

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 17
SENATE BILL 1478

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
45 and the state comptroller in writing of determinations made pursuant to this
46 section.

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8 from which the appropriation was originally made.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

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

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

24 41-2801. Definitions

25 In this chapter, unless the context otherwise requires:

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

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

31 3. "Director" means the director of the department of juvenile
32 corrections.

33 4. "Educational system" means the state educational system for
34 committed youth.

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

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

40 41-2832. County contributions for committed youth in secure
41 care facilities; county payments; excluded costs

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

44 B. EACH COUNTY SHALL PAY THE MONIES OWED WITHIN THIRTY DAYS AFTER A
45 REQUEST BY THE DEPARTMENT. IF A COUNTY DOES NOT MAKE THE PAYMENT, THE
46 DIRECTOR SHALL NOTIFY THE STATE TREASURER OF THE AMOUNT OWED AND THE STATE

1 TREASURER SHALL WITHHOLD THE AMOUNT, INCLUDING ANY ADDITIONAL INTEREST AS
2 PROVIDED IN SECTION 42-1123, FROM ANY TRANSACTION PRIVILEGE TAX REVENUES THAT
3 WOULD OTHERWISE BE DISTRIBUTED TO THE COUNTY. THE STATE TREASURER SHALL
4 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE WITHHOLDINGS IN THE
5 DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND ESTABLISHED BY
6 SECTION 41-2833. THE DEPARTMENT SHALL DEPOSIT THE MONIES RECEIVED FROM A
7 COUNTY IN THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND
8 ESTABLISHED BY SECTION 41-2833.

9 C. COUNTY CONTRIBUTIONS MADE PURSUANT TO THIS SECTION ARE EXCLUDED
10 FROM THE COUNTY EXPENDITURE LIMITATIONS.

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

15 41-2833. Department of juvenile corrections local cost sharing
16 fund; use

17 A. THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND IS
18 ESTABLISHED CONSISTING OF MONIES COLLECTED AND DEPOSITED PURSUANT TO SECTION
19 41-2832. THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

22 Sec. 5. Repeal

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

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

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

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

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

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

38 Sec. 8. GIITEM border security and law enforcement subaccount;
39 expenditure plan; review

40 Notwithstanding section 41-1724, subsection G, Arizona Revised
41 Statutes, before the department of public safety spends any monies
42 appropriated in the general appropriation act for fiscal year 2015-2016 from
43 the gang and immigration intelligence team enforcement mission border
44 security and law enforcement subaccount established by section 41-1724,
45 Arizona Revised Statutes, the department shall submit the subaccount's entire
46 expenditure plan to the joint legislative budget committee for review.

1 Sec. 9. Nonsupplanting; suspension; report

2 Notwithstanding any other law, in fiscal year 2015-2016 the provisions
3 relating to supplanting of state monies pursuant to 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. 10. Attorney general; department of public safety; state
12 aid to indigent defense fund; fiscal year 2015-2016

13 Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal
14 year 2015-2016:

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

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

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

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

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

33 Sec. 12. Legislative intent; 2012 request for proposals;
34 incarceration contracts; cessation of authority

35 It is the intent of the legislature that the authority granted by Laws
36 2012, chapter 302, section 27 and Laws 2014, chapter 12, section 10 for the
37 state department of corrections to award a contract or contracts for the
38 remaining one thousand beds with specific legislative authority pursuant to
39 the February 2, 2012 request for proposals for up to two thousand male medium
40 security beds at new or existing private prisons or at expansions of private
41 prisons in this state ceases from and after June 30, 2015.

42 Sec. 13. Legislative intent; county contribution amount for
43 committed youth in secure care facilities

44 It is the intent of the legislature that the amount of the annual
45 committed youth confinement cost sharing fee that the director of the
46 department of juvenile corrections must assess to each county for committed

1 youth in secure care facilities pursuant to section 41-2832, Arizona Revised
2 Statutes, is each county's proportional share of \$12,000,000, using
3 population data from the most recent United States decennial census.

4 Sec. 14. Applicability

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

APPROVED BY THE GOVERNOR MARCH 12, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 12, 2015.