



ARIZONA HOUSE OF REPRESENTATIVES

HB 2540: criminal justice; budget reconciliation; 2017-2018.

PRIME SPONSOR: Representative Mesnard, LD 17

BILL STATUS: [House Engrossed](#)

Abstract

Relating to the implementation of the FY 2018 budget for various criminal justice agencies.

Legend:

ADC – Arizona Department of Corrections
 AZAFIS – Arizona Automated Fingerprint Identification System
 CJEF – Criminal Justice Enhancement Fund
 FCC – Fingerprint Clearance Card
 HURF – Highway User Revenue Fund
 JCEF – Judicial Collections Enhancement Fund
 JP – justice of the peace
 PD – police department
 PSEF – Public Safety Equipment Fund
 Amendments – **BOLD** and ~~Stricken~~ (Committee)

Provisions

Administrative Office of the Courts—Courthouse Security

1. Adjusts the distribution of civil filing fees by increasing the share deposited into JCEF as follows:
 - a. Superior courts: from 17.07% to 18.74%. (Sec. 2)
 - b. JP courts from:
 - i. 14.02% to 15.74% for courts in counties with more than 500,000 persons; and
 - ii. 15.58% to 17.27% for courts in counties with less than 500,000 persons. (Sec. 3)
2. Appropriates \$750,000 from JCEF to the Administrative Office of the Courts in FY 2018 to provide assistance, training and grants to courts to meet minimum standards of courthouse security adopted by the Arizona Supreme Court. (Sec. 23)

Arizona Department of Public Safety (ADPS)

ADPS Forensics Fund

3. Establishes the ADPS Forensics Fund, which is administered by ADPS and legislatively appropriated.
 - a. Repeals several funds on July 1, 2018, transfers unexpended fund monies to the ADPS Forensics Fund and consolidates their funding sources into the ADPS Forensics Fund:
 - i. Monies deposited into the AZ DNA ID System Fund (6% surcharge on civil and criminal infractions);
 - ii. Monies deposited into the AZAFIS Fund (6.46% of CJEF);
 1. Monies currently deposited into the Crime Laboratory Operations Fund (9% of the CJEF assessment & the first \$10,400,000 collected from the \$45 surcharge on defensive driving school attendance);
 - iii. Monies in the Crime Lab Assessment Fund (2.3 % of CJEF); and
 - iv. Monies from any other source. (Sec. 8, 10, 13, 15)
4. Requires monies in the ADPS Forensics Fund to be used for:
 - a. Purchasing and installing fingerprint identification equipment;
 - b. Operating, maintaining and administering the AZAFIS and remote terminals;
 - c. Crime lab operations, including education and training for forensic scientists employed in a crime lab;
 - d. Purchasing and maintaining crime lab equipment; and
 - e. DNA testing and the administration of the Arizona DNA ID System. (Sec. 8)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

5. Maintains the allocation amounts and distribution process for monies currently deposited in the Crime Lab Assessment Fund (*2.3% of CJEF collections*). (Sec. 8)
6. Makes changes to the statutory formula for CJEF allocation by consolidating funding sources related to ADPS.
 - a. No substantive changes to other entities receiving monies from CJEF. (Sec. 11)
7. Contains a delayed effective date for changes related to the ADPS Forensics Fund of July 1, 2018. (Sec. 24)

Gang and Immigration Intelligence Team Enforcement Mission (GIITEM)

8. Prohibits the use of GIITEM Fund monies for agreements or contracts with the sheriff of a county with more than 3,000,000 persons (Maricopa).
 - a. Removes the requirement that the first \$1.6 M collected by the GIITEM Fund be distributed to that sheriff. (Sec. 7)
9. States that for FY 2018, after the first \$500,000 of GIITEM Fund monies is appropriated to a sheriff of a county with a population of less than 500,000 but more than 300,000 persons (Pinal), the next \$400,000 is appropriated to the sheriff in a county with a population less than 2,000,000 and more than 800,000 persons (Pima). (Sec. 16)
10. Allows ADPS to use up to \$137,700 of the FY 2018 GF appropriation to the GIITEM Subaccount for costs related to increases in the Public Safety Personnel Retirement System employer contribution rate. (Sec. 20)
 - a. *Continuation of previous year.*
 - b. *The GIITEM Subaccount is established in [A.R.S. § 41-1724\(E\)](#) and receives \$4 of the \$13 surcharge on civil and criminal violations [\(A.R.S. 12-116.04\)](#).*
11. Requires ADPS to submit the expenditure plan for the GIITEM Subaccount to JLBC for review prior to spending any monies appropriated for FY 2018. (Sec. 19)
 - a. *Continuation of previous year.*

