

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# SENATE BILL 1028

AN ACT

AMENDING SECTIONS 8-358, 12-114.01, 12-251, 12-299.03, 12-2456, 13-901.02, 13-914, 13-916, 21-222, 22-117, 25-323.01, 25-323.02, 28-3396, 31-466, 31-467.06, 38-842, 38-902 AND 41-1722, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1772; AMENDING SECTION 41-2401, ARIZONA REVISED STATUTES; 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 13-916, Arizona Revised Statutes, is amended to read:  
2           13-916. Intensive probation teams: adult probation officer  
3                                   qualifications; duties; case load limit

4           A. The chief adult probation officer in each county, with approval of  
5 the presiding judge of the superior court, shall appoint intensive probation  
6 teams consisting of one adult probation officer and one surveillance officer,  
7 **TWO ADULT PROBATION OFFICERS** or one adult probation officer and two  
8 surveillance officers.

9           B. A two person intensive probation team shall supervise no more than  
10 twenty-five persons at one time, and a three person intensive probation team  
11 shall supervise no more than forty persons at one time.

12           C. The adult probation officers shall meet the bonding requirements  
13 and experience and education standards established pursuant to section  
14 12-251.

15           D. The intensive probation team may serve warrants on, make arrests of  
16 and bring before the court persons who have violated the terms of intensive  
17 probation.

18           E. The adult probation and surveillance officers both have the  
19 authority of a peace officer in the performance of their duties but are not  
20 eligible to participate in the public safety personnel retirement system.

21           F. The intensive probation team shall:

22           1. Secure and keep a complete identification record of each person  
23 supervised by the team and a written statement of the conditions of the  
24 probation.

25           2. Exercise close supervision and observation over persons sentenced  
26 to intensive probation including both of the following:

27           (a) Visual contact with each probationer at least four times per week.

28           (b) Weekly contact with the employer of the probationer.

29           3. Obtain and assemble information concerning the conduct of persons  
30 sentenced to intensive probation, including weekly arrest records, and report  
31 the information to the court.

32           4. Report to the court if the probationer engages in conduct  
33 constituting an offense.

34           5. Bring a defaulting probationer into court if, in the judgment of  
35 the adult probation officer, the probationer's conduct justifies revoking the  
36 intensive probation.

37           6. Monitor the payment of restitution and probation fees and bring  
38 into court any probationer who fails to pay restitution or fees.

39           7. Perform any other responsibilities required by the terms and  
40 conditions imposed by the court.

41           Sec. 9. Section 21-222, Arizona Revised Statutes, is amended to read:  
42           21-222. Arizona lengthy trial fund

43           A. The Arizona lengthy trial fund is established consisting of monies  
44 received from the additional fees paid on all filings, appearances, responses

1 and answers pursuant to section 12-115. The monies in the fund shall not be  
2 used for any purpose other than as prescribed in this section.

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

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

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

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

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

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

38 E. Jurors who are unemployed and are not eligible for payment pursuant  
39 to subsections C and D of this section are eligible to be paid forty dollars  
40 per day, even if they receive income in the form of spousal maintenance,  
41 pensions, retirement, unemployment compensation, disability benefits or other  
42 similar income. Commissioners shall not deduct these other forms of income  
43 in calculating the amount these jurors are to be paid from the fund.

44 F. The supreme court shall annually report to the joint legislative  
45 budget committee on the amount of monies collected and disbursed from the

1 fund and the number of jurors who received monies from the fund. BEGINNING  
2 JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.

3 Sec. 10. Section 22-117, Arizona Revised Statutes, is amended to read:  
4 22-117. Payment of compensation and expenses

5 A. Justices of the peace shall be allowed by the board of supervisors,  
6 as a county charge, office rent, stationery, telephone and lights.

7 B. THROUGH JUNE 30, 2010, in a county with a population of less than  
8 one million five hundred thousand persons, the state shall pay forty per cent  
9 of the compensation and employee related expenditures of a justice of the  
10 peace, and the county shall pay sixty per cent of the compensation and  
11 employee related expenditures of a justice of the peace, except that the  
12 county shall pay the full amount of the employer contribution of the state  
13 retirement system or plan or any county health plan. BEGINNING JULY 1, 2010,  
14 IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION FIVE HUNDRED THOUSAND  
15 PERSONS, THE COUNTY SHALL PAY ONE HUNDRED PER CENT OF THE COMPENSATION AND  
16 EMPLOYEE RELATED EXPENDITURES OF A JUSTICE OF THE PEACE.

17 C. If a county is subject to subsection B of this section, the state  
18 treasurer shall remit the compensation and employee related expenditures  
19 payable by the state to the county treasurer, and the county shall disburse  
20 the funds to the justice of the peace.

21 D. In a county with a population of one million five hundred thousand  
22 persons or more, the county shall pay one hundred per cent of the  
23 compensation and employee related expenditures of a justice of the peace.

24 E. If a county is subject to subsection D of this section, the  
25 following apply:

26 1. Beginning in fiscal year 2007-2008, the county's contribution to  
27 the hospitalization and medical care of the indigent sick and for the  
28 administrative costs of implementing sections 36-2901.01 and 36-2901.04 shall  
29 be reduced pursuant to section 11-292, subsection R, in an amount that is  
30 equal to the difference between the total costs that the county paid pursuant  
31 to subsection D of this section and the amount that the county would have  
32 paid if the county were subject to subsection B of this section.

33 2. Pursuant to section 41-563, subsection D and beginning in fiscal  
34 year 2007-2008, the economic estimates commission shall increase the county's  
35 base expenditure limit in an amount that is equal to the difference between  
36 the total costs that the county paid pursuant TO subsection D of this section  
37 and the amount that the county would have paid if the county were subject to  
38 subsection B of this section.

39 Sec. 11. Section 25-323.01, Arizona Revised Statutes, is amended to  
40 read:

41 25-323.01. Child support committee; membership; duties; report

42 A. The child support committee is established consisting of the  
43 following members:

44 1. The director of the department of economic security or the  
45 director's designee.

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

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

6           4. The director of the administrative office of the supreme court or  
7 the director's designee.

8           5. Two presiding judges from the domestic relations division of the  
9 superior court who are appointed by the chief justice of the supreme court.  
10 One judge shall be from an urban county and one judge shall be from a rural  
11 county.

