

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1028
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 12-102.02, Arizona Revised Statutes, is amended to
25 read:

26 12-102.02. State aid to the courts fund

27 A. The state aid to the courts fund is established consisting of
28 monies appropriated to the fund and monies allocated pursuant to section
29 41-2421, subsections B and J. The purpose of the fund is to provide state

1 aid to the superior court, including the clerk of the superior court, and
2 justice courts for the processing of criminal cases.

3 B. The supreme court shall administer the fund. The supreme court
4 shall allocate monies in the fund to the superior court, including the clerk
5 of the court, and the justice courts in each county according to the
6 following composite index formula:

7 1. The three year average of the total felony filings in the superior
8 court in the county, divided by the statewide three year average of the total
9 felony filings in the superior court.

10 2. The county population, as adopted by the department of economic
11 security, divided by the statewide population, as adopted by the department
12 of economic security.

13 3. The sum of paragraphs 1 and 2 divided by two equals the composite
14 index.

15 4. The composite index for each county shall be used as the multiplier
16 against the total funds appropriated from the state general fund and other
17 monies distributed to the fund pursuant to section 41-2421.

18 C. The presiding judge of the superior court in each county, in
19 coordination with the chairman of the county board of supervisors or the
20 chairman's designee, the clerk of the superior court, the presiding justice
21 of the peace and an elected justice of the peace of the county shall submit a
22 plan to the supreme court that details how the funds allocated to the county
23 pursuant to this section will be used and how the plan will assist the county
24 in improving criminal case processing. The presiding judge of the superior
25 court, the chairman of the board of supervisors or the chairman's designee,
26 the clerk of the superior court, the presiding justice of the peace and an
27 elected justice of the peace shall sign the plan and shall indicate their
28 endorsement of the plan as submitted or shall outline their disagreement with
29 any provisions of the plan. **BEFORE THE PLAN IS SUBMITTED TO THE SUPREME
30 COURT, A MAJORITY OF THE JUSTICES OF THE PEACE OF THE COUNTY MUST ENDORSE THE
31 PLAN.** The supreme court may approve the plan or require changes to the plan
32 in order to achieve the goal of improved criminal case processing.

33 D. By January 8, 2001 and every year thereafter by January 8, the
34 supreme court shall report to the governor, the legislature, the joint
35 legislative budget committee, each county board of supervisors and the
36 Arizona criminal justice commission on the expenditure of the fund monies for
37 the prior fiscal year and on the progress made in achieving the goal of

1 improved criminal case processing. This information may be combined into one
2 report with the information required pursuant to section 12-102.01,
3 subsection D.

4 E. All monies spent or distributed from the fund shall be used to
5 supplement, not supplant, funding at the level provided in fiscal year
6 1997-1998 by the counties for the processing of criminal cases in the
7 superior court, including the office of the clerk of the superior court, and
8 justice courts.

9 F. Monies in the state aid to the courts fund are exempt from the
10 provisions of section 35-190 relating to lapsing of appropriations and monies
11 allocated pursuant to section 41-2421, subsections B and J are subject to
12 legislative appropriation. Any state general fund monies appropriated to the
13 fund may be spent without further legislative appropriation.

14 G. On notice from the supreme court, the state treasurer shall invest
15 and divest monies in the fund as provided by section 35-313, and monies
16 earned from investment shall be credited to the fund.

17 Sec. 3. Section 12-114.01, Arizona Revised Statutes, is amended to
18 read:

19 12-114.01. Probation surcharge; deposit

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

29 B. The monies collected pursuant to this section shall be deposited,
30 pursuant to sections 35-146 and 35-147, in the judicial collection
31 enhancement fund established by section 12-113 to be used to supplement
32 monies currently used for the salaries of adult and juvenile probation and
33 surveillance officers and for support of programs and services of the
34 superior court adult and juvenile probation departments.

35 C. The court may waive all or part of a probation surcharge in the
36 same manner and subject to the same limitations provided for the waiver of

1 penalty assessments in section 12-116.01, subsection ~~E~~ F and section
2 12-116.02, subsection D.

3 Sec. 4. Section 12-251, Arizona Revised Statutes, is amended to read:

4 12-251. Adult probation officers and support staff; appointment;
5 qualifications

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

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

36 C. Probation department personnel shall qualify under minimum
37 standards of experience and education established by the supreme court. Such

1 standards may differ for counties of less than three hundred thousand persons
2 from counties with three hundred thousand persons or more. Notwithstanding
3 section 12-265, any additional salary costs that might be required as a
4 result of the adoption of minimum salary standards by the supreme court may
5 be paid by funds made available to the probation department pursuant to
6 sections 12-267 and 12-268 or by the supreme court.

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

10 Sec. 5. Section 12-299.03, Arizona Revised Statutes, is amended to
11 read:

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

13 A. The supreme court shall:

- 14 1. Implement and administer the community punishment program.
- 15 2. Adopt necessary guidelines, rules, standards and policies to
16 implement this article.
- 17 3. Facilitate the development of local plans.
- 18 4. Develop and implement an application process and procedures.
- 19 5. Review and approve plans and budgets.
- 20 6. Allocate funding.
- 21 7. Provide statewide training and technical assistance to the superior
22 court, adult probation departments and advisory committees regarding
23 community punishment.

