

**ARIZONA CRIMINAL JUSTICE COMMISSION**

A.R.S. § 41-2404

Rex Holgerson, Executive Director

JLBC Analyst: Brad Regens

General Fund and Other Appropriated Funds	FY 1998 Actual	FY 1999 Estimate	FY 2000 Approved	FY 2001 Approved
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FTE Positions	6.0	6.0	6.0	6.0
Personal Services	224,600	240,700	246,100	251,000
Employee Related Expenditures	39,100	47,500	47,900	50,000
Professional and Outside Services	300	0	0	0
Travel - In State	8,800	11,000	11,000	11,000
Travel - Out of State	200	2,300	2,300	2,300
Other Operating Expenditures	61,100	61,400	61,400	61,400
Equipment	4,200	0	0	0

<b>Operating Subtotal</b>	<b>338,300</b>	<b>362,900</b>	<b>368,700</b>	<b>375,700</b>
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Child Pornography Prosecution	0	75,000	75,000	75,000
Crime Victim Assistance	450,000	550,000	900,000	900,000
Crime Victim Compensation	1,100,000	1,550,000	1,750,000	1,750,000
Domestic Violence Prosecution	0	66,000	66,000	66,000
Obscenity Prosecution	250,000	250,000	250,000	250,000
Street Gang Prosecution	1,000,000	1,000,000	1,000,000	1,000,000
Substance Abuse Surveys	25,000	0	25,000	0

<b>Total</b>	<b>3,163,300</b>	<b>3,853,900</b>	<b>4,434,700</b>	<b>4,416,700</b>
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**Additional Appropriations -**

Processing Criminal Cases; Statewide, Ch. 346	0	0	842,800 <sup>1/</sup>	1,264,200 <sup>1/</sup>
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<b>Total Appropriations</b>	<b>3,163,300</b>	<b>3,853,900</b>	<b>5,277,500<sup>2/</sup></b>	<b>5,680,900<sup>2/</sup></b>
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Fund Summary

General Fund	1,250,000	1,391,000	2,233,800	2,655,200
Victim Compensation & Assistance Fund	1,550,000	2,100,000	2,650,000	2,650,000
Criminal Justice Enhancement Fund	363,300	362,900	393,700	375,700

<b>Total Appropriations</b>	<b>3,163,300</b>	<b>3,853,900</b>	<b>5,277,500</b>	<b>5,680,900</b>
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**Agency Description** — *The commission was created to enhance the effectiveness and the 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.*

**Child Pornography Prosecution** — The approved FY 2000 amount includes \$75,000 from the General Fund to ACJC for grants to county attorneys to assist in the prosecution of offenses related to child pornography and sexually explicit acts with a minor. This amount is continued in FY 2001.

**Crime Victim Assistance** — The approved FY 2000 amount includes an increase of \$350,000 from the Victim Compensation and Assistance Fund to the Victim Assistance program. Monies for the Victim Assistance program are generated by the collection of parole, probation, and community supervision fees. This program, which receives no General Fund monies, awards grants to local government and non-profit organizations that provide

<sup>1/</sup> This appropriation is a continuing appropriation and is exempt from the provisions of A.R.S. § 35-190, relating to lapsing of appropriations.

<sup>2/</sup> General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.

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assistance to crime victims. These monies are used to provide emergency shelter, child care, transportation and other expenditures related to victim participation in the criminal case process. This amount is continued in FY 2001.

**Crime Victim Compensation** — The approved FY 2000 amount includes an increase of \$200,000 from the Victim Compensation and Assistance Fund to the Victim Compensation program. The Victim Compensation program receives 4.6% of the revenues deposited into the Criminal Justice Enhancement Fund. Victim Compensation monies are distributed by ACJC to county compensation boards that award cash compensation to crime victims for specified expenditures resulting from their victimization. Victims are eligible for lost wages, medical, funeral and counseling expenditures. The Victim Compensation program, which receives no General Fund monies, is a “payer of last resort.” This amount is continued in FY 2001.

