

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

# HOUSE BILL 2355

AN ACT

AMENDING SECTIONS 12-114.01, 12-116.01, 12-116.02, 28-121, 28-702.01, 28-710, 28-797, 28-907, 28-1598, 41-2419 AND 41-2421, ARIZONA REVISED STATUTES; RELATING TO COURT SURCHARGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-114.01, Arizona Revised Statutes, is amended to  
3 read:

4 12-114.01. Probation assessment; deposit

5 A. Except as provided in section 12-269, in addition to any other  
6 penalty, fine, fee, surcharge or assessment authorized by law, a person shall  
7 pay an assessment of twenty dollars on conviction for a criminal offense or a  
8 finding of responsibility for a civil traffic violation, for a violation of  
9 any local ordinance relating to the stopping, standing or operation of a  
10 vehicle, except parking violations, or for a violation of the game and fish  
11 statutes in title 17.

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

18 C. The court may waive all or part of the assessment in the same  
19 manner and subject to the same limitations provided for the waiver of ~~penalty~~  
20 ~~assessments~~ SURCHARGES in section 12-116.01, subsection F and section  
21 12-116.02, subsection D.

22 Sec. 2. Section 12-116.01, Arizona Revised Statutes, is amended to  
23 read:

24 12-116.01. Surcharges; fund deposits

25 A. In addition to any ~~other~~ penalty ~~assessment~~ provided by law, a  
26 ~~penalty assessment~~ SURCHARGE shall be levied in an amount of forty-seven per  
27 cent on every fine, penalty and forfeiture imposed and collected by the  
28 courts for criminal offenses and any civil penalty imposed and collected for  
29 a civil traffic violation and fine, penalty or forfeiture for a violation of  
30 the motor vehicle statutes, for any local ordinance relating to the stopping,  
31 standing or operation of a vehicle or for a violation of the game and fish  
32 statutes in title 17.

33 B. In addition to any ~~other~~ penalty ~~assessment~~ provided by law, ~~an~~  
34 ~~additional penalty assessment~~ A SURCHARGE shall be levied in an amount of  
35 seven per cent on every fine, penalty and forfeiture imposed and collected by  
36 the courts for criminal offenses and any civil penalty imposed and collected  
37 for a civil traffic violation and fine, penalty or forfeiture for a violation  
38 of the motor vehicle statutes, for any local ordinance relating to the  
39 stopping, standing or operation of a vehicle or for a violation of the game  
40 and fish statutes in title 17.

41 C. In addition to any ~~other~~ penalty ~~assessment~~ provided by law, ~~an~~  
42 ~~additional penalty assessment~~ A SURCHARGE shall be levied through December  
43 31, 2011 in an amount of seven per cent, and beginning January 1, 2012 in an  
44 amount of six per cent, on every fine, penalty and forfeiture imposed and  
45 collected by the courts for criminal offenses and any civil penalty imposed

1 and collected for a civil traffic violation and fine, penalty or forfeiture  
2 for a violation of the motor vehicle statutes, for any local ordinance  
3 relating to the stopping, standing or operation of a vehicle or for a  
4 violation of the game and fish statutes in title 17.

5 D. If any deposit of bail or bond or deposit for an alleged civil  
6 traffic violation is to be made for a violation, the court shall require a  
7 sufficient amount to include the ~~assessment~~ SURCHARGE prescribed in this  
8 section for forfeited bail, bond or deposit. If bail, bond or deposit is  
9 forfeited, the court shall transmit the amount of the ~~assessment~~ SURCHARGE  
10 pursuant to subsection ~~G~~- H of this section. If bail, bond or deposit is  
11 returned, the ~~assessment~~ SURCHARGE made pursuant to this article shall also  
12 be returned.

13 E. After addition of the ~~penalty-assessment~~ SURCHARGE, the courts may  
14 round the total amount due to the nearest one-quarter dollar.

