

PROPOSED AMENDMENT  
SENATE AMENDMENTS TO S.B. 1021  
(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 12-114.01, 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

1 collected by the superior, justice and municipal courts for criminal offenses  
2 and any civil penalty imposed and collected for a civil traffic violation and  
3 fine, penalty or forfeiture for a violation of the motor vehicle statutes,  
4 for a violation of any local ordinance relating to the stopping, standing or  
5 operation of a vehicle, except parking violations, or for a violation of the  
6 game and fish statutes in title 17.

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

13 C. The court may waive all or part of a probation surcharge in the  
14 same manner and subject to the same limitations provided for the waiver of  
15 penalty assessments in section 12-116.01, subsection ~~E~~ F and section  
16 12-116.02, subsection D.

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

18 12-251. Adult probation officers and support staff; appointment;  
19 qualifications

20 A. The presiding judge of the superior court in each county shall  
21 appoint a chief adult probation officer who shall serve at the pleasure of  
22 the presiding judge. Such chief adult probation officer, with the approval  
23 of the presiding judge of the superior court, shall appoint such deputy adult  
24 probation officers and support staff as are necessary to provide presentence  
25 investigations and supervision services to the court. Presentence  
26 investigations and probation services may be provided to the justice courts  
27 in each county for persons who are convicted of violating section 28-1381 or  
28 28-1382 or title 13, chapter 14, 35.1 or 36 and who are placed on supervised  
29 probation by the court. Presentence investigations and supervised probation  
30 services may be provided by a county probation office to a municipal court  
31 through an intergovernmental agreement entered into by the respective county  
32 and municipality. On approval of the presiding judge and in accordance with

1 policies and procedures developed by the supreme court, the presiding judge  
2 of the superior court may direct that presentence investigations and  
3 supervised probation services be provided for other persons if a risk of  
4 violence exists or if it would be in the best interest of justice. Those  
5 deputy adult probation officers engaged in case supervision shall supervise  
6 no more than an average of ~~sixty~~ SIXTY-FIVE adults who reside in the county  
7 on probation to the court. Such deputy adult probation officers shall hold  
8 office under rules and procedures established by the supreme court.

9 B. Each adult probation officer appointed pursuant to subsection A of  
10 this section shall give bond in the principal amount to be fixed by the court  
11 and approved by the judge making the appointment, conditioned upon the  
12 faithful performance by such officer of the officer's official duties and the  
13 payment of all monies coming into the officer's possession as such officer to  
14 the person, officer or body entitled to receive the monies. Any adult  
15 probation officer covered by a blanket faithful performance bond payable to  
16 the county or covered by state risk management shall be deemed to be in  
17 compliance with this section.

18 C. Probation department personnel shall qualify under minimum  
19 standards of experience and education established by the supreme court. Such  
20 standards may differ for counties of less than three hundred thousand persons  
21 from counties with three hundred thousand persons or more. Notwithstanding  
22 section 12-265, any additional salary costs that might be required as a  
23 result of the adoption of minimum salary standards by the supreme court may  
24 be paid by funds made available to the probation department pursuant to  
25 sections 12-267 and 12-268 or by the supreme court.

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

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

31 12-299.03. Duties of the supreme court; evaluation

32 A. The supreme court shall:



1 C. On notice of the presiding judge, the county treasurer shall invest  
2 monies in the fund and monies earned from investment shall be credited to the  
3 fund.

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

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

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

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

12 F. The administrative office of the courts shall include the  
13 information collected pursuant to subsection E of this section in the annual  
14 report of the judicial department.

15 Sec. 6. Section 13-901.02, Arizona Revised Statutes, is amended to  
16 read:

17 13-901.02. Drug treatment and education fund

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

20 B. Fifty per cent of the monies deposited in the drug treatment and  
21 education fund shall be distributed by the administrative office of the  
22 supreme court to the superior court probation departments to cover the costs  
23 of placing persons in drug education and treatment programs administered by a  
24 qualified agency or organization that provides such programs to persons who  
25 abuse controlled substances. Such monies shall be allocated to superior  
26 court probation departments according to a formula based on probation  
27 caseload to be established by the administrative office of the supreme court.

