SB 1621

Introduced by
Senators Biggs, Murphy, Pearce R, Pierce S: Antenori, Barto, Driggs, Gould, Klein, Melvin, Nelson, Reagan, Shooter, Smith, Yarbrough (with permission of Committee on Rules)

AN ACT

AMENDING SECTION 5-396, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-453; AMENDING SECTIONS 11-539 AND 11-588, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-119.05; AMENDING SECTION 12-267, ARIZONA REVISED STATUTES; REPEALING SECTION 12-270, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-701, 22-117, 28-1383 AND 28-8288, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 31-133; AMENDING SECTIONS 31-201.01, 31-230 AND 41-191.09, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-797; AMENDING SECTIONS 41-1604, 41-1604.02 AND 41-1604.03, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1610.02; AMENDING SECTIONS 41-1624, 41-1723, 41-1724, 41-2401 AND 41-2421, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 11-539, 11-588 AND 41-2409, ARIZONA REVISED STATUTES; AMENDING LAWS 2007, CHAPTER 261, SECTION 16, AS AMENDED BY LAWS 2009, THIRD SPECIAL SESSION, CHAPTER 6, SECTION 21 AND LAWS 2010, SEVENTH SPECIAL SESSION, CHAPTER 6, SECTION 24; MAKING APPROPRIATIONS; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 5-396, Arizona Revised Statutes, is amended to read:

5-396. Aggravated operating or actual physical control of motorized watercraft while under the influence of intoxicating liquor or drugs; classification

A. A person is guilty of aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of intoxicating liquor or drugs if the person does any of the following:

1. Within a period of eighty-four months commits a third or subsequent violation of section 5-395 or 5-397 or this section or is convicted of a violation of section 5-395 or 5-397 or this section and has previously been convicted of any combination of convictions of section 5-395 or 5-397 or this section or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section.

2. While a person under fifteen years of age is aboard the motorized watercraft, commits any of the following:

   (a) A first violation of section 5-395, if the person recklessly endangers the person who is under fifteen years of age with a substantial risk of physical injury.

   (b) A second violation of section 5-395 within a period of eighty-four months.

   (c) A violation of section 5-397.

B. The dates of the commission of the offenses are the determining factor in applying the eighty-four month provision provided in subsection A, paragraph 1 or paragraph 2, subdivision (b) of this section regardless of the sequence in which the offenses were committed. For the purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts. The time that a probationer is found to be on absconder status or the time that a person is incarcerated in any state, federal, county or city jail or correctional facility is excluded when determining the eighty-four month period provided in subsection A, paragraph 1, subsection A, paragraph 2, subdivision (b) and subsection D of this section.

C. A person who is convicted under subsection A, paragraph 1 of this section and who within an eighty-four month period has been convicted of two prior violations of section 5-395 or 5-397 or this section, or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in prison, UNLESS THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.
D. A person who is convicted under subsection A, paragraph 1 of this section and who within an eighty-four month period has been convicted of three or more prior violations of section 5-395 or 5-397 or this section, or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in prison JAIL, UNLESS THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

E. A person who is convicted under subsection A, paragraph 2, subdivision (a) or (b) of this section shall serve at least the minimum term of incarceration required pursuant to section 5-395.01.

F. A person who is convicted under subsection A, paragraph 2, subdivision (c) of this section shall serve at least the minimum term of incarceration required pursuant to section 5-397.

G. A person who is convicted of a violation of this section and who is placed on probation shall attend and complete alcohol or drug screening, counseling and education from an approved facility and, if ordered by the court, treatment from an approved facility. If the person fails to comply with this subsection, in addition to section 13-901 the court may order that the person be incarcerated as a term of probation as follows:

1. For a person sentenced pursuant to subsection C of this section, for an individual period of not more than four months and a total period of not more than one year.

2. For a person sentenced pursuant to subsection D of this section, for an individual period of not more than eight months and a total period of not more than two years.

H. The time that a person spends in custody pursuant to subsection G of this section shall not be counted toward the sentence imposed if the person’s probation is revoked and the person is sentenced to prison following revocation of probation.

I. On conviction for a violation of this section, the court:

1. Shall order the person to pay a fine of not less than seven hundred fifty dollars.

2. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304. Any fine imposed for a violation of this
section and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in this paragraph.

3. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

4. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

J. Aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of an intoxicating liquor or drugs committed under:

1. Subsection A, paragraph 1 of this section is a class 4 felony.
2. Subsection A, paragraph 2 of this section is a class 6 felony.

Sec. 2. Title 11, chapter 3, article 2, Arizona Revised Statutes, is amended by adding section 11-453, to read:

11-453. Jail enhancement monies; transportation vehicles; procurement exemption

A. THE SHERIFF MAY SPEND JAIL ENHANCEMENT MONIES DISTRIBUTED PURSUANT TO SECTION 41-2401, SUBSECTION D, PARAGRAPH 9 FOR ANY PURPOSE THAT THE SHERIFF DETERMINES ENHANCES JAIL FACILITIES AND OPERATIONS, INCLUDING COUNTY JAILS UNDER THE JURISDICTION OF COUNTY JAIL DISTRICTS.

B. THE SHERIFF IS EXEMPT FROM ANY COUNTY PROCUREMENT RULES, POLICIES AND PROCEDURES FOR THE PURCHASE OF TRANSPORTATION VEHICLES WITH JAIL ENHANCEMENT MONIES DISTRIBUTED PURSUANT TO SECTION 41-2401, SUBSECTION D, PARAGRAPH 9. THE SHERIFF MAY ADOPT RULES SUBSTANTIALLY EQUIVALENT TO THE RULES, POLICIES AND PROCEDURES OF THE COUNTY FOR THE PROCUREMENT OF TRANSPORTATION VEHICLES WITH JAIL ENHANCEMENT MONIES.

Sec. 3. Section 11-539, Arizona Revised Statutes, is amended to read:

11-539. State aid to county attorneys fund

A. The state aid to county attorneys fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to county attorneys for the processing of criminal cases.
B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate fund monies to each county pursuant to section 41-2409, subsection A.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases by county attorneys.

D. Monies in the state aid to county attorneys fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

Sec. 4. Section 11-588, Arizona Revised Statutes, is amended to read: 11-588. State aid to indigent defense fund

A. The state aid to indigent defense fund is established consisting of monies appropriated to the fund and monies allocated to the fund pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate monies in the fund to each county pursuant to section 41-2409, subsection C.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by counties for the processing of criminal cases by the county public defender, legal defender and contract indigent defense counsel in each county.