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

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

1 Sec. 6. Section 12-2456, Arizona Revised Statutes, is amended to read:

2 12-2456. Emancipation administrative costs fund; purpose;
3 report; collection of information

4 A. Each county treasurer shall establish an emancipation
5 administrative costs fund consisting of monies received pursuant to section
6 12-284, subsection J.

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

9 C. On notice of the presiding judge, the county treasurer shall invest
10 monies in the fund and monies earned from investment shall be credited to the
11 fund.

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

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

18 1. The number of petitions filed, by age and county of residence.

19 2. The number of petitions granted, by age and county of residence.

20 F. The administrative office of the courts shall include the
21 information collected pursuant to subsection E of this section in the annual
22 report of the judicial department.

23 Sec. 7. Section 13-901.02, Arizona Revised Statutes, is amended to
24 read:

25 13-901.02. Drug treatment and education fund

26 A. The drug treatment and education fund is established. The
27 administrative office of the supreme court shall administer the fund.

28 B. Fifty per cent of the monies deposited in the drug treatment and
29 education fund shall be distributed by the administrative office of the
30 supreme court to the superior court probation departments to cover the costs
31 of placing persons in drug education and treatment programs administered by a
32 qualified agency or organization that provides such programs to persons who
33 abuse controlled substances. Such monies shall be allocated to superior
34 court probation departments according to a formula based on probation
35 caseload to be established by the administrative office of the supreme court.

1 C. Fifty per cent of the monies deposited in the drug treatment and
2 education fund shall be distributed to the Arizona parents commission on drug
3 education and prevention established by section 41-1604.17.

4 D. The administrative office of the supreme court shall cause to be
5 prepared at the end of each fiscal year after 1997 an accountability report
6 card that details the cost savings realized from the diversion of persons
7 from prisons to probation. A copy of the report shall be submitted to the
8 governor and the legislature, and a copy of the report shall be sent to each
9 public library in the state. BEGINNING JULY 1, 2011, THE REPORT SHALL BE
10 SUBMITTED ELECTRONICALLY. The administrative office of the supreme court
11 shall receive reimbursement from the drug treatment and education fund for
12 any administrative costs it incurs in the implementation of this section.

13 Sec. 8. Section 13-914, Arizona Revised Statutes, is amended to read:
14 13-914. Intensive probation; evaluation; sentence; criteria;
15 limit; conditions

16 A. An adult probation officer shall prepare a presentence report for
17 every offender who has either:

18 1. Been convicted of a felony and for whom the granting of probation
19 is not prohibited by law.

20 2. Violated probation by commission of a technical violation that was
21 not chargeable or indictable as a criminal offense.

22 B. The adult probation officer shall evaluate the needs of the
23 offender and the offender's risk to the community, including the nature of
24 the offense and criminal history of the offender. If the nature of the
25 offense and the prior criminal history of the offender indicate that the
26 offender should be included in an intensive probation program pursuant to
27 supreme court guidelines for intensive probation, the adult probation officer
28 may recommend to the court that the offender be granted intensive probation.

29 C. The court may suspend the imposition or execution of the sentence
30 and grant the offender a period of intensive probation in accordance with
31 this chapter. Except for sentences that are imposed pursuant to section
32 13-3601, the sentence is tentative to the extent that it may be altered or
33 revoked pursuant to this chapter, but for all other purposes it is a final
34 judgment of conviction. This subsection does not preclude the court from
35 imposing a term of intensive probation pursuant to section 13-3601.

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

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

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

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

15 3. Establishing a residence at a place approved by the intensive
16 probation team and not changing the offender's residence without the team's
17 prior approval.

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

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

23 6. Performing not less than forty hours of community restitution each
24 month. Full-time students may be exempted or required to perform fewer hours
25 of community restitution. For good cause, the court may reduce the number of
26 community restitution hours performed to not less than twenty hours each
27 month.

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

32 Sec. 9. Section 21-222, Arizona Revised Statutes, is amended to read:
33 21-222. Arizona lengthy trial fund

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

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

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

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

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

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

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

36 E. Jurors who are unemployed and are not eligible for payment pursuant
37 to subsections C and D of this section are eligible to be paid forty dollars

1 per day, even if they receive income in the form of spousal maintenance,
2 pensions, retirement, unemployment compensation, disability benefits or other
3 similar income. Commissioners shall not deduct these other forms of income
4 in calculating the amount these jurors are to be paid from the fund.

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

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

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

13 B. **THROUGH JUNE 30, 2010,** in a county with a population of less than
14 one million five hundred thousand persons, the state shall pay ~~forty~~ **19.25**
15 per cent of the compensation and employee related expenditures of a justice
16 of the peace, and the county shall pay ~~sixty~~ **80.75** per cent of the
17 compensation and employee related expenditures of a justice of the peace,
18 except that the county shall pay the full amount of the employer contribution
19 of the state retirement system or plan or any county health plan. **BEGINNING**
20 **JULY 1, 2010, IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION FIVE**
21 **HUNDRED THOUSAND PERSONS, THE COUNTY SHALL PAY ONE HUNDRED PER CENT OF THE**
22 **COMPENSATION AND EMPLOYEE RELATED EXPENDITURES OF A JUSTICE OF THE PEACE.**

23 C. If a county is subject to subsection B of this section, the state
24 treasurer shall remit the compensation and employee related expenditures
25 payable by the state to the county treasurer, and the county shall disburse
26 the funds to the justice of the peace.

