

REFERENCE TITLE: criminal justice; budget reconciliation; 2012-2013

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

## HB 2860

Introduced by  
Representative Kavanagh (with permission of Committee on Rules)

### AN ACT

AMENDING SECTIONS 12-117, 13-4041, 31-284 AND 31-285, ARIZONA REVISED STATUTES; REPEALING SECTION 31-286, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-191.09, 41-1609, 41-1609.01 AND 41-1723, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3016.30, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 42, ARIZONA REVISED STATUTES; REPEALING SECTION 5-396, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 1; REPEALING SECTION 13-701, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 5; REPEALING SECTION 28-1383, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 7 AND CHAPTER 341, SECTION 11; REPEALING SECTION 28-8288, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 8; REPEALING SECTION 31-133, ARIZONA REVISED STATUTES; REPEALING SECTION 31-201.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 10; REPEALING SECTION 41-1610.02, ARIZONA REVISED STATUTES; REPEALING LAWS 2011, CHAPTER 33, SECTIONS 28, 29 AND 32; REPEALING LAWS 2009, THIRD SPECIAL SESSION, CHAPTER 6, SECTION 37; MAKING A TRANSFER; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-117, Arizona Revised Statutes, is amended to  
3 read:

4 12-117. Public defender training fund; appropriation

5 A. The public defender training fund is established consisting of  
6 monies allocated to the fund pursuant to section 12-116. The supreme court  
7 shall administer the fund.

8 B. Each month the supreme court shall deposit in the fund the monies  
9 collected for the fund. All monies deposited in the fund are continuously  
10 appropriated to the supreme court for distribution to each county public  
11 defender ~~and the state capital postconviction public defender office~~ as  
12 provided in subsection C of this section.

13 C. The allocation of monies collected shall be made to each county  
14 public defender office ~~and the state capital postconviction public defender~~  
15 ~~office~~ in proportion to the number of felony cases assigned to that office in  
16 the last fiscal year.

17 D. Monies received shall be used exclusively for the purpose of public  
18 defender training. Each public defender office receiving training fund  
19 monies shall submit to the supreme court an annual report of all financial  
20 receipts and expenditures from the training fund.

21 Sec. 2. Section 13-4041, Arizona Revised Statutes, is amended to read:

22 13-4041. Fee of counsel assigned in criminal proceeding or  
23 insanity hearing on appeal or in postconviction  
24 relief proceedings; reimbursement

25 A. Except pursuant to subsection G of this section, if counsel is  
26 appointed by the court to represent the defendant in either a criminal  
27 proceeding or insanity hearing on appeal, the county in which the court from  
28 which the appeal is taken presides shall pay counsel, except that in those  
29 appeals where the defendant is represented by a public defender or other  
30 publicly funded office, compensation shall not be set or paid. Compensation  
31 for services rendered on appeal shall be in an amount as the supreme court in  
32 its discretion deems reasonable, considering the services performed.

33 B. After the supreme court has affirmed a defendant's conviction and  
34 sentence in a capital case, the supreme court, ~~or,~~ if authorized by the  
35 supreme court, the presiding judge of the county from which the case  
36 originated shall appoint counsel to represent the capital defendant in the  
37 state postconviction relief proceeding. ~~The court shall appoint counsel from~~  
38 ~~the state capital postconviction public defender office unless a conflict~~  
39 ~~exists or the court makes a finding that the office cannot represent the~~  
40 ~~defendant.~~

41 C. ~~Notwithstanding subsection B of this section,~~ The supreme court  
42 shall establish and maintain a list of persons who are qualified to represent  
43 capital defendants in ~~those cases in which the court does not appoint counsel~~  
44 ~~from the state capital postconviction public defender office~~ **POSTCONVICTION**  
45 **PROCEEDINGS**. The supreme court may establish by rule more stringent

1 standards of competency for the appointment of postconviction counsel in  
2 capital cases than are provided by this subsection. The supreme court may  
3 refuse to certify an attorney on the list who meets the qualifications  
4 established under this subsection or may remove an attorney from the list who  
5 meets the qualifications established under this subsection if the supreme  
6 court determines that the attorney is incapable or unable to adequately  
7 represent a capital defendant. The court shall appoint counsel from the  
8 list. Counsel who are appointed from the list shall meet the following  
9 qualifications:

10 1. Be a member in good standing of the state bar of Arizona for at  
11 least five years immediately preceding the appointment.

