

REFERENCE TITLE: probation; juvenile; adult

State of Arizona
Senate
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Second Regular Session
2016

SB 1298

Introduced by
Senator Driggs

AN ACT

AMENDING SECTIONS 8-341, 8-352, 8-355, 13-902, 13-914 AND 13-916, ARIZONA
REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-341, Arizona Revised Statutes, is amended to
3 read:

4 8-341. Disposition and commitment; definitions

5 A. After receiving and considering the evidence on the proper
6 disposition of the case, the court may enter judgment as follows:

7 1. It may award a delinquent juvenile:

8 (a) To the care of the juvenile's parents, subject to the supervision
9 of a probation department.

10 (b) To a probation department, subject to any conditions the court may
11 impose, including a period of incarceration in a juvenile detention center of
12 not more than one year.

13 (c) To a reputable citizen of good moral character, subject to the
14 supervision of a probation department.

15 (d) To a private agency or institution, subject to the supervision of
16 a probation officer.

17 (e) To the department of juvenile corrections.

18 (f) To maternal or paternal relatives, subject to the supervision of a
19 probation department.

20 (g) To an appropriate official of a foreign country of which the
21 juvenile is a foreign national who is unaccompanied by a parent or guardian
22 in this state to remain on unsupervised probation for at least one year on
23 the condition that the juvenile cooperate with that official.

24 2. It may award an incorrigible child:

25 (a) To the care of the child's parents, subject to the supervision of
26 a probation department.

27 (b) To the protective supervision of a probation department, subject
28 to any conditions the court may impose.

29 (c) To a reputable citizen of good moral character, subject to the
30 supervision of a probation department.

31 (d) To a public or private agency, subject to the supervision of a
32 probation department.

33 (e) To maternal or paternal relatives, subject to the supervision of a
34 probation department.

35 B. If a juvenile is placed on probation pursuant to this section, the
36 period of probation may continue until the juvenile's eighteenth birthday,
37 except that the term of probation shall not exceed one year if all of the
38 following apply:

39 1. The juvenile is not charged with a subsequent offense.

40 2. The juvenile has not been found in violation of a condition of
41 probation.

42 3. The court has not made a determination that it is in the best
43 interests of the juvenile or the public to require continued supervision.
44 The court shall state by minute entry or written order its reasons for
45 finding that continued supervision is required.

1 4. The offense for which the juvenile is placed on probation does not
2 involve a dangerous offense as defined in section 13-105.

3 5. The offense for which the juvenile is placed on probation does not
4 involve a violation of title 13, chapter 14 or 35.1.

5 6. Restitution ordered pursuant to section 8-344 has been made.

6 7. The juvenile's parents have not requested that the court continue
7 the juvenile's probation for more than one year.

8 C. If a juvenile is adjudicated as a first time felony juvenile
9 offender, the court shall provide the following written notice to the
10 juvenile:

11 You have been adjudicated a first time felony juvenile
12 offender. You are now on notice that if you are adjudicated of
13 another offense that would be a felony offense if committed by
14 an adult and if you commit the other offense when you are
15 fourteen years of age or older, you ~~will~~ MAY be placed on
16 juvenile intensive probation, which may include home arrest and
17 electronic monitoring, or you may be placed on juvenile
18 intensive probation and may be incarcerated for a period of time
19 in a juvenile detention center, or you may be committed to the
20 department of juvenile corrections or you may be prosecuted as
21 an adult. If you are convicted as an adult of a felony offense
22 and you commit any other offense, you will be prosecuted as an
23 adult.

24 D. If a juvenile is fourteen years of age or older and is adjudicated
25 as a repeat felony juvenile offender, the juvenile court ~~shall~~ MAY place the
26 juvenile on juvenile intensive probation, which may include home arrest and
27 electronic monitoring, may place the juvenile on juvenile intensive
28 probation, which may include incarceration for a period of time in a juvenile
29 detention center, or may commit the juvenile to the department of juvenile
30 corrections pursuant to subsection A, paragraph 1, subdivision (e) of this
31 section for a significant period of time.