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

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

32 1. Beginning in fiscal year 2007-2008, the county's contribution to
33 the hospitalization and medical care of the indigent sick and for the
34 administrative costs of implementing sections 36-2901.01 and 36-2901.04 shall
35 be reduced pursuant to section 11-292, subsection R, in an amount that is
36 equal to the difference between the total costs that the county paid pursuant

1 to subsection D of this section and the amount that the county would have
2 paid if the county were subject to subsection B of this section.

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

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

11 25-323.01. Child support committee; membership; duties; report

12 A. The child support committee is established consisting of the
13 following members:

14 1. The director of the department of economic security or the
15 director's designee.

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

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

21 4. The director of the administrative office of the supreme court or
22 the director's designee.

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

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

29 7. A clerk of the superior court who is appointed by the chief justice
30 of the supreme court.

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

34 9. An executive assistant from the office of the governor who is
35 appointed by the governor.

36 10. One person who is knowledgeable in child support issues and who is
37 a noncustodial parent and one person who is knowledgeable in child support

1 issues and who is a custodial parent. The president of the senate shall
2 appoint these members.

3 11. One person who is knowledgeable in child support issues and who is
4 a noncustodial parent and one person who is knowledgeable in child support
5 issues and who is a custodial parent. The speaker of the house of
6 representatives shall appoint these members.

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

10 13. One person from the executive committee of the family law section
11 of the state bar of Arizona who is appointed by the chief justice of the
12 supreme court.

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

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

18 16. Two members of the house of representatives from different
19 political parties. The speaker of the house of representatives shall appoint
20 the members and designate one of the members as the cochairperson.

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

29 C. Nonlegislative members of the committee are not eligible to receive
30 compensation but are eligible for reimbursement of expenses pursuant to title
31 38, chapter 4, article 2.

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

34 25-323.02. Domestic relations committee; membership; duties;
35 pilot programs; report

36 A. The domestic relations committee is established consisting of the
37 following members:

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

5 2. Two custodial parents who are knowledgeable in domestic relations
6 issues and who are not judges or commissioners. The president of the senate
7 and the speaker of the house of representatives shall each appoint one of
8 these members.

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

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

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

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

20 7. One clerk of the superior court who is appointed by the chief
21 justice of the supreme court.

22 8. A professional domestic relations mediator who is appointed by the
23 president of the senate.

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

27 10. A domestic relations educator who is experienced in matters
28 relating to parenting or divorce classes and who is appointed by the
29 governor.

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

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

34 13. A marriage and family therapist who is knowledgeable in domestic
35 relations issues and who is appointed by the speaker of the house of
36 representatives.

1 14. A representative from a faith-based organization who is
2 knowledgeable in domestic relations issues and who is appointed by the
3 governor.

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

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

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

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

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

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

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

31 C. The committee shall prepare an annual written report regarding
32 recommended changes to the domestic relations statutes, rules and procedures
33 and other related issues designed to lead to a reform of the state's domestic
34 relations statutes. The committee shall submit this report to the governor,
35 the president of the senate, the speaker of the house of representatives and
36 the chief justice of the supreme court on or before December 31 of each year
37 and shall provide a copy of the report to the secretary of state and the

1 director of the Arizona state library, archives and public records.
2 **BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

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

9 E. Nonlegislative members of the committee are not eligible to receive
10 compensation but are eligible for reimbursement of expenses pursuant to title
11 38, chapter 4, article 2.

12 Sec. 13. Section 28-3392, Arizona Revised Statutes, is amended to
13 read:

14 28-3392. Defensive driving school; eligibility; defensive
15 driving school alternative fee

16 A. A court:

17 1. Shall allow an individual who is issued a citation for a civil
18 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6
19 through 15 of this title or a local civil traffic ordinance relating to the
20 same subject matter to attend a defensive driving school for the purposes
21 provided in this article.

22 2. Except as prescribed in subsection C of this section, may allow an
23 individual who is issued a citation for a violation of section 28-701.02 to
24 attend a defensive driving school.

25 B. A person who attends a defensive driving school pursuant to this
26 article is not eligible to attend a defensive driving school again within
27 twenty-four months from the day of the last violation for which the person
28 was authorized by this article to attend a defensive driving school.

29 C. Notwithstanding subsection A of this section:

30 1. An individual who commits a civil or criminal traffic violation
31 resulting in death or serious physical injury is not eligible to attend a
32 defensive driving school, except that the court may order the individual to
33 attend a defensive driving school in addition to another sentence imposed by
34 the court on an adjudication or admission of the traffic violation.

35 2. If a commercial driver license holder is found guilty or
36 responsible for a moving violation, the court may require the violator to
37 attend defensive driving school as an element of sentence, but may not

1 dismiss the conviction or finding of responsibility and shall report the
2 conviction or finding of responsibility to the department as prescribed in
3 section 28-1559. A commercial driver license holder is not eligible for the
4 defensive driving diversion program.

