



# HOUSE OF REPRESENTATIVES

SB 1298

probation; juvenile; adult

Prime Sponsor: Senator Driggs, LD 28

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**DPA** Committee on Judiciary

**DPA** Caucus and COW

**X** As Transmitted to the Governor

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## OVERVIEW

SB 1298 modifies requirements for persons placed on probation.

## PROVISIONS

### *Juvenile Intensive Probation*

1. Expands conditions that a juvenile placed on intensive probation may be subject to by including participation in:
  - a. A treatment program; or
  - b. An activity that improves the juvenile's pro-social skill development. This includes an activity that enhances the juvenile's relationship with his or her family.
2. Requires participation in specific activities that are approved by the court or probation officer as a condition of intensive probation.
3. Requires the intensive probation team to ensure that juveniles on intensive probation participate in the specific activities required as conditions of probation.

### *Adult Intensive Probation*

4. Modifies conditions of adult intensive probation by:
  - a. Requiring the offender to maintain employment or full-time student status, or a combination of employment and student status;
  - b. Allowing an exemption from the requirement to perform 40 hours of community restitution each month for offenders who are:
    - i. Full-time students;
    - ii. Employed; or
    - iii. In a treatment program approved by the court or probation department.
5. Requires adult probation teams to verify the probationer's employment weekly, instead of requiring weekly contact with the employer.

### *Global Position System & Electronic Monitoring for Specific Adult Probationers*

6. Permits an offender who was placed on global positioning system (GPS) or electronic monitoring (EM) prior to July 13, 2009 to petition the court to have the requirement for GPS or EM removed, if the offender was not required to register as a sex offender at the time of conviction and is not designated as a Level-3 sex offender.
7. Requires the court to consider the safety of the public and the conduct of the defendant while on probation in making the determination.

*Miscellaneous*

8. Requires the court to provide a juvenile's ten-print fingerprints to the Department of Public Safety (DPS) Arizona Automated Fingerprint Identification System if the juvenile is adjudicated delinquent for any of the following:
  - a. Felony offenses;
  - b. Offenses involving domestic violence;
  - c. Sexual offenses; or
  - d. Driving under the influence offenses.
9. Makes technical and conforming changes.

**CURRENT LAW**

[A.R.S. § 8-341](#) requires a juvenile who is at least 14 years old to be placed on juvenile intensive probation if adjudicated as a repeat juvenile offender. Intensive probation may include home arrest, electronic monitoring or incarceration in a juvenile detention center. The offender may also be committed to the Department of Juvenile Corrections. Juveniles placed on intensive probation must comply with specific conditions of probation, including:

- Participating in one or more of the following at least 32 hours per week:
  - School;
  - A court-ordered treatment program;
  - Employment; or
  - Supervised community restitution work.
- Paying restitution and probation fees;
- Remaining in the juvenile's home except to attend specific activities;
- Submitting to drug and alcohol tests at the direction of the probation officer; and
- Any other requirements imposed by the court.

Juveniles on intensive probation are supervised by a team consisting of a probation officer and a surveillance officer. The team is required to ensure that each juvenile is either employed, attending school, participating in a community restitution program or attending a court-ordered treatment program or any combination as ordered by the court for at least 32 hours each week.

[A.R.S. § 13-902\(G\)](#) requires a person who meets the following criteria to be placed on GPS or EM for the duration of the person's term of probation:

- Convicted after 11/1/06 of a DCAC offense ([A.R.S. § 13-705](#));
- Placed on a term of probation; and
- A level three sex offender to be placed on GPS or EM for the duration of the person's term of probation.

Prior to the enactment of [Laws 2009, Chapter 125](#), A.R.S. 13-902(G) required any person convicted of a DCAC to be placed on GPS monitoring for the duration of the person's term of probation.

[A.R.S. § 13-914](#) requires adult intensive probation offenders to:

- Maintain employment or full-time student status making progress deemed satisfactory to the probation officer, or both;
- Be involved in supervised job searches and community restitution work at least six days per week.
- Pay restitution and probation fees;
- Establish a residence at a place approved by the intensive probation team;
- Remain at the offenders home except to engage in specific activities;

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- Submit to drug and alcohol tests at the request of the intensive probation team; and
- Perform at least 40 hours of community restitution each month, unless exempted. For good cause, the court may reduce the number of community restitution hours to at least 20 hours per month.

Supervision requirements for the adult intensive probation team are outlined in [A.R.S. § 13-916](#).

[A.R.S. § 41-1750](#) charges DPS with the effective operation of the Central State Repository of criminal records in order to collect, store and disseminate complete and accurate Arizona criminal history records. DPS must collect, and Arizona criminal justice agencies are required to provide, specific information for all persons who have been charged with, arrested for, convicted of or summoned to court for a:

- Felony offense,
- Offense involving domestic violence ([A.R.S. § 13-3601](#)),
- Sexual offense under [A.R.S. Title 13, Ch. 14](#), or
- Driving under the influence offenses under [A.R.S. Title 28, Ch. 4](#).

[A.R.S. § 8-341](#) requires the court to provide a juvenile's fingerprints to DPS if the juvenile is adjudicated delinquent for an offense that would be a felony if committed by an adult.