D. Monies in the state aid to indigent defense fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

Sec. 5. Title 12, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 12-119.05, to read: 12-119.05. Post of duty; supreme court justice

THE DESIGNATED POST OF DUTY OF A JUSTICE OF THE SUPREME COURT WHO RESIDES OUTSIDE OF MARICOPA COUNTY SHALL BE DEEMED TO BE THE JUSTICE'S PLACE OF PHYSICAL RESIDENCE AT THE TIME OF THE JUSTICE'S APPOINTMENT.
Sec. 6. Section 12-267, Arizona Revised Statutes, is amended to read:

12-267. Adult probation services fund; accounts; expenditure

A. The board of supervisors shall designate a chief fiscal officer who shall establish and administer an adult probation services fund consisting of:

1. County general fund appropriations for adult probation.
2. State appropriations for adult probation including:
   (a) Monies for adult probation officers authorized by article 6 of this chapter.
   (b) Monies for state aid for adult probation services authorized by this article.
   (c) Monies for adult community punishment programs established pursuant to article 11 of this chapter.
   (d) Monies for adult intensive probation pursuant to title 13, chapter 9.
   (e) Monies received pursuant to section 12-270 that each county shall use for the following:
      (i) Increasing the availability of substance abuse treatment programs for probationers.
      (ii) Increasing the availability of risk reduction programs and interventions for probationers.
      (iii) Grants to nonprofit victim services organizations to partner with the probation department and the court to assist victims and increase the amount of restitution collected from probationers.
3. Probation fees collected pursuant to section 13-901 and section 13-902, subsection G.
4. Federal monies provided for adult probation.
5. Adult probation monies from any other source.

B. The chief fiscal officer shall establish and maintain separate accounts in the fund showing receipts and expenditures of monies from each source listed in subsection A of this section. The presiding judge of the superior court shall annually present to the board of supervisors for approval a detailed expenditure plan for the adult probation services fund accounts. Any modifications to the expenditure plan affecting state appropriations shall be made in accordance with the rules and procedures established by the supreme court. Any modifications to the expenditure plan affecting county appropriated funds shall be made in accordance with the policies established by the county. The chief fiscal officer shall disburse monies from the fund accounts only at the direction of the presiding judge of the superior court. The chief fiscal officer of each county, on or before August 31 of each year for the preceding fiscal year, shall submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account of the adult probation services fund.
C. The state monies in the adult probation services fund, and probation fees collected pursuant to section 13-901 and section 13-902, subsection G, shall be used in accordance with guidelines established by the supreme court or the granting authority.

D. State monies expended from the adult probation services fund shall be used to supplement, not supplant, county appropriations for the superior court adult probation department.

E. Monies in the adult probation services fund shall be used to pay the annual assessment on member states of the interstate compact for the supervision of adult offenders established in section 31-467, article X, subsection B.

F. County monies in the adult probation services fund shall be used in accordance with the fiscal policies and procedures established by the board of supervisors.

G. The administrative office of the courts shall periodically charge each local probation fees account an amount established annually by the supreme court to cover a proportional share of the cost of monitoring devices required pursuant to section 13-902, subsection G consistent with guidelines established to implement section 13-902, subsection G.

H. The administrative office of the courts shall charge annually the local probation fees account of each county an amount that is established annually by the administrative office of the courts to reflect each county's portion of the superior court risk management premium that is allocated to the judiciary.

Sec. 7. Repeal

Section 12-270, Arizona Revised Statutes, is repealed.

Sec. 8. Section 13-701, Arizona Revised Statutes, is amended to read:

13-701. Sentence of imprisonment for felony; presentence report; aggravating and mitigating factors; consecutive terms of imprisonment; definition

A. A sentence of imprisonment for a felony shall be a definite term of years and the person sentenced, unless otherwise provided by law OR SUBSECTION J OF THIS SECTION APPLIES, shall be committed to the custody of the state department of corrections.

B. No prisoner may be transferred to the custody of the state department of corrections without a certified copy of the judgment and sentence, signed by the sentencing judge, and a copy of a recent presentence investigation report unless the court has waived preparation of the report.

C. The minimum or maximum term imposed pursuant to section 13-702, 13-703, 13-704, 13-705, 13-708, 13-710, 13-1406, 13-3212 or 13-3419 may be imposed only if one or more of the circumstances alleged to be in aggravation of the crime are found to be true by the trier of fact beyond a reasonable doubt or are admitted by the defendant, except that an alleged aggravating circumstance under subsection D, paragraph 11 of this section shall be found to be true by the court, or in mitigation of the crime are found to be true.
by the court, on any evidence or information introduced or submitted to the
court or the trier of fact before sentencing or any evidence presented at
trial, and factual findings and reasons in support of such findings are set
forth on the record at the time of sentencing.

D. For the purpose of determining the sentence pursuant to subsection
C of this section, the trier of fact shall determine and the court shall
consider the following aggravating circumstances, except that the court shall
determine an aggravating circumstance under paragraph 11 of this subsection:

1. Infliction or threatened infliction of serious physical injury,
   except if this circumstance is an essential element of the offense of
   conviction or has been utilized to enhance the range of punishment under
   section 13-704.

2. Use, threatened use or possession of a deadly weapon or dangerous
   instrument during the commission of the crime, except if this circumstance is
   an essential element of the offense of conviction or has been utilized to
   enhance the range of punishment under section 13-704.

3. If the offense involves the taking of or damage to property, the
   value of the property taken or damaged.

4. Presence of an accomplice.

5. Especially heinous, cruel or depraved manner in which the offense
   was committed.

6. The defendant committed the offense as consideration for the
   receipt, or in the expectation of the receipt, of anything of pecuniary
   value.

7. The defendant procured the commission of the offense by payment, or
   promise of payment, of anything of pecuniary value.

8. At the time of the commission of the offense, the defendant was a
   public servant and the offense involved conduct directly related to the
   defendant's office or employment.

9. The victim or, if the victim has died as a result of the conduct of
   the defendant, the victim's immediate family suffered physical, emotional or
   financial harm.

10. During the course of the commission of the offense, the death of an
    unborn child at any stage of its development occurred.

11. The defendant was previously convicted of a felony within the ten
    years immediately preceding the date of the offense. A conviction outside
    the jurisdiction of this state for an offense that if committed in this state
    would be punishable as a felony is a felony conviction for the purposes of
    this paragraph.

12. The defendant was wearing body armor as defined in section 13-3116.

13. The victim of the offense is at least sixty-five years of age or is
    a disabled person as defined in section 38-492, subsection B.
14. The defendant was appointed pursuant to title 14 as a fiduciary and
the offense involved conduct directly related to the defendant's duties to
the victim as fiduciary.

15. Evidence that the defendant committed the crime out of malice
toward a victim because of the victim's identity in a group listed in section
41-1750, subsection A, paragraph 3 or because of the defendant's perception
of the victim's identity in a group listed in section 41-1750, subsection A,
paragraph 3.

16. The defendant was convicted of a violation of section 13-1102,
section 13-1103, section 13-1104, subsection A, paragraph 3 or section
13-1204, subsection A, paragraph 1 or 2 arising from an act that was
committed while driving a motor vehicle and the defendant's alcohol
concentration at the time of committing the offense was 0.15 or more. For
the purposes of this paragraph, "alcohol concentration" has the same meaning
prescribed in section 28-101.

17. Lying in wait for the victim or ambushing the victim during the
commission of any felony.

18. The offense was committed in the presence of a child and any of the
circumstances exists that are set forth in section 13-3601, subsection A.

19. The offense was committed in retaliation for a victim either
reporting criminal activity or being involved in an organization, other than
a law enforcement agency, that is established for the purpose of reporting or
preventing criminal activity.