32 E. If the juvenile is adjudicated as a repeat felony juvenile
33 offender, the court shall provide the following written notice to the
34 juvenile:

35 You have been adjudicated a repeat felony juvenile
36 offender. You are now on notice that if you are arrested for
37 another offense that would be a felony offense if committed by
38 an adult and if you commit the other offense when you are
39 fifteen years of age or older, you will be tried as an adult in
40 the criminal division of the superior court. If you commit the
41 other offense when you are fourteen years of age or older, you
42 may be tried as an adult in the criminal division of the
43 superior court. If you are convicted as an adult, you will be
44 sentenced to a term of incarceration. If you are convicted as

1 an adult of a felony offense and you commit any other offense,
2 you will be prosecuted as an adult.

3 F. The failure or inability of the court to provide the notices
4 required under subsections C and E of this section does not preclude the use
5 of the prior adjudications for any purpose otherwise permitted.

6 G. Except as provided in subsection S of this section, after
7 considering the nature of the offense and the age, physical and mental
8 condition and earning capacity of the juvenile, the court shall order the
9 juvenile to pay a reasonable monetary assessment if the court determines that
10 an assessment is in aid of rehabilitation. If the director of the department
11 of juvenile corrections determines that enforcement of an order for monetary
12 assessment as a term and condition of conditional liberty is not
13 cost-effective, the director may require the youth to perform an equivalent
14 amount of community restitution in lieu of the payment ordered as a condition
15 of conditional liberty.

16 H. If a child is adjudicated incorrigible, the court may impose a
17 monetary assessment on the child of not more than one hundred fifty dollars.

18 I. A juvenile who is charged with unlawful purchase, possession or
19 consumption of spirituous liquor is subject to section 8-323. The monetary
20 assessment for a conviction of unlawful purchase, possession or consumption
21 of spirituous liquor by a juvenile shall not exceed five hundred dollars.
22 The court of competent jurisdiction may order a monetary assessment or
23 equivalent community restitution.

24 J. The court shall require the monetary assessment imposed under
25 subsection G or H of this section on a juvenile who is not committed to the
26 department of juvenile corrections to be satisfied in one or both of the
27 following forms:

28 1. Monetary reimbursement by the juvenile in a lump sum or installment
29 payments through the clerk of the superior court for appropriate
30 distribution.

31 2. A program of work, not in conflict with regular schooling, to
32 repair damage to the victim's property, to provide community restitution or
33 to provide the juvenile with a job for wages. The court order for
34 restitution or monetary assessment shall specify, according to the
35 dispositional program, the amount of reimbursement and the portion of wages
36 of either existing or provided work that is to be credited toward
37 satisfaction of the restitution or assessment, or the nature of the work to
38 be performed and the number of hours to be spent working. The number of
39 hours to be spent working shall be set by the court based on the severity of
40 the offense but shall not be less than sixteen hours.

41 K. If a juvenile is committed to the department of juvenile
42 corrections, the court shall specify the amount of the monetary assessment
43 imposed pursuant to subsection G or H of this section.

44 L. After considering the length of stay guidelines developed pursuant
45 to section 41-2816, subsection C, the court may set forth in the order of

1 commitment the minimum period during which the juvenile shall remain in
2 secure care while in the custody of the department of juvenile corrections.
3 When the court awards a juvenile to the department of juvenile corrections or
4 an institution or agency, it shall transmit with the order of commitment
5 copies of a diagnostic psychological evaluation and educational assessment if
6 one has been administered, copies of the case report, all other psychological
7 and medical reports, restitution orders, any request for postadjudication
8 notice that has been submitted by a victim and any other documents or records
9 pertaining to the case requested by the department of juvenile corrections or
10 an institution or agency. The department shall not release a juvenile from
11 secure care before the juvenile completes the length of stay determined by
12 the court in the commitment order unless the county attorney in the county
13 from which the juvenile was committed requests the committing court to reduce
14 the length of stay. The department may temporarily escort the juvenile from
15 secure care pursuant to section 41-2804, may release the juvenile from secure
16 care without a further court order after the juvenile completes the length of
17 stay determined by the court or may retain the juvenile in secure care for
18 any period subsequent to the completion of the length of stay in accordance
19 with the law.

20 M. Written notice of the release of any juvenile pursuant to
21 subsection L of this section shall be made to any victim requesting notice,
22 the juvenile court that committed the juvenile and the county attorney of the
23 county from which the juvenile was committed.