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

31 D. The administrative office of the supreme court shall cause to be  
32 prepared at the end of each fiscal year after 1997 an accountability report

1 card that details the cost savings realized from the diversion of persons  
2 from prisons to probation. A copy of the report shall be submitted to the  
3 governor and the legislature, and a copy of the report shall be sent to each  
4 public library in the state. BEGINNING JULY 1, 2011, THE REPORT SHALL BE  
5 SUBMITTED ELECTRONICALLY. The administrative office of the supreme court  
6 shall receive reimbursement from the drug treatment and education fund for  
7 any administrative costs it incurs in the implementation of this section.

8 Sec. 7. Section 13-914, Arizona Revised Statutes, is amended to read:  
9 13-914. Intensive probation; evaluation; sentence; criteria;  
10 limit; conditions

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

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

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

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

24 C. The court may suspend the imposition or execution of the sentence  
25 and grant the offender a period of intensive probation in accordance with  
26 this chapter. Except for sentences that are imposed pursuant to section  
27 13-3601, the sentence is tentative to the extent that it may be altered or  
28 revoked pursuant to this chapter, but for all other purposes it is a final  
29 judgment of conviction. This subsection does not preclude the court from  
30 imposing a term of intensive probation pursuant to section 13-3601.

31 D. When granting intensive probation the court shall set forth on the  
32 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~~ used  
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.



1           4. Report to the court if the probationer engages in conduct  
2           constituting an offense.

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

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

8           7. Perform any other responsibilities required by the terms and  
9           conditions imposed by the court.

10          Sec. 9. Section 21-222, Arizona Revised Statutes, is amended to read:

11          21-222. Arizona lengthy trial fund

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

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

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

31          D. A juror whose jury service lasts more than five days may submit a  
32          request for payment from the fund. The amount a juror receives from the fund

1 is limited to the difference between the jury fee prescribed in section  
2 21-221 and the actual amount of earnings a juror earns, not less than forty  
3 dollars, up to the maximum level payable under subsection C of this section,  
4 minus any amount the juror actually received from the juror's employer during  
5 the same time period. A juror who requests payment from the fund:

6 1. Shall disclose on the form the juror's regular earnings, the amount  
7 the juror's employer will pay during the term of jury service starting on the  
8 fourth day and thereafter, the amount of replacement or supplemental earnings  
9 being requested and any other information that the jury commissioner deems  
10 necessary.

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

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

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

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

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

3           25-323.01. Child support committee; membership; duties; report

4           A. The child support committee is established consisting of the  
5 following members:

6           1. The director of the department of economic security or the  
7 director's designee.

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

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

13          4. The director of the administrative office of the supreme court or  
14 the director's designee.

15          5. Two presiding judges from the domestic relations division of the  
16 superior court who are appointed by the chief justice of the supreme court.  
17 One judge shall be from an urban county and one judge shall be from a rural  
18 county.

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

21          7. A clerk of the superior court who is appointed by the chief justice  
22 of the supreme court.

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

26          9. An executive assistant from the office of the governor who is  
27 appointed by the governor.

28          10. One person who is knowledgeable in child support issues and who is  
29 a noncustodial parent and one person who is knowledgeable in child support  
30 issues and who is a custodial parent. The president of the senate shall  
31 appoint these members.

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

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

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

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

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

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

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

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

1           Sec. 11. Section 25-323.02, Arizona Revised Statutes, is amended to  
2 read:

3           25-323.02. Domestic relations committee; membership; duties;  
4                                   pilot programs; report

5           A. The domestic relations committee is established consisting of the  
6 following members:

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

11           2. Two custodial parents who are knowledgeable in domestic relations  
12 issues and who are not judges or commissioners. The president of the senate  
13 and the speaker of the house of representatives shall each appoint one of  
14 these members.

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

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

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

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

26           7. One clerk of the superior court who is appointed by the chief  
27 justice of the supreme court.

28           8. A professional domestic relations mediator who is appointed by the  
29 president of the senate.

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

1           10. A domestic relations educator who is experienced in matters  
2 relating to parenting or divorce classes and who is appointed by the  
3 governor.

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

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

8           13. A marriage and family therapist who is knowledgeable in domestic  
9 relations issues and who is appointed by the speaker of the house of  
10 representatives.

11           14. A representative from a faith-based organization who is  
12 knowledgeable in domestic relations issues and who is appointed by the  
13 governor.

