

PROPOSED AMENDMENT
SENATE AMENDMENTS TO H.B. 2210
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 Section 1. Section 5-395.01, Arizona Revised Statutes, as amended by
3 Laws 2005, chapter 187, section 1 and chapter 307, section 1, is amended to
4 read:

5 5-395.01. Operating or in actual physical control of a
6 motorized watercraft while intoxicated;
7 classification; penalties

8 A. A person who is convicted of a violation of section 5-395 is guilty
9 of a class 1 misdemeanor. The person shall pay a fine of not less than two
10 hundred fifty dollars. In addition to any other penalties under this
11 section, the judge shall order the person to complete alcohol or other drug
12 screening that is provided by a facility approved by the department of health
13 services or a probation department. If a judge determines that the person
14 requires further alcohol or other drug education or treatment, the person may
15 be required pursuant to court order to obtain alcohol or other drug education
16 or treatment under the court's supervision from an approved facility. The
17 judge may review an education or treatment determination at the request of
18 the state or the defendant or on the judge's initiative. The person shall
19 pay the costs of the screening, education or treatment unless the court
20 waives part or all of the costs.

21 B. Except as provided in section 5-398.01, the court may suspend any
22 imposed sentence for a first violation of section 5-395 if the person
23 completes a court ordered alcohol or other drug screening, education or
24 treatment program. If the person fails to complete the court ordered alcohol
25 or other drug screening, education or treatment program and has not been
26 placed on probation, the court shall issue an order to show cause to the
27 defendant as to why the remaining jail sentence should not be served.

28 C. A court may order a person sentenced pursuant to this section to
29 perform community restitution.

30 D. Notwithstanding subsection B of this section, if within a period of
31 sixty months a person is convicted of a second violation of section 5-395 or
32 is convicted of a violation of section 5-395 and has previously been
33 convicted of an act in another state that if committed in this state would be
34 a violation of section 5-395, the person shall be sentenced to serve not less
35 than ninety days in jail, thirty days of which shall be served consecutively,
36 and the person is not eligible for probation or suspension of execution of
37 sentence unless the entire sentence has been served, except that the judge
38 may suspend at the time of sentencing all but thirty days of the sentence if
39 the person completes a court ordered alcohol or other drug screening,
40 education or treatment program. If the person fails to complete the court
41 ordered alcohol or other drug screening, education or treatment program and

1 has not been placed on probation, the court shall issue an order to show
2 cause as to why the remaining jail sentence should not be served. The judge
3 shall order the person to pay a fine of not less than five hundred dollars.

4 E. The dates of the commission of the offense are the determining
5 factor in applying the sixty month provision of subsection D of this section,
6 irrespective of the sequence in which the offenses were committed. A second
7 violation for which a conviction occurs as provided in this section shall not
8 include a conviction for an offense arising out of the same series of acts.

9 F. If a person is referred to a screening or treatment facility, that
10 facility shall report to the court whether the person has successfully
11 completed the screening, education or treatment program.

12 G. Any political subdivision processing or utilizing the services of a
13 person ordered to perform community restitution pursuant to this section does
14 not incur any civil liability to the person ordered to perform community
15 restitution as a result of these activities unless the political subdivision
16 or its agent or employee acts with gross negligence.

17 H. After a person who is sentenced pursuant to subsection B of this
18 section has served twenty-four consecutive hours in jail or after a person
19 who is sentenced pursuant to subsection D of this section has served
20 forty-eight consecutive hours in jail and after receiving confirmation that
21 the person is employed or is a student, the court, on pronouncement of any
22 jail sentence under this section, may provide in the sentence that the person
23 may be permitted, if the person is employed or is a student and can continue
24 the person's employment or studies, to continue such employment or studies
25 for not more than twelve hours per day nor more than five days per week, and
26 the remaining day, days or parts of days shall be spent in jail until the
27 sentence is served. The person shall be allowed out of jail only long enough
28 to complete the actual hours of employment or studies and no longer.

29 I. A person who is sentenced pursuant to this section is eligible for
30 a home detention program pursuant to the provisions of section 9-499.07,
31 subsections M through R or section 11-459, subsections L through Q.

32 J. The court shall allow the allegation of a prior conviction or other
33 pending charge of a violation of section 5-395 filed twenty or more days
34 before the date the case is actually tried and may allow the allegation of a
35 prior conviction or other pending charge of a violation of section 5-395
36 filed any time before the date the case is actually tried, provided that when
37 the allegation is filed this state must make available to the defendant a
38 copy of any information obtained concerning the prior conviction or other
39 pending charge. Any conviction may be used to enhance another conviction
40 irrespective of the dates on which the offenses occurred within the sixty
41 month provision.

42 K. If a person is placed on probation for violating section 5-395, the
43 probation shall be supervised unless the court finds that supervised
44 probation is not necessary or the court does not have supervisory probation
45 services.

46 L. Persons who are convicted pursuant to section 5-395 shall pay an
47 additional assessment of five hundred dollars or, if the person is convicted

1 of a second violation pursuant to subsection D of this section, shall pay an
2 additional assessment of one thousand two hundred fifty dollars to be
3 deposited by the state treasurer in the prison construction and operations
4 fund established by section 41-1651. These assessments are not subject to
5 any surcharge. If the conviction occurred in the superior court or a justice
6 court, the court shall transmit the assessed monies to the county
7 treasurer. If the conviction occurred in a municipal court, the court shall
8 transmit the assessed monies to the city treasurer. The city or county
9 treasurer shall transmit the monies received to the state treasurer.

10 M. Persons convicted pursuant to section 5-395 shall pay an additional
11 assessment of five hundred dollars or for a second violation pursuant to
12 subsection D of this section shall pay an additional assessment of one
13 thousand two hundred fifty dollars to be deposited by the state treasurer in
14 the ~~state general fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION
15 41-1723. These assessments are not subject to any surcharge. If the
16 conviction occurred in the superior court or a justice court, the court shall
17 transmit the assessed monies to the county treasurer. If the conviction
18 occurred in a municipal court, the court shall transmit the assessed monies
19 to the city treasurer. The city or county treasurer shall transmit the
20 monies received to the state treasurer.

21 Sec. 2. Section 5-395.01, Arizona Revised Statutes, as amended by Laws
22 2008, chapter 256, section 7, is amended to read:

23 5-395.01. Operating or in actual physical control of a
24 motorized watercraft while under the influence:
25 classification: penalties

26 A. A person who is convicted of a violation of section 5-395 is guilty
27 of a class 1 misdemeanor. The person:

28 1. Shall be sentenced to serve not less than ten consecutive days in
29 jail and is not eligible for probation or suspension of execution of sentence
30 unless the entire sentence is served.

31 2. Shall pay a fine of not less than two hundred fifty dollars.

32 3. May be ordered by a court to perform community restitution.

33 4. Shall pay an additional assessment of five hundred dollars to be
34 deposited by the state treasurer in the prison construction and operations
35 fund established by section 41-1651. This assessment is not subject to any
36 surcharge. If the conviction occurred in the superior court or a justice
37 court, the court shall transmit the assessed monies to the county treasurer.
38 If the conviction occurred in a municipal court, the court shall transmit the
39 assessed monies to the city treasurer. The city or county treasurer shall
40 transmit the monies received to the state treasurer.

41 5. Shall pay an additional assessment of five hundred dollars to be
42 deposited by the state treasurer in the ~~state general fund~~ PUBLIC SAFETY
43 EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This assessment is not
44 subject to any surcharge. If the conviction occurred in the superior court
45 or a justice court, the court shall transmit the assessed monies to the
46 county treasurer. If the conviction occurred in a municipal court, the court

1 shall transmit the assessed monies to the city treasurer. The city or county
2 treasurer shall transmit the monies received to the state treasurer.

3 B. In addition to any other penalties under this section, the judge
4 shall order the person to complete alcohol or other drug screening that is
5 provided by a facility approved by the department of health services or a
6 probation department. If a judge determines that the person requires further
7 alcohol or other drug education or treatment, the person may be required
8 pursuant to court order to obtain alcohol or other drug education or
9 treatment under the court's supervision from an approved facility. The judge
10 may review an education or treatment determination at the request of the
11 state or the defendant or on the judge's OWN initiative. The person shall
12 pay the costs of the screening, education or treatment unless the court
13 waives part or all of the costs. If a person is referred to a screening,
14 education or treatment facility, the facility shall report to the court
15 whether the person has successfully completed the screening, education or
16 treatment program.

17 C. Notwithstanding subsection A, paragraph 1 of this section and
18 except as provided in section 5-398.01, the judge may either:

19 1. Suspend any imposed sentence for a first violation of section 5-395
20 if the person completes a court ordered alcohol or other drug screening,
21 education or treatment program. If the person fails to complete the court
22 ordered alcohol or other drug screening, education or treatment program and
23 has not been placed on probation, the court shall issue an order to show
24 cause to the defendant as to why the remaining jail sentence should not be
25 served.

26 2. Suspend all but twenty-four consecutive hours of the sentence if
27 the person completes a court ordered alcohol or other drug screening,
28 education or treatment program and if the court determines the person
29 recklessly endangered another person with a substantial risk of physical
30 injury. If the person fails to complete the court ordered alcohol or other
31 drug screening, education or treatment program and has not been placed on
32 probation, the court shall issue an order to show cause to the defendant as
33 to why the remaining jail sentence should not be served.

34 D. If within a period of eighty-four months a person is convicted of a
35 second violation of section 5-395 or is convicted of a violation of section
36 5-395 and has previously been convicted of an act in another jurisdiction
37 that if committed in this state would be a violation of section 5-395, the
38 person:

39 1. Shall be sentenced to serve not less than ninety days in jail,
40 thirty days of which shall be served consecutively, and is not eligible for
41 probation or suspension of execution of sentence unless the entire sentence
42 has been served.

43 2. Shall pay a fine of not less than five hundred dollars.

44 3. Shall be ordered by the court to perform at least thirty hours of
45 community restitution. If the person fails to complete the community
46 restitution ordered pursuant to this paragraph, the court may order

1 alternative sanctions if the court determines that alternative sanctions are
2 more appropriate.

3 4. Shall pay an additional assessment of one thousand two hundred
4 fifty dollars to be deposited by the state treasurer in the prison
5 construction and operations fund established by section 41-1651. This
6 assessment is not subject to any surcharge. If the conviction occurred in
7 the superior court or a justice court, the court shall transmit the assessed
8 monies to the county treasurer. If the conviction occurred in a municipal
9 court, the court shall transmit the assessed monies to the city treasurer.
10 The city or county treasurer shall transmit the monies received to the state
11 treasurer.

12 5. Shall pay an additional assessment of one thousand two hundred
13 fifty dollars to be deposited by the state treasurer in the ~~state general~~
14 ~~fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This
15 assessment is not subject to any surcharge. If the conviction occurred in
16 the superior court or a justice court, the court shall transmit the assessed
17 monies to the county treasurer. If the conviction occurred in a municipal
18 court, the court shall transmit the assessed monies to the city treasurer.
19 The city or county treasurer shall transmit the monies received to the state
20 treasurer.

21 E. Notwithstanding subsection D, paragraph 1 of this section, at the
22 time of sentencing, except if the court determines the person recklessly
23 endangered another person with a substantial risk of physical injury, the
24 judge may suspend all but thirty days of the sentence if the person completes
25 a court ordered alcohol or other drug screening, education or treatment
26 program. If the person fails to complete the court ordered alcohol or other
27 drug screening, education or treatment program and has not been placed on
28 probation, the court shall issue an order to show cause as to why the
29 remaining jail sentence should not be served.

30 F. In applying the eighty-four month provision of subsection D of this
31 section, the dates of the commission of the offense shall be the determining
32 factor irrespective of the sequence in which the offenses were committed.

33 G. A second violation for which a conviction occurs as provided in
34 this section shall not include a conviction for an offense arising out of the
35 same series of acts.

36 H. Any political subdivision processing or utilizing the services of a
37 person ordered to perform community restitution pursuant to this section does
38 not incur any civil liability to the person ordered to perform community
39 restitution as a result of these activities unless the political subdivision
40 or its agent or employee acts with gross negligence.