**Domestic Violence Prosecution** — The approved FY 2000 amount includes \$66,000 from the General Fund to ACJC for grants to county attorneys to assist in the prosecution of aggravated domestic violence offenses. This amount is continued in FY 2001.

**Obscenity Prosecution** — The approved FY 2000 amount includes \$250,000 from the General Fund to ACJC for grants to county attorneys to improve the detection and prosecution of obscenity crimes. This amount is continued in FY 2001.

**Street Gang Prosecution** — The approved FY 2000 amount includes \$1,000,000 from the General Fund to be distributed by ACJC to organizations involved in the prosecution of members of criminal street gangs. This amount is continued in FY 2001.

**Substance Abuse Surveys** — The approved FY 2000 amount includes \$25,000 from the Criminal Justice Enhancement Fund for a statewide substance abuse survey of children and adults. The approved FY 2001 amount does not include monies for the survey because the survey is conducted biennially.

**Additional Appropriations: Processing Criminal Cases; Statewide (Chapter 346)** —

### State Aid to County Attorneys Fund

The legislation establishes the State Aid to County Attorneys Fund to improve the processing of criminal cases in the Superior and Justice Courts, and appropriates \$432,200 in FY 2000 and \$648,300 in FY 2001 from the General Fund to the new fund. The bill requires ACJC to distribute the monies in the County Attorneys Fund to each

county based on a composite index formula using Superior Court felony filings and county population. In addition to legislative appropriations, the fund also receives 15.44% of a new 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 the Court of Appeals. (See Tables 3 and 4 for the distribution of the new 7% penalty assessment and the 5% of court collections allocated for criminal case processing.)

To assist in the purpose of improving criminal case processing, the legislation creates a new 7% penalty assessment on fines, penalties and forfeitures imposed by the courts for criminal offenses and civil motor vehicle violations. The monies collected pursuant to the new assessment shall be transmitted to the State Treasurer. The State Treasurer shall then distribute the monies to ACJC, the Attorney General, and the Supreme Court. The County Attorneys Fund shall receive 15.44% of these monies. The Administrative Office of the Courts (AOC) projects the new 7% penalty assessment will annually generate approximately \$4,200,000. The estimated FY 2000 revenues are \$3,500,000 due to a delayed effective date for the new penalty assessment. Based on the AOC's projections for the new penalty assessment and the delayed effective date, the County Attorneys Fund would receive approximately \$540,400 in FY 2000 and \$648,500 each year thereafter.

The legislation also requires the Supreme Court and the Court of Appeals to transmit 5% of all monies collected by the courts, except monies collected pursuant to 16-594C, child support, restitution or exonerated bonds, to the State Treasurer. The State Treasurer shall allocate these monies to ACJC, the Attorney General, and the Supreme Court for the processing of criminal cases. The County Attorneys Fund shall receive 21.61% of these monies. In FY 1998, the Supreme Court and the Court of Appeals collected approximately \$4,098,800. Based on FY 1998 collections, the fund would receive approximately \$44,300. The remaining 95% of Supreme Court and Court of Appeals collections are statutorily deposited in the State General Fund, the Elected Officials' Retirement Plan Fund, and the Judicial Collection Enhancement Fund.

The estimated total amount of monies deposited in the State Aid to County Attorneys Fund is \$1,016,900 in FY 2000 and \$1,341,100 in FY 2001. All monies deposited in the County Attorneys Fund are exempt from the provisions of A.R.S. § 35-190, relating to lapsing of appropriations and are subject to legislative appropriation. However, as of this writing no monies have been appropriated from the State Aid to County Attorneys Fund to ACJC for FY 2000 or FY 2001. (See Table 1 for a summary of the revenues deposited in the County Attorneys Fund.) The bill as

