

## Judiciary - Superior Court

	FY 2012 ACTUAL	FY 2013 ESTIMATE	FY 2014 APPROVED
<b>SPECIAL LINE ITEMS</b>			
<i>Full Time Equivalent Positions</i>	136.5	136.5	137.5 <sup>1/</sup>
Judges Compensation	7,954,900	7,531,600	7,682,500
Adult Standard Probation	13,508,400	13,538,700	13,543,200
Adult Intensive Probation	10,732,000	10,750,800	10,754,500
Community Punishment	1,452,000	2,310,100	2,310,100
Interstate Compact	623,100	646,300	648,000
Drug Court	1,013,600	1,013,600	1,013,600
Probation Surcharge	4,788,800	5,029,200	6,029,200
Juvenile Standard Probation	4,592,900	4,604,700	4,606,200
Juvenile Intensive Probation	8,905,500	9,173,100	9,175,600
Juvenile Treatment Services	22,357,900	22,334,200	22,341,400
Juvenile Family Counseling	659,900	660,400	660,400
Juvenile Diversion Consequences	9,024,900	9,024,900	9,024,900 <sup>2/</sup>
Juvenile Crime Reduction	3,281,100	5,173,400	5,192,100
Mental Health Court Report	0	0	90,000
Special Water Master	20,000	20,000	94,000
<b>AGENCY TOTAL</b>	<b>88,915,000</b>	<b>91,811,000</b> <sup>3/</sup>	<b>93,165,700</b> <sup>4/5/6/</sup>
<b>FUND SOURCES</b>			
General Fund	79,393,100	79,298,300	79,634,300
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	4,245,800	6,983,500	7,002,200
Drug Treatment and Education Fund	487,300	500,000	500,000
Judicial Collection Enhancement Fund	4,788,800	5,029,200	6,029,200
SUBTOTAL - Other Appropriated Funds	9,521,900	12,512,700	13,531,400
<b>SUBTOTAL - Appropriated Funds</b>	<b>88,915,000</b>	<b>91,811,000</b>	<b>93,165,700</b>
Other Non-Appropriated Funds	5,233,900	5,489,100	5,489,100
Federal Funds	2,099,300	1,608,200	1,608,200
<b>TOTAL - ALL SOURCES</b>	<b>96,248,200</b>	<b>98,908,300</b>	<b>100,263,000</b>

<sup>1/</sup> Of the 137.5 FTE Positions, 82 FTE Positions represent Superior Court judges in counties with a population of less than 2,000,000 persons. 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 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 Juvenile Treatment Services and Juvenile Diversion Consequences appropriations shall be deposited in the Juvenile Probation Services Fund established by A.R.S. § 8-322. (General Appropriation Act footnote)

<sup>3/</sup> In addition to these amounts, the FY 2013 General Appropriation Act included a one-time FY 2013 adjustment of \$(101,700) GF for a state employee health insurance premium holiday. (Please see the FY 2013 General Fund Adjustments section.)

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

<sup>5/</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>6/</sup> By November 1, 2013, the Administrative Office of the Courts shall report to the Joint Legislative Budget Committee the FY 2013 actual, FY 2014 estimated and FY 2015 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 Probation 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 Probation 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)

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**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.

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**Judges Compensation**

The budget includes \$7,682,500 and 82 FTE Positions from the General Fund in FY 2014 for Judges Compensation. These amounts fund the following adjustments:

**Mohave County Judgeship**

The budget includes an increase of \$98,000 and 1 FTE Position from the General Fund in FY 2014 for the addition of an additional judgeship in Mohave County.

**Statewide Adjustments**

The budget includes an increase of \$52,900 from the General Fund in FY 2014 for statewide adjustments. (Please see the Agency Detail and Allocations section.)

*Background* – This line item provides funding for the state’s 50% share of the salary and benefits 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 County judges. Maricopa County is responsible for 100% of the salary and benefits of its Superior Court Judges. Pursuant to A.R.S. § 12-121, each county receives one judge for the first 30,000 in population. Additional judges may be created for every additional 30,000 person increment upon approval by the Governor.

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**Probation Programs**

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The state and non-Maricopa Counties share 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.

**Adult Standard Probation**

The budget includes \$13,543,200 and 9.6 FTE Positions from the General Fund in FY 2014 for Adult Standard Probation. These amounts fund the following adjustments:

**Statewide Adjustments**

The budget includes an increase of \$4,500 from the General Fund in FY 2014 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.

**Adult Intensive Probation**

The budget includes \$10,754,500 and 7.8 FTE Positions from the General Fund in FY 2014 for Adult Intensive Probation. These amounts fund the following adjustments:

**Statewide Adjustments**

The budget includes an increase of \$3,700 from the General Fund in FY 2014 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 \$2,310,100 and 0.9 FTE Positions in FY 2014 for Community Punishment. These amounts consist of:

	<b>FY 2014</b>
Criminal Justice Enhancement Fund (CJEF)	\$1,810,100
Drug Treatment and Education Fund (DTEF)	500,000

These amounts are unchanged from FY 2013.