15 F. The judge may waive all or part of the civil penalty, fine,  
16 forfeiture and ~~penalty-assessment~~ SURCHARGE, except for mandatory civil  
17 penalties and fines, the payment of which would work a hardship on the  
18 persons convicted or adjudicated or on their immediate families. If a fine  
19 or civil penalty is mandatory, the judge may waive only all or part of the  
20 ~~penalty-assessments~~ SURCHARGES prescribed by subsections A, B and C of this  
21 section and section 12-116.02. If a fine or civil penalty is not mandatory  
22 and if a portion of the civil penalty, fine, forfeiture and ~~penalty~~  
23 ~~assessment~~ SURCHARGE is waived or suspended, the amount assessed must be  
24 divided according to the proportion that the civil penalty, fine, bail or  
25 bond and the ~~penalty-assessment~~ SURCHARGE represent of the total amount due.

26 G. THE SURCHARGE IMPOSED BY THIS SECTION SHALL BE APPLIED TO THE BASE  
27 FINE, CIVIL PENALTY OR FORFEITURE AND NOT TO ANY OTHER SURCHARGE IMPOSED.

28 ~~G~~- H. After a determination by the court of the amount due, the court  
29 shall transmit, on the last day of each month, the ~~assessments~~ SURCHARGES  
30 collected pursuant to subsections A, B, C and D of this section and a  
31 remittance report of the fines, civil penalties, ~~and~~ assessments AND  
32 SURCHARGES collected pursuant to subsections A, B, C and D of this section to  
33 the county treasurer, except that municipal courts shall transmit the  
34 ~~assessments~~ SURCHARGES and the remittance report of the fines, civil  
35 penalties, ~~and~~ assessments AND SURCHARGES to the city treasurer.

36 ~~H~~- I. The appropriate authorities specified in subsection ~~G~~- H of  
37 this section shall transmit the forty-seven per cent ~~penalty-assessment~~  
38 SURCHARGE prescribed in subsection A of this section and the remittance  
39 report as required in subsection ~~G~~- H of this section to the state treasurer  
40 on or before the fifteenth day of each month for deposit in the criminal  
41 justice enhancement fund established by section 41-2401.

42 ~~I~~- J. The appropriate authorities specified in subsection ~~G~~- H of  
43 this section shall transmit the seven per cent ~~penalty-assessment~~ SURCHARGE  
44 prescribed in subsection B of this section and the remittance report as  
45 required in subsection ~~G~~- H of this section to the state treasurer on or

1 before the fifteenth day of each month for allocation pursuant to section  
2 41-2421, subsection J.

3 ~~J~~ K. The appropriate authorities specified in subsection ~~G~~ H of  
4 this section shall transmit the ~~penalty-assessment~~ SURCHARGE prescribed in  
5 subsection C of this section and the remittance report as required in  
6 subsection ~~G~~ H of this section to the state treasurer on or before the  
7 fifteenth day of each month for deposit in the Arizona deoxyribonucleic acid  
8 identification system fund established by section 41-2419.

9 ~~K~~ L. Partial payments of the amount due shall be transmitted as  
10 prescribed in subsections ~~G~~, H, I, ~~and~~ J AND K of this section and shall be  
11 divided according to the proportion that the civil penalty, fine, bail or  
12 bond and the ~~penalty-assessment~~ SURCHARGE represent of the total amount due.

13 Sec. 3. Section 12-116.02, Arizona Revised Statutes, is amended to  
14 read:

15 12-116.02. Additional surcharges; fund deposits

16 A. In addition to any ~~other~~ penalty ~~assessment~~ provided by law, there  
17 shall be levied a ~~penalty-assessment~~ SURCHARGE in an amount of thirteen per  
18 cent on every fine, penalty and forfeiture imposed and collected by the  
19 courts for criminal offenses and civil penalties imposed and collected for a  
20 civil traffic violation and fine, penalty or forfeiture for a violation of  
21 the motor vehicle statutes, for a violation of any local ordinance relating  
22 to the stopping, standing or operation of a vehicle or for a violation of the  
23 game and fish statutes in title 17.

24 B. If any deposit of bail or bond or deposit for an alleged civil  
25 traffic violation is to be made for a violation, the court shall require a  
26 sufficient amount to include the ~~penalty-assessment~~ SURCHARGE prescribed in  
27 this section for forfeited bail, bond or deposit. If bail, bond or deposit  
28 is forfeited, the amount of such ~~penalty-assessment~~ SURCHARGE shall be  
29 transmitted by the court pursuant to subsection ~~E~~ F of this section. If  
30 bail, bond or deposit is returned, the ~~penalty-assessment~~ SURCHARGE made  
31 pursuant to this article shall also be returned.