20. The defendant was impersonating a peace officer as defined in
section 1-215.

21. The defendant was in violation of 8 United States Code section
1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.

22. The defendant used a remote stun gun or an authorized remote stun
gun in the commission of the offense. For the purposes of this paragraph:
(a) "Authorized remote stun gun" means a remote stun gun that has all
of the following:
(i) An electrical discharge that is less than one hundred thousand
volts and less than nine joules of energy per pulse.
(ii) A serial or identification number on all projectiles that are
discharged from the remote stun gun.
(iii) An identification and tracking system that, on deployment of
remote electrodes, disperses coded material that is traceable to the
purchaser through records that are kept by the manufacturer on all remote
stun guns and all individual cartridges sold.
(iv) A training program that is offered by the manufacturer.
(b) "Remote stun gun" means an electronic device that emits an
electrical charge and that is designed and primarily employed to incapacitate
a person or animal either through contact with electrodes on the device
itself or remotely through wired probes that are attached to the device or
through a spark, plasma, ionization or other conductive means emitting from
the device.

23. During or immediately following the commission of the offense, the
defendant committed a violation of section 28-661, 28-662 or 28-663.

24. Any other factor that the state alleges is relevant to the
defendant's character or background or to the nature or circumstances of the
crime.

E. For the purpose of determining the sentence pursuant to subsection
C of this section, the court shall consider the following mitigating
circumstances:

1. The age of the defendant.

2. The defendant's capacity to appreciate the wrongfulness of the
defendant's conduct or to conform the defendant's conduct to the requirements
of law was significantly impaired, but not so impaired as to constitute a
defense to prosecution.

3. The defendant was under unusual or substantial duress, although not
to a degree that would constitute a defense to prosecution.

4. The degree of the defendant's participation in the crime was minor,
although not so minor as to constitute a defense to prosecution.

5. During or immediately following the commission of the offense, the
defendant complied with all duties imposed under sections 28-661, 28-662 and
28-663.

6. Any other factor that is relevant to the defendant's character or
background or to the nature or circumstances of the crime and that the court
finds to be mitigating.

F. If the trier of fact finds at least one aggravating circumstance,
the trial court may find by a preponderance of the evidence additional
aggravating circumstances. In determining what sentence to impose, the court
shall take into account the amount of aggravating circumstances and whether
the amount of mitigating circumstances is sufficiently substantial to justify
the lesser term. If the trier of fact finds aggravating circumstances and
the court does not find any mitigating circumstances, the court shall impose
an aggravated sentence.

G. The court in imposing a sentence shall consider the evidence and
opinions presented by the victim or the victim's immediate family at any
aggravation or mitigation proceeding or in the presentence report.

H. This section does not affect any provision of law that imposes the
death penalty, that expressly provides for imprisonment for life or that
authorizes or restricts the granting of probation and suspending the
execution of sentence.

I. The intentional failure by the court to impose the mandatory
sentences or probation conditions provided in this title is malfeasance.

J. IF A PERSON IS SENTENCED TO SERVE ONE YEAR OR LESS IN THE STATE
DEPARTMENT OF CORRECTIONS, THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF
THE COUNTY JAIL, UNLESS THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT
TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS
PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED
TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS. A PERSON WHO IS
SENTENCED TO A CONCURRENT TERM OF INCARCERATION FOR MORE THAN ONE YEAR SHALL
BE INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS.

J. K. For the purposes of this section, “trier of fact” means a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.

Sec. 9. Section 22-117, Arizona Revised Statutes, is amended to read:

22-117. Payment of compensation and expenses
A. Justices of the peace shall be allowed by the board of supervisors, as a county charge, office rent, stationery, telephone and lights.
B. In a county with a population of less than one million five hundred thousand persons, the state shall pay forty 19.25 per cent of the compensation and employee related expenditures of a justice of the peace, and the county shall pay sixty 80.75 per cent of the compensation and employee related expenditures of a justice of the peace, except that the county shall pay the full amount of the employer contribution of the state retirement system or plan or any county health plan.
C. If a county is subject to subsection B of this section, the state treasurer shall remit the compensation and employee related expenditures payable by the state to the county treasurer, and the county shall disburse the funds to the justice of the peace.
D. In a county with a population of one million five hundred thousand persons or more, the county shall pay one hundred per cent of the compensation and employee related expenditures of a justice of the peace.
E. If a county is subject to subsection D of this section, the following apply:
1. Beginning in fiscal year 2007-2008, the county's contribution to the hospitalization and medical care of the indigent sick and for the administrative costs of implementing sections 36-2901.01 and 36-2901.04 shall be reduced pursuant to section 11-292, subsection R, in an amount that is equal to the difference between the total costs that the county paid pursuant to subsection D of this section and the amount that the county would have paid if the county were subject to subsection B of this section.
2. Pursuant to section 41-563, subsection D and beginning in fiscal year 2007-2008, the economic estimates commission shall increase the county's base expenditure limit in an amount that is equal to the difference between the total costs that the county paid pursuant to subsection D of this section and the amount that the county would have paid if the county were subject to subsection B of this section.
Sec. 10. Section 28-1383, Arizona Revised Statutes, is amended to read:

28-1383. Aggravated driving or actual physical control while under the influence; violation; classification; definition

A. A person is guilty of aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs if the person does any of the following:

1. Commits a violation of section 28-1381, section 28-1382 or this section while the person's driver license or privilege to drive is suspended, canceled, revoked or refused or while a restriction is placed on the person's driver license or privilege to drive as a result of violating section 28-1381 or 28-1382 or under section 28-1385.

2. Within a period of eighty-four months commits a third or subsequent violation of section 28-1381, section 28-1382 or this section or is convicted of a violation of section 28-1381, section 28-1382 or this section and has previously been convicted of any combination of convictions of section 28-1381, section 28-1382 or this section or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section.

3. While a person under fifteen years of age is in the vehicle, commits a violation of either:

   (a) Section 28-1381.
   (b) Section 28-1382.

4. While the person is ordered by the court or required pursuant to section 28-3319 by the department to equip any motor vehicle the person operates with a certified ignition interlock device, does either of the following:

   (a) While under arrest refuses to submit to any test chosen by a law enforcement officer pursuant to section 28-1321, subsection A.
   (b) Commits a violation of section 28-1381, section 28-1382 or this section.

B. The dates of the commission of the offenses are the determining factor in applying the eighty-four month provision provided in subsection A, paragraph 2 of this section regardless of the sequence in which the offenses were committed. For the purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts. The time that a probationer is found to be on absconder status or the time that a person is incarcerated in any state, federal, county or city jail or correctional facility is excluded when determining the eighty-four month period provided in subsection A, paragraph 2 and subsection E of this section.

C. The notice to a person of the suspension, cancellation, revocation or refusal of a driver license or privilege to drive is effective as provided in section 28-3318 or pursuant to the laws of the state issuing the license.
D. A person is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in prison JAIL, UNLESS THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS if the person is convicted under either of the following:

1. Subsection A, paragraph 1 of this section.
2. Subsection A, paragraph 2 of this section and within an eighty-four month period has been convicted of two prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section. A person who is convicted under subsection A, paragraph 2 of this section and who within an eighty-four month period has been convicted of three or more prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in prison JAIL, UNLESS THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

F. A person who is convicted under subsection A, paragraph 3, subdivision (a) of this section shall serve at least the minimum term of incarceration required pursuant to section 28-1381.