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

14           7. A clerk of the superior court who is appointed by the chief justice  
15 of the supreme court.

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

19           9. An executive assistant from the office of the governor who is  
20 appointed by the governor.

21           10. One person who is knowledgeable in child support issues and who is  
22 a noncustodial parent and one person who is knowledgeable in child support  
23 issues and who is a custodial parent. The president of the senate shall  
24 appoint these members.

25           11. One person who is knowledgeable in child support issues and who is  
26 a noncustodial parent and one person who is knowledgeable in child support  
27 issues and who is a custodial parent. The speaker of the house of  
28 representatives shall appoint these members.

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

32           13. One person from the executive committee of the family law section  
33 of the state bar of Arizona who is appointed by the chief justice of the  
34 supreme court.

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

37           15. Two members of the senate from different political parties. The  
38 president of the senate shall appoint the members and designate one of the  
39 members as the cochairperson.

40           16. Two members of the house of representatives from different  
41 political parties. The speaker of the house of representatives shall appoint  
42 the members and designate one of the members as the cochairperson.

43           B. The committee shall prepare an annual written report on its work,  
44 findings and recommendations regarding child support guidelines, enforcement  
45 and related issues. The committee shall submit this report to the governor,

1 the president of the senate, the speaker of the house of representatives and  
2 the chief justice of the supreme court on or before December 31 of each year  
3 and shall provide a copy of this report to the secretary of state and the  
4 director of the Arizona state library, archives and public records.  
5 **BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

6 C. Nonlegislative members of the committee are not eligible to receive  
7 compensation but are eligible for reimbursement of expenses pursuant to title  
8 38, chapter 4, article 2.

9 Sec. 12. Section 25-323.02, Arizona Revised Statutes, is amended to  
10 read:

11 25-323.02. Domestic relations committee; membership; duties;  
12 pilot programs; report

13 A. The domestic relations committee is established consisting of the  
14 following members:

15 1. Two noncustodial parents who are knowledgeable in domestic  
16 relations issues and who are not judges or commissioners. The president of  
17 the senate and the speaker of the house of representatives shall each appoint  
18 one of these members.

19 2. Two custodial parents who are knowledgeable in domestic relations  
20 issues and who are not judges or commissioners. The president of the senate  
21 and the speaker of the house of representatives shall each appoint one of  
22 these members.

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

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

29 5. Two active or retired judges or commissioners, or both, from the  
30 domestic relations department of the superior court who are appointed by the  
31 chief justice of the supreme court. One of these members shall be from an  
32 urban county and one member shall be from a rural county.

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

34 7. One clerk of the superior court who is appointed by the chief  
35 justice of the supreme court.

36 8. A professional domestic relations mediator who is appointed by the  
37 president of the senate.

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

41 10. A domestic relations educator who is experienced in matters  
42 relating to parenting or divorce classes and who is appointed by the  
43 governor.

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

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

3           13. A marriage and family therapist who is knowledgeable in domestic  
4 relations issues and who is appointed by the speaker of the house of  
5 representatives.

6           14. A representative from a faith-based organization who is  
7 knowledgeable in domestic relations issues and who is appointed by the  
8 governor.

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

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

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

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

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

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

24           B. The committee shall prepare a statewide plan for an integrated  
25 family court with comprehensive subject matter jurisdiction over all matters  
26 involving the family and submit this plan to the governor, the president of  
27 the senate, the speaker of the house of representatives and the chief justice  
28 of the supreme court on or before December 31, 2002. Based on this plan or  
29 on other formal recommendations from the committee, beginning July 1, 2006,  
30 the supreme court shall implement a two year integrated family court pilot  
31 program in one county with a population of less than five hundred thousand  
32 persons. The supreme court shall submit quarterly reports on the pilot  
33 program to the committee. The committee shall include information from these  
34 reports in its annual report prepared pursuant to subsection C of this  
35 section.

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

1 D. The committee shall develop minimum training standards on domestic  
2 violence and child abuse issues for persons conducting an investigation or  
3 preparing a report concerning child custodial arrangements pursuant to  
4 section 25-406. The committee shall approve the standards on or before  
5 December 31, 2004. The committee may modify the standards on or before  
6 December 31 of each year.

7 E. Nonlegislative members of the committee are not eligible to receive  
8 compensation but are eligible for reimbursement of expenses pursuant to title  
9 38, chapter 4, article 2.

10 Sec. 13. Section 28-3396, Arizona Revised Statutes, is amended to  
11 read:

12 ~~28-3396.~~ Court diversion fee

13 A. The presiding judge of each court shall:

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

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

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

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

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

26 C. The driving school shall collect the court diversion fee and  
27 surcharge before or at the time an individual attends the school. On receipt  
28 of the diversion fee, the defensive driving school shall transmit the fee  
29 promptly to the appropriate court pursuant to procedures prescribed by the  
30 supreme court. On receipt of the surcharge, the defensive driving school  
31 shall transmit the surcharge promptly to the state treasurer for deposit,  
32 ~~pursuant to sections 35-146 and 35-147, in the state general~~ IN THE CRIME  
33 LABORATORY OPERATIONS fund ESTABLISHED BY SECTION 41-1772.

34 Sec. 14. Section 31-466, Arizona Revised Statutes, is amended to read:

35 ~~31-466.~~ Supervision fee; deposit

36 A. A person being supervised in this state pursuant to this article  
37 shall pay, as a condition of probation or parole, a monthly supervision fee  
38 of not less than fifty dollars IF THE PERSON IS ON PAROLE AND NOT LESS THAN  
39 SIXTY-FIVE DOLLARS IF THE PERSON IS ON STANDARD PROBATION OR NOT LESS THAN  
40 SEVENTY-FIVE DOLLARS IF THE PERSON IS ON INTENSIVE PROBATION, unless, after  
41 determining the inability of the person to pay the fee, the supervising  
42 agency requires payment of a lesser amount. The supervising parole or  
43 probation officer shall monitor the collection of the fee.

44 B. Seventy per cent of the monies collected pursuant to subsection A  
45 of this section shall be deposited, pursuant to sections 35-146 and 35-147,

1 in the victim compensation and assistance fund established by section 41-2407  
2 and thirty per cent shall be deposited in the adult probation services fund  
3 established by section 12-267.