41 I. After a person who is sentenced pursuant to subsection A of this
42 section has served twenty-four consecutive hours in jail or after a person
43 who is sentenced pursuant to subsection D of this section has served forty-
44 eight consecutive hours in jail and after receiving confirmation that the
45 person is employed or is a student, the court, on pronouncement of any jail
46 sentence under this section, may provide in the sentence that the person may
47 be permitted, if the person is employed or is a student and can continue the

1 person's employment or studies, to continue such employment or studies for
2 not more than twelve hours per day nor more than five days per week, and the
3 remaining day, days or parts of days shall be spent in jail until the
4 sentence is served. The person shall be allowed out of jail only long enough
5 to complete the actual hours of employment or studies and no longer.

6 J. A person who is sentenced pursuant to this section is eligible for
7 a home detention program pursuant to the provisions of section 9-499.07,
8 subsections M through R or section 11-459, subsections L through Q.

9 K. The court shall allow the allegation of a prior conviction or other
10 pending charge of a violation of section 5-395 filed twenty or more days
11 before the date the case is actually tried and may allow the allegation of a
12 prior conviction or other pending charge of a violation of section 5-395
13 filed any time before the date the case is actually tried, provided that when
14 the allegation is filed this state must make available to the defendant a
15 copy of any information obtained concerning the prior conviction or other
16 pending charge. Any conviction may be used to enhance another conviction
17 irrespective of the dates on which the offenses occurred within the
18 eighty-four month provision.

19 L. If a person is placed on probation for violating section 5-395, the
20 probation shall be supervised unless the court finds that supervised
21 probation is not necessary or the court does not have supervisory probation
22 services.

23 Sec. 3. Section 5-396, Arizona Revised Statutes, is amended to read:
24 5-396. Aggravated operating or actual physical control of
25 motorized watercraft while under the influence of
26 intoxicating liquor or drugs; classification

27 A. A person is guilty of aggravated operating or actual physical
28 control of a motorized watercraft that is underway while under the influence
29 of intoxicating liquor or drugs if the person commits a third or subsequent
30 violation of section 5-395 or 5-397 or this section or is convicted of a
31 violation of section 5-395 or 5-397 or this section and has previously been
32 convicted of any combination of convictions of section 5-395 or 5-397 or this
33 section or acts committed in another state that if committed in this state
34 would be a violation of section 5-395 or 5-397 or this section within a
35 period of sixty months.

36 B. The dates of the commission of the offenses are the determining
37 factor in applying the sixty month provision provided in subsection A of this
38 section regardless of the sequence in which the offenses were committed. For
39 purposes of this section, a third or subsequent violation for which a
40 conviction occurs does not include a conviction for an offense arising out of
41 the same series of acts.

42 C. Aggravated operating or actual physical control of a motorized
43 watercraft that is underway while under the influence of intoxicating liquor
44 or drugs is a class 4 felony.

45 D. Notwithstanding section 41-1604.06, a person who is convicted under
46 subsection A of this section and who within a sixty month period has been
47 convicted of two prior violations of section 5-395 or 5-397 or this section,

1 or acts committed in another state that if committed in this state would be a
2 violation of section 5-395 or 5-397 or this section, is not eligible for
3 probation, pardon, commutation or suspension of sentence or release on any
4 other basis until the person has served not less than four months in prison.

5 E. Notwithstanding section 41-1604.06, a person who is convicted under
6 subsection A of this section and who within a sixty month period has been
7 convicted of three or more prior violations of section 5-395 or 5-397 or this
8 section, or acts committed in another state that if committed in this state
9 would be a violation of section 5-395 or 5-397 or this section, is not
10 eligible for probation, pardon, commutation or suspension of sentence or
11 release on any other basis until the person has served not less than eight
12 months in prison.

13 F. A person who is convicted of a violation of this section and who is
14 placed on probation shall attend and complete alcohol or drug screening,
15 counseling and education from an approved facility and, if ordered by the
16 court, treatment from an approved facility. If the person fails to comply
17 with this subsection, in addition to section 13-901 the court may order that
18 the person be incarcerated as a term of probation as follows:

19 1. For a person sentenced pursuant to subsection D of this section,
20 for an individual period of not more than four months and a total period of
21 not more than one year.

22 2. For a person sentenced pursuant to subsection E of this section,
23 for an individual period of not more than eight months and a total period of
24 not more than two years.

25 G. The time that a person spends in custody pursuant to subsection D,
26 E or F of this section shall not be counted toward the sentence imposed if
27 the person's probation is revoked and the person is sentenced to prison
28 following revocation of probation.

29 H. A person convicted of a violation of this section shall pay a fine
30 of not less than seven hundred fifty dollars.

31 I. In addition to any other penalty prescribed by law, persons
32 convicted pursuant to this section shall pay an additional assessment of one
33 thousand five hundred dollars to be deposited by the state treasurer in the
34 prison construction and operations fund established by section 41-1651. This
35 assessment is not subject to any surcharge. If the conviction occurred in
36 the superior court or a justice court, the court shall transmit the assessed
37 monies to the county treasurer. If the conviction occurred in a municipal
38 court, the court shall transmit the assessed monies to the city treasurer.
39 The city or county treasurer shall transmit the monies received to the state
40 treasurer.

41 J. In addition to any other penalty prescribed by law, persons
42 convicted pursuant to this section shall pay an additional assessment of one
43 thousand five hundred dollars to be deposited by the state treasurer in the
44 ~~state general fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION
45 41-1723. This assessment is not subject to any surcharge. If the conviction
46 occurred in the superior court or a justice court, the court shall transmit
47 the assessed monies to the county treasurer. If the conviction occurred in a

1 municipal court, the court shall transmit the assessed monies to the city
2 treasurer. The city or county treasurer shall transmit the monies received
3 to the state treasurer.

4 Sec. 4. Section 5-397, Arizona Revised Statutes, is amended to read:

5 5-397. Operating or in actual physical control of a motorized
6 watercraft while under the extreme influence of
7 intoxicating liquor; trial by jury; sentencing;
8 classification; definition

9 A. It is unlawful for a person to operate or be in actual physical
10 control of a motorized watercraft that is underway within this state if the
11 person has an alcohol concentration of 0.15 or more within two hours of
12 operating or being in actual physical control of the motorized watercraft and
13 the alcohol concentration results from alcohol consumed either before or
14 while operating or being in actual physical control of the motorized
15 watercraft.

16 B. A person who is convicted of a violation of this section is guilty
17 of operating or being in actual physical control of a motorized watercraft
18 while under the extreme influence of alcohol.

19 C. At the arraignment, the court shall inform the defendant that the
20 defendant may request a trial by jury and that the request, if made, shall be
21 granted.

22 D. A person who is convicted of a violation of this section:

23 1. Shall be sentenced to serve not less than thirty consecutive days
24 in jail and is not eligible for probation or suspension of execution of
25 sentence unless the entire sentence is served.

26 2. Shall pay a fine of not less than two hundred fifty dollars.

27 3. May be ordered by a court to perform community restitution.

28 4. Shall pay an additional assessment of one thousand dollars to be
29 deposited by the state treasurer in the prison construction and operations
30 fund established by section 41-1651. This assessment is not subject to any
31 surcharge. If the conviction occurred in the superior court or a justice
32 court, the court shall transmit the assessed monies to the county treasurer.
33 If the conviction occurred in a municipal court, the court shall transmit the
34 assessed monies to the city treasurer. The city or county treasurer shall
35 transmit the monies received to the state treasurer.

36 5. Shall pay an additional assessment of one thousand dollars to be
37 deposited by the state treasurer in the ~~state general fund~~ PUBLIC SAFETY
38 EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This assessment is not
39 subject to any surcharge. If the conviction occurred in the superior court
40 or a justice court, the court shall transmit the assessed monies to the
41 county treasurer. If the conviction occurred in a municipal court, the court
42 shall transmit the assessed monies to the city treasurer. The city or county
43 treasurer shall transmit the monies received to the state treasurer.

44 E. Notwithstanding subsection D, paragraph 1 of this section, at the
45 time of sentencing the judge may suspend all but ten days of the sentence if
46 the person completes a court ordered alcohol or other drug screening,
47 education or treatment program. If the person fails to complete the court

1 ordered alcohol or other drug screening, education or treatment program and
2 has not been placed on probation, the court shall issue an order to show
3 cause to the defendant as to why the remaining jail sentence should not be
4 served.

5 F. If within a period of sixty months a person is convicted of a
6 second violation of this section or is convicted of a violation of this
7 section and has previously been convicted of a violation of section 5-395 or
8 5-396 or an act in another jurisdiction that if committed in this state would
9 be a violation of this section or section 5-395 or 5-396, the person:

10 1. Shall be sentenced to serve not less than one hundred twenty days
11 in jail, sixty days of which shall be served consecutively, and is not
12 eligible for probation or suspension of execution of sentence unless the
13 entire sentence has been served.

14 2. Shall pay a fine of not less than five hundred dollars.

15 3. May be ordered by a court to perform community restitution.

16 4. Shall pay an additional assessment of one thousand two hundred
17 fifty dollars to be deposited by the state treasurer in the prison
18 construction and operations fund established by section 41-1651. This
19 assessment is not subject to any surcharge. If the conviction occurred in
20 the superior court or a justice court, the court shall transmit the assessed
21 monies to the county treasurer. If the conviction occurred in a municipal
22 court, the court shall transmit the assessed monies to the city treasurer.
23 The city or county treasurer shall transmit the monies received to the state
24 treasurer.

25 5. Shall pay an additional assessment of one thousand two hundred
26 fifty dollars to be deposited by the state treasurer in the ~~state-general-~~
27 ~~fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This
28 assessment is not subject to any surcharge. If the conviction occurred in
29 the superior court or a justice court, the court shall transmit the assessed
30 monies to the county treasurer. If the conviction occurred in a municipal
31 court, the court shall transmit the assessed monies to the city treasurer.
32 The city or county treasurer shall transmit the monies received to the state
33 treasurer.

34 G. Notwithstanding subsection F, paragraph 1 of this section, at the
35 time of sentencing, the judge may suspend all but sixty days of the sentence
36 if the person completes a court ordered alcohol or other drug screening,
37 education or treatment program. If the person fails to complete the court
38 ordered alcohol or other drug screening, education or treatment program and
39 has not been placed on probation, the court shall issue an order to show
40 cause as to why the remaining jail sentence should not be served.

41 H. In applying the sixty month provision of subsection F of this
42 section, the dates of the commission of the offense shall be the determining
43 factor, irrespective of the sequence in which the offenses were committed.

44 I. A second violation for which a conviction occurs as provided in
45 this section shall not include a conviction for an offense arising out of the
46 same series of acts.

1 J. A person who is convicted of a violation of this section is guilty
2 of a class 1 misdemeanor.

3 K. For the purposes of this section, "alcohol concentration" means
4 grams of alcohol per one hundred milliliters of blood or grams of alcohol per
5 two hundred ten liters of breath.

6 Sec. 5. Section 12-108, Arizona Revised Statutes, is amended to read:

7 12-108. Reports of decisions; publication; distribution

8 A. The supreme court may contract with the person who agrees to
9 publish and sell the report of decisions on terms most advantageous to the
10 state. The contractor shall agree to publish at the contract price the
11 number of volumes as the supreme court may require. ~~and to deliver the~~
12 ~~volumes as follows:~~

13 ~~1. To the Arizona state library, archives and public records the~~
14 ~~number of copies necessary for its use and for exchange with the libraries of~~
15 ~~other states and countries.~~

16 ~~2. To the law library of the university of Arizona the number of~~
17 ~~copies necessary for its use and for exchange with the law libraries of other~~
18 ~~states and countries.~~

19 ~~3. To the law library of Arizona state university the number of copies~~
20 ~~necessary for its use and for exchange with the law libraries of other states~~
21 ~~and countries.~~

22 ~~4. To each supreme court justice, court of appeals judge, superior~~
23 ~~court judge, the clerk of each court, the county attorney and the reporter of~~
24 ~~decisions of the supreme court, one copy.~~

25 ~~5. To the law library of each county, two copies.~~

26 ~~6. To the department of law, thirty copies.~~

27 ~~7. To the corporation commission, two copies.~~

28 ~~8. To the industrial commission, seven copies.~~

29 ~~9. To the department of public safety, two copies.~~

30 B. ~~All other agencies, boards, commissions and departments of the~~
31 ~~state~~ ANY ENTITY may request from the contractor ~~additional~~ ANY NUMBER OF
32 volumes, which shall be published and delivered at the contract price to be
33 paid for by the requesting entity.

34 C. Volumes that are delivered to a person on account of the office
35 held by that person remain the property of this state and shall have stamped
36 or written on them the name of the office and shall be kept for the use of
37 the office.