G. A person who is convicted under subsection A, paragraph 3, subdivision (b) of this section shall serve at least the minimum term of incarceration required pursuant to section 28-1382.

H. A person who is convicted of a violation of this section shall attend and complete alcohol or other drug screening, education or treatment from an approved facility. If the person fails to comply with this subsection and is placed on probation, in addition to the provisions of section 13-901 the court may order that the person be incarcerated as a term of probation as follows:

1. For a person sentenced pursuant to subsection D of this section, for an individual period of not more than four months and a total period of not more than one year.
2. For a person sentenced pursuant to subsection E of this section, for an individual period of not more than eight months and a total period of not more than two years.
I. The time that a person spends in custody pursuant to subsection H of this section shall not be counted towards the sentence imposed if the person's probation is revoked and the person is sentenced to prison after revocation of probation.

J. On a conviction for a violation of this section, the court:

1. Shall report the conviction to the department. On receipt of the report, the department shall revoke the driving privilege of the person. The department shall not issue the person a new driver license within three years of the date of the conviction and, for a conviction of a violation of subsection A, paragraph 1, 2 or 4 or paragraph 3, subdivision (b) of this section, shall require the person to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twelve months beginning on the date of reinstatement of the person's driving privilege following a suspension or revocation or on the date of the department's receipt of the report of conviction, whichever occurs later. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.

2. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the monies received pursuant to this paragraph to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the monies received pursuant to this paragraph to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304. Any fine imposed for a violation of this section and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in this paragraph.

3. Shall order the person to pay a fine of not less than seven hundred fifty dollars.

4. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars
to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

K. After completing the period of suspension required by section 28-1385, a person whose driving privilege is revoked for a violation of subsection A, paragraph 3 of this section may apply to the department for a special ignition interlock restricted driver license pursuant to section 28-1401.

L. Aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs committed under:

1. Subsection A, paragraph 1 or 2 or paragraph 4, subdivision (b) of this section is a class 4 felony.

2. Subsection A, paragraph 3 or paragraph 4, subdivision (a) of this section is a class 6 felony.

M. For the purposes of this section, "suspension, cancellation, revocation or refusal" means any suspension, cancellation, revocation or refusal.

Sec. 11. Section 28-8288, Arizona Revised Statutes, is amended to read:

28-8288. Third or subsequent offense

A. If a person is convicted of a third or subsequent violation of section 28-8282 or is convicted of a violation of section 28-8282 and has previously been convicted of any combination of convictions of section 28-8282 or acts committed in another state that if committed in this state would be a violation of section 28-8282 within a period of sixty months:

1. The person is guilty of a class 5 felony.

2. The person is not eligible for probation, pardon, suspension of sentence or release on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served not less than six months in prison JAIL, UNLESS THE COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

3. The court shall not suspend the imposition of a prison sentence.

4. If in the court's opinion the person has the problem of habitual abuse of alcohol or drugs, the court shall require the person to obtain treatment under its supervision.

5. In addition to any other penalty prescribed by law, the person shall pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any
surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

6. In addition to any other penalty prescribed by law, the person shall pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

B. The dates of the commission of the offense are the determining factor in applying this section.

C. A third or subsequent violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

Sec. 12. Title 31, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 31-133, to read:

31-133. Receiving and keeping state prisoners
THE SHERIFF SHALL RECEIVE AND KEEP IN THE COUNTY JAIL ANY PRISONER WHO IS SENTENCED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO SERVE A TERM OF IMPRISONMENT IN THE STATE DEPARTMENT OF CORRECTIONS FOR ONE YEAR OR LESS, UNLESS THE COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

Sec. 13. Section 31-201.01, Arizona Revised Statutes, is amended to read:

31-201.01. Duties of the director; tort actions; medical treatment costs; state immunity; definitions
A. The director shall hold in custody all persons sentenced to the department under the law and shall hold such persons for the term directed by the court, subject to law, EXCEPT THAT BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION OR JULY 1, 2011, WHICHER IS LATER, IF THE PERSON IS SENTENCED TO ONE YEAR OR LESS IN THE STATE DEPARTMENT OF CORRECTIONS, THE PERSON SHALL BE PLACED IN THE CUSTODY OF A COUNTY JAIL, UNLESS THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

B. In addition to the medical and health services to be provided pursuant to subsection D of this section, the director may, in cooperation
with the department of health services, MAY provide to prisoners WHO ARE INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS psychiatric care and treatment pursuant to sections 31-226 and 31-226.01.

C. The director may institute and pursue programs which promote the rehabilitation of the prisoners in the director's charge.

D. The director shall provide medical and health services for the prisoners WHO ARE INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS. The director may contract for professional services to assist the director in carrying out this responsibility on behalf of the state, provided EXCEPT that all records made and retained in connection with the services provided by this subsection shall be made and retained only by duly authorized or qualified medical and professional personnel and not by any prisoner. Such records when not in use shall be retained in a safe and secure place.

E. If a victim of a person for whom a cost of incarceration has been calculated notifies the state that full restitution has not been made by the person for whom a cost of incarceration has been calculated, the state shall interplead with the superior court the disputed amount and set off the amounts owed the state from the remaining obligation.

F. Any and all causes of action which may arise out of tort caused by the director, prison officers or employees of the department, within the scope of their legal duty, shall run only against the state.

G. The director shall establish by rule reasonable medical and health service fees for the medical and health services that are provided pursuant to subsection D of this section. Except as provided in subsection I of this section, every inmate shall be charged a reasonable medical and health services fee for each medical visit an inmate makes pursuant to a health needs request form or for emergency treatment.

H. Except as provided in subsection I of this section, the director may charge each inmate a reasonable fee for prescriptions, medication or prosthetic devices.

I. The director shall exempt the following inmates or medical visits by inmates from payment of medical and health services fees and fees for prescriptions, medication or prosthetic devices:

1. Medical visits initiated by the medical or mental health staff of the department.
2. Medical visits to a physician by inmates who are referred by a physician assistant or nurse practitioner.
3. Inmates at reception centers.
5. Pregnant inmates.
6. Seriously mentally ill inmates. For the purposes of this paragraph, "seriously mentally ill inmates" means inmates who as a result of a mental disorder as defined in section 36-501 exhibit emotional or behavioral functioning which is so impaired as to interfere substantially with their capacity to remain in the general prison population
without supportive treatment or services of a long-term or indefinite duration and whose mental disability is severe and persistent, resulting in a long-term limitation of their functional capacities for primary activities of daily living, including interpersonal relationships, self-care, employment and recreation.

7. Developmentally disabled inmates who are housed in a special programs unit.
8. Inmates who are housed in unit 8 at the Florence prison facility.
9. Inmates who are inpatients at the Alhambra prison facility special programs psychiatric hospital.
10. Inmates who are inpatients at the Flamenco prison facility mental health treatment unit.
11. Inmates who are undergoing administrative physical examinations for statewide driver status and fire fighting crews.
12. Inmates who are undergoing follow-up medical treatment for chronic diseases.