24 N. Notwithstanding any law to the contrary, if a person is under the
25 supervision of the court as an adjudicated delinquent juvenile at the time
26 the person reaches eighteen years of age, treatment services may be provided
27 until the person reaches twenty-one years of age if the court, the person and
28 the state agree to the provision of the treatment and a motion to transfer
29 the person pursuant to section 8-327 has not been filed or has been
30 withdrawn. The court may terminate the provision of treatment services after
31 the person reaches eighteen years of age if the court determines that any of
32 the following applies:

- 33 1. The person is not progressing toward treatment goals.
- 34 2. The person terminates treatment.
- 35 3. The person commits a new offense after reaching eighteen years of
36 age.
- 37 4. Continued treatment is not required or is not in the best interests
38 of the state or the person.

39 0. On the request of a victim of an act that may have involved
40 significant exposure as defined in section 13-1415 or that if committed by an
41 adult would be a sexual offense, the prosecuting attorney shall petition the
42 adjudicating court to require that the juvenile be tested for the presence of
43 the human immunodeficiency virus. If the victim is a minor the prosecuting
44 attorney shall file this petition at the request of the victim's parent or
45 guardian. If the act committed against a victim is an act that if committed

1 by an adult would be a sexual offense or the court determines that sufficient
2 evidence exists to indicate that significant exposure occurred, it shall
3 order the department of juvenile corrections or the department of health
4 services to test the juvenile pursuant to section 13-1415. Notwithstanding
5 any law to the contrary, the department of juvenile corrections and the
6 department of health services shall release the test results only to the
7 victim, the delinquent juvenile, the delinquent juvenile's parent or guardian
8 and a minor victim's parent or guardian and shall counsel them regarding the
9 meaning and health implications of the results.

10 P. If a juvenile has been adjudicated delinquent for an offense that
11 if committed by an adult would be ~~a felony~~ AN OFFENSE LISTED IN SECTION
12 41-1750, SUBSECTION C, the court shall provide the department of public
13 safety Arizona automated fingerprint identification system established in
14 section 41-2411 with the juvenile's TEN-PRINT fingerprints, personal
15 identification data and other pertinent information. If a juvenile has been
16 committed to the department of juvenile corrections the department shall
17 provide the fingerprints and information required by this subsection to the
18 Arizona automated fingerprint identification system. If the juvenile's
19 fingerprints and information have been previously submitted to the Arizona
20 automated fingerprint identification system the information is not required
21 to be resubmitted.

22 Q. Access to fingerprint records submitted pursuant to subsection P of
23 this section shall be limited to the administration of criminal justice as
24 defined in section 41-1750. Dissemination of fingerprint information shall
25 be limited to the name of the juvenile, juvenile case number, date of
26 adjudication and court of adjudication.

27 R. If a juvenile is adjudicated delinquent for an offense that if
28 committed by an adult would be a misdemeanor, the court may prohibit the
29 juvenile from carrying or possessing a firearm while the juvenile is under
30 the jurisdiction of the department of juvenile corrections or the juvenile
31 court.

32 S. If a juvenile is adjudicated delinquent for a violation of section
33 13-1602, subsection A, paragraph 5, the court shall order the juvenile to pay
34 a fine of at least three hundred dollars but not more than one thousand
35 dollars. Any restitution ordered shall be paid in accordance with section
36 13-809, subsection A. The court may order the juvenile to perform community
37 restitution in lieu of the payment for all or part of the fine if it is in
38 the best interests of the juvenile. The amount of community restitution
39 shall be equivalent to the amount of the fine by crediting any service
40 performed at a rate of ten dollars per hour. If the juvenile is convicted of
41 a second or subsequent violation of section 13-1602, subsection A, paragraph
42 5 and is ordered to perform community restitution, the court may order the
43 parent or guardian of the juvenile to assist the juvenile in the performance
44 of the community restitution if both of the following apply:

1 1. The parent or guardian had knowledge that the juvenile intended to
2 engage in or was engaging in the conduct that gave rise to the violation.

3 2. The parent or guardian knowingly provided the juvenile with the
4 means to engage in the conduct that gave rise to the violation.

5 T. If a juvenile is adjudicated delinquent for an offense involving
6 the purchase, possession or consumption of spirituous liquor or a violation
7 of title 13, chapter 34 and is placed on juvenile probation, the court may
8 order the juvenile to submit to random drug and alcohol testing at least two
9 times per week as a condition of probation.