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

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

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

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

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

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

29           B. The committee shall prepare a statewide plan for an integrated  
30 family court with comprehensive subject matter jurisdiction over all matters  
31 involving the family and submit this plan to the governor, the president of  
32 the senate, the speaker of the house of representatives and the chief justice

1 of the supreme court on or before December 31, 2002. Based on this plan or  
2 on other formal recommendations from the committee, beginning July 1, 2006,  
3 the supreme court shall implement a two year integrated family court pilot  
4 program in one county with a population of less than five hundred thousand  
5 persons. The supreme court shall submit quarterly reports on the pilot  
6 program to the committee. The committee shall include information from these  
7 reports in its annual report prepared pursuant to subsection C of this  
8 section.

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

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

24 E. Nonlegislative members of the committee are not eligible to receive  
25 compensation but are eligible for reimbursement of expenses pursuant to title  
26 38, chapter 4, article 2.

27 Sec. 12. Section 28-3396, Arizona Revised Statutes, is amended to  
28 read:

29 **28-3396. Court diversion fee**

30 A. The presiding judge of each court shall:

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

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

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

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

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

11           C. The driving school shall collect the court diversion fee and  
12 surcharge before or at the time an individual attends the school. On receipt  
13 of the diversion fee, the defensive driving school shall transmit the fee  
14 promptly to the appropriate court pursuant to procedures prescribed by the  
15 supreme court. On receipt of the surcharge, the defensive driving school  
16 shall transmit the surcharge promptly to the state treasurer for deposit,  
17 pursuant to sections 35-146 and 35-147, **AS FOLLOWS:**

18           1. **THE FIRST TEN MILLION FOUR HUNDRED THOUSAND DOLLARS IN REVENUE**  
19 **ANNUALLY IN THE CRIME LABORATORY OPERATIONS FUND ESTABLISHED BY SECTION**  
20 **41-1772.**

21           2. **ALL REMAINING MONEY** in the state general fund.

22           Sec. 13. Section 31-466, Arizona Revised Statutes, is amended to read:  
23 **31-466. Supervision fee; deposit**

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

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

6           Sec. 14. Section 31-467.06, Arizona Revised Statutes, is amended to  
7 read:

8           31-467.06. Supervision fee; deposit

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

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

22           Sec. 15. Section 38-842, Arizona Revised Statutes, is amended to read:

23           38-842. Definitions

24           In this article, unless the context otherwise requires:

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

30           2. "Accumulated contributions" means, for each member, the sum of the  
31 amount of the member's aggregate contributions made to the fund and the  
32 amount, if any, attributable to the employee's contributions prior to the

1 member's effective date under another public retirement system, other than  
2 the federal social security act, and transferred to the fund minus the  
3 benefits paid to or on behalf of the member.

4 3. "Actuarial equivalent" means equality in present value of the  
5 aggregate amounts expected to be received under two different forms of  
6 payment, based on mortality and interest assumptions adopted by the fund  
7 manager. The fund manager may from time to time change the mortality and  
8 interest assumptions.

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

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

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

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

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

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

30 10. "Compensation" means, for the purpose of computing retirement  
31 benefits, base salary, overtime pay, shift differential pay and holiday pay  
32 paid to an employee by the employer on a regular monthly, semimonthly or

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

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

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

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

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

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

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

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

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

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

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

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

26           (b) Municipal fire fighters.

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

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

32           (e) State fire fighters.

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

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

3 (h) Police officers who are certified peace officers and fire fighters  
4 of a nonprofit corporation operating a public airport pursuant to sections  
5 28-8423 and 28-8424. A police officer shall be designated pursuant to  
6 section 28-8426 to aid and supplement state and local law enforcement  
7 agencies and a fire fighter's sole duty shall be to perform fire fighting  
8 services, including services required by federal regulations.

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

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

13 (k) State attorney general investigators who are certified peace  
14 officers.

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

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

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

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

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

24 (q) Arizona department of agriculture officers who are certified peace  
25 officers.

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

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

29 21. "Employee" means any person who is employed by a participating  
30 employer and who is a member of an eligible group but does not include any  
31 persons compensated on a contractual or fee basis. If an eligible group  
32 requires certified peace officer status and at the option of the local board,

1 employee may include a person who is training to become a certified peace  
2 officer.