5 D. IN LIEU OF ATTENDING A DEFENSIVE DRIVING SCHOOL, AN INDIVIDUAL WHO
6 IS ALLOWED TO ATTEND A DEFENSIVE DRIVING SCHOOL PURSUANT TO SUBSECTION A OR B
7 OF THIS SECTION MAY PAY A DEFENSIVE DRIVING SCHOOL ALTERNATIVE FEE OF TWO
8 HUNDRED EIGHTY-TWO DOLLARS. THE COURT SHALL COLLECT THE DEFENSIVE DRIVING
9 SCHOOL ALTERNATIVE FEE. THE COURT SHALL RETAIN EIGHTY-FIVE DOLLARS OF THE
10 FEE AND TRANSMIT THE REMAINDER OF THE FEE TO THE STATE TREASURER FOR DEPOSIT
11 IN THE FOLLOWING FUNDS IN THE FOLLOWING AMOUNTS:

12 1. FIVE DOLLARS IN THE CRIMINAL JUSTICE ENHANCEMENT FUND ESTABLISHED
13 BY SECTION 41-2401.

14 2. FIFTEEN DOLLARS IN THE DEFENSIVE DRIVING SCHOOL FUND ESTABLISHED BY
15 SECTION 28-3398.

16 3. FORTY-FIVE DOLLARS IN THE CRIME LABORATORY OPERATIONS FUND
17 ESTABLISHED BY SECTION 41-1772.

18 4. ONE HUNDRED THIRTY-TWO DOLLARS IN THE STATE GENERAL FUND.

19 Sec. 14. Section 28-3394, Arizona Revised Statutes, is amended to
20 read:

21 28-3394. Successful course completion

22 A. If an eligible individual successfully completes the course at a
23 defensive driving school OR PAYS THE DEFENSIVE DRIVING SCHOOL ALTERNATIVE FEE
24 PURSUANT TO SECTION 28-3392, SUBSECTION D:

25 1. The court shall dismiss the civil or criminal traffic citation for
26 which the individual attended the school OR PAID THE DEFENSIVE DRIVING SCHOOL
27 ALTERNATIVE FEE.

28 2. The department shall not include a record of the civil or criminal
29 traffic citation for which the individual attended the school, OR PAID THE
30 DEFENSIVE DRIVING SCHOOL ALTERNATIVE FEE, on the individual's driving record.

31 B. The dismissal of a civil or criminal traffic citation pursuant to
32 this section does not preclude the introduction of evidence pertaining to the
33 issuance of the citation in a civil or criminal proceeding.

1 Sec. 15. Section 28-3396, Arizona Revised Statutes, is amended to
2 read:

3 28-3396. Court diversion fee

4 A. The presiding judge of each court shall:

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

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

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

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

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

17 C. The driving school shall collect the court diversion fee and
18 surcharge before or at the time an individual attends the school. On receipt
19 of the diversion fee, the defensive driving school shall transmit the fee
20 promptly to the appropriate court pursuant to procedures prescribed by the
21 supreme court. On receipt of the surcharge, the defensive driving school
22 shall transmit the surcharge promptly to the state treasurer for deposit,
23 ~~pursuant to sections 35-146 and 35-147, in the state general~~ IN THE CRIME
24 LABORATORY OPERATIONS fund ESTABLISHED BY SECTION 41-1772.

25 Sec. 16. Section 28-3398, Arizona Revised Statutes, is amended to
26 read:

27 28-3398. Defensive driving school fund

28 A. A defensive driving school fund is established consisting of monies
29 collected for the fee established by the supreme court pursuant to section
30 28-3397 AND MONIES DEPOSITED PURSUANT TO SECTION 28-3392, SUBSECTION D.

31 B. The monies in the fund shall be used, subject to legislative
32 appropriation, to supervise the use of defensive driving schools by the
33 courts in this state and to expedite the processing of all offenses
34 prescribed in chapters 3 and 4 of this title.

35 C. The fund established in this section is not subject to reversion.
36 On notice from the supreme court, the state treasurer shall invest and divest

1 monies in the fund as provided by section 35-313, and monies earned from
2 investment shall be credited to the fund.

3 Sec. 17. 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. 18. Section 31-467.06, Arizona Revised Statutes, is amended to
19 read:

20 31-467.06. Supervision fee; deposit

21 A. A person being supervised in this state pursuant to this article
22 shall pay, as a condition of probation or parole, a monthly supervision fee
23 of ~~at least~~ **NOT LESS THAN** fifty dollars **IF THE PERSON IS ON PAROLE AND NOT**
24 **LESS THAN SIXTY-FIVE DOLLARS IF THE PERSON IS ON STANDARD PROBATION OR NOT**
25 **LESS THAN SEVENTY-FIVE DOLLARS IF THE PERSON IS ON INTENSIVE PROBATION**,
26 unless, after determining the inability of the person to pay the fee, the
27 supervising agency requires payment of a lesser amount. The supervising
28 parole or probation officer shall monitor the collection of the fee.

29 B. Seventy per cent of the monies collected pursuant to this section
30 shall be deposited, pursuant to sections 35-146 and 35-147, in the victim
31 compensation and assistance fund established by section 41-2407 and thirty
32 per cent shall be deposited in the adult probation services fund established
33 by section 12-267.