**Table 1**

**Summary of Revenues Deposited in  
the State Aid to County Attorneys Fund**

<u>Source of Revenue</u>	<u>FY 2000</u>	<u>FY 2001</u>
General Fund	\$ 432,200	\$ 648,300
New 7% Penalty Assessment <sup>1/</sup>	540,400	648,500
Supreme Court & Court of Appeals Collections <sup>1/</sup>	<u>44,300</u>	<u>44,300</u>
<b>TOTAL <sup>2/</sup></b>	<b>\$1,016,900</b>	<b>\$1,341,100</b>

<sup>1/</sup> This amount is an estimate based on FY 1998 data. The revenues from the new penalty assessment are lower in FY 2000 than FY 2001 due to a delayed effective date of 9/1/99 for the new assessment.

<sup>2/</sup> This amount does not include the portion of Superior Court and Justice Courts collections allocated pursuant to this bill for criminal case processing. With the \$883,400 from Superior Court and Justice Courts collections, the total estimated funding allocated to county attorneys pursuant to this legislation is \$1,900,300 in FY 2000 and \$2,224,500 in FY 2001.

originally passed also included a General Fund appropriation of \$648,300 in each of FY 2002 through FY 2006 to the State Aid to County Attorneys Fund. The FY 2002 through FY 2006 appropriations, however, were line item vetoed by the Governor.

In addition, the legislation also requires the Superior Court, including the Clerk of the Court, and the Justice Courts in each county, to transmit 5% of all monies collected by the courts, except monies collected pursuant to A.R.S. § 16-594C, child support, restitution or exonerated bonds, to the County Treasurer. The County Treasurer shall distribute the monies to the County Attorney, County Public Defenders Office, the local courts and the Office of the Attorney General for the processing of criminal cases. The County Attorney shall receive 21.61% of these monies. In FY 1998, the Superior Court and the Justice Courts collected approximately \$81,759,700. Based on FY 1998 collections, county attorneys would receive approximately \$883,400. These monies are not deposited in the State Aid to County

Attorneys Fund and are not subject to legislative appropriation. (See Table 1 for a summary of all monies allocated to county attorneys pursuant to this bill.)

State Aid to Indigent Defense Fund

In addition, the legislation also establishes the State Aid to Indigent Defense Fund for the purpose of providing state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases. The legislation appropriates \$410,600 in FY 2000 and \$615,900 in FY 2001 from the General Fund to the Indigent Defense Fund to be administered by ACJC. The bill also requires ACJC to distribute the monies in the Indigent Defense Fund to each county based on the same composite index formula used to allocate the County Attorneys Fund monies. In addition to legislative appropriations, the Indigent Defense Fund also receives 14.66% of the new 7% penalty assessment, and a portion of the monies collected by the Supreme Court and the Court of Appeals.

**Table 2**

**Summary of Revenues Deposited in  
the State Aid to Indigent Defense Fund**

<u>Source of Revenue</u>	<u>FY 2000</u>	<u>FY 2001</u>
General Fund	\$410,600	\$615,900
New 7% Penalty Assessment <sup>1/</sup>	513,100	615,700
Supreme Court & Court of Appeals Collections <sup>1/</sup>	<u>42,100</u>	<u>42,100</u>
<b>TOTAL <sup>2/</sup></b>	<b>\$965,800</b>	<b>\$1,273,700</b>

<sup>1/</sup> This amount is an estimate based on FY 1998 data. The revenues from the new penalty assessment are lower in FY 2000 than FY 2001 due to a delayed effective date of 9/1/99 for the new assessment.

<sup>2/</sup> This amount does not include the portion of Superior Court and Justice Courts collections allocated pursuant to this bill for criminal case processing. With the \$839,300 from Superior Court and Justice Courts collections, the total estimated funding for indigent defense allocated pursuant to this legislation is \$1,805,100 in FY 2000 and \$2,113,000 in FY 2001.

