

State of Arizona
House of Representatives
Forty-ninth Legislature
Third Special Session
2009

CHAPTER 6
HOUSE BILL 2010

AN ACT

AMENDING SECTIONS 8-358, 12-114.01, 12-251, 12-299.03, 12-2456, 13-901.02, 13-914, 13-916, 21-222, 25-323.01, 25-323.02, 28-3396, 31-466, 31-467.06, 38-842 AND 38-902, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1608; AMENDING SECTION 41-1722, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1772; AMENDING SECTION 41-2401, ARIZONA REVISED STATUTES; AMENDING LAWS 2007, CHAPTER 261, SECTION 16; MAKING APPROPRIATIONS; 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 8-358, Arizona Revised Statutes, is amended to
3 read:

4 **8-358. Juvenile intensive probation guidelines: report**

5 A. The supreme court shall establish juvenile intensive probation
6 guidelines. In establishing these guidelines, the supreme court shall ensure
7 that both:

8 1. Juveniles who are granted intensive probation meet the requirements
9 of section 8-352.

10 2. Based on the nature of the offense and the delinquent history of
11 the juvenile, there are reasonable grounds to believe that the juvenile is
12 able to remain at liberty without posing a substantial risk to the community.

13 B. The supreme court shall annually submit a report stating the number
14 of juveniles supervised on intensive probation during the prior year, the
15 nature of the offense and the delinquent history of each of these juveniles
16 to the governor, the speaker of the house of representatives and the
17 president of the senate at the time of its annual budget request. **BEGINNING
18 JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

19 C. The supreme court shall contract for an evaluation to determine if
20 the provisions of this article reduce the number of serious repetitive
21 offenses committed by juveniles on intensive probation supervision and shall
22 submit the results of the study to the governor, the speaker of the house of
23 representatives and the president of the senate.

24 Sec. 2. Section 12-114.01, Arizona Revised Statutes, is amended to
25 read:

26 **12-114.01. Probation surcharge: deposit**

27 A. Except as provided in section 12-269, in addition to any other
28 penalty assessment provided by law, a probation surcharge of ~~ten~~ **TWENTY**
29 dollars shall be levied on every fine, penalty and forfeiture imposed and
30 collected by the superior, justice and municipal courts for criminal offenses
31 and any civil penalty imposed and collected for a civil traffic violation and
32 fine, penalty or forfeiture for a violation of the motor vehicle statutes,
33 for a violation of any local ordinance relating to the stopping, standing or
34 operation of a vehicle, except parking violations, or for a violation of the
35 game and fish statutes in title 17.

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

42 C. The court may waive all or part of a probation surcharge in the
43 same manner and subject to the same limitations provided for the waiver of
44 penalty assessments in section 12-116.01, subsection ~~E~~ **F** and section
45 12-116.02, subsection D.

1 Sec. 3. Section 12-251, Arizona Revised Statutes, is amended to read:
2 12-251. Adult probation officers and support staff:
3 appointment: qualifications

4 A. The presiding judge of the superior court in each county shall
5 appoint a chief adult probation officer who shall serve at the pleasure of
6 the presiding judge. Such chief adult probation officer, with the approval
7 of the presiding judge of the superior court, shall appoint such deputy adult
8 probation officers and support staff as are necessary to provide presentence
9 investigations and supervision services to the court. Presentence
10 investigations and probation services may be provided to the justice courts
11 in each county for persons who are convicted of violating section 28-1381 or
12 28-1382 or title 13, chapter 14, 35.1 or 36 and who are placed on supervised
13 probation by the court. Presentence investigations and supervised probation
14 services may be provided by a county probation office to a municipal court
15 through an intergovernmental agreement entered into by the respective county
16 and municipality. On approval of the presiding judge and in accordance with
17 policies and procedures developed by the supreme court, the presiding judge
18 of the superior court may direct that presentence investigations and
19 supervised probation services be provided for other persons if a risk of
20 violence exists or if it would be in the best interest of justice. Those
21 deputy adult probation officers engaged in case supervision shall supervise
22 no more than an average of ~~sixty~~ SIXTY-FIVE adults who reside in the county
23 on probation to the court. Such deputy adult probation officers shall hold
24 office under rules and procedures established by the supreme court.

25 B. Each adult probation officer appointed pursuant to subsection A of
26 this section shall give bond in the principal amount to be fixed by the court
27 and approved by the judge making the appointment, conditioned upon the
28 faithful performance by such officer of the officer's official duties and the
29 payment of all monies coming into the officer's possession as such officer to
30 the person, officer or body entitled to receive the monies. Any adult
31 probation officer covered by a blanket faithful performance bond payable to
32 the county or covered by state risk management shall be deemed to be in
33 compliance with this section.

34 C. Probation department personnel shall qualify under minimum
35 standards of experience and education established by the supreme court. Such
36 standards may differ for counties of less than three hundred thousand persons
37 from counties with three hundred thousand persons or more. Notwithstanding
38 section 12-265, any additional salary costs that might be required as a
39 result of the adoption of minimum salary standards by the supreme court may
40 be paid by funds made available to the probation department pursuant to
41 sections 12-267 and 12-268 or by the supreme court.

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

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

3 **12-299.03. Duties of the supreme court: evaluation**

4 A. The supreme court shall:

5 1. Implement and administer the community punishment program.
6 2. Adopt necessary guidelines, rules, standards and policies to
7 implement this article.

8 3. Facilitate the development of local plans.

9 4. Develop and implement an application process and procedures.

10 5. Review and approve plans and budgets.