32 C. After addition of the ~~penalty-assessment~~ SURCHARGE, the courts may  
33 round the total amount due to the nearest one-quarter dollar.

34 D. The judge may waive all or part of the civil penalty, fine,  
35 forfeiture and ~~penalty-assessment~~ SURCHARGE, except for civil penalties and  
36 fines that are mandatory, the payment of which would work a hardship on the  
37 persons convicted or adjudicated or on their immediate families. If a fine  
38 or civil penalty is mandatory, the judge may waive only all or part of the  
39 ~~penalty-assessments~~ SURCHARGE prescribed by subsection A of this section and  
40 section 12-116.01. If a fine or civil penalty is not mandatory and if a  
41 portion of the civil penalty, fine, forfeiture and ~~penalty-assessment~~  
42 SURCHARGE is waived or suspended, the amount assessed must be divided  
43 according to the proportion that the civil penalty, fine, bail or bond, ~~and~~  
44 the ~~penalty-assessment~~ SURCHARGE represent of the total amount due.

1 E. THE SURCHARGE IMPOSED BY THIS SECTION SHALL BE APPLIED TO THE BASE  
2 FINE, CIVIL PENALTY OR FORFEITURE AND NOT TO ANY OTHER SURCHARGE IMPOSED.

3 ~~E.~~ F. After a determination by the court of the amount due, the court  
4 shall transmit, on the last day of each month, the ~~assessments~~ SURCHARGES  
5 collected pursuant to subsections A and B of this section and a remittance  
6 report of the fines, civil penalties, ~~and~~ assessments AND SURCHARGES  
7 collected pursuant to subsections A and B of this section to the county  
8 treasurer, except that municipal courts shall transmit the ~~assessments~~  
9 SURCHARGES and the remittance report of the fines, civil penalties, ~~and~~  
10 assessments AND SURCHARGES to the city treasurer.

11 ~~F.~~ G. The thirteen per cent ~~penalty-assessment~~ SURCHARGE as required  
12 in subsection A of this section shall be transmitted by the appropriate  
13 authorities prescribed in subsection ~~E~~ F of this section to the state  
14 treasurer on or before the fifteenth day of each month, ~~for deposit in the~~  
15 medical services enhancement fund, ~~established pursuant to~~ BY section  
16 36-2219.01.

17 ~~G.~~ H. Partial payments of the amount due shall be transmitted as  
18 required in subsections ~~E and~~ F AND G of this section and shall be divided  
19 according to the proportion that the civil penalty, fine, bail or bond, ~~and~~  
20 the ~~penalty-assessment,~~ SURCHARGE represent of the total amount due.

21 Sec. 4. Section 28-121, Arizona Revised Statutes, is amended to read:

22 ~~28-121.~~ Violation; classification; exception; civil traffic  
23 violation; surcharge

24 A. A person who violates a provision of this title or who fails or  
25 refuses to do or perform an act or thing required by this title is guilty of  
26 a class 2 misdemeanor, unless the statute defining the offense provides for a  
27 different classification. This subsection does not apply to any provision or  
28 requirement of chapter 3, 5, 7 or 8, chapter 9, article 4 or chapter 10,  
29 article 10 of this title.

30 B. A violation of or failure or refusal to do or perform an act or  
31 thing required by chapter 3, 5, 7 or 8, chapter 9, article 4 or chapter 10,  
32 article 10 of this title is a civil traffic violation unless the statute  
33 defining the violation provides for a different classification. Civil  
34 traffic violations are subject to chapter 5, articles 3 and 4 of this title.

35 C. In addition to any other penalty assessment provided in this title,  
36 the court shall levy the ~~penalty-assessment~~ SURCHARGE as required by sections  
37 12-116.01 and 12-116.02.

38 Sec. 5. Section 28-702.01, Arizona Revised Statutes, is amended to  
39 read:

40 ~~28-702.01.~~ Urbanized areas; waste of a finite resource; civil  
41 penalties

42 A. If the maximum speed limit on a public highway in this state is  
43 fifty-five miles per hour, a person shall not drive a motor vehicle at a  
44 speed in excess of fifty-five miles per hour on that highway. If the speed  
45 at which the person is alleged to have driven as provided in section 28-707,

1 subsection A or the speed at which the court finds the person drove is  
2 sixty-five miles per hour or less, the offense is designated as the waste of  
3 a finite resource and is a civil traffic violation subject to subsection B of  
4 this section.