4 Sec. 15. Section 31-467.06, Arizona Revised Statutes, is amended to  
5 read:

6 31-467.06. Supervision fee; deposit

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

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

20 Sec. 16. Section 38-842, Arizona Revised Statutes, is amended to read:

21 38-842. Definitions

22 In this article, unless the context otherwise requires:

23 1. "Accidental disability" means a physical or mental condition that  
24 the local board finds totally and permanently prevents an employee from  
25 performing a reasonable range of duties within the employee's job  
26 classification and that was incurred in the performance of the employee's  
27 duty.

28 2. "Accumulated contributions" means, for each member, the sum of the  
29 amount of the member's aggregate contributions made to the fund and the  
30 amount, if any, attributable to the employee's contributions prior to the  
31 member's effective date under another public retirement system, other than  
32 the federal social security act, and transferred to the fund minus the  
33 benefits paid to or on behalf of the member.

34 3. "Actuarial equivalent" means equality in present value of the  
35 aggregate amounts expected to be received under two different forms of  
36 payment, based on mortality and interest assumptions adopted by the fund  
37 manager. The fund manager may from time to time change the mortality and  
38 interest assumptions.

39 4. "Alternate payee" means the spouse or former spouse of a  
40 participant as designated in a domestic relations order.

41 5. "Alternate payee's portion" means benefits that are payable to an  
42 alternate payee pursuant to a plan approved domestic relations order.

43 6. "Average monthly benefit compensation" means the result obtained by  
44 dividing the total compensation paid to an employee during a considered  
45 period by the number of months, including fractional months, in which such

1 compensation was received. The considered period shall be the three  
2 consecutive years within the last twenty completed years of credited service  
3 that yield the highest average. In the computation under this paragraph a  
4 period of nonpaid or partially paid industrial leave shall be considered  
5 based on the compensation the employee would have received in the employee's  
6 job classification if the employee was not on industrial leave.

7 7. "Catastrophic disability" means a physical and not a psychological  
8 condition that the local board determines prevents the employee from totally  
9 and permanently engaging in any gainful employment and that results from a  
10 physical injury incurred in the performance of the employee's duty.

11 8. "Certified peace officer" means a peace officer certified by the  
12 Arizona peace officers standards and training board.

13 9. "Claimant" means any member or beneficiary who files an application  
14 for benefits pursuant to this article.

15 10. "Compensation" means, for the purpose of computing retirement  
16 benefits, base salary, overtime pay, shift differential pay and holiday pay  
17 paid to an employee by the employer on a regular monthly, semimonthly or  
18 biweekly payroll basis and longevity pay paid to an employee at least every  
19 six months for which contributions are made to the system pursuant to section  
20 38-843, subsection D. Compensation does not include, for the purpose of  
21 computing retirement benefits, payment for unused sick leave, payment in lieu  
22 of vacation, payment for compensatory time or payment for any fringe  
23 benefits. **IN ADDITION, COMPENSATION DOES NOT INCLUDE, FOR THE PURPOSE OF**  
24 **COMPUTING RETIREMENT BENEFITS, PAYMENTS MADE DIRECTLY OR INDIRECTLY BY THE**  
25 **EMPLOYER TO THE EMPLOYEE FOR WORK PERFORMED FOR A THIRD PARTY ON A CONTRACTED**  
26 **BASIS OR ANY OTHER TYPE OF AGREEMENT UNDER WHICH THE THIRD PARTY PAYS OR**  
27 **REIMBURSES THE EMPLOYER FOR THE WORK PERFORMED BY THE EMPLOYEE FOR THAT THIRD**  
28 **PARTY.** For the purposes of this paragraph, "base salary" means the amount of  
29 compensation each employee is regularly paid for personal services rendered  
30 to an employer before the addition of any extra monies, including overtime  
31 pay, shift differential pay, holiday pay, longevity pay, fringe benefit pay  
32 and similar extra payments.

33 11. "Credited service" means the member's total period of service prior  
34 to the member's effective date of participation, plus those compensated  
35 periods of the member's service thereafter for which the member made  
36 contributions to the fund.

37 12. "Cure period" means the ninety-day period in which a participant or  
38 alternate payee may submit an amended domestic relations order and request a  
39 determination, calculated from the time the system issues a determination  
40 finding that a previously submitted domestic relations order did not qualify  
41 as a plan approved domestic relations order.

42 13. "Depository" means a bank in which all monies of the system are  
43 deposited and held and from which all expenditures for benefits, expenses and  
44 investments are disbursed.

1           14. "Determination" means a written document that indicates to a  
2 participant and alternate payee whether a domestic relations order qualifies  
3 as a plan approved domestic relations order.

4           15. "Determination period" means the ninety-day period in which the  
5 system must review a domestic relations order that is submitted by a  
6 participant or alternate payee to determine whether the domestic relations  
7 order qualifies as a plan approved domestic relations order, calculated from  
8 the time the system mails a notice of receipt to the participant and  
9 alternate payee.

10           16. "Domestic relations order" means an order of a court of this state  
11 that is made pursuant to the domestic relations laws of this state and that  
12 creates or recognizes the existence of an alternate payee's right to, or  
13 assigns to an alternate payee the right to, receive a portion of the benefits  
14 payable to a participant.

15           17. "Effective date of participation" means July 1, 1968, except with  
16 respect to employers and their covered employees whose contributions to the  
17 fund commence thereafter, the effective date of their participation in the  
18 system is as specified in the applicable joinder agreement.

19           18. "Effective date of vesting" means the date a member's rights to  
20 benefits vest pursuant to section 38-844.01.

21           19. "Eligible child" means the unmarried child of a deceased member who  
22 is under the age of eighteen or a full-time student who is under the age of  
23 twenty-three or under a disability that began before the child attained the  
24 age of twenty-three and who remains a dependent of the surviving spouse or  
25 guardian.

26           20. "Eligible groups" means only the following who are regularly  
27 assigned to hazardous duty:

28           (a) Municipal police officers who are certified peace officers.

29           (b) Municipal fire fighters.

30           (c) Paid full-time fire fighters employed directly by a fire district  
31 organized pursuant to section 48-803 or 48-804 with three or more full-time  
32 fire fighters, but not including fire fighters employed by a fire district  
33 pursuant to a contract with a corporation.

34           (d) State highway patrol officers who are certified peace officers.

35           (e) State fire fighters.