11 6. Allocate funding.

12 7. Provide statewide training and technical assistance to the superior
13 court, adult probation departments and advisory committees regarding
14 community punishment.

15 8. Conduct an evaluation of all programs on a periodic basis to ensure
16 program accountability. The evaluation report shall include information for
17 the superior court in each participating county on the number of offenders
18 serving suspended sentences on probation and intensive probation, the average
19 cost per offender, the amount of restitution, fines and fees paid, the number
20 of community restitution hours contributed by offenders and the number of
21 offenders who have successfully completed terms of probation. The report
22 shall be submitted to the governor, the speaker of the house of
23 representatives and the president of the senate. The supreme court may
24 contract with a private consultant to prepare this evaluation report.

25 **BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

26 B. The supreme court may contract directly with private human service
27 agencies to develop, implement and operate community punishment programs.

28 Sec. 5. Section 12-2456, Arizona Revised Statutes, is amended to read:

29 **12-2456. Emancipation administrative costs fund: purpose:
30 report: collection of information**

31 A. Each county treasurer shall establish an emancipation
32 administrative costs fund consisting of monies received pursuant to section
33 12-284, subsection J.

34 B. The presiding judge of the juvenile court shall use fund monies for
35 administrative costs associated with this article.

36 C. On notice of the presiding judge, the county treasurer shall invest
37 monies in the fund and monies earned from investment shall be credited to the
38 fund.

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

42 E. Beginning October 1, 2005, the administrative office of the courts
43 shall collect information relating to emancipation of minors pursuant to this
44 **title CHAPTER**, including the following:

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

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

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

13-901.02. Drug treatment and education fund

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

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

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

D. The administrative office of the supreme court shall cause to be prepared at the end of each fiscal year after 1997 an accountability report card that details the cost savings realized from the diversion of persons from prisons to probation. A copy of the report shall be submitted to the governor and the legislature, and a copy of the report shall be sent to each public library in the state. **BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.** The administrative office of the supreme court shall receive reimbursement from the drug treatment and education fund for any administrative costs it incurs in the implementation of this section.

Sec. 7. Section 13-914, Arizona Revised Statutes, is amended to read:

13-914. Intensive probation; evaluation; sentence; criteria; limit; conditions

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

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

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

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

1 C. The court may suspend the imposition or execution of the sentence
2 and grant the offender a period of intensive probation in accordance with
3 this chapter. Except for sentences that are imposed pursuant to section
4 13-3601, the sentence is tentative to the extent that it may be altered or
5 revoked pursuant to this chapter, but for all other purposes it is a final
6 judgment of conviction. This subsection does not preclude the court from
7 imposing a term of intensive probation pursuant to section 13-3601.

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

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

11 1. Maintaining employment or maintaining full-time student status at a
12 school subject to title 15 or title 32, chapter 30 and making progress deemed
13 satisfactory to the probation officer, or both, or being involved in
14 supervised job searches and community restitution work at least six days a
15 week throughout the offender's term of intensive probation.

16 2. Paying restitution and probation fees of not less than ~~fifty~~
17 SEVENTY-FIVE dollars unless, after determining the inability of the offender
18 to pay the fee, the court assesses a lesser fee. Probation fees shall be
19 deposited in the adult probation services fund established by section 12-267.
20 Any amount ~~greater than forty dollars of the fee~~ assessed pursuant to this
21 subsection PARAGRAPH shall only be used to supplement monies ~~currently~~ used
22 for the salaries of adult probation and surveillance officers and for support
23 of programs and services of the superior court adult probation departments.

24 3. Establishing a residence at a place approved by the intensive
25 probation team and not changing the offender's residence without the team's
26 prior approval.

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

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

32 6. Performing not less than forty hours of community restitution each
33 month. Full-time students may be exempted or required to perform fewer hours
34 of community restitution. For good cause, the court may reduce the number of
35 community restitution hours performed to not less than twenty hours each
36 month.

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

1 Sec. 8. Section 13-916, Arizona Revised Statutes, is amended to read:
2 13-916. Intensive probation teams: adult probation officer
3 qualifications: duties: case load limit

4 A. The chief adult probation officer in each county, with approval of
5 the presiding judge of the superior court, shall appoint intensive probation
6 teams consisting of one adult probation officer and one surveillance officer,
7 **TWO ADULT PROBATION OFFICERS** or one adult probation officer and two
8 surveillance officers.

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

12 C. The adult probation officers shall meet the bonding requirements
13 and experience and education standards established pursuant to section
14 12-251.

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

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

21 F. The intensive probation team shall:

22 1. Secure and keep a complete identification record of each person
23 supervised by the team and a written statement of the conditions of the
24 probation.

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

27 (a) Visual contact with each probationer at least four times per week.
28 (b) Weekly contact with the employer of the probationer.

29 3. Obtain and assemble information concerning the conduct of persons
30 sentenced to intensive probation, including weekly arrest records, and report
31 the information to the court.

32 4. Report to the court if the probationer engages in conduct
33 constituting an offense.

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

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

39 7. Perform any other responsibilities required by the terms and
40 conditions imposed by the court.