J. An inmate shall not be refused medical treatment for financial reasons.

K. All monies received by the department for medical and health service fees shall be deposited in the STATE general fund.

L. A person who is convicted of a felony offense and who is incarcerated while awaiting sentence or while serving a sentence imposed by a court of law may not bring a cause of action seeking damages or equitable relief from the state or its political subdivisions, agencies, officers or employees for injuries suffered while in the custody of the state or its political subdivisions or agencies unless the complaint alleges specific facts from which the court may conclude that the plaintiff suffered serious physical injury or the claim is authorized by a federal statute.

M. The director shall establish criteria for reasonable deductions from monies credited to the prisoner’s spendable account to repay the cost of:

1. State property that the inmate wilfully damages or destroys during the inmate’s incarceration.
2. Medical treatment for injuries that the inmate inflicts on himself or others.
3. Searching for and apprehending an inmate who escapes or attempts to escape.
4. Quelling a riot or other disturbance in which the inmate is unlawfully involved.

N. For THE purposes of this section:
1. ”Reasonable fee” means an amount not to exceed five dollars.
2. ”Serious physical injury” means an impairment of physical condition that creates a substantial risk of death or that causes serious disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.
Sec. 14. Section 31-230, Arizona Revised Statutes, is amended to read:

31-230. Prisoner spendable accounts; fees
A. The director shall establish a prisoner spendable account for each prisoner. All monies that are received by a prisoner and that are not required to be deposited in another account shall be deposited in the prisoner’s spendable account.
B. The director shall adopt rules for the disbursement of monies from prisoner spendable accounts.
C. If the court has ordered the prisoner to pay restitution pursuant to section 13-603, the director shall withdraw a minimum of twenty per cent, or the balance owing on the restitution amount, up to a maximum of fifty per cent of the monies available in the prisoner’s spendable account each month to pay the court ordered restitution.
D. The director may establish by rule a fee for any deposits made to a prisoner spendable account. The director shall deposit, pursuant to sections 35-146 and 35-147, any monies collected pursuant to this subsection in the department of corrections building renewal fund established by section 41-797.

Sec. 15. Section 41-191.09, Arizona Revised Statutes, is amended to read:

41-191.09. Attorney general legal services cost allocation fund; contributions; exemptions
A. The attorney general legal services cost allocation fund is established for the purpose of reimbursing the department of law for general agency counsel. Monies in the fund are subject to legislative appropriation. The attorney general shall administer the fund.
B. Beginning July 1, 2006, all state agency appropriated and nonappropriated funds shall contribute a pro rata share of general agency counsel services provided by the department of law. The pro rata share is payable by payroll fund source, and the resultant amount shall be deposited in the attorney general legal services cost allocation fund. Beginning July 1, 2007, the pro rata share for each fund shall be 0.675 per cent of the total payroll. For the purposes of this subsection, “total payroll” includes federal monies, state general fund monies, special revenue funds, intergovernmental revenue monies, trust funds and other payroll fund sources.
C. A claim for the pro rata share percentage payment shall be submitted according to the fund source, with the accompanying payroll, to the department of administration for deposit in the attorney general legal services cost allocation fund.
D. The following agencies are exempt from this section:
1. The department of water resources.
2. The residential utility consumer office.
3. The industrial commission.
4. The universities and the Arizona board of regents.
5. The auditor general.
6. The corporation commission.
7. The office of the governor.
8. The department of law.
10. The senate.
11. The joint legislative budget committee.
12. The Arizona state library, archives and public records.
13. The legislative council.
14. The department of administration risk management fund.
15. The department of transportation.
16. The Arizona game and fish department.
17. The department of economic security.
18. The Arizona health care cost containment system.
19. The superior court.
20. The court of appeals.
21. The supreme court.
22. The Arizona department of agriculture and councils that receive administrative and budgetary services from the Arizona department of agriculture.
23. All self-supporting regulatory agencies as determined pursuant to section 35-143.01.
24. THE STATE CAPITAL POSTCONVICTION PUBLIC DEFENDER OFFICE.

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

Sec. 16. Title 41, chapter 4, article 7, Arizona Revised Statutes, is amended by adding section 41-797, to read:

41-797. Department of corrections building renewal fund
A. THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND IS ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 31-230, SECTION 41-1604, SUBSECTION B, PARAGRAPH 3 AND SECTIONS 41-1604.02, 41-1604.03 AND 41-1624. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.
B. THE DIRECTOR SHALL USE THE MONIES IN THE FUND FOR BUILDING RENEWAL PROJECTS THAT REPAIR OR REWORK BUILDINGS AND SUPPORTING INFRASTRUCTURE THAT ARE UNDER THE CONTROL OF THE STATE DEPARTMENT OF CORRECTIONS AND THAT RESULT IN MAINTAINING A BUILDING’S EXPECTED USEFUL LIFE. MONIES IN THE FUND MAY NOT BE USED FOR NEW BUILDING ADDITIONS, NEW INFRASTRUCTURE ADDITIONS, LANDSCAPING AND AREA BEAUTIFICATION, DEMOLITION AND REMOVAL OF A BUILDING AND, EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, ROUTINE PREVENTIVE MAINTENANCE.
C. THE DIRECTOR MAY USE UP TO EIGHT PER CENT OF THE ANNUAL EXPENDITURES FROM THE FUND FOR ROUTINE PREVENTIVE MAINTENANCE.
Sec. 17. Section 41-1604, Arizona Revised Statutes, is amended to read:

41-1604. Duties and powers of director
A. The director shall:
1. Be responsible for the overall operations and policies of the department.
2. Maintain and administer all institutions and programs within the department, including prisons, reception and diagnostic centers, conservation camps, community correctional centers and such other facilities and programs as may be required and established for the custody, control, correction, treatment and rehabilitation of all adult offenders who are committed to the department.
3. Be responsible for the administration and execution of all community supervision services, including those for adult offenders who are released in accordance with law.
4. Develop a program to provide uniform statewide community supervision field services in this state and employ parole or community supervision officers based on qualifications prescribed by the director, including physical, psychological and educational qualifications and practical experience.
5. Be responsible for the development of policies and programs that shall be recommended to the governor and the legislature for the purpose of improving the various adult correctional programs of this state.
6. Develop and establish a uniform statewide method of reporting statistics as related to this chapter.
7. Employ deputy directors and other key personnel based on qualifications prescribed by the director that require education and practical experience.
8. Adopt rules pursuant to chapter 6 of this title for the development of incentives to encourage good behavior and the faithful performance of work by prisoners.
9. Adopt rules pursuant to chapter 6 of this title to limit inmate access to the internet through the use of a computer, computer system, network, computer service provider or remote computing service.
10. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.
B. The director may:
1. Adopt rules to implement the purposes of the department and the duties and powers of the director.
2. Take any administrative action to improve the efficiency of the department, including the following:
   (a) Create new divisions or units or consolidate divisions or units.
   (b) Transfer employees between the various divisions and units of the department.
   (c) Shift duties between divisions or units.
   (d) Delegate to appropriate personnel the administrative functions, powers or duties that the director believes can be competently, efficiently and properly performed. The director shall not delegate the responsibilities in subsection A, paragraphs 1 and 5 of this section.
   (e) Transfer adult inmates between adult institutions or adult facilities.
   (f) Authorize work crews to perform acceptable tasks in any part of the state.
   (g) Accept unconvicted persons pursuant to a court order for purposes of examination and treatment regarding competency to understand any stage of a criminal proceeding after indictment or information or their ability to assist in their own defense.
   (h) Accept convicted yet unsentenced persons pursuant to a court order for purposes of conducting a mental health examination or a diagnostic evaluation.
   (i) Appoint certain employees of the department to peace officer status for purposes of guarding, transporting or pursuing persons who are under the jurisdiction of the department and appoint certain employees of the department to peace officer status for purposes of investigating or arresting persons who commit or attempt to commit offenses directly relating to the operations of the department. Peace officers of the department shall not preempt the authority and jurisdiction of established agencies of this state and political subdivisions of this state. Such officers shall notify agencies of this state and political subdivisions of this state before conducting an investigation within the jurisdiction of the agency and before making an arrest within the jurisdiction of the agency and shall ask, except in an emergency, if the agency wishes to participate, perform the investigation or arrest the person to be arrested before proceeding. Personnel who are appointed as peace officers by the director shall have the minimum qualifications established for peace officers pursuant to section 41-1822. Personnel who are appointed by the director pursuant to this subdivision are not eligible to participate in the public safety personnel retirement system except as otherwise provided in title 38, chapter 5, article 4.
   (j) Operate travel reduction programs that are subsidized by the department for employees who commute between work and home by vanpools, carpools and buses or in vehicles that are purchased or leased by the department.
3. ESTABLISH BY RULE A ONE-TIME FEE FOR CONDUCTING BACKGROUND CHECKS ON ANY PERSON WHO ENTERS A DEPARTMENT FACILITY TO VISIT A PRISONER. A FEE SHALL NOT BE CHARGED FOR A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE. THE DIRECTOR MAY ADOPT RULES THAT WAIVE ALL OR PART OF THE FEE. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ANY MONIES COLLECTED PURSUANT TO THIS PARAGRAPH IN THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION 41-797.

Sec. 18. Section 41-1604.02, Arizona Revised Statutes, is amended to read:

41-1604.02. Inmate stores; establishment; privatization; prices; goods; inmate store proceeds fund

The department may establish and maintain an inmate store at any prison, institution or facility. The department shall enter into a contract or contracts with a private entity or entities to establish and maintain inmate stores. The department or Arizona correctional industries may also be considered as an entity eligible for award. Such inmate stores shall offer for sale, at prices THAT ARE fixed by the contractor with direction from the director AND that are no higher than prices of similar retail products, toilet articles, candy, tobacco products, notions and other sundries to the persons confined. The department may provide the facilities necessary to operate such inmate stores. All profit derived from the state's portion of privatization of such inmate stores shall be deposited in an inmate store proceeds fund. THE DIRECTOR SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS FROM THE INMATE STORE PROCEEDS FUND ANNUALLY TO THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION 41-797. ANY REMAINING monies in the fund may be used at the director's discretion for inmate activities, incentive pay increases for corrections officers, equipment to enhance safety for both department personnel and inmates or other official needs as required.

Sec. 19. Section 41-1604.03, Arizona Revised Statutes, is amended to read:

41-1604.03. Special services fund; uses; report

A. A special services fund is established in the state department of corrections. The department shall administer the fund.

B. THE DIRECTOR SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS FROM THE SPECIAL SERVICES FUND ANNUALLY TO THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION 41-797. ANY REMAINING MONIES IN the special services fund, including the inmate recreation fund, may be used for the following purposes:

1. The benefit, education and welfare of committed offenders, including the establishment, maintenance, purchase of items for resale and other necessary expenses of operation of canteens and hobby shops.

2. To pay the costs of a telephonic victim notification system. Revenues that are generated by the inmate telephone system and the automated public access program shall be deposited in the special services fund.
C. On or before August 1 of each year, the department shall submit to the president of the senate and the speaker of the house of representatives a report that contains a full and complete account of special services fund transactions relating to the inmate telephone system and the telephonic victim notification system for the preceding fiscal year.

Sec. 20. Title 41, chapter 11, article 1, Arizona Revised Statutes, is amended by adding section 41-1610.02, to read:

41-1610.02. Correctional reimbursement fund; county reimbursement option

A. THE CORRECTIONAL REIMBURSEMENT FUND IS ESTABLISHED CONSISTING OF MONIES RECEIVED FROM A COUNTY FOR THE COSTS OF INCARCERATING A PERSON IN THE STATE DEPARTMENT OF CORRECTIONS WHO OTHERWISE WOULD BE INCARCERATED IN JAIL PURSUANT TO SECTION 5-396, SUBSECTION C OR D, SECTION 13-701, SUBSECTION J, SECTION 28-1383, SUBSECTION D OR E OR SECTION 28-8288. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

B. A COUNTY SHALL ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE DEPARTMENT BEFORE A PERSON IS TRANSFERRED INTO THE CUSTODY OF THE DEPARTMENT TO SERVE THE PERSON'S INCARCERATION.


Sec. 21. Section 41-1624, Arizona Revised Statutes, is amended to read:

41-1624. Arizona correctional industries revolving fund; definitions

A. The director may establish a revolving fund to be used to pay the expenses required:

1. For the purchase of raw materials, components and supplies to be used for the production of food and other items to be sold by the department's Arizona correctional industries.

2. For the compensation of prisoners and Arizona correctional industries professional and outside services.

3. For the purchase or rental of equipment to be used by the department's Arizona correctional industries.

4. For the construction or reconstruction of facilities.

5. For other operating expenses and in-state travel.
6. For the purchase of workers' compensation insurance for inmates who are employed in a federally certified prison industry enhancement program pursuant to section 41-1674.

7. For prisoner instruction related to vocational education, job training, parenting and alcohol and other drug use treatment classes.

B. Monies received for or derived from the operation of Arizona correctional industries, including monies from the sale of obsolete or unneeded material, supplies, equipment or property, shall be deposited, pursuant to sections 35-146 and 35-147, in a specially designated revolving fund and expended without need of previous encumbrance upon warrants drawn upon order of the director or the director's designee. The fund is a continuing fund and is exempt from the provisions of section 35-190. THE DIRECTOR SHALL TRANSFER ONE MILLION DOLLARS FROM THE REVOLVING FUND ANNUALLY TO THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION 41-797.

C. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

D. For the purposes of this section:
   1. "Components" means the parts, subassemblies and packaging materials that will become part of a final product or service.
   2. "Raw materials" means the materials that are converted or combined during the manufacturing process.