12 2. Have practiced in the area of state criminal appeals or  
13 postconviction proceedings for at least three years immediately preceding the  
14 appointment.

15 3. Not previously have represented the capital defendant in the case  
16 either in the trial court or in the direct appeal, unless the defendant and  
17 counsel expressly request continued representation and waive all potential  
18 issues that are foreclosed by continued representation.

19 D. Before filing a petition, the capital defendant may personally  
20 appear before the trial court and waive counsel. If the trial court finds  
21 that the waiver is knowing and voluntary, appointed counsel may withdraw.  
22 The time limits in which to file a petition shall not be extended due solely  
23 to the change from appointed counsel to self-representation.

24 E. If at any time the trial court determines that the capital  
25 defendant is not indigent, appointed counsel shall no longer be compensated  
26 by public monies and may withdraw.

27 F. Unless counsel is employed by a publicly funded office, counsel  
28 appointed to represent a capital defendant in state postconviction relief  
29 proceedings shall be paid an hourly rate of not to exceed one hundred dollars  
30 per hour for up to two hundred hours of work, whether or not a petition is  
31 filed. Monies shall not be paid to court appointed counsel unless either:

32 1. A petition is timely filed.

33 2. If a petition is not filed, a notice is timely filed stating that  
34 counsel has reviewed the record and found no meritorious claim.

35 G. On a showing of good cause, the trial court shall compensate  
36 appointed counsel from county funds in addition to the amount of compensation  
37 prescribed by subsection F of this section by paying an hourly rate in an  
38 amount that does not exceed one hundred dollars per hour. The attorney may  
39 establish good cause for additional fees by demonstrating that the attorney  
40 spent over two hundred hours representing the defendant in the proceedings.  
41 The court shall review and approve additional reasonable fees and costs. If  
42 the attorney believes that the court has set an unreasonably low hourly rate  
43 or if the court finds that the hours the attorney spent over the two hundred  
44 hour threshold are unreasonable, the attorney may file a special action with  
45 the Arizona supreme court. If counsel is appointed in successive

1 postconviction relief proceedings, compensation shall be paid pursuant to  
2 section 13-4013, subsection A.

3 H. The county shall request reimbursement for fees it incurs pursuant  
4 to subsections F, G and I of this section arising out of the appointment of  
5 counsel to represent an indigent capital defendant in a state postconviction  
6 relief proceeding. The state shall pay fifty per cent of the fees incurred  
7 by the county out of monies appropriated to the supreme court for these  
8 purposes. The supreme court shall approve county requests for reimbursement  
9 after certification that the amount requested is owed.

10 I. The trial court may authorize additional monies to pay for  
11 investigative and expert services that are reasonably necessary to adequately  
12 litigate those claims that are not precluded by section 13-4232.

13 Sec. 3. Section 31-284, Arizona Revised Statutes, is amended to read:

14 31-284. Transition program fund

15 The transition program fund is established consisting of the monies  
16 collected pursuant to section 31-254, subsection D, paragraph 3  
17 and subsection E, paragraph 3 **AND SECTION 31-285, SUBSECTION C.** The  
18 department shall administer the fund to pay for any costs related to the  
19 administration of the transition program and for transition program services.  
20 Monies in the fund are subject to legislative appropriation and are exempt  
21 from the provisions of section 35-190 relating to lapsing of appropriations.

22 Sec. 4. Section 31-285, Arizona Revised Statutes, is amended to read:

23 31-285. Transition program release; report

24 A. An inmate who enters a transition program pursuant to this article  
25 shall be released from confinement three months earlier than the inmate's  
26 earliest release date based on the inmate's risk and need and rules adopted  
27 pursuant to section 31-281. An inmate who the director determines has  
28 participated in the program but who is not low risk shall not be released  
29 from confinement earlier than the inmate's earliest release date.

30 B. On or before September 30 of each year, the department shall  
31 prepare a report that details the cost reductions to the department that are  
32 directed to the transition program pursuant to this article and the number of  
33 participants who did not receive an early release under the transition  
34 program. The reduction rate shall equal at least seventeen dollars per  
35 inmate per day. The department shall submit a copy of its report to the  
36 governor, the president of the senate and the speaker of the house of  
37 representatives and shall provide a copy of this report to the director of  
38 the joint legislative budget committee and the secretary of state.