38 ~~D. Subject to the availability of funds, the cost of publishing~~
39 ~~reports of decisions shall be paid from the appropriation to the supreme~~
40 ~~court. Each entity receiving a volume shall pay the cost of delivery.~~

41 Sec. 6. Repeal

42 Section 12-116, Arizona Revised Statutes, as amended by Laws 2006,
43 chapter 369, section 2, is repealed.

1 Sec. 7. Section 12-119.01, Arizona Revised Statutes, is amended to
2 read:

3 12-119.01. Supreme court fees; distribution

4 A. Except as otherwise provided by law, fees for the supreme court
5 shall be established and classified as follows:

6 Class	Description	Fee
7 A	Initial case filing fee	
8	Petitions for review	
9	and cross petitions for	
10	Review	\$ 140.00
11	Direct appeals and cross	
12	appeal appellant	140.00
13	Special actions petitioner	140.00
14 B	Subsequent case filing fee	
15	Intervenors direct appeals	
16	and special action	\$ 70.00
17	Direct appeals appellee	70.00
18	Special actions respondent	70.00
19	Response to petition	
20	for review	70.00
21 E	Minimum clerk fee	
22	Certifications alone	\$ 17.00
23	Certificate of good standing	
24	Certificates	17.00
25 F	Per page fee	
26	Copies - each page	\$.50
27 G	Special fees	
28	New and duplicate certificates	\$ 35.00

29 B. The clerk of the supreme court shall deposit, pursuant to sections
30 35-146 and 35-147, all of the monies collected pursuant to subsection A of
31 this section as follows:

32 1. 27.78 per cent in the judicial collection enhancement fund
33 established by section 12-113.

34 2. 26.00 per cent with the state treasurer for transmission to the
35 elected officials' retirement plan fund established by section 38-802. The
36 monies shall be transmitted by the state treasurer to the fund pursuant to
37 section 38-810.

38 3. 46.22 per cent in the state general fund.

39 C. THE SUPREME COURT MAY INCREASE THE CLASS A AND B FEES PRESCRIBED IN
40 SUBSECTION A OF THIS SECTION.

41 Sec. 8. Section 12-267, Arizona Revised Statutes, is amended to read:

42 12-267. Adult probation services fund; accounts; expenditure
43 plan; use

44 A. The board of supervisors shall designate a chief fiscal officer who
45 shall establish and administer an adult probation services fund consisting
46 of:

- 1 1. County general fund appropriations for adult probation.
- 2 2. State appropriations for adult probation including:
 - 3 (a) Monies for adult probation officers authorized by article 6 of
 - 4 this chapter.
 - 5 (b) Monies for state aid for adult probation services authorized by
 - 6 this article.
 - 7 (c) Monies for adult community punishment programs established
 - 8 pursuant to article 11 of this chapter.
 - 9 (d) Monies for adult intensive probation pursuant to title 13,
 - 10 chapter 9.
- 11 3. Probation fees collected pursuant to section 13-901 **AND SECTION**
- 12 **13-902, SUBSECTION G.**
- 13 4. Federal monies provided for adult probation.
- 14 5. Adult probation monies from any other source.
- 15 B. The chief fiscal officer shall establish and maintain separate
- 16 accounts in the fund showing receipts and expenditures of monies from each
- 17 source listed in subsection A of this section. The presiding judge of the
- 18 superior court shall annually present to the board of supervisors for
- 19 approval a detailed expenditure plan for the adult probation services fund
- 20 accounts. Any modifications to the expenditure plan affecting state
- 21 appropriations shall be made in accordance with the rules and procedures
- 22 established by the supreme court. Any modifications to the expenditure plan
- 23 affecting county appropriated funds shall be made in accordance with the
- 24 policies established by the county. The chief fiscal officer shall disburse
- 25 monies from the fund accounts only at the direction of the presiding judge of
- 26 the superior court. The chief fiscal officer of each county ~~shall~~, on or
- 27 before August 31 of each year for the preceding fiscal year, **SHALL** submit an
- 28 annual report to the supreme court showing the total amount of receipts and
- 29 expenditures in each account of the adult probation services fund.
- 30 C. The state monies in the adult probation services fund, **AND**
- 31 **PROBATION FEES COLLECTED PURSUANT TO SECTION 13-901 AND SECTION 13-902,**
- 32 **SUBSECTION G,** shall be used in accordance with guidelines established by the
- 33 supreme court or the granting authority.
- 34 D. State monies expended from the adult probation services fund shall
- 35 be used to supplement, not supplant, county appropriations for the superior
- 36 court adult probation department.
- 37 E. Up to twenty-five thousand dollars annually deposited in the adult
- 38 probation services fund shall be used to pay the annual assessment on member
- 39 states of the interstate compact for the supervision of adult offenders
- 40 established in section 31-467, **ARTICLE X,** subsection B.
- 41 F. County monies in the adult probation services fund shall be used in
- 42 accordance with the fiscal policies and procedures established by the board
- 43 of supervisors.
- 44 **G. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL PERIODICALLY CHARGE**
- 45 **EACH LOCAL PROBATION FEES ACCOUNT AN AMOUNT ESTABLISHED ANNUALLY BY THE**
- 46 **SUPREME COURT TO COVER A PROPORTIONAL SHARE OF THE COST OF MONITORING DEVICES**

1 REQUIRED PURSUANT TO SECTION 13-902, SUBSECTION G CONSISTENT WITH GUIDELINES
 2 ESTABLISHED TO IMPLEMENT SECTION 13-902, SUBSECTION G.

3 Sec. 9. Section 12-284, Arizona Revised Statutes, as amended by Laws
 4 2008, chapter 80, section 5, is amended to read:

5 12-284. Fees

6 A. Except as otherwise provided by law, the clerk of the superior
 7 court shall receive fees classified as follows:

8	Class	Description	Fee
9	A	Initial case filing fee	
10		Tax case	\$115.00 166.00
11		Filing complaint or petition	115.00 166.00
12		Filing intervenor	115.00 166.00
13		Additional plaintiffs	115.00 166.00
14		Filing foreign judgment	115.00 166.00
15		Ownership of real property becomes an	
16		issue plaintiff	115.00 166.00
17		Appellant	
18		(except under sections 12-1809 and 13-3602)	115.00 166.00
19		Change of venue to this county	115.00 166.00
20		Petition for change of name	115.00 166.00
21		Filing a process server application	115.00 166.00
22	B	Subsequent case filing fee	
23		Filing answer or initial appearance	\$ 61.00 88.00
24		Additional defendants	61.00 88.00
25		Notice of appeal to appellate courts	
26		(except under section 12-2107)	61.00 88.00
27		Cross-appeal by appellee (except under section	
28		12-2107)	61.00 88.00
29		Ownership of real property becomes an	
30		issue defendant	61.00 88.00
31		Jurisdiction exceeded appellee	
32		(within 20 days of filing)	61.00 88.00
33		Response to show cause that does one or more	
34		of the following:	
35		1. Requests affirmative relief or	
36		counterrelief	
37		2. Attacks the sufficiency of process	
38		or the proceedings	
39		3. Takes other affirmative action	61.00 88.00
40	C	Initial case filing fee	
41		Filing petition for annulment	\$ 91.00 131.00
42		Filing for dissolution/legal separation petition	91.00 131.00
43		Petition in formal testacy or appointment	
44		proceeding	91.00 131.00
45		Application for informal probate or informal	
46		appointment	91.00 131.00

Senate Amendments to H.B. 2210

1	Petition for supervised administration petition		
2	to appoint guardian	91.00	131.00
3	Petition to appoint conservator or make other		
4	protective order	91.00	131.00
5	Opposing petition in testacy or appointment		
6	proceedings or appointment of guardian or		
7	conservator	91.00	131.00
8	Single estate application or petition under		
9	title 14, chapter 3, section 14-3938	91.00	131.00
10	Domestic relations case for which a fee is not		
11	specifically prescribed	91.00	131.00
12	D Subsequent case filing fee		
13	Filing answer to annulment	\$ 46.00	66.00
14	Filing for dissolution/legal separation answer	46.00	66.00
15	Any person opposing contested petition if no		
16	prior payment made	46.00	66.00
17	Postadjudication petitions in		
18	domestic relations cases	46.00	66.00
19	Postjudgment activities in probate cases	46.00	66.00
20	E Minimum clerk fee		
21	Filing power of attorney	\$ 18.00	26.00
22	Change of venue to another county transmittal		
23	fee	18.00	26.00
24	Change of venue to another county pursuant to		
25	section 12-404 transmittal fee	18.00	26.00
26	Filing transcript and docketing judgment from		
27	any courts	18.00	26.00
28	Issuance of writs of: attachment, execution,		
29	possession, restitution, prohibition and		
30	enforcement of order of judgment-garnishment	18.00	26.00
31	Certified copy or abstract of marriage		
32	application or license	18.00	26.00
33	Certificate of correctness of copy of record	18.00	26.00
34	Justice of peace certificate	18.00	26.00
35	Each certificate of clerk to any matter in		
36	clerk's record not specifically provided	18.00	26.00
37	Filing any paper or performing any act for which		
38	a fee is not specifically prescribed	18.00	26.00
39	Subpoena - (civil)	18.00	26.00
40	Research in locating a document (per year or		
41	source researched)	18.00	26.00
42	Exemplification (per certification)	18.00	26.00
43	Authentication (per certification)	18.00	26.00
44	Seal a court file	18.00	26.00
45	Reopen a sealed court file	18.00	26.00
46	Retrieve bank records	18.00	26.00

Senate Amendments to H.B. 2210

1	Reel of film alpha index per year (plus per		
2	page fee below)	18.00	26.00
3	Payment history report	18.00	26.00
4	Certification under one document certification	18.00	26.00
5	Civil traffic appeal	18.00	26.00
6	F Per page fee		
7	Making copies (on appeal and on request)		
8	per page	\$.50	
9	Making extra copies per page	.50	
10	Making photographic or photostatic copies		
11	per page	.50	
12	Comparison fee of papers furnished by applicant		
13	per page	.50	
14	Alpha index per page	.50	
15	G Special fees		
16	Small claim tax case	\$ 15.00	22.00
17	Marriage license and return of a		
18	marriage license	50.00	72.00
19	Postage and handling	5.00	7.00
20	Notary services	5.00	7.00
21	Stop payment on check	10.00	14.00

22 B. The clerk of the superior court shall receive the fees prescribed
 23 in subsection A of this section for the following services:

24 1. Making copies of papers and records required to be made by the
 25 clerk on appeal, and copies of papers and records in the clerk's office made
 26 on request in other cases, for each legal size page of original.

27 2. Making extra copies of the papers and records mentioned in
 28 paragraph 1 of this subsection, required or requested for each page of copy
 29 of such papers and records.

30 3. In a clerk's office, in which a photographic or photostatic method
 31 of recording is used or is available for use in cooperation with other public
 32 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection
 33 for each page of copy or fraction of a page of copy. Portions of several
 34 pages of records may be combined in one page of copy. The clerk may prepare
 35 an abstract of marriage in lieu of a reproduction of the recorded marriage
 36 license. The fee shall apply to matters whether recorded in such office by
 37 longhand, typing, electronic, photographic or photostatic methods. The fees
 38 for copies are exclusive of the fees for certification or authentication.

39 4. Issuing a certificate as to official capacity of a justice of the
 40 peace and affixing a seal to the certificate.

41 5. Each subpoena issued in a civil proceeding or filing any paper or
 42 performing any act for which a fee is not specifically prescribed by law, but
 43 the clerk shall not charge for the clerk's services in administering the oath
 44 in connection with any affidavit, petition, letters or other pleading or
 45 document which, after administration of the oath therefor, is promptly filed
 46 by the clerk and becomes a part of a case or matter of record in the office
 47 of the clerk.

1 C. In addition to the fees required by subsection A of this section,
2 the clerk shall charge and collect a surcharge of fifteen dollars for each
3 filing of a postadjudication petition in a domestic relations case for which
4 a fee presently is charged under class D in subsection A of this section.
5 The surcharge shall be used exclusively to fund domestic relations education
6 and mediation programs established pursuant to section 25-413. Each month
7 the clerk shall transmit the monies the clerk collects pursuant to this
8 subsection to the county treasurer for deposit in the domestic relations
9 education and mediation fund established by section 25-413.