36           (f) County sheriffs and deputies who are certified peace officers.

37           (g) Game and fish wardens who are certified peace officers.

38           (h) Police officers who are certified peace officers and fire fighters  
39 of a nonprofit corporation operating a public airport pursuant to sections  
40 28-8423 and 28-8424. A police officer shall be designated pursuant to  
41 section 28-8426 to aid and supplement state and local law enforcement  
42 agencies and a fire fighter's sole duty shall be to perform fire fighting  
43 services, including services required by federal regulations.

44           (i) Police officers who are certified peace officers and who are  
45 appointed by the Arizona board of regents.

1 (j) Police officers who are certified peace officers and who are  
2 appointed by a community college district governing board.

3 (k) State attorney general investigators who are certified peace  
4 officers.

5 (l) County attorney investigators who are certified peace officers.

6 (m) Police officers who are certified peace officers and who are  
7 employed by an Indian reservation police agency.

8 (n) Fire fighters who are employed by an Indian reservation fire  
9 fighting agency.

10 (o) Police officers who are certified peace officers and who are  
11 appointed by the department of administration.

12 (p) Department of liquor licenses and control investigators who are  
13 certified peace officers.

14 (q) Arizona department of agriculture officers who are certified peace  
15 officers.

16 (r) Arizona state parks board rangers and managers who are certified  
17 peace officers.

18 (s) County park rangers who are certified peace officers.

19 21. "Employee" means any person who is employed by a participating  
20 employer and who is a member of an eligible group but does not include any  
21 persons compensated on a contractual or fee basis. If an eligible group  
22 requires certified peace officer status and at the option of the local board,  
23 employee may include a person who is training to become a certified peace  
24 officer.

25 22. "Employers" means:

26 (a) Cities contributing to the fire fighters' relief and pension fund  
27 as provided in sections 9-951 through 9-971 or statutes amended thereby and  
28 antecedent thereto, as of June 30, 1968 on behalf of their full-time paid  
29 fire fighters.

30 (b) Cities contributing under the state police pension laws as  
31 provided in sections 9-911 through 9-934 or statutes amended thereby and  
32 antecedent thereto, as of June 30, 1968 on behalf of their municipal  
33 policemen.

34 (c) The state highway patrol covered under the state highway patrol  
35 retirement system.

36 (d) The state, or any political subdivision of this state, including  
37 towns, cities, fire districts, counties and nonprofit corporations operating  
38 public airports pursuant to sections 28-8423 and 28-8424, that has elected to  
39 participate in the system on behalf of an eligible group of public safety  
40 personnel pursuant to a joinder agreement entered into after July 1, 1968.

41 (e) Indian tribes that have elected to participate in the system on  
42 behalf of an eligible group of public safety personnel pursuant to a joinder  
43 agreement entered into after July 1, 1968.

1           23. "Fund" means the public safety personnel retirement fund, which is  
2 the fund established to receive and invest contributions accumulated under  
3 the system and from which benefits are paid.

4           24. "Fund manager" means the fund manager of the system, who are the  
5 persons appointed to invest and operate the fund.

6           25. "Local board" means the retirement board of the employer, who are  
7 the persons appointed to administer the system as it applies to their members  
8 in the system.

9           26. "Member" means any employee who meets all of the following  
10 qualifications:

11           (a) Who is either a full-time paid municipal police officer, a  
12 full-time paid fire fighter, a law enforcement officer who is employed by  
13 this state including the director thereof, a state fire fighter who is  
14 primarily assigned to fire fighting duties, a fire fighter or police officer  
15 of a nonprofit corporation operating a public airport pursuant to sections  
16 28-8423 and 28-8424, all ranks designated by the Arizona law enforcement  
17 merit system council, a state attorney general investigator who is a  
18 certified peace officer, a county attorney investigator who is a certified  
19 peace officer, a police officer who is appointed by the department of  
20 administration and who is a certified peace officer, a department of liquor  
21 licenses and control investigator who is a certified peace officer, an  
22 Arizona department of agriculture officer who is a certified peace officer,  
23 an Arizona state parks board ranger or manager who is a certified peace  
24 officer, a county park ranger who is a certified peace officer, a person who  
25 is a certified peace officer and who is employed by an Indian reservation  
26 police agency, a fire fighter who is employed by an Indian reservation fire  
27 fighting agency or an employee included in a group designated as eligible  
28 employees under a joinder agreement entered into by their employer after July  
29 1, 1968 and who is or was regularly assigned to hazardous duty.

30           (b) Who, on or after the employee's effective date of participation,  
31 is receiving compensation for personal services rendered to an employer or  
32 would be receiving compensation except for an authorized leave of absence.

33           (c) Whose employment with an employer commenced prior to attainment of  
34 age fifty.

35           (d) Whose customary employment is at least forty hours per week and  
36 for more than six months in a calendar year.

37           (e) Who has not attained age sixty-five prior to the employee's  
38 effective date of participation or who was over age sixty-five with  
39 twenty-five years or more of service prior to the employee's effective date  
40 of participation.

41           27. "Normal retirement date" means the first day of the calendar month  
42 immediately following an employee's completion of twenty years of service or  
43 the employee's sixty-second birthday and the employee's completion of fifteen  
44 years of service.

1           28. "Notice of receipt" means a written document that is issued by the  
2 system to a participant and alternate payee and that states that the system  
3 has received a domestic relations order and a request for a determination  
4 that the domestic relations order is a plan approved domestic relations  
5 order.

6           29. "Ordinary disability" means a physical condition that the local  
7 board determines will prevent an employee totally and permanently from  
8 performing a reasonable range of duties within the employee's department or a  
9 mental condition that the local board determines will prevent an employee  
10 totally and permanently from engaging in any substantial gainful activity.

11           30. "Participant" means a member who is subject to a domestic relations  
12 order.

13           31. "Participant's portion" means benefits that are payable to a  
14 participant pursuant to a plan approved domestic relations order.

15           32. "Pension" means a series of monthly amounts that are payable to a  
16 person who is entitled to receive benefits under the plan.

17           33. "Personal representative" means the personal representative of a  
18 deceased alternate payee.

19           34. "Plan approved domestic relations order" means a domestic relations  
20 order that the system approves as meeting all the requirements for a plan  
21 approved domestic relations order as otherwise prescribed in this article.