10 U. A juvenile who is adjudicated delinquent for an offense involving
11 the purchase, possession or consumption of spirituous liquor or a violation
12 of title 13, chapter 34, who is placed on juvenile probation and who is found
13 to have consumed any spirituous liquor or to have used any drug listed in
14 section 13-3401 while on probation is in violation of the juvenile's
15 probation. IF a juvenile ~~who~~ commits a third or subsequent violation of a
16 condition of probation as prescribed by this subsection, THE JUVENILE shall
17 be brought before the juvenile court and, if the allegations are proven, the
18 court shall either revoke probation and hold a disposition hearing pursuant
19 to this section or select additional conditions of probation as it deems
20 necessary, including detention, global position system monitoring, additional
21 alcohol or drug treatment, community restitution, additional drug or alcohol
22 testing or a monetary assessment.

23 V. For the purposes of this section:

24 1. "First time felony juvenile offender" means a juvenile who is
25 adjudicated delinquent for an offense that would be a felony offense if
26 committed by an adult.

27 2. "Repeat felony juvenile offender" means a juvenile to whom both of
28 the following apply:

29 (a) Is adjudicated delinquent for an offense that would be a felony
30 offense if committed by an adult.

31 (b) Previously has been adjudicated a first time felony juvenile
32 offender.

33 3. "Sexual offense" means oral sexual contact, sexual contact or
34 sexual intercourse as defined in section 13-1401.

35 Sec. 2. Section 8-352, Arizona Revised Statutes, is amended to read:

36 8-352. Intensive probation; evaluation; criteria; limit;
37 conditions

38 A. A juvenile probation officer shall prepare a disposition summary
39 report for every juvenile who has been adjudicated of a delinquent act or of
40 a technical violation of probation.

41 B. The juvenile probation officer shall evaluate the needs of the
42 juvenile and the juvenile's risk to the community, including the nature of
43 the offense, the delinquent history of the juvenile, the juvenile's history
44 of referrals and adjustments and the recommendation of the juvenile's
45 parents. The juvenile probation officer shall include the recommendation of

1 the juvenile's parents in the disposition summary report. If the nature of
2 the offense and the prior delinquent history of the juvenile indicate that
3 the juvenile should be included in an intensive probation program pursuant to
4 supreme court guidelines for juvenile intensive probation, the juvenile
5 probation officer may recommend to the court that the juvenile be granted
6 intensive probation.

7 C. After reviewing the juvenile's prior record, the facts and
8 circumstances of the current delinquent act or technical violation of
9 probation and the disposition summary report, the court may grant the
10 juvenile a period of intensive probation.

11 D. When granting intensive probation the court shall set forth on the
12 record the factual reasons for using the disposition.

13 E. Intensive probation shall be conditioned on the juvenile:

14 1. Participating in one or more of the following ~~throughout the term~~
15 ~~of intensive probation~~, IF APPROVED BY THE COURT OR PROBATION OFFICER, for
16 not less than thirty-two hours each week THROUGHOUT THE TERM OF PROBATION:

17 (a) School.

18 (b) A ~~court-ordered~~ treatment program.

19 (c) Employment.

20 (d) Supervised community restitution work.

21 (e) AN ACTIVITY THAT IMPROVES THE JUVENILE'S PROSOCIAL SKILL
22 DEVELOPMENT, INCLUDING ENHANCING THE JUVENILE'S RELATIONSHIP WITH THE
23 JUVENILE'S FAMILY.

24 2. Paying restitution and probation fees except that the inability to
25 pay probation fees or restitution does not prohibit participation in the
26 intensive probation program.

27 3. Remaining at a place of residence at all times except to attend
28 school, work or treatment, to perform community restitution or to participate
29 in some activity, as specifically allowed in each instance by the supervising
30 juvenile probation officer, or if in the direct company of a parent, guardian
31 or custodian, as approved by the juvenile probation officer.

32 4. Allowing administration of drug and alcohol tests as directed by a
33 juvenile probation officer.

34 5. Meeting any other conditions imposed by the court, including
35 electronic monitoring, to meet the needs of the juvenile or to limit the
36 risks to the community.