10 D. Excluding the monies that are collected pursuant to subsection C of
11 this section, each month the clerk shall transmit seventy-five per cent of
12 the monies collected for subsequent case filing fees for postadjudication
13 petitions in domestic relations cases under class D in subsection A of this
14 section to the county treasurer for deposit in the expedited child support
15 and parenting time fund established pursuant to section 25-412. The
16 remaining twenty-five per cent of the monies collected pursuant to this
17 subsection shall be distributed pursuant to section 12-284.03.

18 E. At the commencement of each action for annulment, dissolution of
19 marriage, legal separation, maternity or paternity, the petitioner shall pay
20 to the clerk of the court the initial case filing fee for the action provided
21 in subsection A of this section. At the time of filing a response, the
22 respondent shall pay to the clerk of the court the subsequent case filing fee
23 for the action provided in subsection A of this section. In each county
24 where the superior court has established a conciliation court, the petitioner
25 and respondent shall each pay to the clerk a sixty-five dollar fee. The
26 monies from the additional fee shall be used to carry out the purposes of the
27 conciliation court pursuant to title 25, chapter 3, article 7.

28 F. In garnishment matters:

29 1. A fee shall not be charged for filing an affidavit seeking only the
30 release of exempt wages.

31 2. A fee shall not be charged for filing a garnishee's answer, for
32 filing a judgment against the garnishee or for the issuance or return of
33 process incident to such a judgment.

34 3. For any contest relating to or any controversion of a garnishment
35 matter, unless the contesting party has paid an appearance fee in that cause,
36 the required appearance fee shall be paid, except that the garnishee shall
37 not pay a clerk's fee.

38 G. A person who is cited to appear and defend an order to show cause
39 shall not be charged an appearance fee. The person may stipulate to or
40 consent to the entry of an order without the payment of an appearance
41 fee. An appearance fee shall be paid if the person is present in person or
42 by an attorney and does one or more of the following:

43 1. Requests affirmative relief or counterrelief.

44 2. Attacks the sufficiency of process or the proceedings.

45 3. Takes other affirmative action.

46 H. A petitioner shall not be charged a fee for requesting an order of
47 protection pursuant to section 13-3602 or an injunction against harassment

1 pursuant to section 12-1809. A defendant shall not be charged an answer fee
2 in an order of protection action if the defendant requests a hearing pursuant
3 to section 13-3602, subsection I or in an injunction against harassment
4 action if the defendant requests a hearing pursuant to section 12-1809,
5 subsection H.

6 I. A person who files a registrar's order pursuant to section
7 32-1166.06 shall not be charged a fee.

8 J. The clerk of the court shall charge and collect a forty-six dollar
9 filing fee for a petition for emancipation of a minor filed pursuant to
10 chapter 15 of this title. Each month the clerk shall transmit the monies the
11 clerk collects pursuant to this subsection to the county treasurer for
12 deposit in the emancipation administrative costs fund established by section
13 12-2456.

14 K. Except for monies that are collected pursuant to subsections C, D,
15 E and J of this section, the clerk of the superior court shall transmit
16 monthly to the county treasurer all monies collected pursuant to this section
17 for distribution or deposit pursuant to section 12-284.03.

18 L. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A
19 OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE
20 AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
21 LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR
22 YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

23 Sec. 10. Section 13-902, Arizona Revised Statutes, is amended to read:

24 13-902. Periods of probation; monitoring; fees

25 A. Unless terminated sooner, probation may continue for the following
26 periods:

- 27 1. For a class 2 felony, seven years.
- 28 2. For a class 3 felony, five years.
- 29 3. For a class 4 felony, four years.
- 30 4. For a class 5 or 6 felony, three years.
- 31 5. For a class 1 misdemeanor, three years.
- 32 6. For a class 2 misdemeanor, two years.
- 33 7. For a class 3 misdemeanor, one year.

34 B. Notwithstanding subsection A of this section, unless terminated
35 sooner, probation may continue for the following periods:

- 36 1. For a violation of section 28-1381 or 28-1382, five years.
- 37 2. For a violation of section 28-1383, ten years.

38 C. When the court has required, as a condition of probation, that the
39 defendant make restitution for any economic loss related to the defendant's
40 offense and that condition has not been satisfied, the court at any time
41 before the termination or expiration of probation may extend the period
42 within the following limits:

- 43 1. For a felony, not more than five years.
- 44 2. For a misdemeanor, not more than two years.

45 D. Notwithstanding any other provision of law, justice courts and
46 municipal courts may impose the probation periods specified in subsection A,
47 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

1 E. After conviction of a felony offense or an attempt to commit any
 2 offense that is included in chapter 14 or 35.1 of this title or section
 3 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may
 4 continue for a term of not less than the term that is specified in subsection
 5 A of this section up to and including life and that the court believes is
 6 appropriate for the ends of justice.

7 F. After conviction of a violation of section 13-3824, subsection A,
 8 if a term of probation is imposed and the offense for which the person was
 9 required to register was a felony, probation may continue for a term of not
 10 less than the term that is specified in subsection A of this section up to
 11 and including life and that the court believes is appropriate for the ends of
 12 justice.

13 G. ~~Beginning November 1, 2006,~~ After conviction of a dangerous crime
 14 against children as defined in section 13-604.01, if a term of probation is
 15 imposed, the court shall require global position system monitoring for the
 16 duration of the term of probation. **THE COURT MAY IMPOSE A FEE ON THE**
 17 **PROBATIONER TO OFFSET THE COST OF THE MONITORING DEVICE REQUIRED BY THIS**
 18 **SUBSECTION. THE FEE SHALL BE DEPOSITED IN THE ADULT PROBATION SERVICES FUND**
 19 **PURSUANT TO SECTION 12-267, SUBSECTION A, PARAGRAPH 3.**

20 Sec. 11. Section 22-281, Arizona Revised Statutes, is amended to read:

21 22-281. Fees and deposits

22 A. Justices of the peace shall receive fees established and classified
 23 as follows in civil actions:

24 Class	Description	Fee
25 A	Initial case filing fee	
26	Civil filing fees	\$ 45.00 65.00
27 B	Subsequent case filing fee	
28	Civil filing fees - defendant	\$ 24.00 35.00
29 C	Initial case filing fee	
30	Forcible entry and detainer filings	\$ 21.00 30.00
31	Small claims filing	16.00 23.00
32 D	Subsequent case filing fee	
33	Small claims answer	\$ 9.00 13.00
34	Forcible entry and detainer	
35	filings - defendant	11.00 16.00
36 E	Minimum clerk fee	
37	Document and transcript transfer on appeal	\$ 17.00 24.00
38	Certification of any documents	17.00 24.00
39	Issuance of writs	17.00 24.00
40	Filing any paper or performing any act for	
41	which a fee is not specifically prescribed	17.00 24.00
42	Subpoena (civil)	17.00 24.00
43	Research in locating a document	17.00 24.00
44	Seal a court file	17.00 24.00
45	Reopen a sealed court file	17.00 24.00
46	Record duplication	17.00 24.00

- 1 F Per page fee
- 2 Copies of any documents per page \$ 0.50
- 3 G Special fees
- 4 Small claims service by mail \$ 8.00

5 B. This section does not deprive the parties to the action of the
6 privilege of depositing amounts with the justice, in addition to those set
7 forth in this section, for use in connection with the payment of constable's
8 and sheriff's fees for service of process, levying of writs and other
9 services for which fees are otherwise provided by law.

10 C. Excluding the monies that are kept by the court pursuant to
11 subsection D of this section, justices of the peace shall transmit monthly to
12 the county treasurer all monies collected pursuant to subsection A of this
13 section. The county treasurer shall distribute or deposit all of the monies
14 received pursuant to this subsection as follows:

15 1. ~~18.39 per cent~~ To the state treasurer for deposit in the judicial
16 collection enhancement fund established by section 12-113~~—~~, IN THE FOLLOWING
17 PERCENTAGES:

18 (a) 14.02 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
19 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

20 (b) 15.58 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
21 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

22 2. ~~2.42 per cent~~ To the state treasurer for deposit in the alternative
23 dispute resolution fund established by section 12-135~~—~~, IN THE FOLLOWING
24 PERCENTAGES:

25 (a) 1.84 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
26 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

27 (b) 2.05 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
28 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

29 3. TO THE ELECTED OFFICIALS' RETIREMENT PLAN FUND ESTABLISHED BY
30 SECTION 38-802, EITHER OF THE FOLLOWING PERCENTAGES, WHICH SHALL BE
31 DISTRIBUTED TO THE FUND PURSUANT TO SECTION 38-810:

32 (a) 23.79 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
33 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

34 (b) 15.30 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
35 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

36 ~~3.~~ 4. ~~71.15 per cent~~ To the county general fund~~—~~, IN THE FOLLOWING
37 PERCENTAGES:

38 (a) 54.22 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
39 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

40 (b) 60.26 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
41 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

42 D. ~~8.04~~ IN COUNTIES WITH A POPULATION OF MORE THAN FIVE HUNDRED
43 THOUSAND PERSONS, 6.13 per cent of the monies transmitted pursuant to
44 subsection C of this section shall be kept and used by the court collecting
45 the fees in the same manner as the seven dollars of the time payment fee
46 prescribed by section 12-116, subsection B.

1 E. IN COUNTIES WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR
2 LESS, 6.81 PER CENT OF THE MONIES TRANSMITTED PURSUANT TO SUBSECTION C OF
3 THIS SECTION SHALL BE KEPT AND USED BY THE COURT COLLECTING THE FEES IN THE
4 SAME MANNER AS THE SEVEN DOLLARS OF THE TIME PAYMENT FEE PRESCRIBED BY
5 SECTION 12-116, SUBSECTION B.

6 F. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A
7 OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE
8 AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
9 LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR
10 YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

11 Sec. 12. Section 28-1381, Arizona Revised Statutes, is amended to
12 read:

13 28-1381. Driving or actual physical control while under the
14 influence; trial by jury; presumptions; admissible
15 evidence; sentencing; classification

16 A. It is unlawful for a person to drive or be in actual physical
17 control of a vehicle in this state under any of the following circumstances:

18 1. While under the influence of intoxicating liquor, any drug, a vapor
19 releasing substance containing a toxic substance or any combination of
20 liquor, drugs or vapor releasing substances if the person is impaired to the
21 slightest degree.

22 2. If the person has an alcohol concentration of 0.08 or more within
23 two hours of driving or being in actual physical control of the vehicle and
24 the alcohol concentration results from alcohol consumed either before or
25 while driving or being in actual physical control of the vehicle.

26 3. While there is any drug defined in section 13-3401 or its
27 metabolite in the person's body.

28 4. If the vehicle is a commercial motor vehicle that requires a person
29 to obtain a commercial driver license as defined in section 28-3001 and the
30 person has an alcohol concentration of 0.04 or more.

31 B. It is not a defense to a charge of a violation of subsection A,
32 paragraph 1 of this section that the person is or has been entitled to use
33 the drug under the laws of this state.

34 C. A person who is convicted of a violation of this section is guilty
35 of a class 1 misdemeanor.

36 D. A person using a drug prescribed by a medical practitioner licensed
37 pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of violating
38 subsection A, paragraph 3 of this section.

39 E. In any prosecution for a violation of this section, the state shall
40 allege, for the purpose of classification and sentencing pursuant to this
41 section, all prior convictions of violating this section, section 28-1382 or
42 section 28-1383 occurring within the past thirty-six months, unless there is
43 an insufficient legal or factual basis to do so.

44 F. At the arraignment, the court shall inform the defendant that the
45 defendant may request a trial by jury and that the request, if made, shall be
46 granted.

1 G. In a trial, action or proceeding for a violation of this section or
2 section 28-1383 other than a trial, action or proceeding involving driving or
3 being in actual physical control of a commercial vehicle, the defendant's
4 alcohol concentration within two hours of the time of driving or being in
5 actual physical control as shown by analysis of the defendant's blood, breath
6 or other bodily substance gives rise to the following presumptions:

7 1. If there was at that time 0.05 or less alcohol concentration in the
8 defendant's blood, breath or other bodily substance, it may be presumed that
9 the defendant was not under the influence of intoxicating liquor.

10 2. If there was at that time in excess of 0.05 but less than 0.08
11 alcohol concentration in the defendant's blood, breath or other bodily
12 substance, that fact shall not give rise to a presumption that the defendant
13 was or was not under the influence of intoxicating liquor, but that fact may
14 be considered with other competent evidence in determining the guilt or
15 innocence of the defendant.