3 22. "Employers" means:

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

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

12 (c) The state highway patrol covered under the state highway patrol  
13 retirement system.

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

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

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

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

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

30 26. "Member" means any employee who meets all of the following  
31 qualifications:

1 (a) Who is either a full-time paid municipal police officer, a  
2 full-time paid fire fighter, a law enforcement officer who is employed by  
3 this state including the director thereof, a state fire fighter who is  
4 primarily assigned to fire fighting duties, a fire fighter or police officer  
5 of a nonprofit corporation operating a public airport pursuant to sections  
6 28-8423 and 28-8424, all ranks designated by the Arizona law enforcement  
7 merit system council, a state attorney general investigator who is a  
8 certified peace officer, a county attorney investigator who is a certified  
9 peace officer, a police officer who is appointed by the department of  
10 administration and who is a certified peace officer, a department of liquor  
11 licenses and control investigator who is a certified peace officer, an  
12 Arizona department of agriculture officer who is a certified peace officer,  
13 an Arizona state parks board ranger or manager who is a certified peace  
14 officer, a county park ranger who is a certified peace officer, a person who  
15 is a certified peace officer and who is employed by an Indian reservation  
16 police agency, a fire fighter who is employed by an Indian reservation fire  
17 fighting agency or an employee included in a group designated as eligible  
18 employees under a joinder agreement entered into by their employer after July  
19 1, 1968 and who is or was regularly assigned to hazardous duty.

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

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

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

27 (e) Who has not attained age sixty-five prior to the employee's  
28 effective date of participation or who was over age sixty-five with  
29 twenty-five years or more of service prior to the employee's effective date  
30 of participation.

31 27. "Normal retirement date" means the first day of the calendar month  
32 immediately following an employee's completion of twenty years of service or

1 the employee's sixty-second birthday and the employee's completion of fifteen  
2 years of service.

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

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

13 30. "Participant" means a member who is subject to a domestic relations  
14 order.

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

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

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

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

24 35. "Regularly assigned to hazardous duty" means regularly assigned to  
25 duties of the type normally expected of municipal police officers, municipal  
26 or state fire fighters, eligible fire district fire fighters, state highway  
27 patrol officers, county sheriffs and deputies, fish and game wardens, fire  
28 fighters and police officers of a nonprofit corporation operating a public  
29 airport pursuant to sections 28-8423 and 28-8424, police officers who are  
30 appointed by the Arizona board of regents or a community college district  
31 governing board, state attorney general investigators who are certified peace  
32 officers, county attorney investigators who are certified peace officers,

1 police officers who are appointed by the department of administration and who  
2 are certified peace officers, department of liquor licenses and control  
3 investigators who are certified peace officers, Arizona department of  
4 agriculture officers who are certified peace officers, Arizona state parks  
5 board rangers and managers who are certified peace officers, county park  
6 rangers who are certified peace officers, police officers who are certified  
7 peace officers and who are employed by an Indian reservation police agency or  
8 fire fighters who are employed by an Indian reservation fire fighting agency.  
9 Those individuals who are assigned solely to support duties such as  
10 secretaries, stenographers, clerical personnel, clerks, cooks, maintenance  
11 personnel, mechanics and dispatchers are not assigned to hazardous duty  
12 regardless of their position classification title. Since the normal duties  
13 of those jobs described in this paragraph are constantly changing, questions  
14 as to whether a person is or was previously regularly assigned to hazardous  
15 duty shall be resolved by the local board on a case-by-case basis.  
16 Resolutions by local boards are subject to rehearing and appeal.

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

21 37. "Segregated funds" means the amount of benefits that would  
22 currently be payable to an alternate payee pursuant to a domestic relations  
23 order under review by the system, or a domestic relations order submitted to  
24 the system that failed to qualify as a plan approved domestic relations  
25 order, if the domestic relations order were determined to be a plan approved  
26 domestic relations order.