37 F. Probation fees shall be deposited in the juvenile probation fund
38 established pursuant to section 12-268.

39 Sec. 3. Section 8-355, Arizona Revised Statutes, is amended to read:
40 8-355. School; employment; community restitution programs

41 The juvenile intensive probation team shall ensure that each juvenile
42 under its supervision is ~~either employed, attending school, participating in~~
43 ~~a community restitution program or attending a court-ordered treatment~~
44 ~~program or any combination thereof as ordered by the court~~ PARTICIPATING IN
45 ONE OR MORE OF THE FOLLOWING, IF APPROVED BY THE COURT OR PROBATION OFFICER,

1 for not less than thirty-two hours each week.— THROUGHOUT THE TERM OF
2 INTENSIVE PROBATION:

- 3 1. SCHOOL.
- 4 2. A TREATMENT PROGRAM.
- 5 3. EMPLOYMENT.
- 6 4. AN ACTIVITY THAT IMPROVES THE JUVENILE'S PROSOCIAL SKILL
- 7 DEVELOPMENT, INCLUDING ENHANCING THE JUVENILE'S RELATIONSHIP WITH THE
- 8 JUVENILE'S FAMILY.

9 Sec. 4. Section 13-902, Arizona Revised Statutes, is amended to read:
10 13-902. Periods of probation; monitoring; fees; definition

11 A. Unless terminated sooner, probation may continue for the following
12 periods:

- 13 1. For a class 2 felony, seven years.
- 14 2. For a class 3 felony, five years.
- 15 3. For a class 4 felony, four years.
- 16 4. For a class 5 or 6 felony, three years.
- 17 5. For a class 1 misdemeanor, three years.
- 18 6. For a class 2 misdemeanor, two years.
- 19 7. For a class 3 misdemeanor, one year.

20 B. Notwithstanding subsection A of this section, unless terminated
21 sooner, probation may continue for the following periods:

- 22 1. For a violation of section 28-1381 or 28-1382, five years.
- 23 2. For a violation of section 28-1383, ten years.

24 C. ~~When~~ IF the court has required, as a condition of probation, that
25 the defendant make restitution for any economic loss related to the
26 defendant's offense and that condition has not been satisfied, the court at
27 any time before the termination or expiration of probation may extend the
28 period within the following limits:

- 29 1. For a felony, not more than five years.
- 30 2. For a misdemeanor, not more than two years.

31 D. Notwithstanding any other provision of law, justice courts and
32 municipal courts may impose the probation periods specified in subsection A,
33 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

34 E. After conviction of a felony offense or an attempt to commit any
35 offense that is included in chapter 14 or 35.1 of this title or section
36 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may
37 continue for a term of not less than the term that is specified in subsection
38 A of this section up to and including life and that the court believes is
39 appropriate for the ends of justice.

40 F. After conviction of a violation of section 13-3824, subsection A,
41 if a term of probation is imposed and the offense for which the person was
42 required to register was a felony, probation may continue for a term of not
43 less than the term that is specified in subsection A of this section up to
44 and including life and that the court believes is appropriate for the ends of
45 justice.

1 G. If a person is convicted on or after November 1, 2006 of a
2 dangerous crime against children as defined in section 13-705, a term of
3 probation is imposed, the person is required to register pursuant to section
4 13-3821 and the person is classified as a level three offender pursuant to
5 section 13-3825, the court shall require global position system or electronic
6 monitoring for the duration of the term of probation, **UNLESS THE COURT**
7 **DETERMINES THAT THE DEFENDANT IS IN A SECURE FACILITY OR IS PHYSICALLY**
8 **INCAPACITATED TO THE EXTENT THAT GLOBAL POSITION SYSTEM OR ELECTRONIC**
9 **MONITORING IS UNNECESSARY.** The court may impose a fee on the probationer to
10 offset the cost of the monitoring device required by this subsection. The
11 fee shall be deposited in the adult probation services fund pursuant to
12 section 12-267, subsection A, paragraph 3. This subsection does not preclude
13 global position system or electronic monitoring of any other person who is
14 serving a term of probation.

