The Baseline includes \$1,052,500 from the State Aid to County Attorneys Fund for State Aid to County Attorneys Fund line item in FY 2011. This amount is unchanged from FY 2010.

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 Baseline includes \$999,200 from the State Aid to Indigent Defense Fund for the State Aid to Indigent Defense Fund line item in FY 2011. This amount is unchanged from FY 2010.

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 Baseline includes \$4,100,000 from the Victim Compensation and Assistance Fund for Victim Compensation and Assistance in FY 2011. This amount is unchanged from FY 2010.

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.

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

The Baseline includes \$(516,800) in FY 2011 to continue the 5<sup>th</sup> Special Session FY 2010 Lump Sum Reduction. This amount consists of:

CJEF	(55,500)
State Aid to County Attorneys Fund	(78,900)
State Aid to Indigent Defense Fund	(74,900)
Victims Compensation and Assistance Fund	(307,500)

This lump sum reduction would be allocated to specific line items in the FY 2011 General Appropriation Act.

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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 State Aid to the County Attorneys Fund receipts received by the Arizona Criminal Justice Commission in excess of \$1,052,500 in FY 2011 are appropriated to the State Aid to the County Attorney Program. Before the expenditure of any State Aid to the County Attorney Fund Receipts in excess of \$1,052,500, the Arizona Criminal Justice Commission shall ~~submit~~ REPORT the intended use of the monies ~~for review by~~ TO the Joint Legislative Budget Committee.

All State Aid to Indigent Defense Fund receipts received by the Arizona Criminal Justice Commission in excess of \$999,200 in FY 2011 are appropriated to the State Aid to Indigent Defense Program. Before the expenditure of any State Aid to Indigent Defense receipts in excess of \$999,200 in FY 2011, the Arizona Criminal Justice Commission shall ~~submit~~ REPORT the intended use of the monies ~~for review by~~ TO the Joint Legislative Budget Committee.

All Victim Compensation and Assistance receipts received by the Arizona Criminal Justice Commission in excess of \$4,100,000 in FY 2011 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 2011, the Arizona Criminal Justice Commission shall ~~submit~~ REPORT the intended use of the monies ~~for review by~~ TO the Joint Legislative Budget Committee.

**STATUTORY CHANGES**

The Baseline would, as permanent law, shift the Drug and Gang Prevention Resource Center Fund from the Drug and Gang Prevention Resource Center to ACJC for the purpose of conducting the Arizona Youth Survey, a statutorily required survey of 8th, 10th, and 12th grade students in schools across Arizona. The survey measures alcohol and drug use, gang affiliation, and weapons within schools. This shift was done on a transitional basis in FY 2010 through an IGA between ACJC and the Drug and Gang Prevention Resource Center. (See "Arizona Youth Survey" policy issue under Operating Budget and the Drug and Gang Prevention Resource Center narrative for more information.)

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 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 CJEF. (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). 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 ACJC.		
<b>Funds Expended</b>	763,900	684,100
<b>Year-End Fund Balance</b>	309,800	270,900

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 Estimate
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<b>Criminal Justice Enhancement Fund (JCA2134/A.R.S. § 41-2401)</b>	<b>Partially-Appropriated</b>
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**Source of Revenue:** A 47% penalty on fines, violations, forfeitures and penalties imposed by the courts for criminal offenses 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 2009</u>	<u>FY 2010</u>	<u>% of CJEF</u>	<u>Approp.</u>
<b>Funds Transferred</b> <sup>1/2/</sup>				
Attorney General				
AZ Prosecuting Attorneys Advisory Council (4)	1,444,500	1,441,600	3.03	no
County Attorneys (7)	4,457,400	4,448,500	9.35	no
Victim's Rights Implementation (13)	3,661,200	3,653,900	7.68	yes <sup>3/</sup>
AZ Criminal Justice Commission				
Operation Costs (10)	748,500	747,000	1.57	yes
Victim Compensation (14)	2,192,900	2,188,500	4.60	yes <sup>3/</sup>
Department of Corrections				
County Sheriffs (9)	5,577,700	5,566,500	11.70	no
Department of Public Safety				
Crime Lab Assessment Fund (12)	5,387,000	5,376,200	2.30	yes <sup>3/</sup>
DNA Identification System (6)	619,700	618,500	1.30	yes <sup>3/</sup>
Fingerprinting Identification System (1)	3,079,600	3,073,500	6.46	yes
Peace Officers' Training Fund (3)	7,932,700	7,916,800	16.64	no
State/Local Grants (6)	3,461,000	3,454,100	7.26	yes <sup>4/</sup>
Department of Juvenile Corrections (2)	767,500	766,000	1.61	yes
Supreme Court				
Case Processing (8)	2,869,900	2,864,100	6.02	yes
Juvenile Crime (5)	4,457,400	4,448,500	9.35	yes
Community Punishment Program (15)	1,015,400	1,013,400	2.13	yes
General Fund (11) <sup>5/</sup>	<u>0</u>	<u>0</u>	9.00	no
<b>Total Funds Transferred</b>	<u>47,672,400</u>	<u>47,577,100</u>		