27 38. "Service" means the last period of continuous employment of an  
28 employee by the employers prior to the employee's retirement or the  
29 employee's sixty-fifth birthday, whichever first occurs, except that if such  
30 period includes employment during which the employee would not have qualified  
31 as a member had the system then been effective, such as employment as a  
32 volunteer fire fighter, then only twenty-five per cent of such noncovered

1 employment shall be considered as service. Any absence that is authorized by  
2 an employer shall not be considered as interrupting continuity of employment  
3 if the employee returns within the period of authorized absence. Transfers  
4 between employers also shall not be considered as interrupting continuity of  
5 employment. Any period during which a member is receiving sick leave  
6 payments or a temporary disability pension shall be considered as service.  
7 Notwithstanding any other provision of this paragraph, any period during  
8 which a person was employed as a full-time paid fire fighter for a  
9 corporation that contracted with an employer to provide firefighting services  
10 on behalf of the employer shall be considered as service if the employer has  
11 elected at its option to treat part or all of the period the firefighter  
12 worked for the company as service in its applicable joinder agreement. Any  
13 reference in this system to the number of years of service of an employee  
14 shall be deemed to include fractional portions of a year.

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

17 40. "System" means the public safety personnel retirement system  
18 established by this article.

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

23 Sec. 16. Section 38-902, Arizona Revised Statutes, is amended to read:

24 38-902. Joinder agreement

25 A. County detention officers and nonuniformed employees of a sheriff's  
26 department whose primary duties require direct contact with inmates may  
27 participate in this plan if the board of supervisors of the county enters  
28 into a joinder agreement with the fund manager to bring such employees into  
29 this plan. The joinder agreement shall be in accordance with the provisions  
30 of this plan. All such employees shall be designated for membership in the  
31 joinder agreement unless written consent to the contrary is obtained from the  
32 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 THE EFFECTIVE DATE OF THIS**  
12 **AMENDMENT TO THIS SECTION AND IF THE PERSON WAS EMPLOYED BY THE EMPLOYER AS A**  
13 **FULL-TIME DISPATCHER BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS**  
14 **SECTION**. The joinder agreement shall be in accordance with the provisions of  
15 this plan and for those dispatchers designated for membership in the plan on  
16 the joinder date all credited service from any other Arizona defined benefit  
17 state retirement system or plan that represents credited service in a  
18 designated position shall be transferred to the corrections officer  
19 retirement plan. The governing body or agency of the employer shall  
20 designate all full-time dispatchers for membership in the plan except for a  
21 full-time dispatcher who signs an irrevocable agreement before the joinder  
22 agreement becomes effective electing not to become a member of the plan. A  
23 full-time dispatcher employed by an employer who becomes eligible for  
24 membership in the plan pursuant to this section may elect to participate in  
25 the plan within the deadlines and pursuant to the terms prescribed for such  
26 participation by the fund manager.

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

1 surveillance and juvenile detention officers for membership in this plan  
2 unless written consent to the contrary is obtained from the fund manager.

3 E. Detention officers who are employed by the department of public  
4 safety may participate in this plan if the director of the department of  
5 public safety enters into a joinder agreement with the fund manager to bring  
6 the department's detention officers into this plan. The joinder agreement  
7 shall be in accordance with the provisions of this plan. The director of the  
8 department of public safety shall designate all detention officers for  
9 membership in this plan unless written consent to the contrary is obtained  
10 from the fund manager.

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

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

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

1           Sec. 17. Title 41, chapter 11, article 1, Arizona Revised Statutes, is  
2 amended by adding section 41-1608, to read:

3           41-1608. Inmate medical services; rate structure

4           IF A PRISONER IN A SECURE CARE FACILITY REQUIRES HEALTH CARE SERVICES  
5 THAT THE DEPARTMENT, THE FACILITY OR A PRIVATE PRISON PROVIDER CONTRACTED BY  
6 THE DEPARTMENT CANNOT PROVIDE, THE DEPARTMENT SHALL PAY APPROVED CLAIMS FROM  
7 A FACILITY OR PROVIDER THAT PROVIDES THESE SERVICES AS FOLLOWS:

8           1. FOR INPATIENT AND OUTPATIENT HOSPITAL SERVICES, THE DEPARTMENT  
9 SHALL REIMBURSE AT A LEVEL THAT DOES NOT EXCEED THE REIMBURSEMENT METHODOLOGY  
10 ESTABLISHED PURSUANT TO SECTION 36-2903.01, SUBSECTION H.

