

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

# HOUSE BILL 2860

## AN ACT

AMENDING SECTIONS 12-117, 13-4041, 31-284 AND 31-285, ARIZONA REVISED STATUTES; REPEALING SECTION 31-286, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-191.09, 41-797, 41-1609.01, 41-1723, 41-1724 AND 41-1772, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3016.30, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 42, ARIZONA REVISED STATUTES; REPEALING SECTION 5-396, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 1; REPEALING SECTION 13-701, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 5; REPEALING SECTION 28-1383, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 7 AND CHAPTER 341, SECTION 11; REPEALING SECTION 28-8288, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 8; REPEALING SECTION 31-133, ARIZONA REVISED STATUTES; REPEALING SECTION 31-201.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 33, SECTION 10; REPEALING SECTION 41-1610.02, ARIZONA REVISED STATUTES; REPEALING LAWS 2011, CHAPTER 33, SECTIONS 28, 29 AND 32; REPEALING LAWS 2009, THIRD SPECIAL SESSION, CHAPTER 6, SECTION 37; MAKING TRANSFERS; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 12-117. Public defender training fund; appropriation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 1. A petition is timely filed.

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

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

1 hour threshold are unreasonable, the attorney may file a special action with  
2 the Arizona supreme court. If counsel is appointed in successive  
3 postconviction relief proceedings, compensation shall be paid pursuant to  
4 section 13-4013, subsection A.

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

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

15 Sec. 3. Section 31-284, Arizona Revised Statutes, is amended to read:  
16 31-284. Transition program fund

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

24 Sec. 4. Section 31-285, Arizona Revised Statutes, is amended to read:  
25 31-285. Transition program release; report

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

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

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



- 1 11. The joint legislative budget committee.
- 2 12. The Arizona state library, archives and public records.
- 3 13. The legislative council.
- 4 14. The department of administration risk management fund.
- 5 15. The department of transportation.
- 6 16. The Arizona game and fish department.
- 7 17. The department of economic security.
- 8 18. The Arizona health care cost containment system.
- 9 19. The superior court.
- 10 20. The court of appeals.
- 11 21. The supreme court.
- 12 22. The Arizona department of agriculture and councils that receive
- 13 administrative and budgetary services from the Arizona department of
- 14 agriculture.
- 15 23. All self-supporting regulatory agencies as determined pursuant to
- 16 section 35-143.01.
- 17 24. The Arizona commerce authority.
- 18 ~~25. The state capital postconviction public defender office.~~
- 19 E. F. Monies in the attorney general legal services cost allocation
- 20 fund are exempt from lapsing to the state general fund at the end of each
- 21 fiscal year.
- 22 Sec. 7. Section 41-797, Arizona Revised Statutes, is amended to read:
- 23 41-797. Department of corrections building renewal fund
- 24 A. The department of corrections building renewal fund is established
- 25 consisting of monies deposited pursuant to section 31-230, section 41-1604,
- 26 subsection B, paragraph 3 and sections 41-1604.02, 41-1604.03 and 41-1624.
- 27 The director OF THE STATE DEPARTMENT OF CORRECTIONS shall administer the
- 28 fund. Monies in the fund are subject to legislative appropriation and are
- 29 exempt from the provisions of section 35-190 relating to lapsing of
- 30 appropriations.
- 31 B. The director OF THE STATE DEPARTMENT OF CORRECTIONS shall use the
- 32 monies in the fund for building renewal projects that repair or rework
- 33 buildings and supporting infrastructure that are under the control of the
- 34 state department of corrections and that result in maintaining a building's
- 35 expected useful life. Monies in the fund may not be used for new building
- 36 additions, new infrastructure additions, landscaping and area beautification,
- 37 demolition and removal of a building and, except as provided in subsection C
- 38 of this section, routine preventive maintenance.
- 39 C. The director OF THE STATE DEPARTMENT OF CORRECTIONS may use up to
- 40 eight per cent of the annual expenditures from the fund for routine
- 41 preventive maintenance.

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

3           41-1609.01. Adult incarceration contracts; criteria

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

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

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

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

12           3. A demonstrated history of successful operation and management of  
13 other secure facilities.