39 C. The state treasurer shall deposit any cost reductions that are  
40 identified pursuant to subsection B of this section in the transition  
41 ~~services~~ PROGRAM fund established by section ~~31-286~~ 31-284 for the purpose of  
42 providing transitional services.

43 Sec. 5. Repeal

44 Section 31-286, Arizona Revised Statutes, is repealed.

1           Sec. 6. Section 41-191.09, Arizona Revised Statutes, is amended to  
2 read:

3           41-191.09. Attorney general legal services cost allocation  
4           fund; contributions; exemptions

5           A. The attorney general legal services cost allocation fund is  
6 established for the purpose of reimbursing the department of law for general  
7 agency counsel. Monies in the fund are subject to legislative appropriation.  
8 The attorney general shall administer the fund.

9           B. All state agency appropriated and nonappropriated funds, **EXCLUDING**  
10 **FEDERAL MONIES**, shall contribute a pro rata share of general agency counsel  
11 services provided by the department of law. The pro rata share is payable by  
12 payroll fund source, and the resultant amount shall be deposited in the  
13 attorney general legal services cost allocation fund. The pro rata share for  
14 each fund shall be 0.675 per cent of the total payroll. For the purposes of  
15 this subsection, "total payroll" includes ~~federal monies~~, state general fund  
16 monies, special revenue funds, intergovernmental revenue monies, trust funds  
17 and other payroll fund sources **BUT DOES NOT INCLUDE FEDERAL MONIES**.

18           C. A claim for the pro rata share percentage payment shall be  
19 submitted according to the fund source, with the accompanying payroll, to the  
20 department of administration for deposit in the attorney general legal  
21 services cost allocation fund.

22           D. The following agencies are exempt from this section:

- 23           1. The department of water resources.
- 24           2. The residential utility consumer office.
- 25           3. The industrial commission.
- 26           4. The universities and the Arizona board of regents.
- 27           5. The auditor general.
- 28           6. The corporation commission.
- 29           7. The office of the governor.
- 30           8. The department of law.
- 31           9. The house of representatives.
- 32           10. The senate.
- 33           11. The joint legislative budget committee.
- 34           12. The Arizona state library, archives and public records.
- 35           13. The legislative council.
- 36           14. The department of administration risk management fund.
- 37           15. The department of transportation.
- 38           16. The Arizona game and fish department.
- 39           17. The department of economic security.
- 40           18. The Arizona health care cost containment system.
- 41           19. The superior court.
- 42           20. The court of appeals.
- 43           21. The supreme court.

1           22. The Arizona department of agriculture and councils that receive  
2 administrative and budgetary services from the Arizona department of  
3 agriculture.

4           23. All self-supporting regulatory agencies as determined pursuant to  
5 section 35-143.01.

6           24. The Arizona commerce authority.

7           ~~25. The state capital postconviction public defender office.~~

8           E. Monies in the attorney general legal services cost allocation fund  
9 are exempt from lapsing to the state general fund at the end of each fiscal  
10 year.

11           Sec. 7. Section 41-1609, Arizona Revised Statutes, is amended to read:  
12 41-1609. Agreements with federal or private agencies and  
13 institutions; contract review; emergency contracts

14           A. The department may enter into agreements with the federal  
15 government, other states or agencies of the federal government or other  
16 states for such compensation upon which they agree to accept or deliver adult  
17 offenders or to administer correctional programs. Notwithstanding ~~the~~  
18 ~~provisions of~~ section 35-193, any funds received by the department under the  
19 agreements shall be kept in a separate revolving fund for current usage and  
20 shall not revert to the state general fund if unexpended at the close of a  
21 fiscal year.

22           B. The department may contract with any private or public institution  
23 that is located inside or outside this state for facilities or the operation  
24 of facilities that are dedicated to the confinement of persons who are  
25 committed to the department. Notwithstanding chapter 4, article 7 of this  
26 title and article 4 of this chapter, the contract may include a purchase  
27 option and if the contract has a per diem provision the contract may include  
28 a provision that allows a portion of the per diem to be applied to reduce the  
29 purchase price.