5 B. If a person is found responsible for a civil traffic violation  
6 pursuant to subsection A of this section:

7 1. A department or agency of this state shall not consider the  
8 violation for the purpose of determining whether the person's driver license  
9 should be suspended or revoked and a court shall not transmit abstracts of  
10 records of judgment for the violation to the department.

11 2. An insurer shall not consider the violation as a moving traffic  
12 violation against the person for the purpose of establishing rates of motor  
13 vehicle insurance charged by the insurer and shall not cancel or refuse to  
14 renew a policy of insurance because of the violation.

15 3. The civil penalty shall not exceed fifteen dollars plus the ~~penalty~~  
16 ~~assessments~~ SURCHARGES imposed pursuant to sections 12-116.01 and 12-116.02.

17 4. A report shall not be made under section 28-1559, subsection B.

18 C. If the maximum speed limit on a public highway in this state is  
19 fifty-five miles per hour, a person shall not drive a motor vehicle at a  
20 speed in excess of fifty-five miles per hour on that highway. If the speed  
21 at which the person is alleged to have driven as provided in section 28-707,  
22 subsection A or the speed at which the court finds the person drove is more  
23 than sixty-five miles per hour, the offense is designated as a civil traffic  
24 violation and the person is subject to a civil penalty of not more than the  
25 amount provided in section 28-1598.

26 D. This section does not apply to an interstate system highway located  
27 outside of an urbanized area, as defined in section 28-702.04, with a  
28 population of fifty thousand or more persons.

29 Sec. 6. Section 28-710, Arizona Revised Statutes, is amended to read:  
30 28-710. State highway work zone safety; civil penalty; fund

31 A. In a state highway work zone as defined in section 28-652 that is  
32 designated as a state highway work zone by traffic control devices indicating  
33 the beginning and end of the state highway work zone and in which workers are  
34 not present, a person shall not drive a vehicle at a speed that is greater  
35 than the speed allowed by traffic control devices.

36 B. In a state highway work zone as defined in section 28-652 that is  
37 designated as a state highway work zone by traffic control devices indicating  
38 the beginning and end of the state highway work zone and in which workers are  
39 present, a person shall not drive a vehicle at a speed that is greater than  
40 the speed allowed by traffic control devices. If a person is found  
41 responsible for a civil traffic violation under this subsection, the person  
42 is subject to a civil penalty equal to the amount of the civil penalty for  
43 the same speeding violation committed in a state highway work zone in which  
44 workers are not present and shall pay an additional assessment equal to the  
45 amount of that civil penalty. The court shall collect the additional

1 assessment at the same time the court collects the civil penalty. Partial  
2 payments of the total amount due pursuant to this subsection shall be divided  
3 according to the proportion that the civil penalty, the ~~penalty assessments~~  
4 **SURCHARGES** levied pursuant to sections 12-116.01 and 12-116.02 and the  
5 additional assessment imposed pursuant to this subsection represent of the  
6 total amount due. The court and the department shall treat failure to pay  
7 the additional assessment imposed pursuant to this subsection in the same  
8 manner as failure to pay a civil penalty, including taking action against the  
9 person's driver license or permit or privilege to drive pursuant to sections  
10 28-1601, 28-3153 and 28-3305.

11 C. A state highway work zone safety fund is established consisting of  
12 monies deposited pursuant to subsection D, paragraph 1 of this section. The  
13 governor's office of highway safety shall administer the fund. The monies in  
14 the fund are continuously appropriated. Monies in the fund shall be used to  
15 establish and maintain a public education campaign for highway work zone  
16 safety.

17 D. If a person is found responsible for a violation of subsection B of  
18 this section in a justice court or **THE** superior court, the court shall  
19 transmit monies received to pay the additional assessment to the county  
20 treasurer. If a person is found responsible for a violation of subsection B  
21 of this section in a municipal court, the court shall transmit the monies  
22 received to pay the additional assessment to the city treasurer.  
23 Notwithstanding section 28-1554, the city or county treasurer shall transmit  
24 the monies received to pay the additional assessment to the state treasurer.  
25 The state treasurer shall deposit the monies received to pay the additional  
26 assessment as follows:

27 1. Fifty per cent in the state highway work zone safety fund  
28 established by this section.