16 3. If there was at that time 0.08 or more alcohol concentration in the
17 defendant's blood, breath or other bodily substance, it may be presumed that
18 the defendant was under the influence of intoxicating liquor.

19 H. Subsection G of this section does not limit the introduction of any
20 other competent evidence bearing on the question of whether or not the
21 defendant was under the influence of intoxicating liquor.

22 I. A person who is convicted of a violation of this section:

23 1. Shall be sentenced to serve not less than ten consecutive days in
24 jail and is not eligible for probation or suspension of execution of sentence
25 unless the entire sentence is served.

26 2. Shall pay a fine of not less than two hundred fifty dollars.

27 3. May be ordered by a court to perform community restitution.

28 4. Shall pay an additional assessment of five hundred dollars to be
29 deposited by the state treasurer in the prison construction and operations
30 fund established by section 41-1651. This assessment is not subject to any
31 surcharge. If the conviction occurred in the superior court or a justice
32 court, the court shall transmit the assessed monies to the county
33 treasurer. If the conviction occurred in a municipal court, the court shall
34 transmit the assessed monies to the city treasurer. The city or county
35 treasurer shall transmit the monies received to the state treasurer.

36 5. Shall pay an additional assessment of five hundred dollars to be
37 deposited by the state treasurer in the ~~state general fund~~ PUBLIC SAFETY
38 EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This assessment is not
39 subject to any surcharge. If the conviction occurred in the superior court
40 or a justice court, the court shall transmit the assessed monies to the
41 county treasurer. If the conviction occurred in a municipal court, the court
42 shall transmit the assessed monies to the city treasurer. The city or county
43 treasurer shall transmit the monies received to the state treasurer.

44 6. Shall be required by the department, on report of the conviction,
45 to equip any motor vehicle the person operates with a certified ignition
46 interlock device pursuant to section 28-3319. In addition, the court may
47 order the person to equip any motor vehicle the person operates with a

1 certified ignition interlock device for more than twelve months beginning on
2 the date of reinstatement of the person's driving privilege following a
3 suspension or revocation or on the date of the department's receipt of the
4 report of conviction, whichever occurs later. The person who operates a
5 motor vehicle with a certified ignition interlock device under this paragraph
6 shall comply with article 5 of this chapter.

7 J. Notwithstanding subsection I, paragraph 1 of this section, at the
8 time of sentencing the judge may suspend all but twenty-four consecutive
9 hours of the sentence if the person completes a court ordered alcohol or
10 other drug screening, education or treatment program. If the person fails to
11 complete the court ordered alcohol or other drug screening, education or
12 treatment program and has not been placed on probation, the court shall issue
13 an order to show cause to the defendant as to why the remaining jail sentence
14 should not be served.

15 K. If within a period of eighty-four months a person is convicted of a
16 second violation of this section or is convicted of a violation of this
17 section and has previously been convicted of a violation of section 28-1382
18 or 28-1383 or an act in another jurisdiction that if committed in this state
19 would be a violation of this section or section 28-1382 or 28-1383, the
20 person:

21 1. Shall be sentenced to serve not less than ninety days in jail,
22 thirty days of which shall be served consecutively, and is not eligible for
23 probation or suspension of execution of sentence unless the entire sentence
24 has been served.

25 2. Shall pay a fine of not less than five hundred dollars.

26 3. Shall be ordered by a court to perform at least thirty hours of
27 community restitution.

28 4. Shall have the person's driving privilege revoked for one year.
29 The court shall report the conviction to the department. On receipt of the
30 report, the department shall revoke the person's driving privilege and shall
31 require the person to equip any motor vehicle the person operates with a
32 certified ignition interlock device pursuant to section 28-3319. In
33 addition, the court may order the person to equip any motor vehicle the
34 person operates with a certified ignition interlock device for more than
35 twelve months beginning on the date of reinstatement of the person's driving
36 privilege following a suspension or revocation or on the date of the
37 department's receipt of the report of conviction, whichever occurs later.
38 The person who operates a motor vehicle with a certified ignition interlock
39 device under this paragraph shall comply with article 5 of this chapter.

40 5. Shall pay an additional assessment of one thousand two hundred
41 fifty dollars to be deposited by the state treasurer in the prison
42 construction and operations fund established by section 41-1651. This
43 assessment is not subject to any surcharge. If the conviction occurred in
44 the superior court or a justice court, the court shall transmit the assessed
45 monies to the county treasurer. If the conviction occurred in a municipal
46 court, the court shall transmit the assessed monies to the city treasurer.

1 The city or county treasurer shall transmit the monies received to the state
2 treasurer.

3 6. Shall pay an additional assessment of one thousand two hundred
4 fifty dollars to be deposited by the state treasurer in the ~~state general~~
5 ~~fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This
6 assessment is not subject to any surcharge. If the conviction occurred in
7 the superior court or a justice court, the court shall transmit the assessed
8 monies to the county treasurer. If the conviction occurred in a municipal
9 court, the court shall transmit the assessed monies to the city treasurer.
10 The city or county treasurer shall transmit the monies received to the state
11 treasurer.

12 L. Notwithstanding subsection K, paragraph 1 of this section, at the
13 time of sentencing, the judge may suspend all but thirty days of the sentence
14 if the person completes a court ordered alcohol or other drug screening,
15 education or treatment program. If the person fails to complete the court
16 ordered alcohol or other drug screening, education or treatment program and
17 has not been placed on probation, the court shall issue an order to show
18 cause as to why the remaining jail sentence should not be served.

19 M. In applying the eighty-four month provision of subsection K of this
20 section, the dates of the commission of the offense shall be the determining
21 factor, irrespective of the sequence in which the offenses were committed.

22 N. A second violation for which a conviction occurs as provided in
23 this section shall not include a conviction for an offense arising out of the
24 same series of acts.

25 Sec. 13. Section 28-1382, Arizona Revised Statutes, as amended by Laws
26 2007, chapter 219, section 2, is amended to read:

27 28-1382. Driving or actual physical control while under the
28 extreme influence of intoxicating liquor; trial by
29 jury; sentencing; classification

30 A. It is unlawful for a person to drive or be in actual physical
31 control of a vehicle in this state if the person has an alcohol concentration
32 of 0.15 or more within two hours of driving or being in actual physical
33 control of the vehicle and the alcohol concentration results from alcohol
34 consumed either before or while driving or being in actual physical control
35 of the vehicle.

36 B. A person who is convicted of a violation of this section is guilty
37 of driving or being in actual physical control of a vehicle while under the
38 extreme influence of intoxicating liquor.

39 C. At the arraignment, the court shall inform the defendant that the
40 defendant may request a trial by jury and that the request, if made, shall be
41 granted.

42 D. A person who is convicted of a violation of this section:

43 1. Except as otherwise provided in this paragraph, shall be sentenced
44 to serve not less than thirty consecutive days in jail and is not eligible
45 for probation or suspension of execution of sentence unless the entire
46 sentence is served. A person who has an alcohol concentration of 0.20 or
47 more shall be sentenced to serve not less than forty-five consecutive days in

1 jail and is not eligible for probation or suspension of execution of sentence
2 unless the entire sentence is served.

3 2. Shall pay a fine of not less than two hundred fifty dollars, except
4 that a person who has an alcohol concentration of 0.20 or more shall pay a
5 fine of not less than five hundred dollars. The fine prescribed in this
6 paragraph and any assessments, restitution and incarceration costs shall be
7 paid before the assessment prescribed in paragraph 3 of this subsection.

8 3. Shall pay an additional assessment of two hundred fifty dollars. If
9 the conviction occurred in the superior court or a justice court, the court
10 shall transmit the monies received pursuant to this paragraph to the county
11 treasurer. If the conviction occurred in a municipal court, the court shall
12 transmit the monies received pursuant to this paragraph to the city
13 treasurer. The city or county treasurer shall transmit the monies received
14 to the state treasurer. The state treasurer shall deposit the monies
15 received in the driving under the influence abatement fund established by
16 section 28-1304.

17 4. May be ordered by a court to perform community restitution.

18 5. Shall be required by the department, on receipt of the report of
19 conviction, to equip any motor vehicle the person operates with a certified
20 ignition interlock device pursuant to section 28-3319. In addition, the
21 court may order the person to equip any motor vehicle the person operates
22 with a certified ignition interlock device for more than twelve months
23 beginning on the date of reinstatement of the person's driving privilege
24 following a suspension or revocation or on the date of the department's
25 receipt of the report of conviction, whichever occurs later. The person who
26 operates a motor vehicle with a certified ignition interlock device under
27 this paragraph shall comply with article 5 of this chapter.

28 6. Shall pay an additional assessment of one thousand dollars to be
29 deposited by the state treasurer in the prison construction and operations
30 fund established by section 41-1651. This assessment is not subject to any
31 surcharge. If the conviction occurred in the superior court or a justice
32 court, the court shall transmit the assessed monies to the county treasurer.
33 If the conviction occurred in a municipal court, the court shall transmit the
34 assessed monies to the city treasurer. The city or county treasurer shall
35 transmit the monies received to the state treasurer.

36 7. Shall pay an additional assessment of one thousand dollars to be
37 deposited by the state treasurer in the ~~state general fund~~ PUBLIC SAFETY
38 EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This assessment is not
39 subject to any surcharge. If the conviction occurred in the superior court
40 or a justice court, the court shall transmit the assessed monies to the
41 county treasurer. If the conviction occurred in a municipal court, the court
42 shall transmit the assessed monies to the city treasurer. The city or county
43 treasurer shall transmit the monies received to the state treasurer.

44 ~~E. Notwithstanding subsection D, paragraph 1 of this section, at the~~
45 ~~time of sentencing if the person has an alcohol concentration of less than~~
46 ~~0.20, the judge may suspend all but ten days of the sentence if the person~~
47 ~~completes a court ordered alcohol or other drug screening, education or~~

~~treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.~~

~~F.~~ E. If within a period of eighty-four months a person is convicted of a second violation of this section or is convicted of a violation of this section and has previously been convicted of a violation of section 28-1381 or 28-1383 or an act in another jurisdiction that if committed in this state would be a violation of this section or section 28-1381 or 28-1383, the person:

1. Except as otherwise provided in this paragraph, shall be sentenced to serve not less than one hundred twenty days in jail, sixty days of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served. A person who has an alcohol concentration of 0.20 or more shall be sentenced to serve not less than one hundred eighty days in jail, ninety of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars, except that a person who has an alcohol concentration of 0.20 or more shall pay a fine of not less than one thousand dollars. The fine prescribed in this paragraph and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in paragraph 3 of this subsection.

3. Shall pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the monies received pursuant to this paragraph to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the monies received pursuant to this paragraph to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304.

4. Shall be ordered by a court to perform at least thirty hours of community restitution.

5. Shall have the person's driving privilege revoked for at least one year. The court shall report the conviction to the department. On receipt of the report, the department shall revoke the person's driving privilege and shall require the person to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twelve months beginning on the date of reinstatement of the person's driving privilege following a suspension or revocation or on the date of the department's receipt of the report of conviction, whichever is later. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.

1 6. Shall pay an additional assessment of one thousand two hundred
2 fifty dollars to be deposited by the state treasurer in the prison
3 construction and operations fund established by section 41-1651. This
4 assessment is not subject to any surcharge. If the conviction occurred in
5 the superior court or a justice court, the court shall transmit the assessed
6 monies to the county treasurer. If the conviction occurred in a municipal
7 court, the court shall transmit the assessed monies to the city treasurer.
8 The city or county treasurer shall transmit the monies received to the state
9 treasurer.

10 7. Shall pay an additional assessment of one thousand two hundred
11 fifty dollars to be deposited by the state treasurer in the ~~state general~~
12 ~~fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This
13 assessment is not subject to any surcharge. If the conviction occurred in
14 the superior court or a justice court, the court shall transmit the assessed
15 monies to the county treasurer. If the conviction occurred in a municipal
16 court, the court shall transmit the assessed monies to the city treasurer.
17 The city or county treasurer shall transmit the monies received to the state
18 treasurer.