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

18           D. A contract may provide for annual contract price or cost  
19 adjustments, except that any adjustments may be made only once each year  
20 effective on the anniversary of the effective date of the contract. If any  
21 adjustment is made pursuant to the terms of the contract, it shall be applied  
22 to the total payments made to the contractor for the previous contract year  
23 and shall not exceed the per cent of change in the average consumer price  
24 index as published by the United States department of labor, bureau of labor  
25 statistics between that figure for the latest calendar year and the next  
26 previous calendar year.

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

31           F. An award of a contract shall not be made unless an acceptable  
32 proposal is received pursuant to any request for proposals. For the purposes  
33 of this subsection, "acceptable proposal" means a proposal ~~which~~ THAT  
34 substantially meets all of the requirements or conditions set forth in this  
35 section and ~~which~~ THAT meets all of the requirements in the request for  
36 proposals.

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

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

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

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

6 ~~K. The performance of the contractor shall be compared to the~~  
7 ~~performance of this state in operating similar facilities, as provided in~~  
8 ~~this section. The department shall conduct a biennial comparison of the~~  
9 ~~services provided by the vendor for the purpose of comparing private versus~~  
10 ~~public provision of services. The comparison of services shall be based on~~  
11 ~~professional correctional standards specified by the director and~~  
12 ~~incorporated into the contract and shall be used for the purpose of~~  
13 ~~determining if the contractor is providing at least the same quality of~~  
14 ~~services as this state at a lower cost or if the contractor is providing~~  
15 ~~services superior in quality to those provided by this state at essentially~~  
16 ~~the same cost. In conducting the comparison of services the director shall~~  
17 ~~consider:~~

18 ~~1. Security.~~

19 ~~2. Inmate management and control.~~

20 ~~3. Inmate programs and services.~~

21 ~~4. Facility safety and sanitation.~~

22 ~~5. Administration.~~

23 ~~6. Food service.~~

24 ~~7. Personnel practices and training.~~

25 ~~8. Inmate health services.~~

26 ~~9. Inmate discipline.~~

27 ~~10. Other matters relating to services as determined by the director.~~

28 ~~L. The director of the state department of corrections shall conduct a~~  
29 ~~cost comparison of executed privatization contracts once every five years for~~  
30 ~~each contract.~~

31 ~~M. The director of the state department of corrections shall provide~~  
32 ~~the most recent service comparison and cost comparison for contractors who~~  
33 ~~exclusively contract with the department to the joint legislative budget~~  
34 ~~committee for its review.~~

35 ~~N.~~ K. A contract for correctional services described in this section  
36 shall not be entered into unless the following requirements are met:

37 1. The contractor provides audited financial statements for the  
38 previous five years, or for each of the years the contractor has been in  
39 operation, if fewer than five years, and provides other financial information  
40 as requested.

41 2. The contractor provides an adequate plan of insurance, specifically  
42 including coverage or insurance for civil rights claims and liabilities as  
43 approved by the risk management division of the department of administration.

1           3. The contractor agrees to be liable for the costs of any emergency,  
2 public safety or security services provided to the contractor by the state or  
3 any political subdivision of the state and to reimburse the state or any  
4 political subdivision of the state for the cost of any such services.

5           ~~0.~~ L. The sovereign immunity of this state does not apply to the  
6 contractor. Neither the contractor nor the insurer of the contractor may  
7 plead the defense of sovereign immunity in any action arising out of the  
8 performance of the contract.

9           ~~P.~~ M. A contract for correctional services shall not authorize, allow  
10 or imply a delegation of authority or responsibility to a prison contractor  
11 for any of the following:

12           1. Developing and implementing procedures for calculating inmate  
13 release dates.

14           2. Developing and implementing procedures for calculating and awarding  
15 sentence credits.

16           3. Approving the type of work inmates may perform and the wages or  
17 sentence credits ~~which~~ THAT may be given to inmates engaging in the work.

18           4. Granting, denying or revoking sentence credits, placing an inmate  
19 under less restrictive custody or more restrictive custody or taking any  
20 disciplinary actions.

21           Sec. 9. Section 41-1723, Arizona Revised Statutes, is amended to read:

22           41-1723. Public safety equipment fund; distribution

23           A. The public safety equipment fund is established consisting of  
24 monies deposited in the fund pursuant to sections 5-395.01, 5-396, 5-397,  
25 12-116.04, 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287 and 28-8288.  
26 The department shall administer the fund.