22           35. "Regularly assigned to hazardous duty" means regularly assigned to  
23 duties of the type normally expected of municipal police officers, municipal  
24 or state fire fighters, eligible fire district fire fighters, state highway  
25 patrol officers, county sheriffs and deputies, fish and game wardens, fire  
26 fighters and police officers of a nonprofit corporation operating a public  
27 airport pursuant to sections 28-8423 and 28-8424, police officers who are  
28 appointed by the Arizona board of regents or a community college district  
29 governing board, state attorney general investigators who are certified peace  
30 officers, county attorney investigators who are certified peace officers,  
31 police officers who are appointed by the department of administration and who  
32 are certified peace officers, department of liquor licenses and control  
33 investigators who are certified peace officers, Arizona department of  
34 agriculture officers who are certified peace officers, Arizona state parks  
35 board rangers and managers who are certified peace officers, county park  
36 rangers who are certified peace officers, police officers who are certified  
37 peace officers and who are employed by an Indian reservation police agency or  
38 fire fighters who are employed by an Indian reservation fire fighting agency.  
39 Those individuals who are assigned solely to support duties such as  
40 secretaries, stenographers, clerical personnel, clerks, cooks, maintenance  
41 personnel, mechanics and dispatchers are not assigned to hazardous duty  
42 regardless of their position classification title. Since the normal duties  
43 of those jobs described in this paragraph are constantly changing, questions  
44 as to whether a person is or was previously regularly assigned to hazardous

1 duty shall be resolved by the local board on a case-by-case basis.  
2 Resolutions by local boards are subject to rehearing and appeal.

3 36. "Retirement" means termination of employment after a member has  
4 fulfilled all requirements for a pension. Retirement shall be considered as  
5 commencing on the first day of the month immediately following a member's  
6 last day of employment or authorized leave of absence, if later.

7 37. "Segregated funds" means the amount of benefits that would  
8 currently be payable to an alternate payee pursuant to a domestic relations  
9 order under review by the system, or a domestic relations order submitted to  
10 the system that failed to qualify as a plan approved domestic relations  
11 order, if the domestic relations order were determined to be a plan approved  
12 domestic relations order.

13 38. "Service" means the last period of continuous employment of an  
14 employee by the employers prior to the employee's retirement or the  
15 employee's sixty-fifth birthday, whichever first occurs, except that if such  
16 period includes employment during which the employee would not have qualified  
17 as a member had the system then been effective, such as employment as a  
18 volunteer fire fighter, then only twenty-five per cent of such noncovered  
19 employment shall be considered as service. Any absence that is authorized by  
20 an employer shall not be considered as interrupting continuity of employment  
21 if the employee returns within the period of authorized absence. Transfers  
22 between employers also shall not be considered as interrupting continuity of  
23 employment. Any period during which a member is receiving sick leave  
24 payments or a temporary disability pension shall be considered as service.  
25 Notwithstanding any other provision of this paragraph, any period during  
26 which a person was employed as a full-time paid fire fighter for a  
27 corporation that contracted with an employer to provide firefighting services  
28 on behalf of the employer shall be considered as service if the employer has  
29 elected at its option to treat part or all of the period the firefighter  
30 worked for the company as service in its applicable joinder agreement. Any  
31 reference in this system to the number of years of service of an employee  
32 shall be deemed to include fractional portions of a year.

33 39. "State" means the state of Arizona, including any department,  
34 office, board, commission, agency or other instrumentality of the state.

35 40. "System" means the public safety personnel retirement system  
36 established by this article.

37 41. "Temporary disability" means a physical or mental condition that  
38 the local board finds totally and temporarily prevents an employee from  
39 performing a reasonable range of duties within the employee's department and  
40 that was incurred in the performance of the employee's duty.

41 Sec. 17. Section 38-902, Arizona Revised Statutes, is amended to read:

42 38-902. Joinder agreement

43 A. County detention officers and nonuniformed employees of a sheriff's  
44 department whose primary duties require direct contact with inmates may  
45 participate in this plan if the board of supervisors of the county enters

1 into a joinder agreement with the fund manager to bring such employees into  
2 this plan. The joinder agreement shall be in accordance with the provisions  
3 of this plan. All such employees shall be designated for membership in the  
4 joinder agreement unless written consent to the contrary is obtained from the  
5 fund manager.

6 B. City or town detention officers may participate in this plan if the  
7 governing body of the city or town enters into a joinder agreement with the  
8 fund manager to bring its detention officers into this plan. The joinder  
9 agreement shall be in accordance with the provisions of the plan. The  
10 governing body of the city or town shall designate all detention officers for  
11 membership in the plan unless written consent to the contrary is obtained  
12 from the fund manager.

13 C. Full-time dispatchers may participate in this plan if the governing  
14 body or agency of the employer of an eligible group as defined in  
15 section 38-842 enters into a joinder agreement with the fund manager to bring  
16 its full-time dispatchers into this plan **BEFORE OCTOBER 1, 2009 AND IF THE**  
17 **PERSON WAS EMPLOYED BY THE EMPLOYER AS A FULL-TIME DISPATCHER BEFORE OCTOBER**  
18 **1, 2009.** The joinder agreement shall be in accordance with the provisions of  
19 this plan and for those dispatchers designated for membership in the plan on  
20 the joinder date all credited service from any other Arizona defined benefit  
21 state retirement system or plan that represents credited service in a  
22 designated position shall be transferred to the corrections officer  
23 retirement plan. The governing body or agency of the employer shall  
24 designate all full-time dispatchers for membership in the plan except for a  
25 full-time dispatcher who signs an irrevocable agreement before the joinder  
26 agreement becomes effective electing not to become a member of the plan. A  
27 full-time dispatcher employed by an employer who becomes eligible for  
28 membership in the plan pursuant to this section may elect to participate in  
29 the plan within the deadlines and pursuant to the terms prescribed for such  
30 participation by the fund manager.

31 D. Probation, surveillance and juvenile detention officers may  
32 participate in this plan if the administrative office of the courts enters  
33 into a joinder agreement with the fund manager to bring its probation,  
34 surveillance and juvenile detention officers into this plan. The joinder  
35 agreement shall be in accordance with the provisions of this plan. The  
36 administrative office of the courts shall designate all probation,  
37 surveillance and juvenile detention officers for membership in this plan  
38 unless written consent to the contrary is obtained from the fund manager.