Sec. 22. Section 41-1723, Arizona Revised Statutes, is amended to read:

"Public safety equipment fund; distribution"

The public safety equipment fund is established consisting of monies deposited in the fund pursuant to sections 5-395.01, 5-396, 5-397, 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287, AND 28-8288 AND 41-2421. The department shall administer the fund. Monies in the fund shall be distributed as follows:

1. The first one million two hundred thousand dollars received each fiscal year PURSUANT TO SECTIONS 5-395.01, 5-396, 5-397, 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287 AND 28-8288 as a continuing appropriation to the department for protective armor, electronic stun devices and other safety equipment. Monies appropriated pursuant to this paragraph are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

2. MONIES RECEIVED PURSUANT TO SECTION 41-2421 ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

3. All other monies each fiscal year shall be deposited in the state general fund.
Sec. 23. Section 41-1724, Arizona Revised Statutes, is amended to read:

41-1724. Gang and immigration intelligence team enforcement mission fund; use of monies; reporting requirement

A. The gang and immigration intelligence team enforcement mission fund is established consisting of monies deposited pursuant to section 11-1051 and monies appropriated by the legislature. The department shall administer the fund. Any monies distributed from the fund to a county sheriff shall go directly to the county sheriff and are not subject to any form of approval by the board of supervisors. Monies in the fund are subject to legislative appropriation.

B. Monies in the fund shall be used for employer sanctions enforcement, enforcing human smuggling and drug smuggling laws, gang and strict immigration enforcement and for, including border security and border personnel, county jail reimbursement costs relating to illegal immigration and any other use previously authorized in an allocation made by law for the gang and immigration intelligence team enforcement mission.

C. Each year that monies are available in the fund the first one million six hundred thousand dollars shall be allocated to a county sheriff of a county with a population of more than three million persons, then five hundred thousand dollars shall be allocated to a county sheriff of a county with a population of less than five hundred thousand persons but more than three hundred thousand persons and any remaining monies shall be used for agreements or contracts in accordance with subsection D of this section.

D. If the department uses monies from the fund for an agreement or contract with a city, town, county or other entity to provide services for the gang and immigration intelligence team enforcement mission, the city, town, county or other entity shall provide not less than twenty-five per cent of the cost of the services and the department shall provide not more than seventy-five per cent of personal services and employee related expenditures for each agreement or contract but may fund all capital related equipment. This subsection does not apply to a county with a population of more than three million persons or a county with a population of less than five hundred thousand persons but more than three hundred thousand persons.

E. A county with a population of more than five hundred thousand persons but less than two million persons shall not receive any monies from the gang and immigration intelligence team enforcement mission fund.

F. The use of the monies from the fund is contingent on a law enforcement agency making every reasonable effort to determine the legal status of any person who a law enforcement officer comes into lawful contact with and who is suspected of being an illegal alien or in a gang.

G. The department shall submit an expenditure plan to the joint legislative budget committee for review before expending any monies not identified in the department’s previous expenditure plans. Within thirty days after the last day of each calendar quarter, the department shall
PROVIDE A SUMMARY OF QUARTERLY AND YEAR-TO-DATE EXPENDITURES AND PROGRESS TO THE JOINT LEGISLATIVE BUDGET COMMITTEE, INCLUDING ANY PRIOR YEAR APPROPRIATIONS THAT WERE NONLAPSING.

Sec. 24. Section 41-2401, Arizona Revised Statutes, is amended to read:

41-2401. Criminal justice enhancement fund

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

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

C. On or before December 1 of each year, the Arizona criminal justice commission shall compile all reports into a single comprehensive report and shall submit a copy of the comprehensive report to the governor, the president of the senate, the speaker of the house of representatives and the director of the joint legislative budget committee.

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

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

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

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

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

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

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

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

(b) To provide support to the Arizona automated fingerprint identification system.
(c) Operational costs of the criminal justice information system.

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

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

9. 11.70 per cent to the county sheriffs for the purpose of enhancing county jail facilities and operations, including county jails under the jurisdiction of county jail districts.

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

11. 9.00 per cent in the crime laboratory operations fund established by section 41-1772.

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

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

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

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

E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7, 9, 11, 12, 13 and 14 of this section constitute a continuing appropriation.

Monies distributed pursuant to subsection D, paragraphs 1, 2, 5, 8, 10 and 15 of this section are subject to legislative appropriation.

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

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

H. THE STATE TREASURER SHALL DISTRIBUTE THE MONIES DESCRIBED IN SUBSECTION D, PARAGRAPH 9 OF THIS SECTION DIRECTLY TO THE COUNTY SHERIFF.
Sec. 25. Section 41-2421, Arizona Revised Statutes, is amended to read:

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

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

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

1. 21.61 per cent to the state aid to county attorneys fund established by section 11-539.
2. 20.53 per cent to the state aid to indigent defense fund established by section 11-588.
   1. 42.14 PER CENT TO THE PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723.
   3. 2. 57.37 per cent to the state aid to the courts fund established by section 12-102.02.
   4. 3. 0.49 per cent to the department of law for the processing of criminal cases.

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

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

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

1. 21.61 per cent for the purposes specified in section 11-539.
2. 20.53 per cent for the purposes specified in section 11-588.
   1. 42.14 PER CENT TO THE STATE TREASURER FOR DEPOSIT IN THE PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723.
   3. 2. 57.37 per cent to the local courts assistance fund established by section 12-102.03.
4. 3. 0.49 per cent to the state treasurer for transmittal to the
department of law for the processing of criminal cases.

F. The board of supervisors in each county shall separately account
for all monies received pursuant to subsections C and E of this section and
expenditures of these monies may be made only after the requirements of
subsections G and H of this section have been met.

G. By December 1 of each year, each county board of supervisors shall
certify if the total revenues received by the justice courts and the superior
court, including the clerk of the superior court, exceed the amount received
in fiscal year 1997-1998. If the board so certifies, then the board shall
distribute the lesser of either:

1. The total amount deposited pursuant to subsection C of this
section.

2. The amount collected and deposited pursuant to subsection C of this
section that exceeds the base year collections of fiscal year 1997-1998.
These monies shall be distributed according to the formula specified in
subsection E of this section. Any monies remaining after this allocation
shall be transmitted as otherwise provided by law.

H. If a county board of supervisors determines that the total revenues
transmitted by the superior court, including the clerk of the superior court
and the justice courts in the county, do not equal the base year collections
transmitted in fiscal year 1997-1998 the monies specified in subsection C of
this section shall be transmitted by the county treasurer as otherwise
provided by law.

I. For the purposes of this section, base year collections shall be
those collections specified in subsection C of this section.

J. Monies collected pursuant to section 12-116.01, subsection B shall
be allocated as follows:

1. 15.44 per cent to the state aid to county attorneys fund
   established by section 11-539.

2. 14.66 per cent to the state aid to indigent defense fund
   established by section 11-588.

   1. 30.10 PER CENT TO THE PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY
   SECTION 41-1723.

3. 2. 40.97 per cent to the state aid to the courts fund established
   by section 12-102.02.

4. 3. 0.35 per cent to the department of law for the processing of
criminal cases.

5. 4. 14.29 per cent to the Arizona criminal justice commission for
distribution to state, county and municipal law enforcement full service
forensic crime laboratories pursuant to rules adopted by the Arizona criminal
justice commission.