*Background* – 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, excluding Maricopa County.

### ***Interstate Compact***

The budget includes \$648,000 and 4.8 FTE Positions from the General Fund in FY 2014 for Interstate Compact. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes an increase of \$1,700 from the General Fund in FY 2014 for statewide adjustments.

*Background* – 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.

### ***Drug Court***

The budget includes \$1,013,600 from the General Fund in FY 2014 for Drug Court programs. This amount is unchanged from FY 2013.

*Background* – 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 12 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 \$6,029,200 and 0.8 FTE Positions from the Judicial Collection Enhancement Fund (JCEF) in FY 2014 for the Probation Surcharge. These amounts fund the following adjustments:

#### **Increased Salaries**

The budget includes an increase of \$1,000,000 from JCEF in FY 2014 to provide funding for salary increases and filling vacancies amongst county probation officers. The allocation will be distributed to approved program plans on a proportional basis based on aggregate need.

*Background* – 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.

### ***Juvenile Standard Probation***

The budget includes \$4,606,200 and 3.6 FTE Positions from the General Fund in FY 2014 for Juvenile Standard Probation. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes an increase of \$1,500 from the General Fund in FY 2014 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 \$9,175,600 and 5.4 FTE Positions from the General Fund in FY 2014 for Juvenile Intensive Probation. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes an increase of \$2,500 from the General Fund in FY 2014 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 \$22,341,400 and 15.6 FTE Positions from the General Fund in FY 2014 for Juvenile Treatment Services. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes an increase of \$7,200 from the General Fund in FY 2014 for statewide adjustments.

*Background* – 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 in FY 2014 for Juvenile Family Counseling. This amount is unchanged from FY 2013.

*Background* – 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 in FY 2014 for Juvenile Diversion Consequences. This amount is unchanged from FY 2013.

*Background* – 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 2012, there were approximately 15,019 juveniles diverted from formal court proceedings. Monies in this line item are distributed to all counties.

### **Juvenile Crime Reduction**

The budget includes \$5,192,100 and 7 FTE Positions from CJEF in FY 2014 for Juvenile Crime Reduction. These amounts fund the following adjustments:

#### **Statewide Adjustments**

The budget includes an increase of \$18,700 from CJEF in FY 2014 for statewide adjustments.

*Background* – 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 26 public and private entities.

### **Mental Health Court Report**

The budget includes \$90,000 from the General Fund in FY 2014 for a Mental Health Court Report. This amount funds the following adjustments:

#### **Report Funding**

The budget includes a one-time increase of \$90,000 from the General Fund in FY 2014 to provide funding for a Mental Health Court Report mandated by Laws 2013, Chapter 140.

*Background* – Laws 2013, Chapter 140 requires the Administrative Office of the Courts (AOC) to evaluate the effectiveness, efficiency and accountability of the mental health courts and to establish operational standards on or before December 31, 2014. The funding provided in this special line item allows AOC to implement the provisions of this law.

### **Special Water Master**

The budget includes \$94,000 from the General Fund in FY 2014 for the Special Water Master line item. This amount funds the following adjustments:

#### **Gila River Water Master**

The budget includes an increase of \$74,000 from the General Fund in FY 2014 for additional funding for the administration of the Gila River Water Master.

*Background* – This line item provides funding for the Special Water Master assigned by the court in 1990 to the Little Colorado River and Gila River water rights adjudications. The adjudication of water rights for the Little Colorado River and Gila River were petitioned in 1978 and 1980, respectively. In FY 2012, 906 water rights claims were filed by individuals, communities, governments, and companies. 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. In FY 2012, revenue and interest to the Gila River water rights adjudication totaled \$17,687 and expenditures were \$160,047. The FY 2012 revenue, interest, and appropriations to the Little Colorado River water rights adjudication totaled \$23,894 and expenditures were \$28,402. The FY 2012 ending balances were \$249,388 and \$99,480 for the Gila and Little Colorado River funds, respectively.

### **Additional Legislation**

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

The FY 2014 Criminal Justice Budget Reconciliation Bill (Laws 2013, 1<sup>st</sup> Special Session, Chapter 5) continues to suspend 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.

### **Other Issues**

#### **Automation Projects Transfer**

The budget includes one-time FY 2014 transfers from this agency's funds associated with its proportionate share of

costs for replacement of the state's financial accounting system. *(Please see the Automation Projects narrative for more details.)*

***Fund Transfers***

The budget also includes the following FY 2014 transfers from this agency's funds to the General Fund:

Criminal Justice Enhancement Fund	75,000
Drug Treatment and Education Fund	150,000
Judicial Collection Enhancement Fund	400,000
Juvenile Probation Services Fund	5,000,000

The FY 2013 General Appropriation Act required these FY 2014 transfers along with identical transfers in FY 2013.