

REFERENCE TITLE: 2009-2010 budget reconciliation; criminal justice

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **HB 2638**

Introduced by  
Representatives Adams: Kavanagh, McComish, Tobin, Yarbrough (with  
permission of Committee on Rules)

AN ACT

AMENDING SECTIONS 8-358, 12-114.01, 12-251, 12-299.03, 12-2456, 13-901.02, 13-914, 21-222, 25-323.01, 25-323.02, 28-3396 AND 31-466, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1772; AMENDING LAWS 2007, CHAPTER 261, SECTION 16; MAKING APPROPRIATIONS; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-358, Arizona Revised Statutes, is amended to  
3 read:

4 8-358. Juvenile intensive probation guidelines; report

5 A. The supreme court shall establish juvenile intensive probation  
6 guidelines. In establishing these guidelines, the supreme court shall ensure  
7 that both:

8 1. Juveniles who are granted intensive probation meet the requirements  
9 of section 8-352.

10 2. Based on the nature of the offense and the delinquent history of  
11 the juvenile, there are reasonable grounds to believe that the juvenile is  
12 able to remain at liberty without posing a substantial risk to the community.

13 B. The supreme court shall annually submit a report stating the number  
14 of juveniles supervised on intensive probation during the prior year, the  
15 nature of the offense and the delinquent history of each of these juveniles  
16 to the governor, the speaker of the house of representatives and the  
17 president of the senate at the time of its annual budget request. **BEGINNING**  
18 **JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

19 C. The supreme court shall contract for an evaluation to determine if  
20 the provisions of this article reduce the number of serious repetitive  
21 offenses committed by juveniles on intensive probation supervision and shall  
22 submit the results of the study to the governor, the speaker of the house of  
23 representatives and the president of the senate.

24 Sec. 2. Section 12-114.01, Arizona Revised Statutes, is amended to  
25 read:

26 12-114.01. Probation surcharge; deposit

27 A. Except as provided in section 12-269, in addition to any other  
28 penalty assessment provided by law, a probation surcharge of ~~ten~~ **TWENTY**  
29 dollars shall be levied on every fine, penalty and forfeiture imposed and  
30 collected by the superior, justice and municipal courts for criminal offenses  
31 and any civil penalty imposed and collected for a civil traffic violation and  
32 fine, penalty or forfeiture for a violation of the motor vehicle statutes,  
33 for a violation of any local ordinance relating to the stopping, standing or  
34 operation of a vehicle, except parking violations, or for a violation of the  
35 game and fish statutes in title 17.

36 B. The monies collected pursuant to this section shall be deposited,  
37 pursuant to sections 35-146 and 35-147, in the judicial collection  
38 enhancement fund established by section 12-113 to be used to supplement  
39 monies currently used for the salaries of adult and juvenile probation and  
40 surveillance officers and for support of programs and services of the  
41 superior court adult and juvenile probation departments.

42 C. The court may waive all or part of a probation surcharge in the  
43 same manner and subject to the same limitations provided for the waiver of  
44 penalty assessments in section 12-116.01, subsection ~~E~~ **F** and section  
45 12-116.02, subsection D.

1           Sec. 3. Section 12-251, Arizona Revised Statutes, is amended to read:  
2           12-251. Adult probation officers and support staff:  
3                           appointment; qualifications

4           A. The presiding judge of the superior court in each county shall  
5           appoint a chief adult probation officer who shall serve at the pleasure of  
6           the presiding judge. Such chief adult probation officer, with the approval  
7           of the presiding judge of the superior court, shall appoint such deputy adult  
8           probation officers and support staff as are necessary to provide presentence  
9           investigations and supervision services to the court. Presentence  
10          investigations and probation services may be provided to the justice courts  
11          in each county for persons who are convicted of violating section 28-1381 or  
12          28-1382 or title 13, chapter 14, 35.1 or 36 and who are placed on supervised  
13          probation by the court. Presentence investigations and supervised probation  
14          services may be provided by a county probation office to a municipal court  
15          through an intergovernmental agreement entered into by the respective county  
16          and municipality. On approval of the presiding judge and in accordance with  
17          policies and procedures developed by the supreme court, the presiding judge  
18          of the superior court may direct that presentence investigations and  
19          supervised probation services be provided for other persons if a risk of  
20          violence exists or if it would be in the best interest of justice. Those  
21          deputy adult probation officers engaged in case supervision shall supervise  
22          no more than an average of ~~sixty~~ SIXTY-FIVE adults who reside in the county  
23          on probation to the court. Such deputy adult probation officers shall hold  
24          office under rules and procedures established by the supreme court.