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

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

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

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

1           Sec. 10. Section 41-1724, Arizona Revised Statutes, is amended to  
2 read:

3           41-1724. Gang and immigration intelligence team enforcement  
4                           mission fund; subaccount; use of monies; reporting  
5                           requirement

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

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

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

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

36           E. The gang and immigration intelligence team enforcement mission  
37 border security and law enforcement subaccount is established consisting of  
38 monies deposited pursuant to section 12-116.04 and monies appropriated by the  
39 legislature. The department shall administer the ~~fund~~ SUBACCOUNT. Any  
40 monies distributed from the ~~fund~~ SUBACCOUNT to a county sheriff shall go  
41 directly to the county sheriff and are not subject to any form of approval by  
42 the board of supervisors. Monies in the subaccount are subject to  
43 legislative appropriation. ALL APPROPRIATED monies in the subaccount shall  
44 be DISTRIBUTED EACH FISCAL YEAR TO LOCAL ENTITIES AND NO MONIES MAY BE

1 RETAINED BY THE DEPARTMENT FOR ITS OWN USE. THE MONIES IN THE SUBACCOUNT  
2 SHALL BE used for law enforcement purposes related to border security,  
3 including border personnel.

4 F. A law enforcement agency shall not receive any monies from the fund  
5 unless the law enforcement agency certifies each fiscal year in writing to  
6 the director of the department of public safety that the law enforcement  
7 agency is complying with section 11-1051 to the fullest extent allowed by  
8 law.

9 G. The department shall submit an expenditure plan to the joint  
10 legislative budget committee for review before expending any monies not  
11 identified in the department's previous expenditure plans. Within thirty  
12 days after the last day of each calendar quarter, the department shall  
13 provide a summary of quarterly and year-to-date expenditures and progress to  
14 the joint legislative budget committee, including any prior year  
15 appropriations that were nonlapsing.

16 Sec. 11. Section 41-1772, Arizona Revised Statutes, is amended to  
17 read:

18 41-1772. Crime laboratory operations fund

19 A. The crime laboratory operations fund is established consisting of  
20 surcharge monies deposited pursuant to section 28-3396 and monies deposited  
21 pursuant to section 41-2401, subsection D, paragraph 11. The department  
22 shall administer the fund.

23 B. Subject to legislative appropriation, monies in the fund shall be  
24 used for crime laboratory OR OTHER DEPARTMENT operations.

25 Sec. 12. Repeal

26 Section 41-3016.30, Arizona Revised Statutes, is repealed.

27 Sec. 13. Repeal

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

29 Sec. 14. Repeal

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

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

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

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

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

39 F. Section 31-201.01, Arizona Revised Statutes, as amended by Laws  
40 2011, chapter 33, section 10, is repealed.

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

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

43 Sec. 15. Repeal

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



1           Sec. 21. Nonsupplanting; suspension

2           Notwithstanding any other law, in fiscal year 2012-2013 the provisions  
3 relating to supplanting of state monies contained in section 12-102.02,  
4 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,  
5 section 12-135.01, subsection D, section 12-267, subsection D, section  
6 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised  
7 Statutes, are suspended. The Arizona supreme court shall submit a report to  
8 the joint legislative budget committee identifying any decrease in county  
9 funding related to these suspended provisions, including the reasons for the  
10 decrease.

11           Sec. 22. Arizona supreme court; county reimbursement

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

16           Sec. 23. Collection enforcement revolving fund; disposition of  
17 monies

18           Notwithstanding section 41-191.03, subsection E, Arizona Revised  
19 Statutes, any monies remaining in the collection enforcement revolving fund  
20 at the end of fiscal year 2012-2013 in excess of five hundred thousand  
21 dollars shall be distributed on a pro rata basis to the funds receiving  
22 monies pursuant to section 41-191.03, subsection D, Arizona Revised Statutes.  
23 Such distribution shall be based on the percentage that the collections  
24 deposited in each fund bear to the total amount deposited into the funds  
25 during fiscal year 2012-2013.

26           Sec. 24. Capital postconviction public defender office fund;  
27 transfer

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

31           Sec. 25. Photo enforcement fund; transfer

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

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

38           Sec. 26. Transition services fund; transfer

39           On the effective date of this act, any monies remaining in the  
40 transition services fund established by section 31-286, Arizona Revised  
41 Statutes, as repealed by this act, shall be transferred to the transition  
42 program fund established by section 31-284, Arizona Revised Statutes, as  
43 amended by this act.