6. 5. 14.29 per cent to the supreme court for allocation to the
municipal courts pursuant to subsection K of this section.
K. The supreme court shall administer and allocate the monies received pursuant to subsection J, paragraph 6-5 of this section to the municipal courts based on the total amount of penalty assessments transmitted pursuant to section 12-116.01 by that jurisdiction's city treasurer to the state treasurer for the prior fiscal year divided by the total amount of penalty assessments transmitted to the state treasurer pursuant to section 12-116.01 by all city treasurers statewide for the prior fiscal year. The municipal court shall use the monies received to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice. The municipal court shall submit a plan to the supreme court, and the supreme court shall approve the plan before the municipal court begins to spend these allocated monies.

Sec. 26. Delayed repeal
Sections 11-539, 11-588 and 41-2409, Arizona Revised Statutes, are repealed from and after June 30, 2012.

Sec. 27. Laws 2007, chapter 261, section 16, as amended by Laws 2009, third special session, chapter 6, section 21 and Laws 2010, seventh special session, chapter 6, section 24, is amended to read:

Sec. 16. Appropriations; deoxyribonucleic acid identification system fund; exemption

A. The sums of $1,980,000 in fiscal year 2007-2008, $2,980,000 in fiscal year 2008-2009, $980,000 in fiscal year 2009-2010, $980,000 in fiscal year 2010-2011 and $3,520,000 in fiscal year 2011-2012 are appropriated from the monies that are collected pursuant to section 12-116.01, subsection C, Arizona Revised Statutes, and that are distributed pursuant to section 12-116.01, subsection J, Arizona Revised Statutes, for deposit in the Arizona deoxyribonucleic acid identification system fund established by section 41-2419, Arizona Revised Statutes, to the department of public safety for equipment purchases, personal services, employee-related expenses, training, other operating expenses and capital improvements in order to implement, conduct and maintain deoxyribonucleic acid testing.

B. The appropriations made in subsection A of this section shall come from the additional four per cent penalty assessment that is collected and distributed pursuant to the penalty assessment increase from three per cent to seven per cent in section 12-116.01, subsections C and J, Arizona Revised Statutes, as amended by Laws 2007, chapter 261, section 1.

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

Sec. 28. State department of corrections; budget structure
Notwithstanding any other law, the state department of corrections shall report actual fiscal year 2010-2011, estimated fiscal year 2011-2012 and requested fiscal year 2012-2013 expenditures in the same structure and detail as the prior fiscal year when the department submits the fiscal year
2012-2013 budget request pursuant to section 35-113, Arizona Revised Statutes. The information submitted for each line item shall contain as much detail as submitted in previous years for prior line items.

Sec. 29. Department of public safety; highway funds; limitation
Notwithstanding sections 28-6537 and 28-6993, Arizona Revised Statutes, the statutory caps and transfers of highway user revenue fund monies and state highway fund monies available to fund department of public safety highway patrol costs are suspended for fiscal year 2011-2012.

Sec. 30. Suspension of reporting requirements
Notwithstanding any other law, the reporting requirements contained in the following sections are suspended for fiscal year 2011-2012:
1. Section 8-358, subsection B, Arizona Revised Statutes, relating to the annual juvenile intensive probation report.
2. Section 12-299.03, subsection A, paragraph B, Arizona Revised Statutes, relating to the evaluation of the community punishment program.
3. Section 12-2456, Arizona Revised Statutes, relating to a report of information regarding the emancipation of minors.
4. Section 13-901.02, subsection D, Arizona Revised Statutes, relating to the annual drug treatment and education fund report card.
5. Section 21-222, subsection F, Arizona Revised Statutes, relating to the annual lengthy trial fund report.
6. Section 25-323.01, subsection B, Arizona Revised Statutes, relating to the annual child support committee report.
7. Section 25-323.02, subsection C, Arizona Revised Statutes, relating to the annual domestic relations committee report.

Sec. 31. Nonsupplanting; suspension
Notwithstanding any other law, in fiscal year 2011-2012 the provisions relating to supplanting of state monies contained in section 12-102.02, subsection E, section 12-102.03, subsection D, section 12-135, subsection D, section 12-135.01, subsection D, section 12-267, subsection D, section 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised Statutes, are suspended. The supreme court shall submit a report to the joint legislative budget committee identifying any decrease in county funding related to these suspended provisions, including the reasons for the decrease.

Sec. 32. Board of executive clemency; part-time status
Notwithstanding any other law, in fiscal year 2011-2012, the members of the board of executive clemency, excluding the chairman, shall serve on a part-time basis. A part-time board member shall not work more than thirty hours each week and shall not be eligible for paid leave or any benefits provided to state employees pursuant to section 38-651, Arizona Revised Statutes.
Sec. 33. *Arizona supreme court; county reimbursement*

Notwithstanding section 13-4041, subsection H, Arizona Revised Statutes, and section 21-428, subsection B, Arizona Revised Statutes, the Arizona supreme court shall not reimburse the counties more than the amount appropriated for that purpose in the fiscal year 2011-2012 general appropriations act.

Sec. 34. *Immigration; request for information and proposals for seismic sensors pilot program; report; delayed repeal*

A. On or before October 1, 2011, the department of public safety shall issue a request for information to implement a one-year pilot program that would use seismic sensors to monitor rural airport runways and other rural areas of this state where illegal drug traffic and illegal alien traffic or human smuggling are likely to occur. On or before January 1, 2012, the department of public safety shall report to the joint legislative committee on the request for information.

B. On or before March 1, 2012, the department of public safety shall issue a request for proposals to implement the program described in subsection A.

C. If the department awards a contract before July 1, 2013, the department of public safety shall submit a report on or before July 1, 2013 regarding the effectiveness of the pilot program to the governor, the speaker of the house of representatives and the president of the senate and shall provide a copy of this report to the secretary of state.

D. This section is repealed from and after December 31, 2013.

Sec. 35. *Prisoners who are serving a sentence of one year or less; county expense*

A. Beginning on the effective date of this act or July 1, 2011, whichever is later, the sentencing county shall reimburse the state department of corrections at a rate to be determined by the department for each remaining day of incarceration in the state department of corrections for any prisoner who was sentenced to one year or less in the state department of corrections.

B. Each county shall make the reimbursements for these costs as specified in subsection A of this section within thirty days after a request by the state department of corrections. If the county does not make the reimbursement, the director of the state department of corrections shall notify the state treasurer of the amount owed and the treasurer shall withhold the amount, including any additional interest as provided in section 42-1123, Arizona Revised Statutes, from any transaction privilege tax distributions to the county. The treasurer shall deposit the withholdings, pursuant to sections 35-146 and 35-147, Arizona Revised Statutes, in the correctional reimbursement fund established by section 41-1610.02, Arizona Revised Statutes, as added by this act.
Sec. 36. Correctional reimbursement fund; fiscal year 2011-2012; appropriation

Notwithstanding section 41-1610.02, Arizona Revised Statutes, as added by this act, all monies received in the correctional reimbursement fund in fiscal year 2011-2012 are appropriated to the state department of corrections in fiscal year 2011-2012 for the purposes of incarcerating prisoners whose costs are reimbursed by counties.

Sec. 37. Retroactivity

Section 11-453, Arizona Revised Statutes, as added by this act, is effective retroactively to from and after December 31, 2007.