25          B. Each adult probation officer appointed pursuant to subsection A of  
26          this section shall give bond in the principal amount to be fixed by the court  
27          and approved by the judge making the appointment, conditioned upon the  
28          faithful performance by such officer of the officer's official duties and the  
29          payment of all monies coming into the officer's possession as such officer to  
30          the person, officer or body entitled to receive the monies. Any adult  
31          probation officer covered by a blanket faithful performance bond payable to  
32          the county or covered by state risk management shall be deemed to be in  
33          compliance with this section.

34          C. Probation department personnel shall qualify under minimum  
35          standards of experience and education established by the supreme court. Such  
36          standards may differ for counties of less than three hundred thousand persons  
37          from counties with three hundred thousand persons or more. Notwithstanding  
38          section 12-265, any additional salary costs that might be required as a  
39          result of the adoption of minimum salary standards by the supreme court may  
40          be paid by funds made available to the probation department pursuant to  
41          sections 12-267 and 12-268 or by the supreme court.

42          D. Presently appointed adult probation officers who qualify under ~~the~~  
43          ~~provisions of~~ subsection C of this section shall be retained in their  
44          position as long as they are qualified.

1           Sec. 4. Section 12-299.03, Arizona Revised Statutes, is amended to  
2 read:

3           12-299.03. Duties of the supreme court; evaluation

4           A. The supreme court shall:

5           1. Implement and administer the community punishment program.

6           2. Adopt necessary guidelines, rules, standards and policies to  
7 implement this article.

8           3. Facilitate the development of local plans.

9           4. Develop and implement an application process and procedures.

10          5. Review and approve plans and budgets.

11          6. Allocate funding.

12          7. Provide statewide training and technical assistance to the superior  
13 court, adult probation departments and advisory committees regarding  
14 community punishment.

15          8. Conduct an evaluation of all programs on a periodic basis to ensure  
16 program accountability. The evaluation report shall include information for  
17 the superior court in each participating county on the number of offenders  
18 serving suspended sentences on probation and intensive probation, the average  
19 cost per offender, the amount of restitution, fines and fees paid, the number  
20 of community restitution hours contributed by offenders and the number of  
21 offenders who have successfully completed terms of probation. The report  
22 shall be submitted to the governor, the speaker of the house of  
23 representatives and the president of the senate. The supreme court may  
24 contract with a private consultant to prepare this evaluation report.  
25 BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.

26          B. The supreme court may contract directly with private human service  
27 agencies to develop, implement and operate community punishment programs.

28          Sec. 5. Section 12-2456, Arizona Revised Statutes, is amended to read:

29          12-2456. Emancipation administrative costs fund; purpose;  
30                 report; collection of information

31          A. Each county treasurer shall establish an emancipation  
32 administrative costs fund consisting of monies received pursuant to section  
33 12-284, subsection J.

34          B. The presiding judge of the juvenile court shall use fund monies for  
35 administrative costs associated with this article.

36          C. On notice of the presiding judge, the county treasurer shall invest  
37 monies in the fund and monies earned from investment shall be credited to the  
38 fund.

39          D. On or before November 15 of each year, the county treasurer shall  
40 submit a report to the presiding judge that shows the amount of monies in the  
41 fund. BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.