41 Sec. 9. Section 21-222, Arizona Revised Statutes, is amended to read:
42 21-222. Arizona lengthy trial fund

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

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

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

16 D. A juror whose jury service lasts more than five days may submit a
17 request for payment from the fund. The amount a juror receives from the fund
18 is limited to the difference between the jury fee prescribed in section
19 21-221 and the actual amount of earnings a juror earns, not less than forty
20 dollars, up to the maximum level payable under subsection C of this section,
21 minus any amount the juror actually received from the juror's employer during
22 the same time period. A juror who requests payment from the fund:

23 1. Shall disclose on the form the juror's regular earnings, the amount
24 the juror's employer will pay during the term of jury service starting on the
25 fourth day and thereafter, the amount of replacement or supplemental earnings
26 being requested and any other information that the jury commissioner deems
27 necessary.

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

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

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

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

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

3 **25-323.01. Child support committee: membership: duties: report**

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

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

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

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

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

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

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

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

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

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

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

32 11. One person who is knowledgeable in child support issues and who is
33 a noncustodial parent and one person who is knowledgeable in child support
34 issues and who is a custodial parent. The speaker of the house of
35 representatives shall appoint these members.

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

39 13. One person from the executive committee of the family law section
40 of the state bar of Arizona who is appointed by the chief justice of the
41 supreme court.

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

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

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

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

12 C. Nonlegislative members of the committee are not eligible to receive
13 compensation but are eligible for reimbursement of expenses pursuant to title
14 38, chapter 4, article 2.

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

17 25-323.02. Domestic relations committee; membership; duties;
18 pilot programs; report

19 A. The domestic relations committee is established consisting of the
20 following members:

21 1. Two noncustodial parents who are knowledgeable in domestic
22 relations issues and who are not judges or commissioners. The president of
23 the senate and the speaker of the house of representatives shall each appoint
24 one of these members.

25 2. Two custodial parents who are knowledgeable in domestic relations
26 issues and who are not judges or commissioners. The president of the senate
27 and the speaker of the house of representatives shall each appoint one of
28 these members.

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

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

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

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

40 7. One clerk of the superior court who is appointed by the chief
41 justice of the supreme court.

42 8. A professional domestic relations mediator who is appointed by the
43 president of the senate.

44 9. A psychologist who is experienced in performing child custody
45 evaluations and who is appointed by the speaker of the house of
46 representatives.

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

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

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

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

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

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

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

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

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

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

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

29 B. The committee shall prepare a statewide plan for an integrated
30 family court with comprehensive subject matter jurisdiction over all matters
31 involving the family and submit this plan to the governor, the president of
32 the senate, the speaker of the house of representatives and the chief justice
33 of the supreme court on or before December 31, 2002. Based on this plan or
34 on other formal recommendations from the committee, beginning July 1, 2006,
35 the supreme court shall implement a two year integrated family court pilot
36 program in one county with a population of less than five hundred thousand
37 persons. The supreme court shall submit quarterly reports on the pilot
38 program to the committee. The committee shall include information from these
39 reports in its annual report prepared pursuant to subsection C of this
40 section.

41 C. The committee shall prepare an annual written report regarding
42 recommended changes to the domestic relations statutes, rules and procedures
43 and other related issues designed to lead to a reform of the state's domestic
44 relations statutes. The committee shall submit this report to the governor,
45 the president of the senate, the speaker of the house of representatives and
46 the chief justice of the supreme court on or before December 31 of each year

1 and shall provide a copy of the report to the secretary of state and the
2 director of the Arizona state library, archives and public records.
3 **BEGINNING JULY 1, 2011, THE REPORT SHALL BE SUBMITTED ELECTRONICALLY.**

4 D. The committee shall develop minimum training standards on domestic
5 violence and child abuse issues for persons conducting an investigation or
6 preparing a report concerning child custodial arrangements pursuant to
7 section 25-406. The committee shall approve the standards on or before
8 December 31, 2004. The committee may modify the standards on or before
9 December 31 of each year.

10 E. Nonlegislative members of the committee are not eligible to receive
11 compensation but are eligible for reimbursement of expenses pursuant to title
12 38, chapter 4, article 2.

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

15 **28-3396. Court diversion fee**

16 A. The presiding judge of each court shall:

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

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

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

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

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

29 C. The driving school shall collect the court diversion fee and
30 surcharge before or at the time an individual attends the school. On receipt
31 of the diversion fee, the defensive driving school shall transmit the fee
32 promptly to the appropriate court pursuant to procedures prescribed by the
33 supreme court. On receipt of the surcharge, the defensive driving school
34 shall transmit the surcharge promptly to the state treasurer for deposit,
35 pursuant to sections 35-146 and 35-147, **AS FOLLOWS:**

36 1. **THE FIRST TEN MILLION FOUR HUNDRED THOUSAND DOLLARS IN REVENUE**
37 **ANNUALLY IN THE CRIME LABORATORY OPERATIONS FUND ESTABLISHED BY SECTION**
38 **41-1772.**

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

40 Sec. 13. Section 31-466, Arizona Revised Statutes, is amended to read:

41 **31-466. Supervision fee; deposit**

42 A. A person being supervised in this state pursuant to this article
43 shall pay, as a condition of probation or parole, a monthly supervision fee
44 of not less than fifty dollars **IF THE PERSON IS ON PAROLE AND NOT LESS THAN**
45 **SIXTY-FIVE DOLLARS IF THE PERSON IS ON STANDARD PROBATION OR NOT LESS THAN**
46 **SEVENTY-FIVE DOLLARS IF THE PERSON IS ON INTENSIVE PROBATION**, unless, after

1 determining the inability of the person to pay the fee, the supervising
2 agency requires payment of a lesser amount. The supervising parole or
3 probation officer shall monitor the collection of the fee.