34 Sec. 19. Section 38-842, Arizona Revised Statutes, is amended to read:

35 38-842. Definitions

36 In this article, unless the context otherwise requires:

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

6 2. "Accumulated contributions" means, for each member, the sum of the
7 amount of the member's aggregate contributions made to the fund and the
8 amount, if any, attributable to the employee's contributions prior to the
9 member's effective date under another public retirement system, other than
10 the federal social security act, and transferred to the fund minus the
11 benefits paid to or on behalf of the member.

12 3. "Actuarial equivalent" means equality in present value of the
13 aggregate amounts expected to be received under two different forms of
14 payment, based on mortality and interest assumptions adopted by the fund
15 manager. The fund manager may from time to time change the mortality and
16 interest assumptions.

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

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

21 6. "Average monthly benefit compensation" means the result obtained by
22 dividing the total compensation paid to an employee during a considered
23 period by the number of months, including fractional months, in which such
24 compensation was received. The considered period shall be the three
25 consecutive years within the last twenty completed years of credited service
26 that yield the highest average. In the computation under this paragraph a
27 period of nonpaid or partially paid industrial leave shall be considered
28 based on the compensation the employee would have received in the employee's
29 job classification if the employee was not on industrial leave.

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

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

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

1 10. "Compensation" means, for the purpose of computing retirement
2 benefits, base salary, overtime pay, shift differential pay and holiday pay
3 paid to an employee by the employer on a regular monthly, semimonthly or
4 biweekly payroll basis and longevity pay paid to an employee at least every
5 six months for which contributions are made to the system pursuant to section
6 38-843, subsection D. Compensation does not include, for the purpose of
7 computing retirement benefits, payment for unused sick leave, payment in lieu
8 of vacation, payment for compensatory time or payment for any fringe
9 benefits. **IN ADDITION, COMPENSATION DOES NOT INCLUDE, FOR THE PURPOSE OF**
10 **COMPUTING RETIREMENT BENEFITS, PAYMENTS MADE DIRECTLY OR INDIRECTLY BY THE**
11 **EMPLOYER TO THE EMPLOYEE FOR WORK PERFORMED FOR A THIRD PARTY ON A CONTRACTED**
12 **BASIS OR ANY OTHER TYPE OF AGREEMENT UNDER WHICH THE THIRD PARTY PAYS OR**
13 **REIMBURSES THE EMPLOYER FOR THE WORK PERFORMED BY THE EMPLOYEE FOR THAT THIRD**
14 **PARTY.** For the purposes of this paragraph, "base salary" means the amount of
15 compensation each employee is regularly paid for personal services rendered
16 to an employer before the addition of any extra monies, including overtime
17 pay, shift differential pay, holiday pay, longevity pay, fringe benefit pay
18 and similar extra payments.

19 11. "Credited service" means the member's total period of service prior
20 to the member's effective date of participation, plus those compensated
21 periods of the member's service thereafter for which the member made
22 contributions to the fund.

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

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

31 14. "Determination" means a written document that indicates to a
32 participant and alternate payee whether a domestic relations order qualifies
33 as a plan approved domestic relations order.

34 15. "Determination period" means the ninety-day period in which the
35 system must review a domestic relations order that is submitted by a
36 participant or alternate payee to determine whether the domestic relations
37 order qualifies as a plan approved domestic relations order, calculated from

1 the time the system mails a notice of receipt to the participant and
2 alternate payee.

3 16. "Domestic relations order" means an order of a court of this state
4 that is made pursuant to the domestic relations laws of this state and that
5 creates or recognizes the existence of an alternate payee's right to, or
6 assigns to an alternate payee the right to, receive a portion of the benefits
7 payable to a participant.

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

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

14 19. "Eligible child" means the unmarried child of a deceased member who
15 is under the age of eighteen or a full-time student who is under the age of
16 twenty-three or under a disability that began before the child attained the
17 age of twenty-three and who remains a dependent of the surviving spouse or
18 guardian.

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

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

22 (b) Municipal fire fighters.

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

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

28 (e) State fire fighters.

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

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

31 (h) Police officers who are certified peace officers and fire fighters
32 of a nonprofit corporation operating a public airport pursuant to sections
33 28-8423 and 28-8424. A police officer shall be designated pursuant to
34 section 28-8426 to aid and supplement state and local law enforcement
35 agencies and a fire fighter's sole duty shall be to perform fire fighting
36 services, including services required by federal regulations.

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

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

5 (k) State attorney general investigators who are certified peace
6 officers.

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

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

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

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

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

16 (q) Arizona department of agriculture officers who are certified peace
17 officers.

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

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

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

27 22. "Employers" means:

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

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

36 (c) The state highway patrol covered under the state highway patrol
37 retirement system.

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

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

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

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

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

17 26. "Member" means any employee who meets all of the following
18 qualifications:

19 (a) Who is either a full-time paid municipal police officer, a
20 full-time paid fire fighter, a law enforcement officer who is employed by
21 this state including the director thereof, a state fire fighter who is
22 primarily assigned to fire fighting duties, a fire fighter or police officer
23 of a nonprofit corporation operating a public airport pursuant to sections
24 28-8423 and 28-8424, all ranks designated by the Arizona law enforcement
25 merit system council, a state attorney general investigator who is a
26 certified peace officer, a county attorney investigator who is a certified
27 peace officer, a police officer who is appointed by the department of
28 administration and who is a certified peace officer, a department of liquor
29 licenses and control investigator who is a certified peace officer, an
30 Arizona department of agriculture officer who is a certified peace officer,
31 an Arizona state parks board ranger or manager who is a certified peace
32 officer, a county park ranger who is a certified peace officer, a person who
33 is a certified peace officer and who is employed by an Indian reservation
34 police agency, a fire fighter who is employed by an Indian reservation fire
35 fighting agency or an employee included in a group designated as eligible
36 employees under a joinder agreement entered into by their employer after July
37 1, 1968 and who is or was regularly assigned to hazardous duty.