42          E. Beginning October 1, 2005, the administrative office of the courts  
43 shall collect information relating to emancipation of minors pursuant to this  
44 ~~title~~ CHAPTER, including the following:

- 1           1. The number of petitions filed, by age and county of residence.
- 2           2. The number of petitions granted, by age and county of residence.
- 3           F. The administrative office of the courts shall include the
- 4 information collected pursuant to subsection E of this section in the annual
- 5 report of the judicial department.

6           Sec. 6. Section 13-901.02, Arizona Revised Statutes, is amended to

7 read:

8           13-901.02. Drug treatment and education fund

9           A. The drug treatment and education fund is established. The

10 administrative office of the supreme court shall administer the fund.

11           B. Fifty per cent of the monies deposited in the drug treatment and

12 education fund shall be distributed by the administrative office of the

13 supreme court to the superior court probation departments to cover the costs

14 of placing persons in drug education and treatment programs administered by a

15 qualified agency or organization that provides such programs to persons who

16 abuse controlled substances. Such monies shall be allocated to superior

17 court probation departments according to a formula based on probation

18 caseload to be established by the administrative office of the supreme court.

19           C. Fifty per cent of the monies deposited in the drug treatment and

20 education fund shall be distributed to the Arizona parents commission on drug

21 education and prevention established by section 41-1604.17.

22           D. The administrative office of the supreme court shall cause to be

23 prepared at the end of each fiscal year after 1997 an accountability report

24 card that details the cost savings realized from the diversion of persons

25 from prisons to probation. A copy of the report shall be submitted to the

26 governor and the legislature, and a copy of the report shall be sent to each

27 public library in the state. **BEGINNING JULY 1, 2011, THE REPORT SHALL BE**

28 **SUBMITTED ELECTRONICALLY.** The administrative office of the supreme court

29 shall receive reimbursement from the drug treatment and education fund for

30 any administrative costs it incurs in the implementation of this section.

31           Sec. 7. Section 13-914, Arizona Revised Statutes, is amended to read:

32           13-914. Intensive probation; evaluation; sentence; criteria;

33                                   limit; conditions

34           A. An adult probation officer shall prepare a presentence report for

35 every offender who has either:

- 36           1. Been convicted of a felony and for whom the granting of probation
- 37 is not prohibited by law.
- 38           2. Violated probation by commission of a technical violation that was
- 39 not chargeable or indictable as a criminal offense.

40           B. The adult probation officer shall evaluate the needs of the

41 offender and the offender's risk to the community, including the nature of

42 the offense and criminal history of the offender. If the nature of the

43 offense and the prior criminal history of the offender indicate that the

44 offender should be included in an intensive probation program pursuant to

1 supreme court guidelines for intensive probation, the adult probation officer  
2 may recommend to the court that the offender be granted intensive probation.

3 C. The court may suspend the imposition or execution of the sentence  
4 and grant the offender a period of intensive probation in accordance with  
5 this chapter. Except for sentences that are imposed pursuant to section  
6 13-3601, the sentence is tentative to the extent that it may be altered or  
7 revoked pursuant to this chapter, but for all other purposes it is a final  
8 judgment of conviction. This subsection does not preclude the court from  
9 imposing a term of intensive probation pursuant to section 13-3601.

10 D. When granting intensive probation the court shall set forth on the  
11 record the factual and legal reasons in support of the sentence.

12 E. Intensive probation shall be conditioned on the offender:

13 1. Maintaining employment or maintaining full-time student status at a  
14 school subject to title 15 or title 32, chapter 30 and making progress deemed  
15 satisfactory to the probation officer, or both, or being involved in  
16 supervised job searches and community restitution work at least six days a  
17 week throughout the offender's term of intensive probation.

18 2. Paying restitution and probation fees of not less than ~~fifty~~  
19 ~~SEVENTY-FIVE~~ dollars unless, after determining the inability of the offender  
20 to pay the fee, the court assesses a lesser fee. Probation fees shall be  
21 deposited in the adult probation services fund established by section 12-267.  
22 Any amount ~~greater than forty dollars of the fee~~ assessed pursuant to this  
23 ~~subsection~~ PARAGRAPH shall ~~only~~ be used to supplement monies ~~currently~~  
24 for the salaries of adult probation and surveillance officers and for support  
25 of programs and services of the superior court adult probation departments.