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Based on the AOC's projections for the new penalty assessment, the Indigent Defense Fund would receive approximately \$513,100 in FY 2000 and \$615,700 each year thereafter. The Indigent Defense Fund shall also receive 20.53% of the 5% share of the Supreme Court and Court of Appeals collections transmitted to the State Treasurer for criminal case processing. Based on FY 1998 collections, the fund would receive approximately \$42,100. The estimated total amount of monies deposited in the State Aid to Indigent Defense Fund is \$965,800 in FY 2000 and \$1,273,700 in FY 2001. All monies in the Indigent Defense Fund are exempt from the provisions of A.R.S. § 35-190, relating to lapsing of appropriations and are subject to legislative appropriation. However, as of this writing no monies have been appropriated from the State Aid to Indigent Defense Fund to ACJC for FY 2000 or FY 2001. (See Table 2 for a summary of the revenues deposited in the Indigent Defense Fund.)

The bill as originally passed also included a General Fund appropriation of \$615,900 in each of FY 2002 through FY 2006 to the State Aid to Indigent Defense Fund. The FY 2002 through FY 2006 appropriations, however, were line item vetoed by the Governor.

In addition, the legislation also requires the County Public Defenders Office to receive 20.53% of the 5% share of the Superior and Justice Courts collections transmitted to the County Treasurer for criminal case processing. Based on FY 1998 collections, public defenders would receive approximately \$839,300. These monies are not deposited in the State Aid to Indigent Defense Fund and are not subject to legislative appropriation. (See Table 2 for a summary of all monies allocated to public defenders pursuant to this bill.)

The legislation also requires ACJC to report by January 8, 2001 and by January 8 each year thereafter to the Governor, the Legislature, the JLBC, the Chief Justice of the Supreme Court, the Attorney General and each County Board of Supervisors on the expenditure of the monies from the County Attorneys and Indigent Defense Funds. The report also shall include data on the progress made in achieving the goal of improved criminal case processing.

In addition, the bill allocates 14.29% of the new 7% penalty assessment to ACJC for distribution to state, county and municipal law enforcement forensic crime laboratories. Based on the AOC's projections for the new penalty assessment, the ACJC would receive approximately \$500,100 in FY 2000 and \$600,200 each year thereafter for distribution to crime labs. These monies are not subject to legislative appropriation.

The new 7% penalty assessment will increase the total penalty assessment to 77% on fines, penalties, and forfeitures imposed by the courts for criminal offenses and

civil motor vehicle violations. Table 5 shows the estimated revenue from each surcharge and identifies where the penalty assessment monies are statutorily deposited.

**Capital Outlay Appropriations:** Appropriation: County Jail Juvenile Improvement Fund (Chapter 350) — Appropriates \$750,000 from the General Fund in FY 2000 and FY 2001 to the County Jail Juvenile Improvement Fund that is administered by ACJC. Monies in the fund shall be used to fund the construction of new juvenile beds in county jail facilities in counties with a population of less than 1,200,000 persons.

The bill, as originally passed, also included a General Fund appropriation of \$750,000 to the County Jail Juvenile Improvement Fund in FY 2002 and FY 2003. The FY 2002 and FY 2003 appropriations, however, were line item vetoed by the Governor.

**Excess Balance Transfers:** Drug Enforcement Account — Laws 1999, Chapter 6, 1<sup>st</sup> Special Session transfers \$500,000 from the Drug Enforcement Account to the General Fund in FY 1999. Monies in the fund include Edward Byrne Memorial Federal grant monies, all drug fees and fines, select Superior Court fees, and local matching funds. The account is used to enhance efforts to deter, investigate, prosecute, adjudicate and punish drug offenders and members of criminal street gangs. Due to accounting practices at the commission, the transfer will occur from the commission's main fund (JCA 2134). The FY 1998 fund balance included \$1,482,000 in unallocated drug fine monies.