15 H. **FOR THE PURPOSES OF THIS SECTION, "SECURE FACILITY" MEANS A**
16 **FACILITY WHOSE PURPOSE IS TO PREVENT A PERSON FROM LEAVING THE FACILITY**
17 **BECAUSE OF THE DANGER THE PERSON MAY PRESENT TO ONESELF OR THE COMMUNITY.**

18 Sec. 5. Section 13-914, Arizona Revised Statutes, is amended to read:
19 **13-914. Intensive probation; evaluation; sentence; criteria;**
20 **limit; conditions**

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

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

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

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

34 C. The court may suspend the imposition or execution of the sentence
35 and grant the offender a period of intensive probation in accordance with
36 this chapter. Except for sentences that are imposed pursuant to section
37 13-3601, the sentence is tentative to the extent that it may be altered or
38 revoked pursuant to this chapter, but for all other purposes it is a final
39 judgment of conviction. This subsection does not preclude the court from
40 imposing a term of intensive probation pursuant to section 13-3601.

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

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

44 1. Maintaining employment or ~~maintaining~~ full-time student status at a
45 school subject to title 15 or title 32, chapter 30, **OR A COMBINATION OF**

1 EMPLOYMENT AND STUDENT STATUS, and making progress deemed satisfactory to the
2 probation officer, ~~or both~~, or being involved in supervised job searches and
3 community restitution work at least six days a week throughout the offender's
4 term of intensive probation.

5 2. Paying restitution and probation fees of not less than seventy-five
6 dollars unless, after determining the inability of the offender to pay the
7 fee, the court assesses a lesser fee. Probation fees shall be deposited in
8 the adult probation services fund established by section 12-267. Any amount
9 assessed pursuant to this paragraph shall be used to supplement monies used
10 for the salaries of adult probation and surveillance officers and for support
11 of programs and services of the superior court adult probation departments.

12 3. Establishing a residence at a place approved by the intensive
13 probation team and not changing the offender's residence without the team's
14 prior approval.

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

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

20 6. Performing not less than forty hours of community restitution each
21 month. OFFENDERS WHO ARE full-time students, EMPLOYED OR IN A TREATMENT
22 PROGRAM APPROVED BY THE COURT OR THE PROBATION DEPARTMENT may be exempted or
23 required to perform fewer hours of community restitution. For good cause,
24 the court may reduce the number of community restitution hours performed to
25 not less than twenty hours each month.

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

30 Sec. 6. Section 13-916, Arizona Revised Statutes, is amended to read:
31 13-916. Intensive probation teams; adult probation officer
32 qualifications; duties; case load limit

33 A. The chief adult probation officer in each county, with approval of
34 the presiding judge of the superior court, shall appoint intensive probation
35 teams consisting of one adult probation officer and one surveillance officer,
36 two adult probation officers or one adult probation officer and two
37 surveillance officers.

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

41 C. The adult probation officers shall meet the bonding requirements
42 and experience and education standards established pursuant to section
43 12-251.

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

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

7 F. The intensive probation team shall:

8 1. Secure and keep a complete identification record of each person
9 supervised by the team and a written statement of the conditions of the
10 probation.

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

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

14 (b) Weekly ~~contact with the employer of the probationer~~ VERIFICATION
15 OF THE PROBATIONER'S EMPLOYMENT.

16 3. Obtain and assemble information concerning the conduct of persons
17 sentenced to intensive probation, including weekly arrest records, and report
18 the information to the court.

19 4. Report to the court if the probationer engages in conduct
20 constituting an offense.

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

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

26 7. Perform any other responsibilities required by the terms and
27 conditions imposed by the court.

28 Sec. 7. Global position system and electronic monitoring:
29 applicability

30 A. Beginning on the effective date of this act, the requirement for
31 global position system or electronic monitoring prescribed by section 13-902,
32 subsection G, Arizona Revised Statutes, as amended by this act, does not
33 apply to any person who on the effective date of this act is on global
34 position system or electronic monitoring prescribed by section 13-902,
35 subsection G, Arizona Revised Statutes, as amended by this act, who was
36 convicted or found guilty except insane before July 13, 2009 of a dangerous
37 crime against children as defined in section 13-705, Arizona Revised
38 Statutes, and who at the time of conviction or finding of guilty except
39 insane was not required to register pursuant to section 13-3821, Arizona
40 Revised Statutes, and was not classified as a level three offender.

41 B. Section 13-902, subsection G, Arizona Revised Statutes, as amended
42 by this act, applies to all persons who are required to have global position
43 system or electronic monitoring, including persons who were required to have
44 global position system or electronic monitoring on or before the effective
45 date of this section.