

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**CHAPTER 94**  
**HOUSE BILL 2103**

AN ACT

AMENDING SECTIONS 12-116.06, 12-284.03, 36-3001 AND 36-3002, ARIZONA REVISED STATUTES; REPEALING SECTIONS 36-3003 AND 36-3004, ARIZONA REVISED STATUTES; AMENDING SECTIONS 36-3005, 36-3006, 36-3007, 36-3008, 41-178 AND 43-618, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC VIOLENCE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-116.06, Arizona Revised Statutes, is amended to  
3 read:

4 12-116.06. Assessment for family offenses, harassment and  
5 stalking

6 In addition to any other penalty, fine, fee, ~~or~~ or assessment authorized  
7 by law, a person who is convicted of a violation of section 13-2921,  
8 13-2921.01 or 13-2923 or an offense listed in title 13, chapter 36 shall pay  
9 an additional assessment of fifty dollars to be deposited by the state  
10 treasurer in the domestic violence ~~shelter~~ SERVICES fund established by  
11 section 36-3002. This assessment is not subject to any surcharge. If the  
12 conviction occurred in the superior court or a justice court, the court shall  
13 transmit the assessed monies to the county treasurer. If the conviction  
14 occurred in a municipal court, the court shall transmit the assessed monies  
15 to the city treasurer. The city or county treasurer shall transmit the  
16 monies received to the state treasurer.

17 Sec. 2. Section 12-284.03, Arizona Revised Statutes, is amended to  
18 read:

19 12-284.03. Distribution of fees

20 A. Excluding the monies that are kept by the court pursuant to  
21 subsection B of this section, the county treasurer shall transmit, distribute  
22 or deposit all monies received from the clerk of the superior court pursuant  
23 to section 12-284, subsection K as follows:

24 1. 1.31 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
25 drug and gang enforcement account established by section 41-2402 for the  
26 purposes of section 41-2402, subsection G.

27 2. 8.87 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
28 domestic violence ~~shelter~~ SERVICES fund established by section 36-3002.

29 3. 1.93 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
30 child abuse prevention fund established by section 8-550.01.

31 4. In the county law library fund established by section 12-305,  
32 either:

33 (a) 7.62 ~~per cent~~ PERCENT if the county treasurer is serving in a  
34 county with a population of more than five hundred thousand persons ~~according~~  
35 ~~to the most recent United States decennial census.~~

36 (b) 15.30 ~~per cent~~ PERCENT if the county treasurer is serving in a  
37 county with a population of five hundred thousand persons or less ~~according~~  
38 ~~to the most recent United States decennial census.~~

39 5. 0.35 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
40 alternative dispute resolution fund established by section 12-135.

41 6. To the elected officials' retirement plan fund established by  
42 section 38-802, either of the following percentages, which shall be  
43 distributed to the fund pursuant to section 38-810:

44 (a) 23.79 ~~per cent~~ PERCENT if the county treasurer is serving in a  
45 county with a population of more than five hundred thousand persons ~~according~~  
46 ~~to the most recent United States decennial census.~~

1 (b) 15.30 ~~per cent~~ PERCENT if the county treasurer is serving in a  
2 county with a population of five hundred thousand persons or less ~~according~~  
3 ~~to the most recent United States decennial census.~~

4 7. 17.07 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
5 judicial collection enhancement fund established by section 12-113.

6 8. 0.26 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
7 confidential intermediary and fiduciary fund established by section 8-135.

8 9. In the county general fund, the following percentages:

9 (a) 31.29 ~~per cent~~ PERCENT if the county treasurer is serving in a  
10 county with a population of more than five hundred thousand persons ~~according~~  
11 ~~to the most recent United States decennial census.~~

12 (b) 32.10 ~~per cent~~ PERCENT if the county treasurer is serving in a  
13 county with a population of five hundred thousand persons or less ~~according~~  
14 ~~to the most recent United States decennial census.~~

15 B. 7.51 ~~per cent~~ PERCENT of the monies transmitted, distributed or  
16 deposited pursuant to subsection A of this section shall be kept and used by  
17 the court collecting the fees in the same manner as the seven dollars of the  
18 time payment fee prescribed by section 12-116, subsection B.