29 2. Fifty per cent in the state highway fund established by section  
30 28-6991.

31 Sec. 7. Section 28-797, Arizona Revised Statutes, is amended to read:  
32 **28-797. School crossings; civil penalty; assessment; definition**

33 A. The director with respect to state highways, the county board of  
34 supervisors with respect to county highways or the governing body of a city  
35 or town or its designee with respect to city or town streets, by and with the  
36 advice of the school district governing board, may mark or cause to be marked  
37 by the department or local authorities crosswalks in front of each school  
38 building or school grounds abutting the locations where children are required  
39 to cross the highway or street.

40 B. The department or local authorities may approve additional  
41 crossings across highways not abutting on school grounds on application of  
42 school authorities and with written satisfactory assurance given the  
43 department or local authorities that guards will be maintained by the school  
44 district at the crossings to enforce the proper use of the crossing by school  
45 children.

1 C. The manual prescribed in section 28-641 shall provide for yellow  
2 marking of the school crossing, yellow marking of the center line of the  
3 roadway and the erection of portable signs indicating that vehicles must stop  
4 when persons are in the crossing. The manual shall also provide the type and  
5 wording of portable signs indicating that school is in session and that the  
6 civil penalty for a violation of this section will be doubled when the signs  
7 are present and permanent signs that warn of the approach to school  
8 crossings.

9 D. When the school crossings are established, school authorities shall  
10 place within the highway the portable signs indicating that school is in  
11 session. This placement shall be not more than three hundred feet from each  
12 side of the school crossing. In addition, portable signs indicating that the  
13 driver shall stop when children are in the crosswalk shall be placed at  
14 school crossings. School authorities shall maintain these signs when school  
15 is in session and shall cause them to be removed within one hour after the  
16 end of a school session or pursuant to an agreement with a city or town.

17 E. Notwithstanding any other law:

18 1. An agency of appropriate jurisdiction may establish a school  
19 crossing on an unpaved highway or street adjacent to a school when the agency  
20 determines the need for the school crossing on the basis of a traffic study.  
21 School crossings on unpaved highways and streets shall be marked by the use  
22 of signs as prescribed in the manual prescribed in section 28-641.

23 2. A local authority may establish a school crossing at an  
24 intersection containing a traffic control signal if the local authority  
25 determines the need for a school crossing on the basis of a traffic study.

26 F. A vehicle shall not proceed at a speed of more than fifteen miles  
27 per hour between the portable signs placed on the highway indicating that  
28 there shall be no passing, that school is in session and that the driver  
29 shall stop when children are in the crosswalk.

30 G. When a school authority places and maintains the required portable  
31 signs indicating that there shall be no passing, that school is in session  
32 and that the driver shall stop when children are in the crosswalk, all  
33 vehicles shall come to a complete stop at the school crossing when the  
34 crosswalk is occupied by a person.

35 H. A vehicle approaching the crosswalk shall not proceed at a speed of  
36 more than fifteen miles per hour between the portable signs placed on the  
37 highway indicating that there shall be no passing, that school is in session,  
38 that the driver shall stop when children are in the crosswalk and that the  
39 civil penalty will double.

40 I. When a school authority places and maintains the required portable  
41 signs indicating that there shall be no passing, that school is in session,  
42 that the driver shall stop when children are in the crosswalk and that the  
43 civil penalty will double, all vehicles shall come to a complete stop at the  
44 school crossing when a person is in the crosswalk.

1 J. If a person is found responsible for a violation of subsection F or  
2 G of this section, the person is subject to a civil penalty.

3 K. If a person is found responsible for a violation of subsection H or  
4 I of this section, the person is subject to a civil penalty and shall pay an  
5 additional assessment equal to the amount of the civil penalty. The  
6 additional assessment is not subject to any surcharge.