26 3. Establishing a residence at a place approved by the intensive  
27 probation team and not changing the offender's residence without the team's  
28 prior approval.

29 4. Remaining at the offender's place of residence at all times except  
30 to go to work, to attend school, to perform community restitution and as  
31 specifically allowed in each instance by the adult probation officer.

32 5. Allowing administration of drug and alcohol tests if requested by a  
33 member of the intensive probation team.

34 6. Performing not less than forty hours of community restitution each  
35 month. Full-time students may be exempted or required to perform fewer hours  
36 of community restitution. For good cause, the court may reduce the number of  
37 community restitution hours performed to not less than twenty hours each  
38 month.

39 7. Meeting any other conditions imposed by the court to meet the needs  
40 of the offender and limit the risks to the community, including participation  
41 in a program of community punishment authorized in title 12, chapter 2,  
42 article 11.

1           Sec. 8. Section 21-222, Arizona Revised Statutes, is amended to read:  
2           21-222. Arizona lengthy trial fund

3           A. The Arizona lengthy trial fund is established consisting of monies  
4 received from the additional fees paid on all filings, appearances, responses  
5 and answers pursuant to section 12-115. The monies in the fund shall not be  
6 used for any purpose other than as prescribed in this section.

7           B. The supreme court shall administer the fund and shall adopt rules  
8 for the administration of the fund. Not more than three per cent of the  
9 monies in the fund shall be used for the reasonable and necessary costs of  
10 administering the fund. On or before the fifteenth day of each month, on  
11 receipt of a request for reimbursement the supreme court shall transmit  
12 monies from the fund to a jury commissioner for monies paid to a juror under  
13 this section, together with a fee of not less than the amount prescribed in  
14 section 12-284, subsection A, class E for each application for payment of  
15 replacement or supplemental earnings by a juror.

16           C. Subject to the availability of monies, monies in the fund shall be  
17 used to pay full or partial earnings replacement or supplementation to jurors  
18 who serve as petit jurors for more than five days and who receive less than  
19 full compensation. The amount of replacement or supplemental earnings shall  
20 be at least forty dollars but not more than three hundred dollars per day per  
21 juror beginning on the fourth day of jury service.

22           D. A juror whose jury service lasts more than five days may submit a  
23 request for payment from the fund. The amount a juror receives from the fund  
24 is limited to the difference between the jury fee prescribed in section  
25 21-221 and the actual amount of earnings a juror earns, not less than forty  
26 dollars, up to the maximum level payable under subsection C of this section,  
27 minus any amount the juror actually received from the juror's employer during  
28 the same time period. A juror who requests payment from the fund:

29           1. Shall disclose on the form the juror's regular earnings, the amount  
30 the juror's employer will pay during the term of jury service starting on the  
31 fourth day and thereafter, the amount of replacement or supplemental earnings  
32 being requested and any other information that the jury commissioner deems  
33 necessary.

34           2. Before receiving payment from the fund, shall submit verification  
35 from the juror's employer, if any, regarding the earnings information that is  
36 provided under paragraph 1. This verification may include the employee's  
37 most recent earnings statement or a similar document.

38           3. In order to verify the weekly income if the juror is self-employed  
39 or receives compensation other than wages, shall provide a sworn affidavit  
40 attesting to the juror's approximate gross weekly income, together with any  
41 other information that the supreme court requires.

42           E. Jurors who are unemployed and are not eligible for payment pursuant  
43 to subsections C and D of this section are eligible to be paid forty dollars  
44 per day, even if they receive income in the form of spousal maintenance,  
45 pensions, retirement, unemployment compensation, disability benefits or other

1 similar income. Commissioners shall not deduct these other forms of income  
2 in calculating the amount these jurors are to be paid from the fund.