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

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

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

8 (e) Who has not attained age sixty-five prior to the employee's
9 effective date of participation or who was over age sixty-five with
10 twenty-five years or more of service prior to the employee's effective date
11 of participation.

12 27. "Normal retirement date" means the first day of the calendar month
13 immediately following an employee's completion of twenty years of service or
14 the employee's sixty-second birthday and the employee's completion of fifteen
15 years of service.

16 28. "Notice of receipt" means a written document that is issued by the
17 system to a participant and alternate payee and that states that the system
18 has received a domestic relations order and a request for a determination
19 that the domestic relations order is a plan approved domestic relations
20 order.

21 29. "Ordinary disability" means a physical condition that the local
22 board determines will prevent an employee totally and permanently from
23 performing a reasonable range of duties within the employee's department or a
24 mental condition that the local board determines will prevent an employee
25 totally and permanently from engaging in any substantial gainful activity.

26 30. "Participant" means a member who is subject to a domestic relations
27 order.

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

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

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

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

1 35. "Regularly assigned to hazardous duty" means regularly assigned to
2 duties of the type normally expected of municipal police officers, municipal
3 or state fire fighters, eligible fire district fire fighters, state highway
4 patrol officers, county sheriffs and deputies, fish and game wardens, fire
5 fighters and police officers of a nonprofit corporation operating a public
6 airport pursuant to sections 28-8423 and 28-8424, police officers who are
7 appointed by the Arizona board of regents or a community college district
8 governing board, state attorney general investigators who are certified peace
9 officers, county attorney investigators who are certified peace officers,
10 police officers who are appointed by the department of administration and who
11 are certified peace officers, department of liquor licenses and control
12 investigators who are certified peace officers, Arizona department of
13 agriculture officers who are certified peace officers, Arizona state parks
14 board rangers and managers who are certified peace officers, county park
15 rangers who are certified peace officers, police officers who are certified
16 peace officers and who are employed by an Indian reservation police agency or
17 fire fighters who are employed by an Indian reservation fire fighting
18 agency. Those individuals who are assigned solely to support duties such as
19 secretaries, stenographers, clerical personnel, clerks, cooks, maintenance
20 personnel, mechanics and dispatchers are not assigned to hazardous duty
21 regardless of their position classification title. Since the normal duties
22 of those jobs described in this paragraph are constantly changing, questions
23 as to whether a person is or was previously regularly assigned to hazardous
24 duty shall be resolved by the local board on a case-by-case basis.
25 Resolutions by local boards are subject to rehearing and appeal.

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

30 37. "Segregated funds" means the amount of benefits that would
31 currently be payable to an alternate payee pursuant to a domestic relations
32 order under review by the system, or a domestic relations order submitted to
33 the system that failed to qualify as a plan approved domestic relations
34 order, if the domestic relations order were determined to be a plan approved
35 domestic relations order.

36 38. "Service" means the last period of continuous employment of an
37 employee by the employers prior to the employee's retirement or the

1 employee's sixty-fifth birthday, whichever first occurs, except that if such
2 period includes employment during which the employee would not have qualified
3 as a member had the system then been effective, such as employment as a
4 volunteer fire fighter, then only twenty-five per cent of such noncovered
5 employment shall be considered as service. Any absence that is authorized by
6 an employer shall not be considered as interrupting continuity of employment
7 if the employee returns within the period of authorized absence. Transfers
8 between employers also shall not be considered as interrupting continuity of
9 employment. Any period during which a member is receiving sick leave
10 payments or a temporary disability pension shall be considered as
11 service. Notwithstanding any other provision of this paragraph, any period
12 during which a person was employed as a full-time paid fire fighter for a
13 corporation that contracted with an employer to provide firefighting services
14 on behalf of the employer shall be considered as service if the employer has
15 elected at its option to treat part or all of the period the firefighter
16 worked for the company as service in its applicable joinder agreement. Any
17 reference in this system to the number of years of service of an employee
18 shall be deemed to include fractional portions of a year.

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

21 40. "System" means the public safety personnel retirement system
22 established by this article.

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

27 Sec. 20. Section 38-902, Arizona Revised Statutes, is amended to read:

28 38-902. Joinder agreement

29 A. County detention officers and nonuniformed employees of a sheriff's
30 department whose primary duties require direct contact with inmates may
31 participate in this plan if the board of supervisors of the county enters
32 into a joinder agreement with the fund manager to bring such employees into
33 this plan. The joinder agreement shall be in accordance with the provisions
34 of this plan. All such employees shall be designated for membership in the
35 joinder agreement unless written consent to the contrary is obtained from the
36 fund manager.