7 L. The court shall collect the additional assessment imposed pursuant  
8 to subsection K of this section at the same time the court collects the civil  
9 penalty. Partial payments of the total amount due pursuant to this  
10 subsection shall be divided according to the proportion that the civil  
11 penalty, the ~~penalty-assessments~~ SURCHARGES levied pursuant to sections  
12 12-116.01 and 12-116.02 and the additional assessment imposed pursuant to  
13 this section represent of the total amount due. The court and the department  
14 shall treat failure to pay the additional assessment imposed pursuant to this  
15 subsection in the same manner as failure to pay a civil penalty, including  
16 taking action against the person's driver license or permit or privilege to  
17 drive pursuant to sections 28-1601, 28-3153 and 28-3305.

18 M. If a person is found responsible pursuant to subsection K of this  
19 section in a justice court or superior court, the court shall transmit monies  
20 received to pay the additional assessment to the county treasurer. If a  
21 person is found responsible pursuant to subsection K of this section in a  
22 municipal court, the court shall transmit the monies received to pay the  
23 additional assessment to the city treasurer. The city or county treasurer  
24 shall deposit the monies received to pay the additional assessment in a fund  
25 to pay for costs related to enforcement of this section.

26 N. For the purposes of this section, "school is in session", when used  
27 either in reference to the period of time or to signs, means during school  
28 hours or while children are going to or leaving school during opening or  
29 closing hours.

30 Sec. 8. Section 28-907, Arizona Revised Statutes, is amended to read:  
31 28-907. Child passenger restraint system; civil penalty;  
32 exemptions; notice; child passenger restraint fund;  
33 definitions

34 A. Except as provided in subsection G of this section, a person shall  
35 not operate a motor vehicle on the highways in this state when transporting a  
36 child who is under five years of age unless that child is properly secured in  
37 a child passenger restraint system.

38 B. The department shall adopt standards in accordance with 49 Code of  
39 Federal Regulations section 571.213 for the performance, design and  
40 installation of child passenger restraint systems for use in motor vehicles  
41 as prescribed in this section.

42 C. A person who violates this section is subject to a civil penalty of  
43 fifty dollars, except that a civil penalty shall not be imposed if the person  
44 makes a sufficient showing that the motor vehicle has been subsequently  
45 equipped with a child passenger restraint system that meets the standards

1 adopted pursuant to subsection B of this section. A sufficient showing may  
2 include a receipt mailed to the appropriate court officer that evidences  
3 purchase or acquisition of a child passenger restraint system. The court  
4 imposing and collecting the civil penalty shall deposit, pursuant to sections  
5 35-146 and 35-147, the monies, exclusive of any ~~assessments~~ SURCHARGES  
6 imposed pursuant to sections 12-116.01 and 12-116.02, in the child passenger  
7 restraint fund.

8 D. If a law enforcement officer stops a vehicle for an apparent  
9 violation of this section, the officer shall determine from the driver  
10 whether the unrestrained child or children in the vehicle are under five  
11 years of age.

12 E. If the information given to the officer indicates that a violation  
13 of this section has not been committed, the officer shall not detain the  
14 vehicle any further unless some additional violation is involved. The  
15 stopping of a vehicle for an apparent or actual violation of this section is  
16 not probable cause for the search or seizure of the vehicle unless there is  
17 probable cause for another violation of law.

18 F. The requirements of this section or evidence of a violation of this  
19 section are not admissible as evidence in a judicial proceeding except in a  
20 judicial proceeding for a violation of this section.

21 G. This section does not apply to any of the following:

22 1. A person who operates a motor vehicle that was originally  
23 manufactured without passenger restraint devices.

24 2. A person who operates a motor vehicle that is also a recreational  
25 vehicle as defined in section 41-2142.

26 3. A person who operates a commercial motor vehicle and who holds a  
27 current commercial driver license issued pursuant to chapter 8 of this title.

28 4. A person who must transport a child in an emergency to obtain  
29 necessary medical care.

30 5. A person who transports more than one child under five years of age  
31 in a motor vehicle that because of the restricted size of the passenger area  
32 does not provide sufficient area for the required number of child passenger  
33 restraint devices, if both of the following conditions are met:

34 (a) At least one child is restrained as required by this section.

35 (b) The person has secured as many of the other children in child  
36 passenger restraint devices pursuant to this section as is reasonable given  
37 the restricted size of the passenger area and the number of passengers being  
38 transported in the motor vehicle.