3 F. The supreme court shall annually report to the joint legislative  
4 budget committee on the amount of monies collected and disbursed from the  
5 fund and the number of jurors who received monies from the fund. BEGINNING  
6 JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.

7 Sec. 9. Section 25-323.01, Arizona Revised Statutes, is amended to  
8 read:

9 25-323.01. Child support committee; membership; duties; report

10 A. The child support committee is established consisting of the  
11 following members:

12 1. The director of the department of economic security or the  
13 director's designee.

14 2. The assistant director of the division of child support enforcement  
15 of the department of economic security.

16 3. A division or section chief from the office of the attorney general  
17 who has knowledge of or experience in child support enforcement and related  
18 issues and who is appointed by the attorney general.

19 4. The director of the administrative office of the supreme court or  
20 the director's designee.

21 5. Two presiding judges from the domestic relations division of the  
22 superior court who are appointed by the chief justice of the supreme court.  
23 One judge shall be from an urban county and one judge shall be from a rural  
24 county.

25 6. A title IV-D court commissioner who is appointed by the chief  
26 justice of the supreme court.

27 7. A clerk of the superior court who is appointed by the chief justice  
28 of the supreme court.

29 8. One county attorney who is appointed by the director of the  
30 department of economic security and who is from a county that is currently  
31 contracting with the state to provide child support enforcement services.

32 9. An executive assistant from the office of the governor who is  
33 appointed by the governor.

34 10. One person who is knowledgeable in child support issues and who is  
35 a noncustodial parent and one person who is knowledgeable in child support  
36 issues and who is a custodial parent. The president of the senate shall  
37 appoint these members.

38 11. One person who is knowledgeable in child support issues and who is  
39 a noncustodial parent and one person who is knowledgeable in child support  
40 issues and who is a custodial parent. The speaker of the house of  
41 representatives shall appoint these members.

42 12. One parent who is knowledgeable in child support issues, who has  
43 joint custody and who is appointed jointly by the president of the senate and  
44 the speaker of the house of representatives.

1           13. One person from the executive committee of the family law section  
2 of the state bar of Arizona who is appointed by the chief justice of the  
3 supreme court.

4           14. One person from the business community who is appointed jointly by  
5 the president of the senate and the speaker of the house of representatives.

6           15. Two members of the senate from different political parties. The  
7 president of the senate shall appoint the members and designate one of the  
8 members as the cochairperson.

9           16. Two members of the house of representatives from different  
10 political parties. The speaker of the house of representatives shall appoint  
11 the members and designate one of the members as the cochairperson.

12           B. The committee shall prepare an annual written report on its work,  
13 findings and recommendations regarding child support guidelines, enforcement  
14 and related issues. The committee shall submit this report to the governor,  
15 the president of the senate, the speaker of the house of representatives and  
16 the chief justice of the supreme court on or before December 31 of each year  
17 and shall provide a copy of this report to the secretary of state and the  
18 director of the Arizona state library, archives and public records.  
19 **BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

20           C. Nonlegislative members of the committee are not eligible to receive  
21 compensation but are eligible for reimbursement of expenses pursuant to title  
22 38, chapter 4, article 2.

23           Sec. 10. Section 25-323.02, Arizona Revised Statutes, is amended to  
24 read:

25           25-323.02. Domestic relations committee: membership; duties;  
26 pilot programs; report

27           A. The domestic relations committee is established consisting of the  
28 following members:

29           1. Two noncustodial parents who are knowledgeable in domestic  
30 relations issues and who are not judges or commissioners. The president of  
31 the senate and the speaker of the house of representatives shall each appoint  
32 one of these members.

33           2. Two custodial parents who are knowledgeable in domestic relations  
34 issues and who are not judges or commissioners. The president of the senate  
35 and the speaker of the house of representatives shall each appoint one of  
36 these members.

37           3. Two parents who have joint custody, who are knowledgeable in  
38 domestic relations issues and who are not judges or commissioners. The  
39 president of the senate and the speaker of the house of representatives shall  
40 each appoint one of these members.