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

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

11 **31-467.06. Supervision fee; deposit**

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

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

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

26 **38-842. Definitions**

27 In this article, unless the context otherwise requires:

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

33 2. "Accumulated contributions" means, for each member, the sum of the
34 amount of the member's aggregate contributions made to the fund and the
35 amount, if any, attributable to the employee's contributions prior to the
36 member's effective date under another public retirement system, other than
37 the federal social security act, and transferred to the fund minus the
38 benefits paid to or on behalf of the member.

39 3. "Actuarial equivalent" means equality in present value of the
40 aggregate amounts expected to be received under two different forms of
41 payment, based on mortality and interest assumptions adopted by the fund
42 manager. The fund manager may from time to time change the mortality and
43 interest assumptions.

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

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

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

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

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

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

20 10. "Compensation" means, for the purpose of computing retirement
21 benefits, base salary, overtime pay, shift differential pay and holiday pay
22 paid to an employee by the employer on a regular monthly, semimonthly or
23 biweekly payroll basis and longevity pay paid to an employee at least every
24 six months for which contributions are made to the system pursuant to section
25 38-843, subsection D. Compensation does not include, for the purpose of
26 computing retirement benefits, payment for unused sick leave, payment in lieu
27 of vacation, payment for compensatory time or payment for any fringe
28 benefits. **IN ADDITION, COMPENSATION DOES NOT INCLUDE, FOR THE PURPOSE OF
29 COMPUTING RETIREMENT BENEFITS, PAYMENTS MADE DIRECTLY OR INDIRECTLY BY THE
30 EMPLOYER TO THE EMPLOYEE FOR WORK PERFORMED FOR A THIRD PARTY ON A CONTRACTED
31 BASIS OR ANY OTHER TYPE OF AGREEMENT UNDER WHICH THE THIRD PARTY PAYS OR
32 REIMBURSES THE EMPLOYER FOR THE WORK PERFORMED BY THE EMPLOYEE FOR THAT THIRD
33 PARTY, EXCEPT FOR THIRD PARTY CONTRACTS BETWEEN PUBLIC AGENCIES FOR LAW
34 ENFORCEMENT, TRAINING, WILDFIRE AND EMERGENCY MANAGEMENT ACTIVITIES.** For the
35 purposes of this paragraph, "base salary" means the amount of compensation
36 each employee is regularly paid for personal services rendered to an employer
37 before the addition of any extra monies, including overtime pay, shift
38 differential pay, holiday pay, longevity pay, fringe benefit pay and similar
39 extra payments.

40 11. "Credited service" means the member's total period of service prior
41 to the member's effective date of participation, plus those compensated
42 periods of the member's service thereafter for which the member made
43 contributions to the fund.

44 12. "Cure period" means the ninety-day period in which a participant or
45 alternate payee may submit an amended domestic relations order and request a
46 determination, calculated from the time the system issues a determination

1 finding that a previously submitted domestic relations order did not qualify
2 as a plan approved domestic relations order.

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

6 14. "Determination" means a written document that indicates to a
7 participant and alternate payee whether a domestic relations order qualifies
8 as a plan approved domestic relations order.

9 15. "Determination period" means the ninety-day period in which the
10 system must review a domestic relations order that is submitted by a
11 participant or alternate payee to determine whether the domestic relations
12 order qualifies as a plan approved domestic relations order, calculated from
13 the time the system mails a notice of receipt to the participant and
14 alternate payee.

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

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

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

26 19. "Eligible child" means the unmarried child of a deceased member who
27 is under the age of eighteen or a full-time student who is under the age of
28 twenty-three or under a disability that began before the child attained the
29 age of twenty-three and who remains a dependent of the surviving spouse or
30 guardian.

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

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

34 (b) Municipal fire fighters.

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

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

40 (e) State fire fighters.

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

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

43 (h) Police officers who are certified peace officers and fire fighters
44 of a nonprofit corporation operating a public airport pursuant to sections
45 28-8423 and 28-8424. A police officer shall be designated pursuant to
46 section 28-8426 to aid and supplement state and local law enforcement

1 agencies and a fire fighter's sole duty shall be to perform fire fighting
2 services, including services required by federal regulations.

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

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

7 (k) State attorney general investigators who are certified peace
8 officers.

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

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

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

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

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

18 (q) Arizona department of agriculture officers who are certified peace
19 officers.

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

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

23 21. "Employee" means any person who is employed by a participating
24 employer and who is a member of an eligible group but does not include any
25 persons compensated on a contractual or fee basis. If an eligible group
26 requires certified peace officer status and at the option of the local board,
27 employee may include a person who is training to become a certified peace
28 officer.

29 22. "Employers" means:

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

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

38 (c) The state highway patrol covered under the state highway patrol
39 retirement system.

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

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

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

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

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

12 26. "Member" means any employee who meets all of the following
13 qualifications:

14 (a) Who is either a full-time paid municipal police officer, a
15 full-time paid fire fighter, a law enforcement officer who is employed by
16 this state including the director thereof, a state fire fighter who is
17 primarily assigned to fire fighting duties, a fire fighter or police officer
18 of a nonprofit corporation operating a public airport pursuant to sections
19 28-8423 and 28-8424, all ranks designated by the Arizona law enforcement
20 merit system council, a state attorney general investigator who is a
21 certified peace officer, a county attorney investigator who is a certified
22 peace officer, a police officer who is appointed by the department of
23 administration and who is a certified peace officer, a department of liquor
24 licenses and control investigator who is a certified peace officer, an
25 Arizona department of agriculture officer who is a certified peace officer,
26 an Arizona state parks board ranger or manager who is a certified peace
27 officer, a county park ranger who is a certified peace officer, a person who
28 is a certified peace officer and who is employed by an Indian reservation
29 police agency, a fire fighter who is employed by an Indian reservation fire
30 fighting agency or an employee included in a group designated as eligible
31 employees under a joinder agreement entered into by their employer after July
32 1, 1968 and who is or was regularly assigned to hazardous duty.

