

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2680

AN ACT

AMENDING SECTIONS 8-342, 35-142.01 AND 41-2801, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 26, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-2832 AND 41-2833; REPEALING LAWS 2012, CHAPTER 302, SECTION 27 AND LAWS 2014, CHAPTER 12, SECTION 10; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-342, Arizona Revised Statutes, is amended to
3 read:

4 8-342. Commitment of child; medical examination

5 ~~A. A child under the age of eight years shall not be committed to the~~
6 ~~department of juvenile corrections nor shall a dependent or incorrigible~~
7 ~~child be awarded to the department of juvenile corrections.~~

8 A. A CHILD WHO IS ANY OF THE FOLLOWING SHALL NOT BE COMMITTED OR
9 AWARDED TO THE DEPARTMENT OF JUVENILE CORRECTIONS:

10 1. ADJUDICATED DELINQUENT FOR AN OFFENSE THAT IS NOT A FELONY UNLESS
11 THE CHILD HAS BEEN PREVIOUSLY ADJUDICATED DELINQUENT FOR AN OFFENSE THAT IS A
12 FELONY OR IS SERIOUSLY MENTALLY ILL.

13 2. UNDER FOURTEEN YEARS OF AGE.

14 3. A DEPENDENT OR INCORRIGIBLE CHILD.

15 B. Before commitment to the department of juvenile corrections, every
16 child shall be given a medical examination. If it is determined that any
17 contagious or infectious disease is present, the child shall not be committed
18 to the department of juvenile corrections, but the juvenile court shall order
19 that the child be given the necessary medical treatment at the county
20 hospital or other medical facility. When the child is discharged by
21 competent medical authority, the juvenile court may order the child's
22 commitment to the department of juvenile corrections. In any case copies of
23 records, examinations and evaluations shall be made of the findings of the
24 medical examination and of any subsequent treatment and discharge, which
25 copies shall accompany the child's commitment papers.

26 Sec. 2. Section 35-142.01, Arizona Revised Statutes, is amended to
27 read:

28 35-142.01. Reimbursement of appropriated funds; receipt and
29 deposit; prohibition; inmate health care services;
30 notice

31 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this
32 section, when monies are appropriated to a budget unit for a specific program
33 or purpose that is subject to reimbursement in whole or in part from federal
34 monies or any other source, and that is so noted in the appropriation bill,
35 the budget unit, ~~upon~~ ON receipt of such reimbursement, shall deposit the
36 monies, pursuant to sections 35-146 and 35-147, in the state general fund or
37 the fund from which the appropriation was originally made. If the
38 reimbursement is not noted in the appropriation bill, it may be credited to
39 the account out of which the expenditure was incurred if the director of the
40 budget unit determines that reimbursement within the fiscal year is necessary
41 for operation of the budget unit and was not specifically considered and
42 rejected by the legislature at the time of appropriating monies to the budget
43 unit. The director of the budget unit shall notify the joint legislative
44 budget committee, the governor's office of strategic planning and budgeting

1 and the state comptroller in writing of determinations made pursuant to this
2 section.

3 B. When monies are appropriated to the Arizona health care cost
4 containment system administration or the department of health services and
5 the specific program or purpose for which the monies are appropriated is
6 subject to reimbursement for reconciliation payments from or penalties
7 against program contractors or health plans, the department or
8 administration, on receipt of such reimbursement, shall deposit the monies,
9 pursuant to sections 35-146 and 35-147, in the state general fund or the fund
10 from which the appropriation was originally made. The Arizona health care
11 cost containment system administration and the department of health services
12 are prohibited from allowing reconciliation payments from or penalties
13 against program contractors or health plans to be credited against future
14 payments to the program contractor or health plan.