41           4. Two parents who are knowledgeable in domestic relations issues, who  
42 are not judges or commissioners and who are appointed by the governor.

43           5. Two active or retired judges or commissioners, or both, from the  
44 domestic relations department of the superior court who are appointed by the

1 chief justice of the supreme court. One of these members shall be from an  
2 urban county and one member shall be from a rural county.

3 6. One domestic relations attorney who is appointed by the governor.

4 7. One clerk of the superior court who is appointed by the chief  
5 justice of the supreme court.

6 8. A professional domestic relations mediator who is appointed by the  
7 president of the senate.

8 9. A psychologist who is experienced in performing child custody  
9 evaluations and who is appointed by the speaker of the house of  
10 representatives.

11 10. A domestic relations educator who is experienced in matters  
12 relating to parenting or divorce classes and who is appointed by the  
13 governor.

14 11. A representative of a statewide domestic violence coalition who is  
15 appointed by the president of the senate.

16 12. A representative of a conciliation court who is appointed by the  
17 chief justice of the supreme court.

18 13. A marriage and family therapist who is knowledgeable in domestic  
19 relations issues and who is appointed by the speaker of the house of  
20 representatives.

21 14. A representative from a faith-based organization who is  
22 knowledgeable in domestic relations issues and who is appointed by the  
23 governor.

24 15. An administrative officer of the supreme court who is appointed by  
25 the chief justice of the supreme court or the officer's designee.

26 16. A member of a law enforcement agency in this state who is appointed  
27 by the speaker of the house of representatives.

28 17. A member of an agency that advocates for children who is appointed  
29 by the president of the senate.

30 18. One member of the family law section of the state bar of Arizona  
31 who is appointed by the chief justice of the supreme court.

32 19. Four members of the senate, not more than two of whom are members  
33 of the same political party. The president of the senate shall appoint these  
34 members and shall designate one of them as the cochairperson.

35 20. Four members of the house of representatives, not more than two of  
36 whom are members of the same political party. The speaker of the house of  
37 representatives shall appoint these members and designate one of them as the  
38 cochairperson.

39 B. The committee shall prepare a statewide plan for an integrated  
40 family court with comprehensive subject matter jurisdiction over all matters  
41 involving the family and submit this plan to the governor, the president of  
42 the senate, the speaker of the house of representatives and the chief justice  
43 of the supreme court on or before December 31, 2002. Based on this plan or  
44 on other formal recommendations from the committee, beginning July 1, 2006,  
45 the supreme court shall implement a two year integrated family court pilot

1 program in one county with a population of less than five hundred thousand  
2 persons. The supreme court shall submit quarterly reports on the pilot  
3 program to the committee. The committee shall include information from these  
4 reports in its annual report prepared pursuant to subsection C of this  
5 section.

6 C. The committee shall prepare an annual written report regarding  
7 recommended changes to the domestic relations statutes, rules and procedures  
8 and other related issues designed to lead to a reform of the state's domestic  
9 relations statutes. The committee shall submit this report to the governor,  
10 the president of the senate, the speaker of the house of representatives and  
11 the chief justice of the supreme court on or before December 31 of each year  
12 and shall provide a copy of the report to the secretary of state and the  
13 director of the Arizona state library, archives and public records.  
14 **BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

15 D. The committee shall develop minimum training standards on domestic  
16 violence and child abuse issues for persons conducting an investigation or  
17 preparing a report concerning child custodial arrangements pursuant to  
18 section 25-406. The committee shall approve the standards on or before  
19 December 31, 2004. The committee may modify the standards on or before  
20 December 31 of each year.

21 E. Nonlegislative members of the committee are not eligible to receive  
22 compensation but are eligible for reimbursement of expenses pursuant to title  
23 38, chapter 4, article 2.

24 Sec. 11. Section 28-3396, Arizona Revised Statutes, is amended to  
25 read:

26 **28-3396. Court diversion fee**

27 A. The presiding judge of each court shall:

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

30 2. Charge an individual a forty-five dollar surcharge if the  
31 individual attends a defensive driving school.