19 Sec. 3. Heading change

20 The chapter heading of title 36, chapter 30, Arizona Revised Statutes,  
21 is changed from "SHELTERS FOR DOMESTIC VIOLENCE VICTIMS" to "DOMESTIC  
22 VIOLENCE SERVICES".

23 Sec. 4. Section 36-3001, Arizona Revised Statutes, is amended to read:  
24 36-3001. Definitions

25 In this chapter, unless the context otherwise requires:

26 1. "Administration" means the community services administration in the  
27 department of economic security.

28 2. "Domestic violence" means attempting to cause or causing bodily  
29 injury to a family or household member or placing a family or household  
30 member by threat of force in fear of imminent physical harm.

31 3. "DOMESTIC VIOLENCE SERVICE PROVIDER" MEANS A FACILITY WHOSE PRIMARY  
32 PURPOSE IS TO PROVIDE SERVICES TO FAMILY OR HOUSEHOLD MEMBERS WHO ARE VICTIMS  
33 OF DOMESTIC VIOLENCE, INCLUDING:

34 (a) SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

35 (b) DOMESTIC VIOLENCE VICTIM ADVOCACY.

36 (c) OTHER SUPPORT SERVICES FOR DOMESTIC VIOLENCE VICTIMS.

37 ~~3.~~ 4. "Family or household member" means a spouse, a former spouse, a  
38 parent, a child or ~~other~~ ANOTHER adult person related by consanguinity or  
39 affinity who is residing or has resided or has a child or children in common  
40 with the person committing the domestic violence and dependents of such  
41 persons.

42 ~~4.~~ 5. "Fund" means the domestic violence ~~shelter~~ SERVICES fund.

43 ~~5.~~ 6. "Program administrator" means the program administrator of the  
44 community services administration in the department of economic security.

1 ~~6.~~ 7. "Shelter for victims of domestic violence" or "shelter" means a  
2 facility providing temporary residential service or facilities to family or  
3 household members who are victims of domestic violence.

4 Sec. 5. Section 36-3002, Arizona Revised Statutes, is amended to read:

5 36-3002. Domestic violence services fund; purpose

6 A. The domestic violence ~~shelter~~ SERVICES fund is established  
7 consisting of monies received pursuant to section 12-116.06, section  
8 12-284.03, subsection A, paragraph 2, ~~and~~ section 41-178 ~~AND SECTION 43-618~~.  
9 The program administrator shall administer the fund for the purposes  
10 prescribed in this section.

11 B. The department of economic security, after full consultation with a  
12 statewide coalition against domestic violence, shall establish program  
13 priorities for the fund. Subject to legislative appropriation, the  
14 department shall expend monies in the fund to provide financial assistance to  
15 ~~shelters~~ SERVICE PROVIDERS for victims of domestic violence through contracts  
16 for ~~shelter~~ services.

17 C. Monies in the fund do not revert to the state general fund.

18 Sec. 6. Repeal

19 Sections 36-3003 and 36-3004, Arizona Revised Statutes, are repealed.

20 Sec. 7. Section 36-3005, Arizona Revised Statutes, is amended to read:

21 36-3005. Domestic violence service provider requirements for  
22 eligibility

23 A. To be eligible to receive fund monies under this chapter, a ~~shelter~~  
24 DOMESTIC VIOLENCE SERVICE PROVIDER shall ~~:-~~

25 ~~1. Provide crisis interventions and advocacy and support services for~~  
26 ~~victims of domestic violence and their dependent children.~~

27 ~~2. Provide victims of domestic violence with information and referrals~~  
28 ~~for community based services.~~

29 ~~3. Require persons employed by or volunteering services to the shelter~~  
30 ~~to maintain the confidentiality of any information that would identify~~  
31 ~~persons served by the shelter.~~

32 ~~4. Meet existing licensing requirements, if any.~~ ADHERE TO STATEWIDE  
33 SERVICE STANDARDS FOR DOMESTIC VIOLENCE PROGRAMS THAT ARE APPROVED BY THE  
34 DEPARTMENT OF ECONOMIC SECURITY IN COLLABORATION WITH A STATE COALITION  
35 AGAINST DOMESTIC VIOLENCE.