Arizona Commission on Criminal Justice Fund — Laws 1999, Chapter 6, 1<sup>st</sup> Special Session transfers \$300,000 from the Arizona Commission on Criminal Justice Fund to the General Fund in FY 1999. The ACJC Fund receives 1.57% of Criminal Justice Enhancement Fund monies and is used to cover the operating cost of the commission. The FY 1998 fund balance was \$284,300. In addition, Chapter 6 transfers \$150,000 from the ACJC Fund to the General Fund in FY 2001.

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**Table 3**

**Processing Criminal Cases; Statewide  
Distribution of Non-General Fund Monies**

<u>Agency</u>	<u>Fund</u>	<u>5% of Court Collections</u>	<u>Revenues</u> <sup>1/</sup>	<u>7% Penalty Assessment</u>	<u>FY 2000 Revenues</u> <sup>2/</sup>	<u>FY 2001 Revenues</u> <sup>2/</sup>
Attorney General	No fund named	0.49%	\$1,000	0.35%	\$12,300	\$14,700
ACJC	State Aid to County Attorneys	21.61	44,300	15.44	540,400	648,500
ACJC	State Aid to Indigent Defense	20.53	42,100	14.66	513,100	615,700
ACJC	No fund named - for state, county and municipal forensic crime labs	0.0	0	14.29	500,100	600,200
Supreme Court	State Aid to the Courts	57.37	117,600	40.97	1,434,000	1,720,700
Supreme Court	No fund named - for Municipal Courts	0.0	0	14.29	500,100	600,200
<b>TOTAL</b>		<b>100.0%</b>	<b>\$205,000</b>	<b>100.0%</b>	<b>\$3,500,000</b>	<b>\$4,200,000</b>

<sup>1/</sup> Estimates based on Supreme Court and Court of Appeals actual collections of \$4,098,800 in FY 1998.

<sup>2/</sup> Estimated revenues from the new penalty assessment are lower in FY 2000 than FY 2001 due to a delayed effective date of September 1, 1999 for the new assessment.

**Table 4**

**Processing Criminal Cases; Statewide  
Distribution of Superior Court and Justice Court Collections**

<u>Agency</u>	<u>Fund</u>	<u>5% of Court Collections</u>	<u>Revenues</u> <sup>1/</sup>
Attorney General	No fund named	0.49%	\$20,000
Counties	No fund named - for County Attorneys	21.61	883,400
Counties	No fund named - for Indigent Defense	20.53	839,300
Counties	Local Courts Assistance Fund	57.37	2,345,300
<b>TOTAL</b>		<b>100.0%</b>	<b>\$4,088,000</b>

<sup>1/</sup> Estimates based on Superior Court and Justice Court actual collections of \$81,759,700 in FY 1998. Receipt of Superior Court and Justice Court collections by the Office of the Attorney General is contingent on court revenues exceeding FY 1998 collections.

**Table 5**

**Summary of Penalty Assessments on Criminal  
Offenses and Civil Motor Vehicle Violations**

<u>Fund</u>	<u>Assessment</u>	<u>Estimated FY 2000 Revenues</u>	<u>Estimated FY 2001 Revenues</u>
Criminal Justice Enhancement (CJEF) <sup>1/</sup>	47%	\$28,200,000	\$28,200,000
Medical Services Enhancement (MSEF) <sup>2/</sup>	13%	7,800,000	7,800,000
Citizens Clean Election	10%	6,000,000	6,000,000
Several funds created by Laws 1999, Chapter 346 <sup>3/</sup>	7%	3,500,000	4,200,000
<b>TOTAL</b>	<b>77%</b>	<b>\$45,500,000</b>	<b>\$46,200,000</b>

<sup>1/</sup> See A.R.S. § 41-2401D, for the list of CJEF recipients.

<sup>2/</sup> See A.R.S. § 36-2219.01B, for the list of MSEF recipients.

<sup>3/</sup> See Table 3 for the distribution of monies collected from the new 7% penalty assessment.