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

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

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

40 (e) Who has not attained age sixty-five prior to the employee's
41 effective date of participation or who was over age sixty-five with
42 twenty-five years or more of service prior to the employee's effective date
43 of participation.

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

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

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

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

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

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

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

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

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

24 35. "Regularly assigned to hazardous duty" means regularly assigned to
25 duties of the type normally expected of municipal police officers, municipal
26 or state fire fighters, eligible fire district fire fighters, state highway
27 patrol officers, county sheriffs and deputies, fish and game wardens, fire
28 fighters and police officers of a nonprofit corporation operating a public
29 airport pursuant to sections 28-8423 and 28-8424, police officers who are
30 appointed by the Arizona board of regents or a community college district
31 governing board, state attorney general investigators who are certified peace
32 officers, county attorney investigators who are certified peace officers,
33 police officers who are appointed by the department of administration and who
34 are certified peace officers, department of liquor licenses and control
35 investigators who are certified peace officers, Arizona department of
36 agriculture officers who are certified peace officers, Arizona state parks
37 board rangers and managers who are certified peace officers, county park
38 rangers who are certified peace officers, police officers who are certified
39 peace officers and who are employed by an Indian reservation police agency or
40 fire fighters who are employed by an Indian reservation fire fighting agency.
41 Those individuals who are assigned solely to support duties such as
42 secretaries, stenographers, clerical personnel, clerks, cooks, maintenance
43 personnel, mechanics and dispatchers are not assigned to hazardous duty
44 regardless of their position classification title. Since the normal duties
45 of those jobs described in this paragraph are constantly changing, questions
46 as to whether a person is or was previously regularly assigned to hazardous

1 duty shall be resolved by the local board on a case-by-case basis.
2 Resolutions by local boards are subject to rehearing and appeal.

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

7 37. "Segregated funds" means the amount of benefits that would
8 currently be payable to an alternate payee pursuant to a domestic relations
9 order under review by the system, or a domestic relations order submitted to
10 the system that failed to qualify as a plan approved domestic relations
11 order, if the domestic relations order were determined to be a plan approved
12 domestic relations order.

13 38. "Service" means the last period of continuous employment of an
14 employee by the employers prior to the employee's retirement or the
15 employee's sixty-fifth birthday, whichever first occurs, except that if such
16 period includes employment during which the employee would not have qualified
17 as a member had the system then been effective, such as employment as a
18 volunteer fire fighter, then only twenty-five per cent of such noncovered
19 employment shall be considered as service. Any absence that is authorized by
20 an employer shall not be considered as interrupting continuity of employment
21 if the employee returns within the period of authorized absence. Transfers
22 between employers also shall not be considered as interrupting continuity of
23 employment. Any period during which a member is receiving sick leave
24 payments or a temporary disability pension shall be considered as service.
25 Notwithstanding any other provision of this paragraph, any period during
26 which a person was employed as a full-time paid fire fighter for a
27 corporation that contracted with an employer to provide firefighting services
28 on behalf of the employer shall be considered as service if the employer has
29 elected at its option to treat part or all of the period the firefighter
30 worked for the company as service in its applicable joinder agreement. Any
31 reference in this system to the number of years of service of an employee
32 shall be deemed to include fractional portions of a year.

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

35 40. "System" means the public safety personnel retirement system
36 established by this article.

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

41 Sec. 16. Section 38-902, Arizona Revised Statutes, is amended to read:
42 38-902. Joinder agreement

43 A. County detention officers and nonuniformed employees of a sheriff's
44 department whose primary duties require direct contact with inmates may
45 participate in this plan if the board of supervisors of the county enters
46 into a joinder agreement with the fund manager to bring such employees into

1 this plan. The joinder agreement shall be in accordance with the provisions
2 of this plan. All such employees shall be designated for membership in the
3 joinder agreement unless written consent to the contrary is obtained from the
4 fund manager.

5 B. City or town detention officers may participate in this plan if the
6 governing body of the city or town enters into a joinder agreement with the
7 fund manager to bring its detention officers into this plan. The joinder
8 agreement shall be in accordance with the provisions of the plan. The
9 governing body of the city or town shall designate all detention officers for
10 membership in the plan unless written consent to the contrary is obtained
11 from the fund manager.

12 C. Full-time dispatchers may participate in this plan if the governing
13 body or agency of the employer of an eligible group as defined in
14 section 38-842 enters into a joinder agreement with the fund manager to bring
15 its full-time dispatchers into this plan **BEFORE THE EFFECTIVE DATE OF THIS
16 AMENDMENT TO THIS SECTION AND IF THE PERSON WAS EMPLOYED BY THE EMPLOYER AS A
17 FULL-TIME DISPATCHER BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
18 SECTION.** The joinder agreement shall be in accordance with the provisions of
19 this plan and for those dispatchers designated for membership in the plan on
20 the joinder date all credited service from any other Arizona defined benefit
21 state retirement system or plan that represents credited service in a
22 designated position shall be transferred to the corrections officer
23 retirement plan. The governing body or agency of the employer shall
24 designate all full-time dispatchers for membership in the plan except for a
25 full-time dispatcher who signs an irrevocable agreement before the joinder
26 agreement becomes effective electing not to become a member of the plan. A
27 full-time dispatcher employed by an employer who becomes eligible for
28 membership in the plan pursuant to this section may elect to participate in
29 the plan within the deadlines and pursuant to the terms prescribed for such
30 participation by the fund manager.