30           C. EXCEPT FOR AN EMERGENCY CONTRACT ENTERED INTO PURSUANT TO  
31 SUBSECTION E OF THIS SECTION, THE DEPARTMENT SHALL NOT ENTER INTO A CONTRACT  
32 WITH ANY PRIVATE OR PUBLIC INSTITUTION PURSUANT TO SUBSECTION B OF THIS  
33 SECTION TO INCREASE THE TOTAL NUMBER OF INMATES HOUSED IN A PRIVATE OR PUBLIC  
34 INSTITUTION UNLESS THE DEPARTMENT HAS SPECIFIC AUTHORIZATION FOR THE INCREASE  
35 BY LAW.

36           ~~E.~~ D. The department shall submit all contracts entered into pursuant  
37 to subsection B of this section to the attorney general to determine if the  
38 contract is within the authority granted under the laws of this state and in  
39 proper form. All contracts involving the detention or incarceration of adult  
40 offenders shall conform to the requirements of section 41-1609.01.

41           ~~D.~~ E. Notwithstanding subsection ~~E.~~ D of this section, the department  
42 may enter into emergency contracts pursuant to section 41-2537 with private  
43 or public institutions for facilities or the operation of facilities that are  
44 dedicated to the confinement of persons who are committed to the department.

1           ~~E~~. F. The director may declare an emergency for acts of God, natural  
2 catastrophes, prison riots and overcrowding. In an emergency, the director  
3 shall:

4           1. Confine persons who are committed to the department in either of  
5 the following:

6           (a) An existing public institution.

7           (b) A private institution that is described in subsection B of this  
8 section.

9           2. Up to twenty-four hours before declaring the emergency, notify the  
10 governor and the attorney general of the emergency and the need to relocate  
11 persons who are committed to the department to another existing public or  
12 private facility established pursuant to sections 41-1609.01 and 41-1609.02.

13           3. Within thirty days after declaring the emergency, determine the  
14 length of the emergency confinement. If the director determines that the  
15 emergency confinement will exceed six months in duration, the emergency  
16 contract shall comply with sections 41-1609.01 and 41-1609.02.

17           ~~F~~. G. Notwithstanding subsection ~~E~~-F, paragraph 2 of this section,  
18 if the director declares that an emergency exists due to the overcrowding of  
19 a public or private correctional facility, the director shall discuss with  
20 the governor, the attorney general and the majority and minority leadership  
21 in the senate and the house of representatives relocating the inmates from  
22 the overcrowded facility to another facility before relocating the inmates.

23           ~~G~~. H. An emergency contract shall not exceed one year in duration.

24           Sec. 8. Section 41-1609.01, Arizona Revised Statutes, is amended to  
25 read:

26           41-1609.01. Adult incarceration contracts; criteria

27           A. On publication, any request for proposals shall be provided to the  
28 joint legislative budget committee for its review.

29           B. To be considered for an award of a contract, the proposer must  
30 demonstrate that it has:

31           1. The qualifications, operations and management experience and  
32 experienced personnel necessary to carry out the terms of the contract.

33           2. The ability to comply with applicable correctional standards and  
34 any specific court order, if required.

35           3. A demonstrated history of successful operation and management of  
36 other secure facilities.

37           C. The proposer of a contract for correctional services must agree  
38 that this state may cancel the contract at any time after the first year of  
39 operation, without penalty to this state, on giving ninety days' written  
40 notice.

41           D. A contract may provide for annual contract price or cost  
42 adjustments, except that any adjustments may be made only once each year  
43 effective on the anniversary of the effective date of the contract. If any  
44 adjustment is made pursuant to the terms of the contract, it shall be applied  
45 to the total payments made to the contractor for the previous contract year

1 and shall not exceed the per cent of change in the average consumer price  
2 index as published by the United States department of labor, bureau of labor  
3 statistics between that figure for the latest calendar year and the next  
4 previous calendar year.

5 E. Any price or cost adjustments to a contract different than those  
6 authorized in subsection D of this section may be made only if the  
7 legislature specifically authorizes the adjustments and appropriates monies  
8 for that purpose, if required.

9 F. An award of a contract shall not be made unless an acceptable  
10 proposal is received pursuant to any request for proposals. For the purposes  
11 of this subsection, "acceptable proposal" means a proposal ~~which~~ THAT  
12 substantially meets all of the requirements or conditions set forth in this  
13 section and ~~which~~ THAT meets all of the requirements in the request for  
14 proposals.