39 E. Detention officers who are employed by the department of public  
40 safety may participate in this plan if the director of the department of  
41 public safety enters into a joinder agreement with the fund manager to bring  
42 the department's detention officers into this plan. The joinder agreement  
43 shall be in accordance with the provisions of this plan. The director of the  
44 department of public safety shall designate all detention officers for

1 membership in this plan unless written consent to the contrary is obtained  
2 from the fund manager.

3 F. The new employer shall designate the groups of employees who are  
4 eligible to participate in the plan and shall agree to make contributions  
5 each year that are sufficient to meet both the normal cost of a level cost  
6 method attributable to inclusion of its employees and the prescribed interest  
7 on the past service cost for its employees.

8 G. Before the execution of any joinder agreement each employer  
9 contemplating participation in the plan shall have an actuarial valuation  
10 made, which is payable by the employer, to determine the estimated cost of  
11 participation in accordance with section 38-894.

12 H. Assets under any existing public employee defined benefit  
13 retirement program, except a military retirement program, that are necessary  
14 to equal the actuarial present value of projected benefits to the extent  
15 funded on a market value basis as of the most recent actuarial valuation  
16 attributable to the employer's designated employee group, calculated using  
17 the actuarial methods and assumptions adopted by the existing public employee  
18 retirement program, shall be transferred from the program to this fund no  
19 later than ninety days after the employer's effective date. That portion of  
20 the transferred assets that is attributable to employee contributions,  
21 including interest credits, shall be properly allocated to each affected  
22 employee of the employer and credited to the employee's initial accumulated  
23 contributions in accordance with a schedule furnished by the employer to the  
24 fund manager.

25 Sec. 18. Section 41-1722, Arizona Revised Statutes, is amended to  
26 read:

27 41-1722. State photo enforcement system; penalties; fund

28 A. Notwithstanding any other law, the department shall enter into a  
29 contract or contracts with a private vendor or vendors pursuant to chapter 23  
30 of this title to establish a state photo enforcement system consisting of  
31 cameras placed throughout this state as determined by the director to enforce  
32 the provisions of title 28, chapter 3, articles 3 and 6 relating to vehicle  
33 traffic and speed.

34 B. Notwithstanding any other law, the civil penalty or fine for a  
35 citation or a notice of violation issued pursuant to this section is one  
36 hundred sixty-five dollars and is not subject to any surcharge except the  
37 surcharge imposed by section 16-954. ~~State photo enforcement citations shall~~  
38 ~~not be included in judicial productivity credit calculations for fiscal year~~  
39 ~~2008-2009.~~

40 C. The photo enforcement fund is established consisting of monies  
41 received from citations or notices of violation issued pursuant to this  
42 section. The director shall administer the fund. Monies in the fund are  
43 subject to legislative appropriation and are appropriated to the department  
44 for administrative and personnel costs of the state photo enforcement system.  
45 Monies remaining in the fund in excess of two hundred fifty thousand dollars

1 at the end of each calendar quarter shall be deposited, pursuant to sections  
2 35-146 and 35-147, in the state general fund.

3 D. Notwithstanding any other law, if a person is found responsible for  
4 a civil traffic violation or a notice of violation pursuant to a citation  
5 issued pursuant to this section, the department of transportation shall not  
6 consider the violation for the purpose of determining whether the person's  
7 driver license should be suspended or revoked. A court shall not transmit  
8 abstracts of records of these violations to the department of transportation.

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

11 41-1772. Crime laboratory operations fund

12 A. THE CRIME LABORATORY OPERATIONS FUND IS ESTABLISHED CONSISTING OF  
13 SURCHARGE MONIES DEPOSITED PURSUANT TO SECTION 28-3396. THE DEPARTMENT SHALL  
14 ADMINISTER THE FUND.

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

17 Sec. 20. Section 41-2401, Arizona Revised Statutes, is amended to  
18 read:

19 41-2401. Criminal justice enhancement fund

20 A. The criminal justice enhancement fund is established consisting of  
21 monies collected pursuant to section 12-116.01 and monies available from any  
22 other source. The state treasurer shall administer the fund.

23 B. On or before November 1 of each year, each department, agency or  
24 office that receives monies pursuant to this section shall provide to the  
25 Arizona criminal justice commission a report for the preceding fiscal year.  
26 The report shall be in a form prescribed by the Arizona criminal justice  
27 commission and shall be reviewed by the director of the joint legislative  
28 budget committee. The report shall set forth the sources of all monies and  
29 all expenditures. The report shall not include any identifying information  
30 about specific investigations.

31 C. On or before December 1 of each year, the Arizona criminal justice  
32 commission shall compile all reports into a single comprehensive report and  
33 shall submit a copy of the comprehensive report to the governor, the  
34 president of the senate, the speaker of the house of representatives and the  
35 director of the joint legislative budget committee.

36 D. On the first day of each month, the state treasurer shall  
37 distribute or deposit:

38 1. 6.46 per cent in the Arizona automated fingerprint identification  
39 system fund established by section 41-2414.

40 2. 1.61 per cent to the department of juvenile corrections for the  
41 treatment and rehabilitation of youth who have committed drug-related  
42 offenses.

43 3. 16.64 per cent in the peace officers' training fund established by  
44 section 41-1825.

1           4. 3.03 per cent in the prosecuting attorneys' advisory council  
2 training fund established by section 41-1830.03.

3           5. 9.35 per cent to the supreme court for the purpose of reducing  
4 juvenile crime.

5           6. 8.56 per cent to the department of public safety. Fifteen per cent  
6 of the monies shall be allocated for deposit in the Arizona deoxyribonucleic  
7 acid identification system fund established by section 41-2419. Eighty-five  
8 per cent of the monies shall be allocated to state and local law enforcement  
9 authorities for the following purposes:

10           (a) To enhance projects that are designed to prevent residential and  
11 commercial burglaries, to control street crime, including the activities of  
12 criminal street gangs, and to locate missing children.

13           (b) To provide support to the Arizona automated fingerprint  
14 identification system.

15           (c) Operational costs of the criminal justice information system.

16           7. 9.35 per cent to the department of law for allocation to county  
17 attorneys for the purpose of enhancing prosecutorial efforts.