31 D. Probation, surveillance and juvenile detention officers may
32 participate in this plan if the administrative office of the courts enters
33 into a joinder agreement with the fund manager to bring its probation,
34 surveillance and juvenile detention officers into this plan. The joinder
35 agreement shall be in accordance with the provisions of this plan. The
36 administrative office of the courts shall designate all probation,
37 surveillance and juvenile detention officers for membership in this plan
38 unless written consent to the contrary is obtained from the fund manager.

39 E. Detention officers who are employed by the department of public
40 safety may participate in this plan if the director of the department of
41 public safety enters into a joinder agreement with the fund manager to bring
42 the department's detention officers into this plan. The joinder agreement
43 shall be in accordance with the provisions of this plan. The director of the
44 department of public safety shall designate all detention officers for
45 membership in this plan unless written consent to the contrary is obtained
46 from the fund manager.

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

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

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

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

25 41-1608. Inmate medical services; rate structure

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

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

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

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

40 41-1722. State photo enforcement system; penalties; fund

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

1 B. Notwithstanding any other law, the civil penalty or fine for a
2 citation or a notice of violation issued pursuant to this section is one
3 hundred sixty-five dollars and is not subject to any surcharge except the
4 surcharge imposed by section 16-954. ~~State photo enforcement citations shall~~
5 ~~not be included in judicial productivity credit calculations for fiscal year~~
6 ~~2008-2009.~~

7 C. The photo enforcement fund is established consisting of monies
8 received from citations or notices of violation issued pursuant to this
9 section. The director shall administer the fund. Monies in the fund are
10 subject to legislative appropriation and are appropriated to the department
11 for administrative and personnel costs of the state photo enforcement system.
12 Monies remaining in the fund in excess of two hundred fifty thousand dollars
13 at the end of each calendar quarter shall be deposited, pursuant to sections
14 35-146 and 35-147, in the state general fund.

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

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

23 41-1772. Crime laboratory operations fund

24 A. THE CRIME LABORATORY OPERATIONS FUND IS ESTABLISHED CONSISTING OF
25 SURCHARGE MONIES DEPOSITED PURSUANT TO SECTION 28-3396. THE DEPARTMENT SHALL
26 ADMINISTER THE FUND.

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

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

31 41-2401. Criminal justice enhancement fund

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

35 B. On or before November 1 of each year, each department, agency or
36 office that receives monies pursuant to this section shall provide to the
37 Arizona criminal justice commission a report for the preceding fiscal year.
38 The report shall be in a form prescribed by the Arizona criminal justice
39 commission and shall be reviewed by the director of the joint legislative
40 budget committee. The report shall set forth the sources of all monies and
41 all expenditures. The report shall not include any identifying information
42 about specific investigations.

43 C. On or before December 1 of each year, the Arizona criminal justice
44 commission shall compile all reports into a single comprehensive report and
45 shall submit a copy of the comprehensive report to the governor, the

1 president of the senate, the speaker of the house of representatives and the
2 director of the joint legislative budget committee.

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

5 1. 6.46 per cent in the Arizona automated fingerprint identification
6 system fund established by section 41-2414.

7 2. 1.61 per cent to the department of juvenile corrections for the
8 treatment and rehabilitation of youth who have committed drug-related
9 offenses.

10 3. 16.64 per cent in the peace officers' training fund established by
11 section 41-1825.

12 4. 3.03 per cent in the prosecuting attorneys' advisory council
13 training fund established by section 41-1830.03.

14 5. 9.35 per cent to the supreme court for the purpose of reducing
15 juvenile crime.

16 6. 8.56 per cent to the department of public safety. Fifteen per cent
17 of the monies shall be allocated for deposit in the Arizona deoxyribonucleic
18 acid identification system fund established by section 41-2419. Eighty-five
19 per cent of the monies shall be allocated to state and local law enforcement
20 authorities for the following purposes:

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

24 (b) To provide support to the Arizona automated fingerprint
25 identification system.

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

27 7. 9.35 per cent to the department of law for allocation to county
28 attorneys for the purpose of enhancing prosecutorial efforts.

29 8. 6.02 per cent to the supreme court for the purpose of enhancing the
30 ability of the courts to process criminal and delinquency cases, orders of
31 protection, injunctions against harassment and any proceeding relating to
32 domestic violence matters, for auditing and investigating persons or entities
33 licensed or certified by the supreme court and for processing judicial
34 discipline cases. Notwithstanding section 12-143, subsection A, the salary
35 of superior court judges pro tempore who are appointed for the purposes
36 provided in this paragraph shall, and the salary of other superior court
37 judges pro tempore who are appointed pursuant to section 12-141 for the
38 purposes provided in this paragraph may, be paid in full by the monies
39 received pursuant to this paragraph.

40 9. 11.70 per cent to the ~~state department of corrections for~~
41 ~~allocation to~~ county sheriffs for the purpose of enhancing county jail
42 facilities and operations, including county jails under the jurisdiction of
43 county jail districts.

44 10. 1.57 per cent to the Arizona criminal justice commission.

45 11. 9.00 per cent to the state general fund.

1 12. 2.30 per cent in the crime laboratory assessment fund established
2 by section 41-2415.

3 13. 7.68 per cent in the victims' rights fund established by section
4 41-191.08.