15 G. A proposal shall not be accepted unless the proposal offers cost  
16 savings to this state. ~~Cost savings shall be determined based upon the~~  
17 ~~standard cost comparison model for privatization established by the director.~~

18 H. A proposal shall not be accepted unless the proposal offers a level  
19 and quality of services that are at least functionally equal to those that  
20 would be provided by this state.

21 I. Notwithstanding section 41-2546, a contract to provide correctional  
22 services as described in this section may be for an initial period of not  
23 more than ten years.

24 J. The initial contract may include an option to renew for two  
25 subsequent renewal periods of not more than five years each.

26 ~~K. The performance of the contractor shall be compared to the~~  
27 ~~performance of this state in operating similar facilities, as provided in~~  
28 ~~this section. The department shall conduct a biennial comparison of the~~  
29 ~~services provided by the vendor for the purpose of comparing private versus~~  
30 ~~public provision of services. The comparison of services shall be based on~~  
31 ~~professional correctional standards specified by the director and~~  
32 ~~incorporated into the contract and shall be used for the purpose of~~  
33 ~~determining if the contractor is providing at least the same quality of~~  
34 ~~services as this state at a lower cost or if the contractor is providing~~  
35 ~~services superior in quality to those provided by this state at essentially~~  
36 ~~the same cost. In conducting the comparison of services the director shall~~  
37 ~~consider:~~

- 38 ~~1. Security.~~
- 39 ~~2. Inmate management and control.~~
- 40 ~~3. Inmate programs and services.~~
- 41 ~~4. Facility safety and sanitation.~~
- 42 ~~5. Administration.~~
- 43 ~~6. Food service.~~
- 44 ~~7. Personnel practices and training.~~
- 45 ~~8. Inmate health services.~~

1           ~~9. Inmate discipline.~~  
2           ~~10. Other matters relating to services as determined by the director.~~  
3           ~~L. The director of the state department of corrections shall conduct a~~  
4 ~~cost comparison of executed privatization contracts once every five years for~~  
5 ~~each contract.~~  
6           ~~M. The director of the state department of corrections shall provide~~  
7 ~~the most recent service comparison and cost comparison for contractors who~~  
8 ~~exclusively contract with the department to the joint legislative budget~~  
9 ~~committee for its review.~~  
10          ~~N.~~ K. A contract for correctional services described in this section  
11 shall not be entered into unless the following requirements are met:  
12           1. The contractor provides audited financial statements for the  
13 previous five years, or for each of the years the contractor has been in  
14 operation, if fewer than five years, and provides other financial information  
15 as requested.  
16           2. The contractor provides an adequate plan of insurance, specifically  
17 including coverage or insurance for civil rights claims and liabilities as  
18 approved by the risk management division of the department of administration.  
19           3. The contractor agrees to be liable for the costs of any emergency,  
20 public safety or security services provided to the contractor by the state or  
21 any political subdivision of the state and to reimburse the state or any  
22 political subdivision of the state for the cost of any such services.  
23          ~~O.~~ L. The sovereign immunity of this state does not apply to the  
24 contractor. Neither the contractor nor the insurer of the contractor may  
25 plead the defense of sovereign immunity in any action arising out of the  
26 performance of the contract.  
27          ~~P.~~ M. A contract for correctional services shall not authorize, allow  
28 or imply a delegation of authority or responsibility to a prison contractor  
29 for any of the following:  
30           1. Developing and implementing procedures for calculating inmate  
31 release dates.  
32           2. Developing and implementing procedures for calculating and awarding  
33 sentence credits.  
34           3. Approving the type of work inmates may perform and the wages or  
35 sentence credits ~~which~~ THAT may be given to inmates engaging in the work.  
36           4. Granting, denying or revoking sentence credits, placing an inmate  
37 under less restrictive custody or more restrictive custody or taking any  
38 disciplinary actions.  
39          Sec. 9. Section 41-1723, Arizona Revised Statutes, is amended to read:  
40          41-1723. Public safety equipment fund; distribution  
41          A. The public safety equipment fund is established consisting of  
42 monies deposited in the fund pursuant to sections 5-395.01, 5-396, 5-397,  
43 12-116.04, 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287 and 28-8288.  
44 The department shall administer the fund.