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

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

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

34 E. Detention officers who are employed by the department of public
35 safety may participate in this plan if the director of the department of
36 public safety enters into a joinder agreement with the fund manager to bring
37 the department's detention officers into this plan. The joinder agreement

1 shall be in accordance with the provisions of this plan. The director of the
2 department of public safety shall designate all detention officers for
3 membership in this plan unless written consent to the contrary is obtained
4 from the fund manager.

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

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

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

27 Sec. 21. Title 41, chapter 11, article 1, Arizona Revised Statutes, is
28 amended by adding section 41-1606.01, to read:

29 41-1606.01. Correctional health care services; federal
30 requirements

31 THE STATE DEPARTMENT OF CORRECTIONS OR ANY PRIVATE PRISON CONTRACTOR
32 SHALL NOT PROVIDE CORRECTIONAL HEALTH CARE SERVICES, INCLUDING MEDICAL AND
33 DENTAL CARE SERVICES, BEYOND FEDERALLY REQUIRED HEALTH CARE SERVICES.

1 Sec. 22. Title 41, chapter 12, article 5, Arizona Revised Statutes, is
2 amended by adding section 41-1772, to read:

3 41-1772. Crime laboratory operations fund

4 A. THE CRIME LABORATORY OPERATIONS FUND IS ESTABLISHED CONSISTING OF
5 SURCHARGE MONIES DEPOSITED PURSUANT TO SECTION 28-3396 AND MONIES DEPOSITED
6 PURSUANT TO SECTION 28-3392, SUBSECTION D. THE DEPARTMENT SHALL ADMINISTER
7 THE FUND.

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

10 Sec. 23. Section 41-2401, Arizona Revised Statutes, is amended to
11 read:

12 41-2401. Criminal justice enhancement fund

13 A. The criminal justice enhancement fund is established consisting of
14 monies collected pursuant to section 12-116.01, MONIES DEPOSITED PURSUANT TO
15 SECTION 28-3392, SUBSECTION D and monies available from any other source.
16 The state treasurer shall administer the fund.

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

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

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

32 1. 6.46 per cent in the Arizona automated fingerprint identification
33 system fund established by section 41-2414.

34 2. 1.61 per cent to the department of juvenile corrections for the
35 treatment and rehabilitation of youth who have committed drug-related
36 offenses.

1 3. 16.64 per cent in the peace officers' training fund established by
2 section 41-1825.

3 4. 3.03 per cent in the prosecuting attorneys' advisory council
4 training fund established by section 41-1830.03.

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

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

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

15 (b) To provide support to the Arizona automated fingerprint
16 identification system.

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

18 7. 9.35 per cent to the department of law for allocation to county
19 attorneys for the purpose of enhancing prosecutorial efforts.

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

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

35 10. 1.57 per cent to the Arizona criminal justice commission.

36 11. 9.00 per cent to the state general fund.

1 12. 2.30 per cent in the crime laboratory assessment fund established
2 by section 41-2415.

3 13. 7.68 per cent in the victims' rights fund established by section
4 41-191.08.

5 14. 4.60 per cent in the victim compensation and assistance fund
6 established by section 41-2407.

7 15. 2.13 per cent to the supreme court for the purpose of providing
8 drug treatment services to adult probationers through the community
9 punishment program established in title 12, chapter 2, article 11.

10 E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9,
11 11, 12, 13 and 14 of this section constitute a continuing appropriation.
12 Monies distributed pursuant to subsection D, paragraphs 1, 2, 5, 8, 10 and 15
13 of this section are subject to legislative appropriation.

14 F. The portion of the eighty-five per cent of the monies for direct
15 operating expenses of the department of public safety in subsection D,
16 paragraph 6 of this section is subject to legislative appropriation. The
17 remainder of the monies in subsection D, paragraph 6 of this section
18 including the portion of the eighty-five per cent for local law enforcement
19 is continuously appropriated.

20 G. The allocation of monies pursuant to subsection D, paragraphs 6, 7,
21 8 and 9 of this section shall be made in accordance with rules adopted by the
22 Arizona criminal justice commission pursuant to section 41-2405.

23 Sec. 24. Laws 2007, chapter 261, section 16 is amended to read:

24 Sec. 16. Appropriations: deoxyribonucleic acid identification
25 system fund; exemption

26 A. The sums of \$1,980,000 in fiscal year 2007-2008, \$2,980,000 in
27 fiscal year 2008-2009, ~~\$3,484,000~~ \$980,000 in fiscal year 2009-2010,
28 \$3,440,000 in fiscal year 2010-2011 and \$3,520,000 in fiscal year 2011-2012
29 are appropriated from the monies that are collected pursuant to section
30 12-116.01, subsection C, Arizona Revised Statutes, ~~as amended by this act,~~
31 and that are distributed pursuant to section 12-116.01, subsection J, Arizona
32 Revised Statutes, ~~as amended by this act,~~ for deposit in the Arizona
33 deoxyribonucleic acid identification system fund established by section
34 41-2419, Arizona Revised Statutes, to the department of public safety for
35 equipment purchases, personal services, employee-related expenses, training,
36 other operating expenses and capital improvements in order to implement,
37 conduct and maintain deoxyribonucleic acid testing.