36 B. A ~~shelter for victims of domestic violence~~ DOMESTIC VIOLENCE  
37 SERVICE PROVIDER does not qualify for fund monies if it discriminates in its  
38 admissions or provision of services on the basis of race, religion, color,  
39 age, DISABILITY, marital status, national origin or ancestry.

40 Sec. 8. Section 36-3006, Arizona Revised Statutes, is amended to read:

41 36-3006. Methodology for allocation of fund monies

42 ~~A. If the program administrator receives applications from more than~~  
43 ~~one eligible shelter, and the requests for fund monies exceed the amount of~~  
44 ~~fund monies available, fund monies shall be allocated based on the priorities~~  
45 ~~established by the department of economic security and a state coalition~~  
46 ~~against domestic violence and including the following priorities:-~~

- 1 ~~1. To shelters receiving monies from this fund as of April 24, 1994.~~  
2 ~~2. To shelters not receiving monies from this fund as of April 24,~~  
3 ~~1994.~~

4 ~~B.~~ After full consultation with a state coalition against domestic  
5 violence, the department shall develop a weighted methodology for allocation  
6 of funding that ~~includes the priorities prescribed in subsection A and that,~~  
7 ~~at a minimum,~~ considers the following:

- 8 1. The need for services.  
9 2. Existing services.  
10 3. Geographic location.  
11 4. Population ratios.

12 Sec. 9. Section 36-3007, Arizona Revised Statutes, is amended to read:  
13 36-3007. Annual report

14 A. The department of economic security shall file an annual report  
15 with the governor, the speaker of the house of representatives and the  
16 president of the senate on or before October 1 **AND SHALL PROVIDE A COPY OF**  
17 **THIS REPORT TO THE SECRETARY OF STATE.** In preparing the report the  
18 department shall fully consult with a state coalition against domestic  
19 violence.

20 B. The report shall include the following information from each  
21 ~~shelter program~~ **DOMESTIC VIOLENCE SERVICE PROVIDER** that receives monies  
22 pursuant to this chapter:

- 23 1. The population served.  
24 2. The services provided.  
25 3. The unmet needs of persons who receive services.

26 C. Information contained in the report shall not identify any person  
27 served by a ~~shelter~~ **SERVICE PROVIDER** or enable any person to determine the  
28 identity of any such person.

29 Sec. 10. Section 36-3008, Arizona Revised Statutes, is amended to  
30 read:

31 36-3008. Services for victims of domestic violence; personnel;  
32 fingerprinting; confidentiality; notification

33 A. Employees and volunteers of a ~~shelter for victims of~~ domestic  
34 violence, ~~as defined in section 36-3001,~~ **SERVICE PROVIDER** shall have valid  
35 fingerprint clearance cards that are issued pursuant to title 41, chapter 12,  
36 article 3.1 or shall apply for a fingerprint clearance card within seven  
37 working days of employment or beginning volunteer work. Federally recognized  
38 Indian tribes or military bases may submit and the department shall accept  
39 certifications that state that employees of a ~~shelter for victims of~~ domestic  
40 violence **SERVICE PROVIDER** who are employed by a ~~shelter~~ **DOMESTIC VIOLENCE**  
41 **SERVICE PROVIDER** and who provide services directly to victims of domestic  
42 violence have not been convicted of, have not admitted committing or are not  
43 awaiting trial on any offense under subsection B, paragraph 1 of this  
44 section.

45 B. Personnel shall certify on forms that are provided by the  
46 department and notarized that:

1           1. They are not awaiting trial on and have never been convicted of or  
2 admitted committing any of the criminal offenses listed in section  
3 41-1758.03, subsections B and C in this state or similar offenses in another  
4 state or jurisdiction.