15 C. NOTWITHSTANDING SECTION 35-190, THE STATE DEPARTMENT OF CORRECTIONS
16 MAY CREDIT AGAINST PAYMENTS OWED IN THE CURRENT FISCAL YEAR TO THE
17 DEPARTMENT'S HEALTH CARE CONTRACTOR THE AMOUNT OF STATE AND FEDERAL MONIES
18 PAID BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION FOR
19 HEALTH CARE SERVICES ON BEHALF OF MEDICAID-ELIGIBLE INMATES REGARDLESS OF THE
20 DATES OF SERVICE. ON OR BEFORE JULY 1 OF EACH YEAR, THE DIRECTOR OF THE
21 STATE DEPARTMENT OF CORRECTIONS SHALL NOTIFY THE DIRECTORS OF THE JOINT
22 LEGISLATIVE BUDGET COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING
23 AND BUDGETING OF THE AMOUNT OF CREDITS AGAINST PAYMENTS FOR THE PREVIOUS
24 FISCAL YEAR.

25 Sec. 3. Section 41-2801, Arizona Revised Statutes, is amended to read:

26 41-2801. Definitions

27 In this chapter, unless the context otherwise requires:

28 1. "Committed youth" or "youth" means a person who is ~~eight~~ FOURTEEN
29 years of age or older but who has not yet attained the age of eighteen years
30 and who has been committed according to law to the department of juvenile
31 corrections for supervision, rehabilitation, treatment and education.

32 2. "Department" means the department of juvenile corrections.

33 3. "Director" means the director of the department of juvenile
34 corrections.

35 4. "Educational system" means the state educational system for
36 committed youth.

37 5. "Secure care" means confinement in a facility that is completely
38 surrounded by a locked and physically secure barrier with restricted ingress
39 and egress.

40 Sec. 4. Title 41, chapter 26, article 1, Arizona Revised Statutes, is
41 amended by adding sections 41-2832 and 41-2833, to read:

42 41-2832. County contributions for committed youth in secure
43 care facilities; county payments; excluded costs

44 A. THE DEPARTMENT SHALL ANNUALLY ASSESS A COMMITTED YOUTH CONFINEMENT
45 COST SHARING FEE TO EACH COUNTY.

1 B. EACH COUNTY SHALL PAY THE MONIES OWED WITHIN THIRTY DAYS AFTER A
2 REQUEST BY THE DEPARTMENT. IF A COUNTY DOES NOT MAKE THE PAYMENT, THE
3 DIRECTOR SHALL NOTIFY THE STATE TREASURER OF THE AMOUNT OWED AND THE STATE
4 TREASURER SHALL WITHHOLD THE AMOUNT, INCLUDING ANY ADDITIONAL INTEREST AS
5 PROVIDED IN SECTION 42-1123, FROM ANY TRANSACTION PRIVILEGE TAX REVENUES THAT
6 WOULD OTHERWISE BE DISTRIBUTED TO THE COUNTY. THE STATE TREASURER SHALL
7 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE WITHHOLDINGS IN THE
8 DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND ESTABLISHED BY
9 SECTION 41-2833. THE DEPARTMENT SHALL DEPOSIT THE MONIES RECEIVED FROM A
10 COUNTY IN THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND
11 ESTABLISHED BY SECTION 41-2833.

12 C. COUNTY CONTRIBUTIONS MADE PURSUANT TO THIS SECTION ARE EXCLUDED
13 FROM THE COUNTY EXPENDITURE LIMITATIONS.

14 D. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY MEET THE COST SHARING
15 REQUIREMENTS OF THIS SECTION FROM ANY SOURCE OF COUNTY REVENUE DESIGNATED BY
16 THE COUNTY, INCLUDING MONIES OF ANY COUNTYWIDE SPECIAL TAXING JURISDICTION IN
17 WHICH THE BOARD OF SUPERVISORS SERVES AS THE BOARD OF DIRECTORS.

18 41-2833. Department of juvenile corrections local cost sharing
19 fund; use

20 A. THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND IS
21 ESTABLISHED CONSISTING OF MONIES COLLECTED AND DEPOSITED PURSUANT TO SECTION
22 41-2832. THE DEPARTMENT SHALL ADMINISTER THE FUND.