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

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

9 Sec. 25. Department of public safety; highway funds; limitation

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

14 Sec. 26. Nonsupplanting; suspension

15 Notwithstanding any other law, in fiscal year 2009-2010 the provisions
16 relating to supplanting of state monies contained in section 12-102.02,
17 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,
18 section 12-135.01, subsection D, section 12-267, subsection D, section
19 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised
20 Statutes, are suspended. The supreme court shall submit a report to the
21 joint legislative budget committee identifying any decrease in county funding
22 related to these suspended provisions including the reasons for the decrease.

23 Sec. 27. Suspension of reporting requirements

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

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

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

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

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

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

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

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

5 Sec. 28. State department of corrections; budget structure;
6 health care services

7 A. Notwithstanding any other law, the state department of corrections
8 shall report actual fiscal year 2008-2009, estimated fiscal year 2009-2010
9 and requested fiscal year 2010-2011 expenditures for each line item
10 delineated in the fiscal year 2009-2010 general appropriations act when the
11 department submits the fiscal year 2010-2011 budget request pursuant to
12 section 35-113, Arizona Revised Statutes. The information submitted for each
13 line item shall contain as much detail as submitted in previous years for
14 prior line items.

15 B. The state department of corrections shall issue a request for
16 proposals to privatize all correctional health services. The department
17 shall award a contract to a private provider of correctional health services
18 that will provide such services, including all medical and dental services,
19 at a cost below the fiscal year 2007-2008 total cost to the state for such
20 services. The services provided shall include only federally required health
21 care services.

22 Sec. 29. Transition office fund; state department of corrections

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

27 Sec. 30. Consumer fraud revolving fund; attorney general; use

28 Notwithstanding section 44-1531.01, subsection C, Arizona Revised
29 Statutes, for fiscal year 2009-2010, the attorney general may use monies in
30 the consumer fraud revolving fund established by section 41-1531.01, Arizona
31 Revised Statutes, for any operating expenses incurred by the department of
32 law, including any cost or expense associated with the tobacco master
33 settlement agreement arbitration.

34 Sec. 31. Criminal justice enhancement fund; state general fund
35 deposit; crime laboratory assessment fund

36 Notwithstanding any other law, for fiscal year 2009-2010, any monies
37 distributed from the criminal justice enhancement fund pursuant to section

1 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be
2 deposited in the crime laboratory assessment fund established by section
3 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,
4 subsection C, Arizona Revised Statutes, monies distributed by this section
5 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised
6 Statutes, are for use by the department of public safety and are exempt from
7 distribution to political subdivisions.

8 Sec. 32. Court diversion surcharges; deposit; retroactivity

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

14 B. Notwithstanding section 28-3396, Arizona Revised Statutes, any
15 amount of surcharge monies collected pursuant to section 28-3396, subsection
16 A, paragraph 2, Arizona Revised Statutes, beginning July 1, 2009 until the
17 effective date of this act, in excess of \$2,000,000 shall be deposited in the
18 crime laboratory operations fund established by section 41-1772, Arizona
19 Revised Statutes, as added by this act.

20 C. If the surcharge monies collected pursuant to section 28-3396,
21 subsection A, paragraph 2, Arizona Revised Statutes, beginning July 1, 2009
22 until the effective date of this act are less than \$2,000,000, the state
23 treasurer shall transfer the difference between \$2,000,000 and the amount
24 collected from the crime laboratory operations fund established by section
25 41-1772, Arizona Revised Statutes, as added by this act, to the state general
26 fund on or before June 30, 2010.

27 D. This section is effective retroactively to from and after June 30,
28 2009.

29 Sec. 33. Drug and gang prevention resource center; Arizona
30 youth survey mandatory agreement

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

35 Sec. 34. Prison operations; private vendor; concession agreement

36 A. In consultation with the state department of corrections, the
37 department of administration shall issue a request for proposals for a

1 concession agreement allowing private vendors to operate the Arizona state
2 prison complex at Yuma, the Arizona state prison complex at Perryville and
3 the Arizona state prison complex at Eyman. A private vendor may operate one
4 or more prison complexes. A concession agreement shall be for a fixed term of
5 fifty years. A concession agreement shall require an annual cost efficiency
6 savings to this state. The annual cost efficiency savings shall be equally
7 divided between this state and the private vendor. Not later than October 1,
8 2009 and before issuance, the request for proposals shall be submitted for
9 review to the joint committee on capital review. Not later than March 1,
10 2010, a proposed concession agreement shall be submitted for review to the
11 joint committee on capital review.

12 B. It is the intent of the legislature that the privatization of
13 prison operations pursuant to subsection A of this section generate at least
14 \$100,000,000 from private vendors at the beginning of the fifty year term.

15 C. Section 41-1609.01, subsections C, I and J, Arizona Revised
16 Statutes, and section 41-2546, Arizona Revised Statutes, do not apply to any
17 concession agreement pursuant to subsection A of this section.

18 D. Except as otherwise provided in this section, sections 41-1609,
19 41-1609.01, 41-1609.02, 41-1609.03 and 41-1609.04, Arizona Revised Statutes,
20 apply to any concession agreement pursuant to subsection A of this section.

21 Sec. 35. Conforming legislation

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

25 Sec. 36. Retroactivity

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

28 Amend title to conform

RUSSELL PEARCE

1028rp1
05/19/2009
3:42 PM
C: sp