19 ~~G. Notwithstanding subsection F, paragraph 1 of this section, at the~~
20 ~~time of sentencing, if the person has an alcohol concentration of less than~~
21 ~~0.20, the judge may suspend all but sixty days of the sentence if the person~~
22 ~~completes a court ordered alcohol or other drug screening, education or~~
23 ~~treatment program. If the person fails to complete the court ordered alcohol~~
24 ~~or other drug screening, education or treatment program and has not been~~
25 ~~placed on probation, the court shall issue an order to show cause as to why~~
26 ~~the remaining jail sentence should not be served.~~

27 ~~H. F.~~ F. In applying the eighty-four month provision of subsection ~~F~~ E
28 of this section, the dates of the commission of the offense shall be the
29 determining factor, irrespective of the sequence in which the offenses were
30 committed.

31 ~~I. G.~~ G. A second violation for which a conviction occurs as provided in
32 this section shall not include a conviction for an offense arising out of the
33 same series of acts.

34 ~~J. H.~~ H. A person who is convicted of a violation of this section is
35 guilty of a class 1 misdemeanor.

36 Sec. 14. Repeal

37 Section 28-1382, Arizona Revised Statutes, as amended by Laws 2007,
38 chapter 195, section 3, is repealed.

39 Sec. 15. Section 28-1383, Arizona Revised Statutes, is amended to
40 read:

41 28-1383. Aggravated driving or actual physical control while
42 under the influence; violation; classification;
43 definition

44 A. A person is guilty of aggravated driving or actual physical control
45 while under the influence of intoxicating liquor or drugs if the person does
46 any of the following:

1 1. Commits a violation of section 28-1381, section 28-1382 or this
2 section while the person's driver license or privilege to drive is suspended,
3 canceled, revoked or refused or while a restriction is placed on the person's
4 driver license or privilege to drive as a result of violating section 28-1381
5 or 28-1382 or under section 28-1385.

6 2. Within a period of eighty-four months commits a third or subsequent
7 violation of section 28-1381, section 28-1382 or this section or is convicted
8 of a violation of section 28-1381, section 28-1382 or this section and has
9 previously been convicted of any combination of convictions of section
10 28-1381, section 28-1382 or this section or acts in another jurisdiction that
11 if committed in this state would be a violation of section 28-1381, section
12 28-1382 or this section.

13 3. While a person under fifteen years of age is in the vehicle,
14 commits a violation of either:

15 (a) Section 28-1381.

16 (b) Section 28-1382.

17 4. While the person is ordered by the court or required pursuant to
18 section 28-3319 by the department to equip any motor vehicle the person
19 operates with a certified ignition interlock device, does either of the
20 following:

21 (a) While under arrest refuses to submit to any test chosen by a law
22 enforcement officer pursuant to section 28-1321, subsection A.

23 (b) Commits a violation of section 28-1381, section 28-1382 or this
24 section.

25 B. The dates of the commission of the offenses are the determining
26 factor in applying the eighty-four month provision provided in subsection A,
27 paragraph 2 of this section regardless of the sequence in which the offenses
28 were committed. For the purposes of this section, a third or subsequent
29 violation for which a conviction occurs does not include a conviction for an
30 offense arising out of the same series of acts. The time that a probationer
31 is found to be on absconder status or the time that a person is incarcerated
32 in any state, federal, county or city jail or correctional facility is
33 excluded when determining the eighty-four month period provided in subsection
34 A, paragraph 2 and subsection E of this section.

35 C. The notice to a person of the suspension, cancellation, revocation
36 or refusal of a driver license or privilege to drive is effective as provided
37 in section 28-3318 or pursuant to the laws of the state issuing the license.

38 D. A person is not eligible for probation, pardon, commutation or
39 suspension of sentence or release on any other basis until the person has
40 served not less than four months in prison if the person is convicted under
41 either of the following:

42 1. Subsection A, paragraph 1 of this section.

43 2. Subsection A, paragraph 2 of this section and within an eighty-four
44 month period has been convicted of two prior violations of section 28-1381,
45 section 28-1382 or this section, or any combination of those sections, or
46 acts in another jurisdiction that if committed in this state would be a
47 violation of section 28-1381, section 28-1382 or this section.

1 E. A person who is convicted under subsection A, paragraph 2 of this
2 section and who within an eighty-four month period has been convicted of
3 three or more prior violations of section 28-1381, section 28-1382 or this
4 section, or any combination of those sections, or acts in another
5 jurisdiction that if committed in this state would be a violation of section
6 28-1381, section 28-1382 or this section is not eligible for probation,
7 pardon, commutation or suspension of sentence or release on any other basis
8 until the person has served not less than eight months in prison.

9 F. A person who is convicted under subsection A, paragraph 3,
10 subdivision (a) of this section shall serve at least the minimum term of
11 incarceration required pursuant to section 28-1381.

12 G. A person who is convicted under subsection A, paragraph 3,
13 subdivision (b) of this section shall serve at least the minimum term of
14 incarceration required pursuant to section 28-1382.

15 H. A person who is convicted of a violation of this section shall
16 attend and complete alcohol or other drug screening, education or treatment
17 from an approved facility. If the person fails to comply with this
18 subsection and is placed on probation, in addition to the provisions of
19 section 13-901 the court may order that the person be incarcerated as a term
20 of probation as follows:

21 1. For a person sentenced pursuant to subsection D of this section,
22 for an individual period of not more than four months and a total period of
23 not more than one year.

24 2. For a person sentenced pursuant to subsection E of this section,
25 for an individual period of not more than eight months and a total period of
26 not more than two years.

27 I. The time that a person spends in custody pursuant to subsection H
28 of this section shall not be counted towards the sentence imposed if the
29 person's probation is revoked and the person is sentenced to prison after
30 revocation of probation.

31 J. On a conviction for a violation of this section, the court:

32 1. Shall report the conviction to the department. On receipt of the
33 report, the department shall revoke the driving privilege of the person. The
34 department shall not issue the person a new driver license within three years
35 of the date of the conviction and, for a conviction of a violation of
36 subsection A, paragraph 1, 2 or 4 or paragraph 3, subdivision (b) of this
37 section, shall require the person to equip any motor vehicle the person
38 operates with a certified ignition interlock device pursuant to section
39 28-3319. In addition, the court may order the person to equip any motor
40 vehicle the person operates with a certified ignition interlock device for
41 more than twelve months beginning on the date of reinstatement of the
42 person's driving privilege following a suspension or revocation or on the
43 date of the department's receipt of the report of conviction, whichever
44 occurs later. The person who operates a motor vehicle with a certified
45 ignition interlock device under this paragraph shall comply with article 5 of
46 this chapter.

1 2. In addition to any other penalty prescribed by law, shall order the
2 person to pay an additional assessment of two hundred fifty dollars. If the
3 conviction occurred in the superior court or a justice court, the court shall
4 transmit the monies received pursuant to this paragraph to the county
5 treasurer. If the conviction occurred in a municipal court, the court shall
6 transmit the monies received pursuant to this paragraph to the city
7 treasurer. The city or county treasurer shall transmit the monies received
8 to the state treasurer. The state treasurer shall deposit the monies
9 received in the driving under the influence abatement fund established by
10 section 28-1304. Any fine imposed for a violation of this section and any
11 assessments, restitution and incarceration costs shall be paid before the
12 assessment prescribed in this paragraph.

13 3. Shall order the person to pay a fine of not less than seven hundred
14 fifty dollars.

15 4. In addition to any other penalty prescribed by law, shall order the
16 person to pay an additional assessment of one thousand five hundred dollars
17 to be deposited by the state treasurer in the prison construction and
18 operations fund established by section 41-1651. This assessment is not
19 subject to any surcharge. If the conviction occurred in the superior court
20 or a justice court, the court shall transmit the assessed monies to the
21 county treasurer. If the conviction occurred in a municipal court, the court
22 shall transmit the assessed monies to the city treasurer. The city or county
23 treasurer shall transmit the monies received to the state treasurer.

24 5. In addition to any other penalty prescribed by law, shall order the
25 person to pay an additional assessment of one thousand five hundred dollars
26 to be deposited by the state treasurer in the ~~state general fund~~ PUBLIC
27 SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This assessment is not
28 subject to any surcharge. If the conviction occurred in the superior court
29 or a justice court, the court shall transmit the assessed monies to the
30 county treasurer. If the conviction occurred in a municipal court, the court
31 shall transmit the assessed monies to the city treasurer. The city or county
32 treasurer shall transmit the monies received to the state treasurer.

33 K. After completing the period of suspension required by section
34 28-1385, a person whose driving privilege is revoked for a violation of
35 subsection A, paragraph 3 of this section may apply to the department for a
36 special ignition interlock restricted driver license pursuant to section
37 28-1401.

38 L. Aggravated driving or actual physical control while under the
39 influence of intoxicating liquor or drugs committed under:

40 1. Subsection A, paragraph 1 or 2 or paragraph 4, subdivision (b) of
41 this section is a class 4 felony.

42 2. Subsection A, paragraph 3 or paragraph 4, subdivision (a) of this
43 section is a class 6 felony.

44 M. For the purposes of this section, "suspension, cancellation,
45 revocation or refusal" means any suspension, cancellation, revocation or
46 refusal.

1 Sec. 16. Section 28-1593, Arizona Revised Statutes, is amended to
2 read:

3 28-1593. Service of uniform traffic complaint

4 A. A traffic complaint may be served by delivering a copy of the
5 uniform traffic complaint citation to the person charged with the violation
6 or by any means authorized by the rules of civil procedure. At the
7 discretion of the issuing authority, a complaint for a violation issued after
8 an investigation in conjunction with a traffic accident may be sent by
9 certified mail, return receipt requested, ~~AND~~ delivered to addressee only,
10 to the address provided by the person charged with the violation. Service of
11 the complaint is complete on filing the receipt in the court having
12 jurisdiction of the violation.

13 B. The original complaint shall be filed in a court having
14 jurisdiction of the violation within ten court days of the time the complaint
15 was issued. A peace officer, or duly authorized agent ~~OR SOMEONE PAID TO ACT~~
16 ~~ON BEHALF~~ of a traffic enforcement agency, may issue the traffic complaint.

17 Sec. 17. Section 28-3396, Arizona Revised Statutes, is amended to
18 read:

19 28-3396. Court diversion fee

20 A. The presiding judge of each court shall:

21 1. Set the amount of the court diversion fee that an individual who
22 attends a defensive driving school may be assessed.

23 2. ~~CHARGE AN INDIVIDUAL A FORTY-FIVE DOLLAR SURCHARGE IF THE~~
24 ~~INDIVIDUAL ATTENDS A DEFENSIVE DRIVING SCHOOL.~~

25 ~~3.~~ 3. Immediately inform the supreme court in writing of the amount
26 of the court diversion fee that is established for the court and the total
27 cost to attend a defensive driving school.

28 ~~3.~~ 4. Immediately inform the supreme court in writing of any changes
29 in the total cost to attend a defensive driving school.

30 B. Payment of the court diversion fee ~~AND SURCHARGE~~ is in lieu of
31 payment of a civil penalty or criminal fine ~~AND ANY SURCHARGE~~ that ~~is~~ ARE
32 imposed for a traffic violation.

33 C. The driving school shall collect the court diversion fee ~~AND~~
34 ~~SURCHARGE~~ before or at the time an individual attends the school. On receipt
35 of the diversion fee, the defensive driving school shall transmit the fee
36 promptly to the appropriate court pursuant to procedures prescribed by the
37 supreme court. ~~ON RECEIPT OF THE SURCHARGE, THE DEFENSIVE DRIVING SCHOOL~~
38 ~~SHALL TRANSMIT THE SURCHARGE PROMPTLY TO THE STATE TREASURER FOR DEPOSIT,~~
39 ~~PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE STATE GENERAL FUND.~~

40 Sec. 18. Section 28-8284, Arizona Revised Statutes, is amended to
41 read:

42 28-8284. Violation; classification

43 A. A person who is convicted of a violation of section 28-8282 is
44 guilty of a class 1 misdemeanor and shall be sentenced to serve not less than
45 twenty-four consecutive hours in jail.

1 B. The court shall order the person to pay a fine of not less than two
2 hundred fifty dollars and may order the person to perform not less than eight
3 or more than twenty-four hours of community restitution.

4 C. A court shall not grant probation to or suspend any part or all of
5 the imposition or execution of a sentence required by this section, except on
6 the condition that the person serve not less than twenty-four consecutive
7 hours in jail and pay a fine of not less than two hundred fifty dollars.

8 D. The court:

9 1. Shall not excuse an offender from spending twenty-four consecutive
10 hours in jail.

11 2. May require the offender to attend traffic safety or alcohol abuse
12 classes at the offender's expense.