11           2. FOR HEALTH AND MEDICAL SERVICES, THE DEPARTMENT SHALL REIMBURSE AT  
12 A LEVEL THAT DOES NOT EXCEED THE CAPPED FEE-FOR-SERVICE SCHEDULE THAT IS  
13 ADOPTED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
14 PURSUANT TO TITLE 36, CHAPTER 29, ARTICLE 1 AND THAT IS IN EFFECT AT THE TIME  
15 THE SERVICES ARE DELIVERED.

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

18           41-1722. State photo enforcement system; penalties; fund

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

25           B. Notwithstanding any other law, the civil penalty or fine for a  
26 citation or a notice of violation issued pursuant to this section is one  
27 hundred sixty-five dollars and is not subject to any surcharge except the  
28 surcharge imposed by section 16-954. ~~State photo enforcement citations shall~~  
29 ~~not be included in judicial productivity credit calculations for fiscal year~~  
30 ~~2008-2009.~~

31           C. The photo enforcement fund is established consisting of monies  
32 received from citations or notices of violation issued pursuant to this

1 section. The director shall administer the fund. Monies in the fund are  
2 subject to legislative appropriation and are appropriated to the department  
3 for administrative and personnel costs of the state photo enforcement system.  
4 Monies remaining in the fund in excess of two hundred fifty thousand dollars  
5 at the end of each calendar quarter shall be deposited, pursuant to sections  
6 35-146 and 35-147, in the state general fund.

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

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

15 41-1772. Crime laboratory operations fund

16 A. THE CRIME LABORATORY OPERATIONS FUND IS ESTABLISHED CONSISTING OF  
17 SURCHARGE MONIES DEPOSITED PURSUANT TO SECTION 28-3396. THE DEPARTMENT SHALL  
18 ADMINISTER THE FUND.

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

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

23 41-2401. Criminal justice enhancement fund

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

27 B. On or before November 1 of each year, each department, agency or  
28 office that receives monies pursuant to this section shall provide to the  
29 Arizona criminal justice commission a report for the preceding fiscal year.  
30 The report shall be in a form prescribed by the Arizona criminal justice  
31 commission and shall be reviewed by the director of the joint legislative  
32 budget committee. The report shall set forth the sources of all monies and

1 all expenditures. The report shall not include any identifying information  
2 about specific investigations.

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

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

10 1. 6.46 per cent in the Arizona automated fingerprint identification  
11 system fund established by section 41-2414.

12 2. 1.61 per cent to the department of juvenile corrections for the  
13 treatment and rehabilitation of youth who have committed drug-related  
14 offenses.

15 3. 16.64 per cent in the peace officers' training fund established by  
16 section 41-1825.

17 4. 3.03 per cent in the prosecuting attorneys' advisory council  
18 training fund established by section 41-1830.03.

19 5. 9.35 per cent to the supreme court for the purpose of reducing  
20 juvenile crime.

21 6. 8.56 per cent to the department of public safety. Fifteen per cent  
22 of the monies shall be allocated for deposit in the Arizona deoxyribonucleic  
23 acid identification system fund established by section 41-2419. Eighty-five  
24 per cent of the monies shall be allocated to state and local law enforcement  
25 authorities for the following purposes:

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

29 (b) To provide support to the Arizona automated fingerprint  
30 identification system.

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

1           7. 9.35 per cent to the department of law for allocation to county  
2 attorneys for the purpose of enhancing prosecutorial efforts.

3           8. 6.02 per cent to the supreme court for the purpose of enhancing the  
4 ability of the courts to process criminal and delinquency cases, orders of  
5 protection, injunctions against harassment and any proceeding relating to  
6 domestic violence matters, for auditing and investigating persons or entities  
7 licensed or certified by the supreme court and for processing judicial  
8 discipline cases. Notwithstanding section 12-143, subsection A, the salary  
9 of superior court judges pro tempore who are appointed for the purposes  
10 provided in this paragraph shall, and the salary of other superior court  
11 judges pro tempore who are appointed pursuant to section 12-141 for the  
12 purposes provided in this paragraph may, be paid in full by the monies  
13 received pursuant to this paragraph.

14           9. 11.70 per cent to the ~~state department of corrections for~~  
15 ~~allocation to~~ county sheriffs for the purpose of enhancing county jail  
16 facilities and operations, including county jails under the jurisdiction of  
17 county jail districts.