23 B. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE
24 TO BE USED FOR THE OPERATING COSTS OF THE DEPARTMENT.

25 Sec. 5. Repeal

26 A. Laws 2012, chapter 302, section 27 is repealed.

27 B. Laws 2014, chapter 12, section 10 is repealed.

28 Sec. 6. State department of corrections; budget structure

29 Notwithstanding any other law, the state department of corrections
30 shall report actual fiscal year 2014-2015, estimated fiscal year 2015-2016
31 and requested fiscal year 2016-2017 expenditures in the same structure and
32 detail as the prior fiscal year when the department submits the fiscal year
33 2016-2017 budget request pursuant to section 35-113, Arizona Revised
34 Statutes. The information submitted for each line item shall contain as much
35 detail as submitted in previous years for prior line items.

36 Sec. 7. Department of public safety; highway monies; limitation

37 Notwithstanding section 28-6537, Arizona Revised Statutes, the
38 statutory caps and transfers of Arizona highway user revenue fund monies
39 available to fund department of public safety highway patrol costs are
40 suspended for fiscal year 2015-2016.

41 Sec. 8. GIITEM border security and law enforcement subaccount;
42 expenditure plan; review

43 Notwithstanding section 41-1724, subsection G, Arizona Revised
44 Statutes, before the department of public safety spends any monies
45 appropriated in the general appropriation act for fiscal year 2015-2016 from

1 the gang and immigration intelligence team enforcement mission border
2 security and law enforcement subaccount established by section 41-1724,
3 Arizona Revised Statutes, the department shall submit the subaccount's entire
4 expenditure plan to the joint legislative budget committee for review.

5 Sec. 9. Nonsupplanting; suspension; report

6 Notwithstanding any other law, in fiscal year 2015-2016 the provisions
7 relating to supplanting of state monies pursuant to section 12-102.02,
8 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,
9 section 12-135.01, subsection D, section 12-267, subsection D, section
10 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised
11 Statutes, are suspended. The Arizona supreme court shall submit a report to
12 the joint legislative budget committee identifying any decrease in county
13 funding related to these suspended provisions, including the reasons for the
14 decrease.

15 Sec. 10. Attorney general; department of public safety; state
16 aid to indigent defense fund; fiscal year 2015-2016

17 Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal
18 year 2015-2016:

19 1. The attorney general may use monies in the state aid to indigent
20 defense fund established by section 11-588, Arizona Revised Statutes, for
21 activities related to capital postconviction prosecution.

22 2. The department of public safety may use monies in the state aid to
23 indigent defense fund established by section 11-588, Arizona Revised
24 Statutes, for operating expenses.

25 Sec. 11. State department of corrections; incarceration
26 contracts implementation; fiscal year 2016-2017

27 A. The state department of corrections shall award a contract or
28 contracts to open up to one thousand beds on July 1, 2016 pursuant to
29 requests for proposals issued by the state department of corrections for up
30 to a total of two thousand medium security prison beds at new or existing
31 contracted bed facilities or expansions of contracted bed facilities in this
32 state under the authority of section 41-1609, Arizona Revised Statutes.

33 B. The state department of corrections may award a contract or
34 contracts for the remaining male medium security prison beds under the
35 requests for proposals described in subsection A of this section only if
36 specific legislative authorization for the award is provided.

37 Sec. 12. Legislative intent; 2012 request for proposals;
38 incarceration contracts; cessation of authority

39 It is the intent of the legislature that the authority granted by Laws
40 2012, chapter 302, section 27 and Laws 2014, chapter 12, section 10 for the
41 state department of corrections to award a contract or contracts for the
42 remaining one thousand beds with specific legislative authority pursuant to
43 the February 2, 2012 request for proposals for up to two thousand male medium
44 security beds at new or existing private prisons or at expansions of private
45 prisons in this state ceases from and after June 30, 2015.

1 Sec. 13. Legislative intent: county contribution amount for
2 committed youth in secure care facilities

3 It is the intent of the legislature that the amount of the annual
4 committed youth confinement cost sharing fee that the director of the
5 department of juvenile corrections must assess to each county for committed
6 youth in secure care facilities pursuant to section 41-2832, Arizona Revised
7 Statutes, is each county's proportional share of \$12,000,000, using
8 population data from the most recent United States decennial census.

9 Sec. 14. Applicability

10 Sections 8-342 and 41-2801, Arizona Revised Statutes, as amended by
11 this act, apply only to a child who is committed to the department of
12 juvenile corrections on or after the effective date of this act.