13 3. If in the court's opinion the offender has the problem of habitual
14 abuse of alcohol or drugs, shall require the offender to obtain treatment
15 under its supervision.

16 4. Shall order the offender to pay an additional assessment of five
17 hundred dollars to be deposited by the state treasurer in the prison
18 construction and operations fund established by section 41-1651. This
19 assessment is not subject to any surcharge. If the conviction occurred in
20 the superior court or a justice court, the court shall transmit the assessed
21 monies to the county treasurer. If the conviction occurred in a municipal
22 court, the court shall transmit the assessed monies to the city treasurer.
23 The city or county treasurer shall transmit the monies received to the state
24 treasurer.

25 5. Shall order the offender to pay an additional assessment of five
26 hundred dollars to be deposited by the state treasurer in the ~~state-general-~~
27 ~~fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This
28 assessment is not subject to any surcharge. If the conviction occurred in
29 the superior court or a justice court, the court shall transmit the assessed
30 monies to the county treasurer. If the conviction occurred in a municipal
31 court, the court shall transmit the assessed monies to the city treasurer.
32 The city or county treasurer shall transmit the monies received to the state
33 treasurer.

34 E. Notwithstanding subsection A of this section, the judge may
35 sentence a person pursuant to section 28-8286 instead of pursuant to
36 subsection A of this section, if all of the following conditions are met:

37 1. The person is convicted of a violation of section 28-8282.

38 2. The prosecutor alleges the provisions of this subsection.

39 3. The court finds that alternative sentencing will serve the best
40 interests of this state and that the person:

41 (a) Has not been convicted of one or more violations of section
42 28-8282 within sixty months of the date of commission of the acts out of
43 which the charges arose. The dates of commission of the offense are the
44 determining factor in applying this paragraph.

45 (b) Was not flying with 0.08 per cent or more by weight of alcohol in
46 the person's blood.

1 (c) Did not cause serious physical injury as defined in section 13-105
2 to another person during the same event or course of conduct that resulted in
3 the conviction for which the person is to be sentenced.

4 Sec. 19. Section 28-8286, Arizona Revised Statutes, is amended to
5 read:

6 28-8286. Alternative sentencing

7 If pursuant to section 28-8284, subsection E a court orders a person
8 convicted of a violation of section 28-8282 to be sentenced pursuant to this
9 section, the court:

10 1. Shall order the person to pay a fine of not less than two hundred
11 fifty dollars.

12 2. May order the person to perform not less than eight or more than
13 twenty-four hours of community restitution.

14 3. May require the person to attend traffic safety or alcohol abuse
15 classes at the person's expense.

16 4. If in the court's opinion the person has the problem of habitual
17 abuse of alcohol or drugs, shall require the person to obtain treatment under
18 its supervision.

19 5. Shall not suspend any part or all of the imposition or execution of
20 any sentence required by this section.

21 6. Shall order the person to pay an additional assessment of five
22 hundred dollars to be deposited by the state treasurer in the prison
23 construction and operations fund established by section 41-1651. This
24 assessment is not subject to any surcharge. If the conviction occurred in
25 the superior court or a justice court, the court shall transmit the assessed
26 monies to the county treasurer. If the conviction occurred in a municipal
27 court, the court shall transmit the assessed monies to the city
28 treasurer. The city or county treasurer shall transmit the monies received
29 to the state treasurer.

30 7. Shall order the person to pay an additional assessment of five
31 hundred dollars to be deposited by the state treasurer in the ~~state general~~
32 ~~fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This
33 assessment is not subject to any surcharge. If the conviction occurred in
34 the superior court or a justice court, the court shall transmit the assessed
35 monies to the county treasurer. If the conviction occurred in a municipal
36 court, the court shall transmit the assessed monies to the city treasurer.
37 The city or county treasurer shall transmit the monies received to the state
38 treasurer.

39 Sec. 20. Section 28-8287, Arizona Revised Statutes, is amended to
40 read:

41 28-8287. Second offense

42 A. If a person is convicted of a second violation of section 28-8282
43 or is convicted of a violation of section 28-8282 and has previously been
44 convicted of an act in another state that if committed in this state would be
45 a violation of section 28-8282 within a period of sixty months:

46 1. The person is guilty of a class 1 misdemeanor.

1 2. The person shall be sentenced to serve not less than sixty days in
2 jail.

3 3. The court shall order the person to pay a fine of not less than
4 five hundred dollars.

5 4. The court shall not grant probation to or suspend any part or all
6 of the imposition or execution of any sentence required by this subsection,
7 except on the condition that the person serve not less than sixty days in
8 jail and pay a fine of not less than five hundred dollars.

9 5. If in the court's opinion the offender has the problem of habitual
10 abuse of alcohol or drugs, the court shall require the person to obtain
11 treatment under its supervision.

12 6. The person shall pay an additional assessment of one thousand two
13 hundred fifty dollars to be deposited by the state treasurer in the prison
14 construction and operations fund established by section 41-1651. This
15 assessment is not subject to any surcharge. If the conviction occurred in
16 the superior court or a justice court, the court shall transmit the assessed
17 monies to the county treasurer. If the conviction occurred in a municipal
18 court, the court shall transmit the assessed monies to the city
19 treasurer. The city or county treasurer shall transmit the monies received
20 to the state treasurer.

21 7. The person shall pay an additional assessment of one thousand two
22 hundred fifty dollars to be deposited by the state treasurer in the ~~state~~
23 ~~general fund~~ PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723.
24 This assessment is not subject to any surcharge. If the conviction occurred
25 in the superior court or a justice court, the court shall transmit the
26 assessed monies to the county treasurer. If the conviction occurred in a
27 municipal court, the court shall transmit the assessed monies to the city
28 treasurer. The city or county treasurer shall transmit the monies received
29 to the state treasurer.

30 B. The dates of the commission of the offense are the determining
31 factor in applying this section.

32 C. A second violation for which a conviction occurs as provided in
33 this section shall not include a conviction for an offense arising out of the
34 same series of acts.

35 Sec. 21. Section 28-8288, Arizona Revised Statutes, is amended to
36 read:

37 28-8288. Third or subsequent offense

38 A. If a person is convicted of a third or subsequent violation of
39 section 28-8282 or is convicted of a violation of section 28-8282 and has
40 previously been convicted of any combination of convictions of section
41 28-8282 or acts committed in another state that if committed in this state
42 would be a violation of section 28-8282 within a period of sixty months:

43 1. The person is guilty of a class 5 felony.

44 2. The person is not eligible for probation, pardon, suspension of
45 sentence or release on any basis except as specifically authorized by section
46 31-233, subsection A or B until the person has served not less than six
47 months in prison.

1 3. The court shall not suspend the imposition of a prison sentence.

2 4. If in the court's opinion the person has the problem of habitual
3 abuse of alcohol or drugs, the court shall require the person to obtain
4 treatment under its supervision.

5 5. In addition to any other penalty prescribed by law, the person
6 shall pay an additional assessment of one thousand five hundred dollars to be
7 deposited by the state treasurer in the prison construction and operations
8 fund established by section 41-1651. This assessment is not subject to any
9 surcharge. If the conviction occurred in the superior court or a justice
10 court, the court shall transmit the assessed monies to the county treasurer.
11 If the conviction occurred in a municipal court, the court shall transmit the
12 assessed monies to the city treasurer. The city or county treasurer shall
13 transmit the monies received to the state treasurer.

14 6. In addition to any other penalty prescribed by law, the person
15 shall pay an additional assessment of one thousand five hundred dollars to be
16 deposited by the state treasurer in the ~~state general fund~~ PUBLIC SAFETY
17 EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723. This assessment is not
18 subject to any surcharge. If the conviction occurred in the superior court
19 or a justice court, the court shall transmit the assessed monies to the
20 county treasurer. If the conviction occurred in a municipal court, the court
21 shall transmit the assessed monies to the city treasurer. The city or county
22 treasurer shall transmit the monies received to the state treasurer.

23 B. The dates of the commission of the offense are the determining
24 factor in applying this section.

25 C. A third or subsequent violation for which a conviction occurs as
26 provided in this section shall not include a conviction for an offense
27 arising out of the same series of acts.

28 Sec. 22. Section 38-810, Arizona Revised Statutes, as amended by Laws
29 2008, chapter 80, section 10, is amended to read:

30 38-810. Contributions

31 A. Each member shall contribute to the fund an amount equal to seven
32 per cent of the member's gross salary. Contributions of members shall be
33 made by payroll deductions. Every member is deemed to consent to these
34 deductions. Payment of a member's compensation, less these payroll
35 deductions, constitutes a full and complete discharge and satisfaction of all
36 claims and demands by the member relating to remuneration for the member's
37 services rendered during the period covered by the payment, except with
38 respect to the benefits provided under the plan.

39 B. The fund manager's office shall be credited monthly with monies
40 collected pursuant to section 12-119.01, subsection B, paragraph 2, section
41 12-120.31, subsection D, paragraph 2, section 12-284.03, subsection A,
42 paragraph 6, SECTION 22-281, SUBSECTION C, PARAGRAPH 3 and section 41-178.
43 The monies credited to the fund pursuant to this subsection shall be
44 deposited in the fund on a monthly basis, and there shall be a complete
45 accounting of the determination of these monies deposited in the fund.

46 C. As determined by actuarial valuations performed by the plan's
47 actuary, each employer shall make level per cent compensation contributions

1 sufficient under the actuarial valuation to meet both the normal cost plus
2 the actuarially determined amount required to amortize the unfunded accrued
3 liability over, beginning July 1, 2005, a rolling period of at least twenty
4 and not more than thirty years that is established by the fund manager taking
5 into account the recommendation of the plan's actuary, except that, beginning
6 with fiscal year 2006-2007, the employer contribution rate shall not be less
7 than ten per cent of salary. The monies deposited in the fund pursuant to
8 subsection B of this section shall be used to reduce the contributions
9 required of state and county employers only. Employers that entered the
10 system under a joinder agreement shall also contribute an amount equal to the
11 unfunded accrued liability for that employer. The unfunded liability for
12 each new employer shall be actuarially determined by the plan's actuary as of
13 the effective date of participation of each employer and shall be payable on
14 the effective date of participation. The minimum employer contribution that
15 is paid and that is in excess of the normal cost plus the actuarially
16 determined amount required to amortize the unfunded accrued liability as
17 calculated pursuant to this subsection shall be used to reduce future
18 employer contribution increases and shall not be used to pay for an increase
19 in benefits that are otherwise payable to members. The fund manager shall
20 separately account for these monies in the fund. After the close of any
21 fiscal year, if the plan's actuary determines that the actuarial valuation of
22 the fund contains excess valuation assets and is more than one hundred per
23 cent funded, the fund manager shall account for fifty per cent of the excess
24 valuation assets in a stabilization reserve account. After the close of any
25 fiscal year, if the plan's actuary determines that the actuarial valuation of
26 the fund has a valuation asset deficiency and an unfunded actuarial accrued
27 liability, the fund manager shall use any valuation assets in the
28 stabilization reserve account, to the extent available, to limit the decline
29 in the fund's funding ratio to not more than two per cent.

30 D. The department of administration and the treasurer of each county
31 and participating city and town shall transfer to the fund manager the
32 contributions provided for in subsections A and C of this section within ten
33 working days after each payroll date. The state, county treasurers and
34 clerks of the superior court shall transfer the monies credited under
35 subsection B of this section to the fund manager on or before the fifteenth
36 day of each calendar month that follows the month in which the court fees
37 were collected. Contributions and monies credited under subsection B of this
38 section and transferred after these dates shall include a penalty equal to
39 ten per cent ~~per annum~~ A YEAR, compounded annually, for each day that the
40 contributions or monies credited under subsection B of this section are late.
41 Delinquent payments due under this subsection, together with interest charges
42 as provided in this subsection and court costs, may be recovered by action in
43 a court of competent jurisdiction against the person or persons responsible
44 for the payments or, at the request of the fund manager, may be deducted from
45 any other monies including excise revenue taxes payable to a political
46 subdivision by any department or agency of this state. If requested by the
47 fund manager, the state, county treasurers or clerks of the superior court

1 shall transfer the monies credited under subsection B of this section, in an
2 amount determined by the fund manager, directly to the qualified governmental
3 excess benefit arrangement established pursuant to section 38-803.01.