18           8. 6.02 per cent to the supreme court for the purpose of enhancing the  
19 ability of the courts to process criminal and delinquency cases, orders of  
20 protection, injunctions against harassment and any proceeding relating to  
21 domestic violence matters, for auditing and investigating persons or entities  
22 licensed or certified by the supreme court and for processing judicial  
23 discipline cases. Notwithstanding section 12-143, subsection A, the salary  
24 of superior court judges pro tempore who are appointed for the purposes  
25 provided in this paragraph shall, and the salary of other superior court  
26 judges pro tempore who are appointed pursuant to section 12-141 for the  
27 purposes provided in this paragraph may, be paid in full by the monies  
28 received pursuant to this paragraph.

29           9. 11.70 per cent to the ~~state department of corrections for~~  
30 ~~allocation to~~ county sheriffs for the purpose of enhancing county jail  
31 facilities and operations, including county jails under the jurisdiction of  
32 county jail districts.

33           10. 1.57 per cent to the Arizona criminal justice commission.

34           11. 9.00 per cent to the state general fund.

35           12. 2.30 per cent in the crime laboratory assessment fund established  
36 by section 41-2415.

37           13. 7.68 per cent in the victims' rights fund established by section  
38 41-191.08.

39           14. 4.60 per cent in the victim compensation and assistance fund  
40 established by section 41-2407.

41           15. 2.13 per cent to the supreme court for the purpose of providing  
42 drug treatment services to adult probationers through the community  
43 punishment program established in title 12, chapter 2, article 11.

44           E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9,  
45 11, 12, 13 and 14 of this section constitute a continuing appropriation.

1 Monies distributed pursuant to subsection D, paragraphs 1, 2, 5, 8, 10 and 15  
2 of this section are subject to legislative appropriation.

3 F. The portion of the eighty-five per cent of the monies for direct  
4 operating expenses of the department of public safety in subsection D,  
5 paragraph 6 of this section is subject to legislative appropriation. The  
6 remainder of the monies in subsection D, paragraph 6 of this section  
7 including the portion of the eighty-five per cent for local law enforcement  
8 is continuously appropriated.

9 G. The allocation of monies pursuant to subsection D, paragraphs 6, 7,  
10 8 and 9 of this section shall be made in accordance with rules adopted by the  
11 Arizona criminal justice commission pursuant to section 41-2405.

12 Sec. 21. Laws 2007, chapter 261, section 16 is amended to read:

13 Sec. 16. Appropriations; deoxyribonucleic acid identification  
14 system fund; exemption

15 A. The sums of \$1,980,000 in fiscal year 2007-2008, \$2,980,000 in  
16 fiscal year 2008-2009, ~~\$3,484,000~~ \$980,000 in fiscal year 2009-2010,  
17 \$3,440,000 in fiscal year 2010-2011 and \$3,520,000 in fiscal year 2011-2012  
18 are appropriated from the monies that are collected pursuant to section  
19 12-116.01, subsection C, Arizona Revised Statutes, ~~as amended by this act,~~  
20 and that are distributed pursuant to section 12-116.01, subsection J, Arizona  
21 Revised Statutes, ~~as amended by this act,~~ for deposit in the Arizona  
22 deoxyribonucleic acid identification system fund established by section  
23 41-2419, Arizona Revised Statutes, to the department of public safety for  
24 equipment purchases, personal services, employee-related expenses, training,  
25 other operating expenses and capital improvements in order to implement,  
26 conduct and maintain deoxyribonucleic acid testing.

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

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

35 Sec. 22. Department of public safety; highway funds; limitation

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

40 Sec. 23. Nonsupplanting; suspension

41 Notwithstanding any other law, in fiscal year 2009-2010 the provisions  
42 relating to supplanting of state monies contained in section 12-102.02,  
43 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,  
44 section 12-135.01, subsection D, section 12-267, subsection D, section  
45 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised

1 Statutes, are suspended. The supreme court shall submit a report to the  
2 joint legislative budget committee identifying any decrease in county funding  
3 related to these suspended provisions including the reasons for the decrease.

4 Sec. 24. Suspension of reporting requirements

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

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

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

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

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

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

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

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

21 Sec. 25. Justices of the peace; payment of compensation; fiscal  
22 year 2009-2010; retroactivity

23 A. Notwithstanding section 22-117, subsection B, Arizona Revised  
24 Statutes, as amended by this act, for fiscal year 2009-2010, the state shall  
25 pay 19.25 per cent of the compensation and employee related expenditures of a  
26 justice of the peace, and the county shall pay 80.75 per cent of the  
27 compensation and employee related expenditures of a justice of the peace,  
28 except that the county shall pay the full amount of the employer contribution  
29 of the state retirement system or plan or any county health plan.

30 B. This section is effective retroactively to from and after June 30,  
31 2009.

32 Sec. 26. State department of corrections; budget structure;  
33 health care services

34 A. Notwithstanding any other law, the state department of corrections  
35 shall report actual fiscal year 2008-2009, estimated fiscal year 2009-2010  
36 and requested fiscal year 2010-2011 expenditures for each line item  
37 delineated in the fiscal year 2009-2010 general appropriations act when the  
38 department submits the fiscal year 2010-2011 budget request pursuant to  
39 section 35-113, Arizona Revised Statutes. The information submitted for each  
40 line item shall contain as much detail as submitted in previous years for  
41 prior line items.

1 B. The state department of corrections shall issue a request for  
2 proposals to privatize all correctional health services. The department  
3 shall award a contract to a private provider of correctional health services  
4 that will provide such services, including all medical and dental services,  
5 at a cost below the fiscal year 2007-2008 total cost to the state for such  
6 services. Not later than November 30, 2009, and before issuance, the request  
7 for proposals shall be submitted for review to the joint legislative budget  
8 committee. The state department of corrections shall award a contract by May  
9 1, 2010.

10 Sec. 27. Transition office fund; state department of  
11 corrections

12 Notwithstanding any other law, any monies deposited in the transition  
13 office fund pursuant to section 31-254, subsection D, paragraph 3, Arizona  
14 Revised Statutes, may be used for any costs to operate transition programs  
15 established pursuant to section 31-281, Arizona Revised Statutes.