5           2. They have not been denied a license to operate a ~~shelter for cause~~  
6 FACILITY THAT PROVIDES SERVICES FOR DOMESTIC VIOLENCE VICTIMS in this state  
7 or another state or had a license to operate a ~~shelter~~ FACILITY THAT PROVIDES  
8 SERVICES FOR DOMESTIC VIOLENCE VICTIMS revoked.

9           C. The notarized forms are confidential.

10          D. The ~~shelter~~ DOMESTIC VIOLENCE SERVICE PROVIDER shall make good  
11 faith efforts to contact previous employers to obtain information or  
12 recommendations that may be relevant to an individual's fitness to work ~~in~~  
13 ~~the shelter~~ FOR THE PROVIDER.

14          E. ~~The department of health services~~ A DOMESTIC VIOLENCE SERVICE  
15 PROVIDER shall notify the department of public safety if the ~~department of~~  
16 ~~health services~~ PROVIDER receives credible evidence that a person who  
17 possesses a fingerprint clearance card either:

18           1. Is arrested for or charged with an offense listed in section  
19 41-1758.03, subsection B.

20           2. Falsified information on the form required by subsection B of this  
21 section.

22          Sec. 11. Section 41-178, Arizona Revised Statutes, is amended to read:  
23 41-178. Distribution of notary bond fees

24          The state treasurer shall transmit, distribute or deposit all monies  
25 received pursuant to section 41-126, subsection A, paragraphs 11 and 12 as  
26 follows:

27           1. 1.31 ~~per-cent~~ PERCENT for deposit in the drug and gang enforcement  
28 account established by section 41-2402 for the purposes of section 41-2402,  
29 subsection G.

30           2. 8.87 ~~per-cent~~ PERCENT for deposit in the domestic violence ~~shelter~~  
31 SERVICES fund established by section 36-3002.

32           3. 1.93 ~~per-cent~~ PERCENT for deposit in the child abuse prevention  
33 fund established by section 8-550.01.

34           4. 7.62 ~~per-cent~~ PERCENT for proportional deposit in each county's law  
35 library fund established by section 12-305, based on the number of notaries  
36 commissioned per county.

37           5. 0.35 ~~per-cent~~ PERCENT for deposit in the alternative dispute  
38 resolution fund established by section 12-135.

39           6. 23.79 ~~per-cent~~ PERCENT for deposit in the elected officials'  
40 retirement plan fund established by section 38-802, which shall be  
41 distributed to the fund pursuant to section 38-810.

42           7. 17.07 ~~per-cent~~ PERCENT for deposit in the judicial collection  
43 enhancement fund established by section 12-113.

44           8. 0.26 ~~per-cent~~ PERCENT for deposit in the confidential intermediary  
45 and fiduciary fund established by section 8-135.

1           9. 31.29 ~~per-cent~~ PERCENT for deposit in the notary bond fund  
2 established by section 41-314.  
3           10. 7.51 ~~per-cent~~ PERCENT shall be distributed to the county where the  
4 notary is commissioned in the same manner as the seven dollars of the time  
5 payment fee prescribed by section 12-116, subsection B.  
6           Sec. 12. Section 43-618, Arizona Revised Statutes, is amended to read:  
7           43-618. Contribution to domestic violence services fund  
8           A. The department shall provide a space on the individual income tax  
9 return form in which the taxpayer may designate an amount of the taxpayer's  
10 refund as a voluntary contribution to the domestic violence ~~shelter~~ SERVICES  
11 fund established ~~pursuant to~~ BY section 36-3002.  
12           B. After subtracting any setoff for debts pursuant to section 42-1122,  
13 the department of revenue shall subtract the designated amount from the  
14 refund due the taxpayer and transfer it to the department of economic  
15 security for deposit in the fund.  
16           C. The taxpayer may also donate any amount to the fund, in lieu of or  
17 in addition to the designated portion of the tax refund, by an appropriate  
18 indication on the return and by including that amount with the return.

APPROVED BY THE GOVERNOR APRIL 5, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2016.