32 3. Immediately inform the supreme court in writing of the amount of  
33 the court diversion fee that is established for the court and the total cost  
34 to attend a defensive driving school.

35 4. Immediately inform the supreme court in writing of any changes in  
36 the total cost to attend a defensive driving school.

37 B. Payment of the court diversion fee and surcharge is in lieu of  
38 payment of a civil penalty or criminal fine and any surcharge that are  
39 imposed for a traffic violation.

40 C. The driving school shall collect the court diversion fee and  
41 surcharge before or at the time an individual attends the school. On receipt  
42 of the diversion fee, the defensive driving school shall transmit the fee  
43 promptly to the appropriate court pursuant to procedures prescribed by the  
44 supreme court. On receipt of the surcharge, the defensive driving school  
45 shall transmit the surcharge promptly to the state treasurer for deposit, ~~—~~

1 ~~pursuant to sections 35-146 and 35-147, in the state general~~ IN THE CRIME  
2 LABORATORY OPERATIONS fund ESTABLISHED BY SECTION 41-1772.

3 Sec. 12. Section 31-466, Arizona Revised Statutes, is amended to read:  
4 31-466. Supervision fee; deposit

5 A. A person being supervised in this state pursuant to this article  
6 shall pay, as a condition of probation or parole, a monthly supervision fee  
7 of not less than fifty dollars ~~IF THE PERSON IS ON PAROLE AND NOT LESS THAN~~  
8 ~~SIXTY-FIVE DOLLARS IF THE PERSON IS ON STANDARD PROBATION OR NOT LESS THAN~~  
9 ~~SEVENTY-FIVE DOLLARS IF THE PERSON IS ON INTENSIVE PROBATION~~, unless, after  
10 determining the inability of the person to pay the fee, the supervising  
11 agency requires payment of a lesser amount. The supervising parole or  
12 probation officer shall monitor the collection of the fee.

13 B. Seventy per cent of the monies collected pursuant to subsection A  
14 of this section shall be deposited, pursuant to sections 35-146 and 35-147,  
15 in the victim compensation and assistance fund established by section 41-2407  
16 and thirty per cent shall be deposited in the adult probation services fund  
17 established by section 12-267.

18 Sec. 13. Title 41, chapter 12, article 5, Arizona Revised Statutes, is  
19 amended by adding section 41-1772, to read:

20 41-1772. Crime laboratory operations fund

21 A. THE CRIME LABORATORY OPERATIONS FUND IS ESTABLISHED CONSISTING OF  
22 SURCHARGE MONIES DEPOSITED PURSUANT TO SECTION 28-3396. THE DEPARTMENT SHALL  
23 ADMINISTER THE FUND.

24 B. SUBJECT TO LEGISLATIVE APPROPRIATION, MONIES IN THE FUND SHALL BE  
25 USED FOR CRIME LABORATORY OPERATIONS.

26 Sec. 14. Laws 2007, chapter 261, section 16 is amended to read:

27 Sec. 16. Appropriations; deoxyribonucleic acid identification  
28 system fund; exemption

29 A. The sums of \$1,980,000 in fiscal year 2007-2008, \$2,980,000 in  
30 fiscal year 2008-2009, ~~\$3,484,000~~ \$980,000 in fiscal year 2009-2010,  
31 \$3,440,000 in fiscal year 2010-2011 and \$3,520,000 in fiscal year 2011-2012  
32 are appropriated from the monies that are collected pursuant to section  
33 12-116.01, subsection C, Arizona Revised Statutes, ~~as amended by this act,~~  
34 and that are distributed pursuant to section 12-116.01, subsection J, Arizona  
35 Revised Statutes, ~~as amended by this act,~~ for deposit in the Arizona  
36 deoxyribonucleic acid identification system fund established by section  
37 41-2419, Arizona Revised Statutes, to the department of public safety for  
38 equipment purchases, personal services, employee-related expenses, training,  
39 other operating expenses and capital improvements in order to implement,  
40 conduct and maintain deoxyribonucleic acid testing.