5 14. 4.60 per cent in the victim compensation and assistance fund
6 established by section 41-2407.

7 15. 2.13 per cent to the supreme court for the purpose of providing
8 drug treatment services to adult probationers through the community
9 punishment program established in title 12, chapter 2, article 11.

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

14 F. The portion of the eighty-five per cent of the monies for direct
15 operating expenses of the department of public safety in subsection D,
16 paragraph 6 of this section is subject to legislative appropriation. The
17 remainder of the monies in subsection D, paragraph 6 of this section
18 including the portion of the eighty-five per cent for local law enforcement
19 is continuously appropriated.

20 G. The allocation of monies pursuant to subsection D, paragraphs 6, 7,
21 8 and 9 of this section shall be made in accordance with rules adopted by the
22 Arizona criminal justice commission pursuant to section 41-2405.

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

24 Sec. 16. Appropriations: deoxyribonucleic acid identification
25 system fund: exemption

26 A. The sums of \$1,980,000 in fiscal year 2007-2008, \$2,980,000 in
27 fiscal year 2008-2009, ~~\$3,484,000~~ \$980,000 in fiscal year 2009-2010,
28 \$3,440,000 in fiscal year 2010-2011 and \$3,520,000 in fiscal year 2011-2012
29 are appropriated from the monies that are collected pursuant to section
30 12-116.01, subsection C, Arizona Revised Statutes, ~~as amended by this act~~,
31 and that are distributed pursuant to section 12-116.01, subsection J, Arizona
32 Revised Statutes, ~~as amended by this act~~, for deposit in the Arizona
33 deoxyribonucleic acid identification system fund established by section
34 41-2419, Arizona Revised Statutes, to the department of public safety for
35 equipment purchases, personal services, employee-related expenses, training,
36 other operating expenses and capital improvements in order to implement,
37 conduct and maintain deoxyribonucleic acid testing.

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

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

46 Sec. 22. Department of public safety: highway funds; limitation

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

5 Sec. 23. Nonsupplanting: suspension

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

14 Sec. 24. Suspension of reporting requirements

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

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

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

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

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

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

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

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

31 Sec. 25. Justices of the peace: payment of compensation: fiscal
32 year 2009-2010: retroactivity

33 A. Notwithstanding section 22-117, subsection B, Arizona Revised
34 Statutes, for fiscal year 2009-2010, the state shall pay 19.25 per cent of
35 the compensation and employee related expenditures of a justice of the peace,
36 and the county shall pay 80.75 per cent of the compensation and employee
37 related expenditures of a justice of the peace, except that the county shall
38 pay the full amount of the employer contribution of the state retirement
39 system or plan or any county health plan.

40 B. This section is effective retroactively to from and after June 30,
41 2009.

42 Sec. 26. State department of corrections: budget structure:
43 health care services: retroactivity

44 A. Notwithstanding any other law, the state department of corrections
45 shall report actual fiscal year 2008-2009, estimated fiscal year 2009-2010
46 and requested fiscal year 2010-2011 expenditures for each line item

1 delineated in the fiscal year 2009-2010 general appropriations act when the
2 department submits the fiscal year 2010-2011 budget request pursuant to
3 section 35-113, Arizona Revised Statutes. The information submitted for each
4 line item shall contain as much detail as submitted in previous years for
5 prior line items.

6 B. Before October 1, 2009, the state department of corrections shall
7 issue a request for information for the privatization of all correctional
8 health services, including all medical and dental services, that are provided
9 in a state owned and operated facility. Before publication, the request for
10 information shall be submitted for review to the joint legislative budget
11 committee.

12 C. The state department of corrections shall issue a request for
13 proposals to privatize all correctional health services that are provided in
14 a state owned and operated facility. The department shall award a contract
15 to a private provider of correctional health services that will provide such
16 services, including all medical and dental services, at a cost below the
17 fiscal year 2007-2008 total cost to the state for such services. Not later
18 than January 1, 2010, and before issuance, the request for proposals shall be
19 submitted for review to the joint legislative budget committee. The state
20 department of corrections shall award a contract by May 1, 2010.

21 D. This section is effective retroactively to from and after September
22 30, 2009.

23 Sec. 27. Transition office fund; state department of
24 corrections

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

29 Sec. 28. Consumer protection-consumer fraud revolving fund;
30 attorney general; use

31 Notwithstanding section 44-1531.01, subsection C, Arizona Revised
32 Statutes, for fiscal year 2009-2010, the attorney general may use monies in
33 the consumer protection-consumer fraud revolving fund established by section
34 44-1531.01, Arizona Revised Statutes, for any operating expenses incurred by
35 the department of law, including any cost or expense associated with the
36 tobacco master settlement agreement arbitration.

37 Sec. 29. Criminal justice enhancement fund; state general fund
38 deposit; crime laboratory assessment fund

39 Notwithstanding any other law, for fiscal year 2009-2010, any monies
40 distributed from the criminal justice enhancement fund pursuant to section
41 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, as amended by
42 this act, shall be deposited in the crime laboratory assessment fund
43 established by section 41-2415, Arizona Revised Statutes. Notwithstanding
44 section 41-2415, subsection C, Arizona Revised Statutes, monies distributed
45 by this section pursuant to section 41-2401, subsection D, paragraph 11,
46 Arizona Revised Statutes, as amended by this act, are for use by the

1 department of public safety and are exempt from distribution to political
2 subdivisions.