39 H. Before the release of any newly born child from a hospital, the  
40 hospital in conjunction with the attending physician shall provide the  
41 parents of the child with a copy of this section and information with regard  
42 to the availability of loaner or rental programs for child passenger  
43 restraint devices that may be available in the community where the child is  
44 born.

1 I. A child passenger restraint fund is established. The fund consists  
2 of all civil penalties deposited pursuant to this section and any monies  
3 donated by the public. The department of economic security shall administer  
4 the fund.

5 J. The department of economic security shall purchase child passenger  
6 restraint systems that meet the requirements of this section from monies  
7 deposited in the fund. If a responsible agency requests child passenger  
8 restraint systems and if they are available, the department of economic  
9 security shall distribute child passenger restraint systems to the requesting  
10 responsible agency.

11 K. On the application of a person to a responsible agency on a finding  
12 by the responsible agency to which the application was made that the  
13 applicant is unable to acquire a child passenger restraint system because the  
14 person is indigent and subject to availability, the responsible agency shall  
15 loan the applicant a child passenger restraint system at no charge for as  
16 long as the applicant has a need to transport a child who is subject to this  
17 section.

18 L. Monies in the child passenger restraint fund shall not exceed  
19 twenty thousand dollars. All monies collected over the twenty thousand  
20 dollar limit shall be deposited in the Arizona highway user revenue fund  
21 established by section 28-6533.

22 M. For the purposes of this section:

23 1. "Indigent" means a person who is defined as an eligible person  
24 pursuant to section 36-2901.01.

25 2. "Responsible agency" means a licensed hospital, a public or private  
26 agency providing shelter services to victims of domestic violence, a public  
27 or private agency providing shelter services to homeless families or a health  
28 clinic.

29 Sec. 9. Section 28-1598, Arizona Revised Statutes, is amended to read:

30 28-1598. Maximum civil penalty

31 Except as otherwise provided, a civil penalty imposed pursuant to this  
32 article shall not exceed two hundred fifty dollars. In addition, the court  
33 shall levy ~~penalty assessments~~ SURCHARGES pursuant to sections 12-116.01 and  
34 12-116.02.

35 Sec. 10. Section 41-2419, Arizona Revised Statutes, is amended to  
36 read:

37 41-2419. Arizona deoxyribonucleic acid identification system  
38 fund

39 A. The Arizona deoxyribonucleic acid identification system fund is  
40 established. The Arizona deoxyribonucleic acid identification system fund  
41 consists of monies collected pursuant to section 12-116.01 and distributed  
42 pursuant to section 41-2401, subsection D, paragraph 6, monies collected  
43 pursuant to section 12-116.01, subsection C and distributed pursuant to  
44 section 12-116.01, subsection ~~J~~ K and monies contributed to the fund from  
45 any other source. On notice from the department of public safety, the state

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

3 B. The department of public safety shall administer the fund.

4 C. Subject to legislative appropriation, monies in the fund shall be  
5 used for implementing, operating and maintaining deoxyribonucleic acid  
6 testing and for the costs of administering the system.

7 Sec. 11. Section 41-2421, Arizona Revised Statutes, is amended to  
8 read:

9 41-2421. Enhanced collections; allocation of monies; criminal  
10 justice entities

11 A. Notwithstanding any other law and except as provided in subsection  
12 J of this section, five per cent of any monies collected by the supreme court  
13 and the court of appeals for the payment of filing fees, including clerk  
14 fees, diversion fees, fines, penalties, surcharges, sanctions and  
15 forfeitures, shall be deposited, pursuant to sections 35-146 and 35-147, and  
16 allocated pursuant to the formula in subsection B of this section. This  
17 subsection does not apply to monies collected by the courts pursuant to  
18 section 16-954, subsection C, or for child support, restitution or exonerated  
19 bonds.

20 B. The monies deposited pursuant to subsection A of this section shall  
21 be allocated according to the following formula:

22 1. 21.61 per cent to the state aid to county attorneys fund  
23 established by section 11-539.

24 2. 20.53 per cent to the state aid to indigent defense fund  
25 established by section 11-588.

26 3. 57.37 per cent to the state aid to the courts fund established by  
27 section 12-102.02.

28 4. 0.49 per cent to the department of law for the processing of  
29 criminal cases.