16 Sec. 28. Consumer protection-consumer fraud revolving fund;  
17 attorney general; use

18 Notwithstanding section 44-1531.01, subsection C, Arizona Revised  
19 Statutes, for fiscal year 2009-2010, the attorney general may use monies in  
20 the consumer protection-consumer fraud revolving fund established by section  
21 44-1531.01, Arizona Revised Statutes, for any operating expenses incurred by  
22 the department of law, including any cost or expense associated with the  
23 tobacco master settlement agreement arbitration.

24 Sec. 29. Criminal justice enhancement fund; state general fund  
25 deposit; crime laboratory assessment fund

26 Notwithstanding any other law, for fiscal year 2009-2010, any monies  
27 distributed from the criminal justice enhancement fund pursuant to section  
28 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be  
29 deposited in the crime laboratory assessment fund established by section  
30 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,  
31 subsection C, Arizona Revised Statutes, monies distributed by this section  
32 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised  
33 Statutes, are for use by the department of public safety and are exempt from  
34 distribution to political subdivisions.

35 Sec. 30. Court diversion surcharges; deposit; retroactivity

36 A. Notwithstanding section 28-3396, Arizona Revised Statutes, of the  
37 surcharge monies collected pursuant to section 28-3396, subsection A,  
38 paragraph 2, Arizona Revised Statutes, beginning July 1, 2009 until the  
39 effective date of this act, no more than \$2,000,000 shall be deposited in the  
40 state general fund.

41 B. Notwithstanding section 28-3396, Arizona Revised Statutes, any  
42 amount of surcharge monies collected pursuant to section 28-3396, subsection  
43 A, paragraph 2, Arizona Revised Statutes, beginning July 1, 2009 until the  
44 effective date of this act, in excess of \$2,000,000 shall be deposited in the

1 crime laboratory operations fund established by section 41-1772, Arizona  
2 Revised Statutes, as added by this act.

3 C. If the surcharge monies collected pursuant to section 28-3396,  
4 subsection A, paragraph 2, Arizona Revised Statutes, beginning July 1, 2009  
5 until the effective date of this act are less than \$2,000,000, the state  
6 treasurer shall transfer the difference between \$2,000,000 and the amount  
7 collected from the crime laboratory operations fund established by section  
8 41-1772, Arizona Revised Statutes, as added by this act, to the state general  
9 fund on or before June 30, 2010.

10 D. This section is effective retroactively to from and after June 30,  
11 2009.

12 Sec. 31. Drug and gang prevention resource center; Arizona  
13 youth survey mandatory agreement

14 In fiscal year 2009-2010, the drug and gang prevention resource center  
15 shall enter into an agreement with the Arizona criminal justice commission to  
16 provide \$235,200 to the Arizona criminal justice commission from the drug and  
17 gang prevention resource center fund to fund the Arizona youth survey.

18 Sec. 32. Judicial productivity credit; photo enforcement  
19 citations

20 In fiscal year 2009-2010, state photo enforcement citations issued  
21 pursuant to section 41-1722, Arizona Revised Statutes, shall not be included  
22 in judicial productivity credit calculations.

23 Sec. 33. State department of corrections; food and commissary  
24 service contracts; request for proposals

25 The department of administration shall issue a request for proposals to  
26 rebid the state department of corrections food and commissary service  
27 contracts. The request for proposals shall include both the food service  
28 contract and the commissary service contract. The department of  
29 administration may award, based on the best interest of this state, an  
30 individual food or commissary contract or a combined food and commissary  
31 service contract. A commissary service contract must include commissary  
32 programs designed to increase sales, commissions and the inflow of monies to  
33 inmate accounts. Not later than November 30, 2009, and before issuance, the  
34 proposed request for proposals shall be submitted for review to the joint  
35 legislative budget committee. The department of administration shall award  
36 all contracts by May 1, 2010.

37 Sec. 34. Prison facilities; lease-purchase finance agreement

38 A. Not later than May 1, 2010, in consultation with the state  
39 department of corrections, the department of administration shall enter into  
40 a lease-purchase finance agreement. The agreement shall:

41 1. Result in net available proceeds of \$495,000,000 in the state  
42 general fund by May 1, 2010.

43 2. Be for a fixed term of twenty years.

44 3. Require the initial lease-purchase payment to be in fiscal year  
45 2010-2011.

1           4. Use state department of corrections prison facilities as  
2 collateral.

3           B. Notwithstanding any other law, the department of administration may  
4 transfer some or all of this state's interest in any state department of  
5 corrections prison facility that is used as collateral pursuant to this  
6 section.

7           C. The state department of corrections or a private contractor shall  
8 maintain operations at any prison facility that is used as collateral  
9 pursuant to this section.

10           Sec. 35. Prison operations; private vendor; concession  
11 agreement

12           A. Before October 1, 2009, in consultation with the state department  
13 of corrections, the department of administration shall issue a request for  
14 information for the purpose of identifying the feasibility of a concession  
15 agreement that allows a private vendor to operate a prison facility,  
16 including the ability to operate a maximum security prison facility.

17           B. In consultation with the state department of corrections, the  
18 department of administration shall issue a request for proposals for a  
19 concession agreement allowing private vendors to operate an Arizona state  
20 prison complex. A private vendor may operate one or more prison complexes. A  
21 concession agreement shall be for a fixed term of fifty years. A concession  
22 agreement shall require an annual cost efficiency savings to this state. The  
23 annual cost efficiency savings shall be equally divided between this state  
24 and the private vendor. Not later than November 1, 2009 and before issuance,  
25 the request for proposals shall be submitted for review to the joint  
26 committee on capital review. Not later than March 1, 2010, a proposed  
27 concession agreement shall be submitted for review to the joint committee on  
28 capital review. The department of administration shall award all concession  
29 agreements by May 1, 2010.

30           C. It is the intent of the legislature that the privatization of  
31 prison operations pursuant to subsection B of this section generate at least  
32 \$100,000,000 from private vendors at the beginning of the fifty year term.

33           D. Section 41-1609.01, subsections C, I and J, Arizona Revised  
34 Statutes, and section 41-2546, Arizona Revised Statutes, do not apply to any  
35 concession agreement pursuant to subsection B of this section.

36           E. Except as otherwise provided in this section, sections 41-1609,  
37 41-1609.01, 41-1609.02, 41-1609.03 and 41-1609.04, Arizona Revised Statutes,  
38 apply to any concession agreement pursuant to subsection B of this section.

39           Sec. 36. Conforming legislation

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

43           Sec. 37. Retroactivity

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