4 E. The employer shall pay the member contributions required of
5 members on account of compensation earned after August 7, 1985. The paid
6 contributions shall be treated as employer contributions for the purpose of
7 determining tax treatment under the United States internal revenue code. The
8 effective date of the employer payment shall not be before the date the
9 retirement plan has received notification from the United States internal
10 revenue service that pursuant to section 414(h) of the United States internal
11 revenue code the member contributions paid will not be included in gross
12 income for income tax purposes until the paid contributions are distributed
13 by refund or pension payments. The employer shall pay the member
14 contributions from monies established and available in the retirement
15 deduction account, which monies would otherwise have been designated as
16 member contributions and paid to the retirement plan. Member contributions
17 paid pursuant to this subsection shall be treated for all other purposes, in
18 the same manner and to the same extent, as member contributions made before
19 August 7, 1985.

20 Sec. 23. Title 41, chapter 12, article 2, Arizona Revised Statutes, is
21 amended by adding sections 41-1722 and 41-1723, to read:

22 41-1722. State photo enforcement system; penalties; fund

23 A. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT SHALL ENTER INTO A
24 CONTRACT OR CONTRACTS WITH A PRIVATE VENDOR OR VENDORS PURSUANT TO CHAPTER 23
25 OF THIS TITLE TO ESTABLISH A STATE PHOTO ENFORCEMENT SYSTEM CONSISTING OF
26 CAMERAS PLACED THROUGHOUT THIS STATE AS DETERMINED BY THE DIRECTOR TO ENFORCE
27 THE PROVISIONS OF TITLE 28, CHAPTER 3, ARTICLES 3 AND 6 RELATING TO VEHICLE
28 TRAFFIC AND SPEED.

29 B. NOTWITHSTANDING ANY OTHER LAW, THE CIVIL PENALTY OR FINE FOR A
30 CITATION ISSUED PURSUANT TO THIS SECTION IS ONE HUNDRED SIXTY-FIVE DOLLARS
31 AND IS NOT SUBJECT TO ANY SURCHARGE EXCEPT THE SURCHARGE IMPOSED BY SECTION
32 16-954.

33 C. THE PHOTO ENFORCEMENT FUND IS ESTABLISHED CONSISTING OF MONIES
34 RECEIVED FROM CITATIONS ISSUED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL
35 ADMINISTER THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE
36 APPROPRIATION AND ARE APPROPRIATED TO THE DEPARTMENT FOR ADMINISTRATIVE AND
37 PERSONNEL COSTS OF THE STATE PHOTO ENFORCEMENT SYSTEM. MONIES REMAINING IN
38 THE FUND IN EXCESS OF TWO HUNDRED FIFTY THOUSAND DOLLARS AT THE END OF EACH
39 CALENDAR QUARTER SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147,
40 IN THE STATE GENERAL FUND.

41 D. NOTWITHSTANDING ANY OTHER LAW, IF A PERSON IS FOUND RESPONSIBLE FOR
42 A CIVIL TRAFFIC VIOLATION PURSUANT TO A CITATION ISSUED PURSUANT TO THIS
43 SECTION, THE DEPARTMENT OF TRANSPORTATION SHALL NOT CONSIDER THE VIOLATION
44 FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER LICENSE SHOULD BE
45 SUSPENDED OR REVOKED. A COURT SHALL NOT TRANSMIT ABSTRACTS OF RECORDS OF
46 THESE VIOLATIONS TO THE DEPARTMENT OF TRANSPORTATION.

1 maintenance of work plans to outline areas of work to be performed and
2 appropriate schedules for at least the following:

3 1. The development of a standard based system that provides
4 interoperability of public safety agencies' communications statewide.

5 2. The promotion of the development and use of standard based systems.

6 3. The identification of priorities and essential tasks determined by
7 the advisory commission.

8 4. The development of a timeline for project activities.

9 5. Completion of a survey of existing and planned efforts statewide
10 and benchmark against similar efforts nationally.

11 6. Providing support for the state interoperability executive
12 committee.

13 7. Establishing committees and work groups as necessary.

14 B. The ~~department~~ AGENCY may:

15 1. Employ personnel as required with available monies.

16 2. Enter into contracts to assess, design, construct and use public
17 safety communications systems.

18 3. Accept grants, fees and other monies for use by the ~~department~~
19 AGENCY and the advisory commission.

20 4. Enter into agreements to carry out the purposes of this article.

21 5. Request cooperation from any state agency for the purposes of this
22 article.

23 C. The department of public safety shall consult with the director of
24 the government information technology agency or the director's designee on an
25 ongoing basis. ~~and~~ THE DIRECTOR OF THE GOVERNMENT INFORMATION TECHNOLOGY
26 AGENCY SHALL submit a QUARTERLY report ~~quarterly to the director and~~ TO the
27 joint legislative budget committee for review regarding expenditures and
28 progress of the ~~department of public safety~~ COMMISSION, including a review of
29 staff operations and preparation of requests for proposals for system detail
30 and concept work.

31 D. The commission shall annually submit a report of its activities and
32 recommendations to the governor, the speaker of the house of representatives
33 and the president of the senate on or before December 1 and shall provide a
34 copy of the report to the secretary of state and the director of the Arizona
35 state library, archives and public records.

36 Sec. 27. Section 41-3014.16, Arizona Revised Statutes, is amended to
37 read:

38 41-3014.16. Arizona public safety communications advisory
39 commission; termination July 1, 2014

40 A. The Arizona public safety communications advisory commission
41 terminates on July 1, 2014.

42 B. Title 41, chapter ~~12~~ 32, article ~~12~~ 4 is repealed on January 1,
43 2015.

1 Sec. 28. Laws 2000, chapter 293, section 598, as amended by Laws 2001,
2 chapter 8, section 2, Laws 2002, chapter 291, section 17, Laws 2004, chapter
3 69, section 5 and Laws 2006, chapter 369, section 12, is amended to read:

4 Sec. 598. Effective date

5 ~~A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1999,~~
6 ~~chapter 175, section 6, Laws 2000, chapter 193, section 94, laws 2004,~~
7 ~~chapter 69, section 3 and this act is effective from and after December 31,~~
8 ~~2009.~~

9 ~~B.~~ A. Section 42-1201, Arizona Revised Statutes, as amended by Laws
10 1999, chapter 250, section 7, ~~and this act~~ is effective from and after
11 December 31, 2000.

12 ~~C.~~ B. Section 49-203, Arizona Revised Statutes, as amended by Laws
13 1999, chapter 26, section 5, ~~and this act~~ is effective from and after
14 December 31, 2000.

15 ~~D.~~ C. Section 49-361, Arizona Revised Statutes, as amended by Laws
16 1999, chapter 26, section 17, ~~and this act~~ is effective from and after
17 December 31, 2000.

18 Sec. 29. Laws 2000, chapter 193, section 599, as amended by Laws 2001,
19 chapter 8, section 3, Laws 2002, chapter 291, section 18 and Laws 2004,
20 chapter 69, section 6, is amended to read:

21 Sec. 599. Delayed repeal

22 ~~A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1997,~~
23 ~~chapter 79, section 7, Laws 2000, chapter 193, section 93, laws 2004, chapter~~
24 ~~69, section 2 and this act is repealed from and after December 31, 2009.~~

25 ~~B.~~ A. Section 42-1201, Arizona Revised Statutes, as amended by Laws
26 1998, chapter 1, section 144, ~~and this act~~ is repealed from and after
27 December 31, 2000.

28 ~~C.~~ B. Section 49-203, Arizona Revised Statutes, as amended by Laws
29 1996, chapter 194, section 5, chapter 351, section 39, ~~and this act~~ is
30 repealed from and after December 31, 2000.

31 Sec. 30. State department of corrections budget structure

32 Notwithstanding any other law, the state department of corrections
33 shall report actual fiscal year 2007-2008, estimated fiscal year 2008-2009
34 and requested fiscal year 2009-2010 expenditures for each line item
35 delineated in the fiscal year 2008-2009 general appropriation act when the
36 department submits the fiscal year 2009-2010 budget request pursuant to
37 section 35-113, Arizona Revised Statutes. The information submitted for each
38 line item shall contain as much detail as submitted in previous years for
39 prior line items.

40 Sec. 31. Criminal justice enhancement fund; state general fund
41 deposit; crime laboratory assessment fund

42 Notwithstanding any other law, for fiscal year 2008-2009, any monies
43 distributed from the criminal justice enhancement fund pursuant to section
44 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be
45 deposited in the crime laboratory assessment fund established by section
46 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,
47 subsection C, Arizona Revised Statutes, monies distributed by this section

1 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised
2 Statutes, are for use by the department of public safety and are exempt from
3 distribution to political subdivisions.

4 Sec. 32. Justices of the peace; payment of compensation; fiscal
5 year 2007-2008

6 Notwithstanding section 22-117, subsection B, Arizona Revised Statutes,
7 for fiscal year 2008-2009, the state shall pay 38.5 per cent of the
8 compensation and employee-related expenditures of a justice of the peace and
9 the county shall pay 61.5 per cent of the compensation and employee-related
10 expenditures of a justice of the peace, except that the county shall pay the
11 full amount of the employer contribution of the state retirement system or
12 plan or any county health plan.

13 Sec. 33. Consumer fraud revolving fund; attorney general; use

14 Notwithstanding section 44-1531.01, subsection C, Arizona Revised
15 Statutes, for fiscal years 2007-2008 and 2008-2009, the attorney general may
16 use monies in the consumer fraud revolving fund established by section
17 44-1501.01, Arizona Revised Statutes, for any operating expenses incurred by
18 the department of law, including any cost or expense associated with the
19 tobacco master settlement agreement arbitration.

20 Sec. 34. Transition office fund; department of corrections;
21 transition program use; retroactivity

22 A. Notwithstanding any other law, any monies appropriated to the
23 transition office fund pursuant to section 31-254, subsection D, paragraph 3,
24 Arizona Revised Statutes, may be used for costs to operate transition
25 programs established pursuant to section 31-281, Arizona Revised Statutes.

26 B. This section is effective retroactively to from and after July 1,
27 2007.

28 Sec. 35. Photo enforcement fund; appropriations

29 A. In fiscal year 2008-2009, the department of public safety shall not
30 spend more than \$2,173,000 from the photo enforcement fund established by
31 section 41-1722, Arizona Revised Statutes, as added by this act, for
32 department personnel and related expenditures.

33 B. The sum of \$4,056,600 is appropriated in fiscal year 2008-2009 from
34 the photo enforcement fund to the administrative office of the courts for
35 processing of state photo enforcement citations.

36 C. The sum of \$20,361,300 is appropriated in fiscal year 2008-2009
37 from the photo enforcement fund to the department of public safety for
38 contract payments to private vendors for the operation of photo enforcement
39 cameras and the processing of citations.

40 Sec. 36. Appropriation; fire suppression kits

41 A. Notwithstanding section 41-1723, paragraph 1, Arizona Revised
42 Statutes, as added by this act, the sum of \$500,000 is appropriated from the
43 first monies received by the public safety equipment fund in fiscal year
44 2008-2009 to the Arizona criminal justice commission for distribution to
45 state and local law enforcement and other governmental entities in this state
46 for active or passive fire suppression kits for Ford Crown Victoria vehicles
47 to aid in the prevention of fires resulting from rear end collisions. The

1 commission shall distribute the monies on a first come, first served basis
2 with a maximum of \$1,000 per vehicle.

3 B. A person or entity that sells or offers to sell an active or
4 passive fire suppression kit for use pursuant to this section shall comply
5 with the testing requirements of section 44-1224, Arizona Revised Statutes.

6 C. The division of occupational safety and health within the
7 industrial commission of Arizona shall monitor the installation of the fire
8 suppression kits.

9 D. After distribution of the monies in subsection A of this section by
10 the Arizona criminal justice commission, the department of public safety may
11 use the remainder of the \$3,000,000 appropriated pursuant to section 41-1723,
12 paragraph 1, Arizona Revised Statutes, as added by this act, in fiscal year
13 2008-2009, for the purposes provided in that section.

14 Sec. 37. Retroactivity

15 Section 28-1593, Arizona Revised Statutes, as amended by this act, and
16 section 41-1722, Arizona Revised Statutes, as added by this act, are
17 effective retroactively to July 1, 2008.

18 Sec. 38. Effective date

19 Section 5-395.01, Arizona Revised Statutes, as amended by Laws 2008,
20 chapter 256, section 7 and this act, is effective from and after December 31,
21 2008."

22 Amend title to conform

CAROLYN S. ALLEN

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06/25/2008
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C: kcb