18           10. 1.57 per cent to the Arizona criminal justice commission.

19           11. 9.00 per cent to the state general fund.

20           12. 2.30 per cent in the crime laboratory assessment fund established  
21 by section 41-2415.

22           13. 7.68 per cent in the victims' rights fund established by section  
23 41-191.08.

24           14. 4.60 per cent in the victim compensation and assistance fund  
25 established by section 41-2407.

26           15. 2.13 per cent to the supreme court for the purpose of providing  
27 drug treatment services to adult probationers through the community  
28 punishment program established in title 12, chapter 2, article 11.

29           E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9,  
30 11, 12, 13 and 14 of this section constitute a continuing appropriation.  
31 Monies distributed pursuant to subsection D, paragraphs 1, 2, 5, 8, 10 and 15  
32 of this section are subject to legislative appropriation.

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

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

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

11 Sec. 16. Appropriations; deoxyribonucleic acid identification  
12 system fund; exemption

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

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

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

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

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

6           Sec. 23. Nonsupplanting; suspension

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

15           Sec. 24. Suspension of reporting requirements

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

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

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

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

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

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

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

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



1 fiscal year 2007-2008 total cost to the state for such services. Not later  
2 than January 1, 2010, and before issuance, the request for proposals shall be  
3 submitted for review to the joint legislative budget committee. The state  
4 department of corrections shall award a contract by May 1, 2010.

5 D. This section is effective retroactively to from and after September  
6 30, 2009.

7 Sec. 27. Transition office fund; state department of  
8 corrections

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

13 Sec. 28. Consumer protection-consumer fraud revolving fund;  
14 attorney general; use

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

21 Sec. 29. Criminal justice enhancement fund; state general fund  
22 deposit; crime laboratory assessment fund

23 Notwithstanding any other law, for fiscal year 2009-2010, any monies  
24 distributed from the criminal justice enhancement fund pursuant to section  
25 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, as amended by  
26 this act, shall be deposited in the crime laboratory assessment fund  
27 established by section 41-2415, Arizona Revised Statutes. Notwithstanding  
28 section 41-2415, subsection C, Arizona Revised Statutes, monies distributed  
29 by this section pursuant to section 41-2401, subsection D, paragraph 11,  
30 Arizona Revised Statutes, as amended by this act, are for use by the  
31 department of public safety and are exempt from distribution to political  
32 subdivisions.

1           Sec. 30. Drug and gang prevention resource center; Arizona  
2                                   youth survey mandatory agreement

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

7           Sec. 31. Judicial productivity credit; photo enforcement  
8                                   citations; retroactivity

9           A. In fiscal year 2009-2010, state photo enforcement citations issued  
10 pursuant to section 41-1722, Arizona Revised Statutes, as amended by this  
11 act, shall not be included in judicial productivity credit calculations.

12           B. This section is effective retroactively to from and after June 30,  
13 2009.

14           Sec. 32. Prison and other state owned facilities;  
15                                   lease-purchase finance agreement

16           A. Not later than June 30, 2010, the department of administration  
17 shall enter into one or more lease-purchase agreements through the sale and  
18 simultaneous lease-purchase of a state department of corrections facility or  
19 any other state owned facility. If the lease-purchase agreement involves a  
20 state department of corrections facility, the department of administration  
21 shall enter into the lease-purchase agreement in consultation with the state  
22 department of corrections. The agreement or agreements shall:

23           1. Result in net available proceeds of not more than \$250,000,000 in  
24 the state general fund by December 31, 2009 and a total amount of net  
25 available proceeds of not more than \$735,419,300 in the state general fund by  
26 June 30, 2010.

27           2. Be for a fixed term of not more than twenty years.

28           3. Require the initial lease-purchase payment to be in fiscal year  
29 2010-2011.

30           B. Notwithstanding section 41-791.02, Arizona Revised Statutes, any  
31 lease-purchase agreement entered into pursuant to this section shall provide  
32 that:

1           1. The obligation of this state to make any payment under the  
2 agreement is a current expense of the department of administration, payable  
3 exclusively from appropriated monies, and is not a general obligation  
4 indebtedness of this state or the department of administration.