1 B. Monies deposited in the fund pursuant to sections 5-395.01, 5-396,  
2 5-397, 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287 and 28-8288 shall  
3 be distributed as follows:

4 1. The first one million two hundred thousand dollars received each  
5 fiscal year as a continuing appropriation to the department for vehicles,  
6 protective armor, electronic stun devices and other safety equipment. Monies  
7 appropriated pursuant to this paragraph are exempt from the provisions of  
8 section 35-190 relating to lapsing of appropriations.

9 2. All other monies each fiscal year shall be deposited in the state  
10 general fund.

11 C. Monies deposited in the fund pursuant to section 12-116.04 are  
12 subject to legislative appropriation and shall be used by the department for  
13 **VEHICLES**, protective armor, electronic stun devices and other safety  
14 equipment.

15 Sec. 10. [Repeal](#)

16 Section [41-3016.30](#), Arizona Revised Statutes, is repealed.

17 Sec. 11. [Repeal](#)

18 Title 41, chapter 42, Arizona Revised Statutes, is repealed.

19 Sec. 12. [Repeal](#)

20 A. Section 5-396, Arizona Revised Statutes, as amended by Laws 2011,  
21 chapter 33, section 1, is repealed.

22 B. Section 13-701, Arizona Revised Statutes, as amended by Laws 2011,  
23 chapter 33, section 5, is repealed.

24 C. Section 28-1383, Arizona Revised Statutes, as amended by Laws 2011,  
25 chapter 33, section 7 and chapter 341, section 11, is repealed.

26 D. Section 28-8288, Arizona Revised Statutes, as amended by Laws 2011,  
27 chapter 33, section 8, is repealed.

28 E. Section 31-133, Arizona Revised Statutes, is repealed.

29 F. Section 31-201.01, Arizona Revised Statutes, as amended by Laws  
30 2011, chapter 33, section 10, is repealed.

31 G. Section 41-1610.02, Arizona Revised Statutes, is repealed.

32 H. Laws 2011, chapter 33, sections 28, 29 and 32 are repealed.

33 Sec. 13. [Repeal](#)

34 Laws 2009, third special session, chapter 6, section 37 is repealed.

35 Sec. 14. [State department of corrections; budget structure](#)

36 Notwithstanding any other law, the state department of corrections  
37 shall report actual fiscal year 2011-2012, estimated fiscal year 2012-2013  
38 and requested fiscal year 2013-2014 expenditures in the same structure and  
39 detail as the prior fiscal year when the department submits the fiscal year  
40 2013-2014 budget request pursuant to section 35-113, Arizona Revised  
41 Statutes. The information submitted for each line item shall contain as much  
42 detail as submitted in previous years for prior line items.



1 funding related to these suspended provisions, including the reasons for the  
2 decrease.

3 Sec. 20. Arizona supreme court; county reimbursement

4 Notwithstanding section 13-4041, subsection H and section 21-428,  
5 subsection B, Arizona Revised Statutes, the Arizona supreme court shall not  
6 reimburse the counties more than the amount appropriated for that purpose in  
7 the fiscal year 2012-2013 general appropriations act.

8 Sec. 21. Collection enforcement revolving fund; disposition of  
9 monies

10 Notwithstanding section 41-191.03, subsection E, Arizona Revised  
11 Statutes, any monies remaining in the collection enforcement revolving fund  
12 at the end of fiscal year 2012-2013 in excess of five hundred thousand  
13 dollars shall be distributed on a pro rata basis to the funds receiving  
14 monies pursuant to section 41-191.03, subsection D, Arizona Revised Statutes.  
15 Such distribution shall be based on the percentage that the collections  
16 deposited in each fund bear to the total amount deposited into the funds  
17 during fiscal year 2012-2013.

18 Sec. 22. Capital postconviction public defender office fund;  
19 transfer

20 From and after June 30, 2012, any monies remaining in the capital  
21 postconviction public defender office fund established by section 41-4303,  
22 Arizona Revised Statutes, shall be transferred to the state general fund.

23 Sec. 23. Photo enforcement fund; transfer

24 A. From and after June 30, 2012, any monies remaining in the photo  
25 enforcement fund established by section 41-1722, subsection B, Arizona  
26 Revised Statutes, shall be transferred to the state general fund.

27 B. From and after June 30, 2012, any monies collected from the state  
28 photo enforcement system established by section 41-1722, Arizona Revised  
29 Statutes, shall be deposited in the state general fund.

30 Sec. 24. Retroactivity

31 Section 12 of this act is effective retroactively to from and after  
32 June 30, 2012.