30 C. Notwithstanding any other law and except as provided in subsection  
31 J of this section, five per cent of any monies collected by the superior  
32 court, including the clerk of the court and the justice courts in each county  
33 for the payment of filing fees, including clerk fees, diversion fees, adult  
34 and juvenile probation fees, juvenile monetary assessments, fines, penalties,  
35 surcharges, sanctions and forfeitures, shall be transmitted to the county  
36 treasurer for allocation pursuant to subsections E, F, G and H of this  
37 section. This subsection does not apply to monies collected by the courts  
38 pursuant to section 16-954, subsection C or for child support, restitution or  
39 exonerated bonds.

40 D. The supreme court shall adopt guidelines regarding the collection  
41 of revenues pursuant to subsections A and C **OF THIS SECTION**.

42 E. The county treasurer shall allocate the monies deposited pursuant  
43 to subsection C of this section according to the following formula:

44 1. 21.61 per cent for the purposes specified in section 11-539.

45 2. 20.53 per cent for the purposes specified in section 11-588.

- 1           3. 57.37 per cent to the local courts assistance fund established by  
2 section 12-102.03.
- 3           4. 0.49 per cent to the state treasurer for transmittal to the  
4 department of law for the processing of criminal cases.
- 5           F. The board of supervisors in each county shall separately account  
6 for all monies received pursuant to subsections C and E of this section and  
7 expenditures of these monies may be made only after the requirements of  
8 subsections G and H of this section have been met.
- 9           G. By December 1 of each year each county board of supervisors shall  
10 certify if the total revenues received by the justice courts and the superior  
11 court, including the clerk of the superior court, exceed the amount received  
12 in fiscal year 1997-1998. If the board so certifies, then the board shall  
13 distribute the lesser of either:
- 14           1. The total amount deposited pursuant to subsection C of this  
15 section.
- 16           2. The amount collected and deposited pursuant to subsection C of this  
17 section that exceeds the base year collections of fiscal year 1997-1998.  
18 These monies shall be distributed according to the formula specified in  
19 subsection E of this section. Any monies remaining after this allocation  
20 shall be transmitted as otherwise provided by law.
- 21           H. If a county board of supervisors determines that the total revenues  
22 transmitted by the superior court, including the clerk of the superior court  
23 and the justice courts in the county, do not equal the base year collections  
24 transmitted in fiscal year 1997-1998 the monies specified in subsection C of  
25 this section shall be transmitted by the county treasurer as otherwise  
26 provided by law.
- 27           I. For the purposes of this section, base year collections shall be  
28 those collections specified in subsection C of this section.
- 29           J. Monies collected pursuant to section 12-116.01, subsection B shall  
30 be allocated as follows:
- 31           1. 15.44 per cent to the state aid to county attorneys fund  
32 established by section 11-539.
- 33           2. 14.66 per cent to the state aid to indigent defense fund  
34 established by section 11-588.
- 35           3. 40.97 per cent to the state aid to the courts fund established by  
36 section 12-102.02.
- 37           4. 0.35 per cent to the department of law for the processing of  
38 criminal cases.
- 39           5. 14.29 per cent to the Arizona criminal justice commission for  
40 distribution to state, county and municipal law enforcement full service  
41 forensic crime laboratories pursuant to rules adopted by the Arizona criminal  
42 justice commission.
- 43           6. 14.29 per cent to the supreme court for allocation to the municipal  
44 courts pursuant to subsection K of this section.

1           K. The supreme court shall administer and allocate the monies received  
2 pursuant to subsection J, paragraph 6 of this section to the municipal courts  
3 based on the total amount of ~~penalty assessments~~ SURCHARGES transmitted  
4 pursuant to section 12-116.01 by that jurisdiction's city treasurer to the  
5 state treasurer for the prior fiscal year divided by the total amount of  
6 ~~penalty assessments~~ SURCHARGES transmitted to the state treasurer pursuant to  
7 section 12-116.01 by all city treasurers statewide for the prior fiscal year.  
8 The municipal court shall use the monies received to improve, maintain and  
9 enhance the ability to collect and manage monies assessed or received by the  
10 courts, to improve court automation and to improve case processing or the  
11 administration of justice. The municipal court shall submit a plan to the  
12 supreme court and the supreme court shall approve the plan before the  
13 municipal court begins to spend these allocated monies.