3 Sec. 30. Drug and gang prevention resource center: Arizona
4 youth survey mandatory agreement

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

9 Sec. 31. Judicial productivity credit; photo enforcement
10 citations; retroactivity

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

14 B. This section is effective retroactively to from and after June 30,
15 2009.

16 Sec. 32. Prison and other state owned facilities;
17 lease-purchase finance agreement

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

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

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

30 3. Require the initial lease-purchase payment to be in fiscal year
31 2010-2011.

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

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

39 2. If the legislature fails to appropriate monies or the department of
40 administration fails to allocate such monies for any payment under the
41 agreement, the agreement terminates at the end of the current term and this
42 state and the department of administration are relieved of any subsequent
43 obligation under the agreement.

44 3. The department of administration may covenant to use its best
45 efforts to budget, obtain, allocate and maintain sufficient appropriated
46 monies to make payments under the agreement, but the agreement shall

1 acknowledge that appropriating state monies is a legislative act and is
2 beyond the control of the department of administration or any other party to
3 the agreement.

4 C. Notwithstanding any other law, the department of administration may
5 transfer some or all of this state's interest in any state department of
6 corrections prison facility or any other state owned facility. Any
7 agreements or transactions determined by the department of administration to
8 be necessary to comply with the requirements of this section are exempt from
9 title 41, chapter 23, Arizona Revised Statutes. The authority conferred by
10 this section is in addition to the powers conferred by any other law, without
11 reference to any other law, and is full authority for the actions authorized
12 by this section, including entering into and performing agreements without
13 regard to the requirements or procedures of any other law.

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

17 Sec. 33. Prison operations; private vendor; concession
18 agreement; retroactivity

19 A. Before October 1, 2009, in consultation with the state department
20 of corrections, the department of administration shall issue a request for
21 information for the purpose of identifying the feasibility of a concession
22 agreement that allows a private vendor to operate a prison facility. Before
23 publication, the request for information shall be submitted for review to the
24 joint committee on capital review.

25 B. In consultation with the state department of corrections, the
26 department of administration shall issue a request for proposals for a
27 concession agreement allowing private vendors to operate an Arizona state
28 prison complex other than the Arizona state prison complex at Yuma. A
29 private vendor may operate one or more prison complexes. A concession
30 agreement shall require an annual cost efficiency savings to this state. The
31 annual cost efficiency savings shall be equally divided between this state
32 and the private vendor. Not later than April 1, 2010 and before issuance,
33 the request for proposals shall be submitted for review to the joint
34 committee on capital review. Any proposed concession agreement shall be
35 submitted for review to the joint committee on capital review before it is
36 awarded.

37 C. It is the intent of the legislature that the privatization of
38 prison operations pursuant to subsection B of this section generate at least
39 \$100,000,000 from private vendors at the beginning of the term.

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

43 E. Except as otherwise provided in this section, sections 41-1609,
44 41-1609.01, 41-1609.02, 41-1609.03 and 41-1609.04, Arizona Revised Statutes,
45 apply to any concession agreement pursuant to subsection B of this section.

1 F. This section is effective retroactively to from and after September
2 30, 2009.

3 Sec. 34. Board of executive clemency: chairman: executive
4 director: retroactivity

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

8 B. Notwithstanding any other law, in fiscal year 2009-2010, the
9 members of the board of executive clemency, excluding the chairman, shall
10 serve on a part-time basis. A part-time board member shall not work more
11 than thirty hours each week and shall not be eligible for paid leave or any
12 benefits provided to state employees pursuant to section 38-651, Arizona
13 Revised Statutes.

14 C. This section is effective retroactively to from and after June 30,
15 2009.

16 Sec. 35. Collection enforcement revolving fund: attorney
17 general; use

18 Notwithstanding section 41-191.03, subsection B, Arizona Revised
19 Statutes, for fiscal year 2009-2010, the attorney general may use monies in
20 the collection enforcement revolving fund established by section 41-191.03,
21 Arizona Revised Statutes, for any operating expenses incurred by the
22 department of law.

23 Sec. 36. State department of corrections: health care
24 expenditures: fiscal year 2007-2008

25 Notwithstanding any other law, the state department of corrections may
26 use any nonappropriated state monies for the payment of inmate health care
27 expenditures incurred during fiscal year 2007-2008.

28 Sec. 37. State department of corrections: private prison beds

29 A. The state department of corrections shall issue a request for
30 proposals and contract for five thousand private prison beds in this state at
31 new or existing private prisons or at expansions of existing private prisons
32 in this state. The private vendor may bid for all or a portion of the five
33 thousand beds. The department may award the contract to one or more private
34 vendors. The request for proposals shall specify the length of the contract
35 period, except that the length of the contract period shall not exceed twenty
36 years. Not later than November 1, 2009, and before issuance, the proposed
37 request for proposals shall be submitted for review to the joint legislative
38 budget committee. All contracts shall be awarded by June 30, 2010. Each
39 calendar quarter, until all new beds are occupied, the department of
40 corrections shall submit a report to the joint legislative budget committee
41 on the status of the beds.

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

1 C. Except as otherwise provided in this section, sections 41-1609,
2 41-1609.01, 41-1609.02, 41-1609.03 and 41-1609.04, Arizona Revised Statutes,
3 apply to any contract pursuant to subsection A of this section.

4 Sec. 38. State department of corrections: prison equipment and
5 operations

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

10 Sec. 39. Conforming legislation

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

14 Sec. 40. Retroactivity

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

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

APPROVED BY THE GOVERNOR SEPTEMBER 3, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE SEPTEMBER 3, 2009.