<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 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 DPS' Crime Lab Assessment Fund for FY 2010.

<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:** A fee of \$250 to be paid by every offender convicted of an extreme driving under the influence (DUI) offense. An extreme DUI violation is defined as a person possessing a blood alcohol concentration of 0.15 or greater.

**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 DPS 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>	1,002,400	1,387,500
<b>Year-End Fund Balance</b>	889,300	247,300

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 Estimate
<b>Drug and Gang Enforcement Account (JCA2134/A.R.S. § 41-2402)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Drug fees and fines (A.R.S. § 13-811), selected Superior Court fees (A.R.S. § 12-284), and local matching funds.		
<b>Purpose of Fund:</b> 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%). In FY 2009, \$500,000 was deposited into the DEA account for a one-time distribution to local law enforcement agencies to retrofit public safety vehicles for fire prevention resulting from rear-ends collisions. In FY 2010, the Drug and Gang Prevention Resource Center entered into an IGA for \$235,200 with ACJC to fund the Arizona Youth Survey. The IGA expenditures are not displayed to avoid double counting of the Drug and Gang Prevention Resource Center Fund.		
<b>Funds Expended</b>	10,772,700	5,037,100
<b>Year-End Fund Balance</b>	1,368,700	1,742,200
<b>Drug and Gang Prevention Resource Center Fund (DPA2280/A.R.S. § 41-2402)</b>		<b>Appropriated</b>
<b>Source of Revenue:</b> 1.31% of fee collections and filings in the Superior Court, 1.31% of notary bond fees, and public and private gifts or grants, excluding federal monies.		
<b>Purpose of Fund:</b> To fund the Arizona Youth Survey, a statutorily required survey of 8th, 10th, and 12th grade students in schools across Arizona. The survey measures alcohol and drug use, gang affiliation, and weapons within schools.		
<b>Funds Expended</b>	0	0
<b>Year-End Fund Balance</b>	0	0
<b>Federal Grants (JCA2000/A.R.S. § 41-2405)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> Federal grants, including additional Edward Byrne Memorial grant monies and Victims of Crime Act (VOCA) monies awarded as a result of the American Recovery and Reinvestment Act of 2009.		
<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>	14,770,700	21,821,300
<b>Year-End Fund Balance</b>	5,670,500	24,111,800
<b>Resource Center Fund (JCA2280/A.R.S. § 41-2402)</b>		<b>Non-Appropriated</b>
<b>Source of Revenue:</b> A 1.31% allocation from selected Superior Court Fees and monies received from public or private gifts.		
<b>Purpose of Fund:</b> To fund the Arizona Drug and Gang Prevention Resource Center. Per Laws 2009, 3 <sup>rd</sup> Special Session, Chapter 6, the Drug and Gang Prevention Resource Center entered into an IGA with ACJC to fund the Arizona Youth Survey in FY 2010 with these monies. Expenditures are not displayed to avoid double counting of the Drug and Gang Prevention Resource Center Fund.		
<b>Funds Expended</b>	0	0
<b>Year-End Fund Balance</b>	440,700	276,500
<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>	886,700	973,600
<b>Year-End Fund Balance</b>	147,500	82,700

SUMMARY OF FUNDS	FY 2009 Actual	FY 2010 Estimate
<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>	841,700	924,300
<b>Year-End Fund Balance*</b>	8,500	(130,000)
<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 \$2,900,000 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>	4,026,300	3,792,500
<b>Year-End Fund Balance</b>	2,790,700	1,380,500

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