41 B. The appropriations made in subsection A of this section shall come  
42 from the additional four per cent penalty assessment that is collected and  
43 distributed pursuant to the penalty assessment increase from three per cent  
44 to seven per cent in section 12-116.01, subsections C and J, Arizona Revised  
45 Statutes, as amended by ~~this act~~ LAWS 2007, CHAPTER 261, SECTION 1.

1 C. The appropriation made in subsection A of this section in fiscal  
2 year 2007-2008 is exempt from the provisions of section 35-190, Arizona  
3 Revised Statutes, relating to lapsing of appropriations.

4 Sec. 15. Department of public safety; highway funds; limitation

5 Notwithstanding sections 28-6537 and 28-6993, Arizona Revised Statutes,  
6 the statutory caps limiting the level of highway user revenue fund monies and  
7 state highway fund monies available to fund department of public safety  
8 highway patrol costs are suspended for fiscal year 2009-2010.

9 Sec. 16. Nonsupplanting; suspension

10 Notwithstanding any other law, in fiscal year 2009-2010 the provisions  
11 relating to supplanting of state monies contained in section 12-102.02,  
12 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,  
13 section 12-135.01, subsection D, section 12-267, subsection D, section  
14 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised  
15 Statutes, are suspended. The supreme court shall submit a report to the  
16 joint legislative budget committee identifying any decrease in county funding  
17 related to these suspended provisions including the reasons for the decrease.

18 Sec. 17. Suspension of reporting requirements

19 Notwithstanding any other law, the reporting requirements contained in  
20 the following sections are suspended for fiscal year 2009-2010:

21 1. Section 8-358, subsection B, Arizona Revised Statutes, relating to  
22 the annual juvenile intensive probation report.

23 2. Section 12-299.03, subsection A, paragraph 8, Arizona Revised  
24 Statutes, relating to the evaluation of the community punishment program.

25 3. Section 12-2456, Arizona Revised Statutes, relating to a report of  
26 information regarding the emancipation of minors.

27 4. Section 13-901.02, subsection D, Arizona Revised Statutes, relating  
28 to the annual drug treatment and education fund report card.

29 5. Section 21-222, subsection F, Arizona Revised Statutes, relating to  
30 the annual lengthy trial fund report.

31 6. Section 25-323.01, subsection B, Arizona Revised Statutes, relating  
32 to the annual child support committee report.

33 7. Section 25-323.02, subsection C, Arizona Revised Statutes, relating  
34 to the annual domestic relations committee report.

35 Sec. 18. Justices of the peace; payment of compensation; fiscal  
36 year 2009-2010

37 Notwithstanding section 22-117, subsection B, Arizona Revised Statutes,  
38 for fiscal year 2009-2010, the state shall pay 38.5 per cent of the  
39 compensation and employee related expenditures of a justice of the peace, and  
40 the county shall pay 61.5 per cent of the compensation and employee related  
41 expenditures of a justice of the peace, except that the county shall pay the  
42 full amount of the employer contribution of the state retirement system or  
43 plan or any county health plan.



1 C. If the surcharge monies collected pursuant to section 28-3396,  
2 subsection A, paragraph 2, Arizona Revised Statutes, beginning July 1, 2009  
3 until the effective date of this act are less than \$2,000,000, the state  
4 treasurer shall transfer the difference between \$2,000,000 and the amount  
5 collected from the crime laboratory operations fund established by section  
6 41-1772, Arizona Revised Statutes, as added by this act, to the state general  
7 fund on or before June 30, 2010.

8 D. This section is effective retroactively to from and after June 30,  
9 2009.

10 Sec. 24. Conforming legislation

11 The legislative council staff shall prepare proposed legislation  
12 conforming the Arizona Revised Statutes to the provisions of this act for  
13 consideration in the forty-ninth legislature, second regular session.

14 Sec. 25. Retroactivity

15 Section 41-1772, Arizona Revised Statutes, as added by this act, is  
16 effective retroactively to from and after June 30, 2009.