5           2. If the legislature fails to appropriate monies or the department of  
6 administration fails to allocate such monies for any payment under the  
7 agreement, the agreement terminates at the end of the current term and this  
8 state and the department of administration are relieved of any subsequent  
9 obligation under the agreement.

10          3. The department of administration may covenant to use its best  
11 efforts to budget, obtain, allocate and maintain sufficient appropriated  
12 monies to make payments under the agreement, but the agreement shall  
13 acknowledge that appropriating state monies is a legislative act and is  
14 beyond the control of the department of administration or any other party to  
15 the agreement.

16          C. Notwithstanding any other law, the department of administration may  
17 transfer some or all of this state's interest in any state department of  
18 corrections prison facility or any other state owned facility. Any  
19 agreements or transactions determined by the department of administration to  
20 be necessary to comply with the requirements of this section are exempt from  
21 title 41, chapter 23, Arizona Revised Statutes. The authority conferred by  
22 this section is in addition to the powers conferred by any other law, without  
23 reference to any other law, and is full authority for the actions authorized  
24 by this section, including entering into and performing agreements without  
25 regard to the requirements or procedures of any other law.

26          D. This state shall maintain operations at any facility and the state  
27 department of corrections or a private contractor shall maintain operations  
28 at any prison facility that is sold pursuant to this section.

29          Sec. 33. Prison operations; private vendor; concession  
30 agreement; retroactivity

31          A. Before October 1, 2009, in consultation with the state department  
32 of corrections, the department of administration shall issue a request for

1 information for the purpose of identifying the feasibility of a concession  
2 agreement that allows a private vendor to operate a prison facility. Before  
3 publication, the request for information shall be submitted for review to the  
4 joint committee on capital review.

5 B. In consultation with the state department of corrections, the  
6 department of administration shall issue a request for proposals for a  
7 concession agreement allowing private vendors to operate an Arizona state  
8 prison complex other than the Arizona state prison complex at Yuma. A  
9 private vendor may operate one or more prison complexes. A concession  
10 agreement shall require an annual cost efficiency savings to this state. The  
11 annual cost efficiency savings shall be equally divided between this state  
12 and the private vendor. Not later than April 1, 2010 and before issuance,  
13 the request for proposals shall be submitted for review to the joint  
14 committee on capital review. Any proposed concession agreement shall be  
15 submitted for review to the joint committee on capital review before it is  
16 awarded.

17 C. It is the intent of the legislature that the privatization of  
18 prison operations pursuant to subsection B of this section generate at least  
19 \$100,000,000 from private vendors at the beginning of the term.

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

23 E. Except as otherwise provided in this section, sections 41-1609,  
24 41-1609.01, 41-1609.02, 41-1609.03 and 41-1609.04, Arizona Revised Statutes,  
25 apply to any concession agreement pursuant to subsection B of this section.

26 F. This section is effective retroactively to from and after September  
27 30, 2009.

28 Sec. 34. Board of executive clemency; chairman; executive  
29 director; retroactivity

30 A. Notwithstanding any other law, for fiscal year 2009-2010, the  
31 chairman of the board of executive clemency shall also act as the executive  
32 director of the board.



1 corrections shall submit a report to the joint legislative budget committee  
2 on the status of the beds.

3 B. Section 41-1609.01, subsections I and J, Arizona Revised Statutes,  
4 and section 41-2546, Arizona Revised Statutes, do not apply to any contract  
5 pursuant to subsection A of this section.

6 C. Except as otherwise provided in this section, sections 41-1609,  
7 41-1609.01, 41-1609.02, 41-1609.03 and 41-1609.04, Arizona Revised Statutes,  
8 apply to any contract pursuant to subsection A of this section.

9 Sec. 38. State department of corrections; prison equipment and  
10 operations

11 Notwithstanding any other law, in fiscal year 2009-2010, the state  
12 department of corrections may use any nonappropriated monies for any start up  
13 and operating costs that are associated with the four thousand new state beds  
14 that were authorized in Laws 2007, chapter 261, section 9.

15 Sec. 39. Conforming legislation

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

19 Sec. 40. Retroactivity

20 A. Section 28-3396, Arizona Revised Statutes, as amended by this act,  
21 applies retroactively to from and after June 30, 2009.

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

24 Amend title to conform

RUSSELL PEARCE

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