Miscellaneous

12. States that after the first \$1.2 M is deposited into the PSEF each FY, the Treasurer must transfer additional monies from the assessment to the GF. (Sec. 6)
 - *The PSEF is contained in [A.R.S. § 41-1723](#). Monies from various DUI assessments (vehicle and aircraft) fund the PSEF, along with a portion (\$4) of the \$13 assessment on all civil, criminal and traffic offenses [\(A.R.S. § 12-116.04\)](#).*
 - *PSEF monies are used by ADPS for vehicles and safety equipment. The portion of funds from DUI assessments are continuously appropriated to DPS. If the PSEF receives more than \$1.2 M from the DUI assessments, additional monies are deposited in the GF. Monies in the PSEF from the \$13 assessment are subject to legislative appropriation.*
13. Makes monies in the ADPS FCC Fund subject to legislative appropriation. (Sec. 9)
14. Permits the use of legislatively appropriated FCC Fund monies for crime lab operations. (Sec. 9)
 - a. Continuously appropriates any monies remaining in the FCC Fund in excess of the monies appropriated for the FY to ADPS for costs of the fingerprinting division.
15. Allows ADPS to use monies in the State Aid to Indigent Defense Fund ([A.R.S. § 11-588](#)) in FY 2018 for operating expenses. (Sec. 21)
 - *Continuation of previous year.*
16. Suspends the statutory cap of \$10 million for transfers of HURF monies to the ADPS Highway Patrol in FY 2018. (Sec. 18)

- *Continuation of previous year.*
- [A.R.S. § 28-6537](#) limits the amount of HURF monies that can be transferred to ADPS to \$10 million per year.

Miscellaneous

17. Raises the maximum salary cap for the Executive Director of the Automobile Theft Authority from \$75,000 to \$100,000. (Sec. 14)
18. Requires ADC to report actual FY 2017, estimated FY 2018 and requested FY 2019 expenditures in the same structure and detail as the prior FY when submitting the FY 2019 budget request. The submission must contain as much detail as previously submitted years for prior line items. (Sec. 17)
 - *Continuation of previous year.*
19. States that it is the intent of the Legislature that each county pay an amount assessed for committed youth in secure care facilities, determined based on the county's proportional share of \$11,260,000. (Sec. 22)
 - *Continuation of previous year.*
20. Makes conforming changes. (Sec. 1, 4, 5, 7, 12)
21. Makes technical changes. (Sec. 1, 3, 5, 7, 11, 14)

Current Law

JCEF

[A.R.S. § 12-284](#) authorizes the superior court to charge specific fees for civil filings and services provided; similar fees are outlined in [A.R.S. § 22-281](#) for JP courts. The monies collected through these fees are distributed to various funds and entities through [A.R.S. § 12-284.03](#) and [A.R.S. § 22-281](#). The Supreme Court has the authority to increase these filing fees in an amount that does not exceed the change in CPI since the last fee increase ([A.R.S. § 12-284\(L\)](#) and [A.R.S. § 22-281\(F\)](#)).

The JCEF receives disbursements from these civil filing fees as follows:

- For superior court filing fees:
 - 17.07%
- For JP filing fees:
 - 14.02% in counties larger than 500,000 persons; and
 - 15.58% in counties with 500,000 or fewer persons.

The JCEF is outlined in [A.R.S. § 12-113](#). Permissible uses of JCEF monies include:

- Court personnel training;
- Improving, maintaining and enhancing the ability to collect and manage monies assessed or received by the courts;
- Probation services; and
- Improving court automation, case processing and the administration of justice.

Courts wishing to use JCEF monies must apply to the Supreme Court and submit a plan that meets the criteria above.

On March 23, 2017, the [Arizona Judicial Council](#) voted to increase the civil filing fees outlined above by 2% to provide additional funding for the purpose of courthouse security. The 2% increase is estimated to result in an additional \$750,000 in revenue per year, once fully implemented.

Crime Lab Funding

There are currently six [accredited](#) crime labs operated by state or local entities in Arizona. ADPS operates a central lab in Phoenix, along with three satellite labs in Lake Havasu City, Flagstaff and Tucson. Five municipal PDs also operate labs: Phoenix, Chandler, Mesa, Tucson and Scottsdale. State funding for crime labs is provided through various surcharges on traffic, civil and criminal fines, penalties and forfeitures. CJEF receives a 47% surcharge on all such violations. Of that amount, 2.3% is deposited in the Crime Lab Assessment Fund ([A.R.S. § 41-2415](#)) and 9% is deposited in the Crime Lab Operations Fund ([A.R.S. § 41-1772](#)). The Operations Fund is specific to ADPS; monies may be used for the ADPS crime lab or for other ADPS operations. The Operations Fund also receives the first \$10,400,000 collected from the \$45 surcharge on defensive driving school attendance. [A.R.S. § 41-2415](#) distributes 55% of the monies in the Assessment Fund to ADPS. The remaining 45% are distributed quarterly by ADPS to the following entities operating crime labs:

- 22% to Phoenix PD;
- 12% to Tucson PD;
- 7% to Mesa PD;
- 4% to Scottsdale PD.

Amounts may be adjusted annually based on services provided and the percent of state population served by each crime lab, however crime lab directors must agree on the distribution formula/allocation and the minimum that can be distributed to one crime lab is 4%. This section also defines a "crime laboratory."

The ADPS lab also receives monies from the AZ DNA ID System Fund ([A.R.S. § 41-2419](#)), which is comprised of:

- 6% surcharge on all criminal, civil and traffic offenses; and
- A portion of the CJEF (15% of 8.56% of the distribution).

ADPS and local entities also receive portions of the CJEF distribution for fingerprint analysis assistance. More information about surcharges and assessments can be found [here](#) (Page 8). Detailed information about CJEF revenues and expenditures can be found [here](#). A breakdown of the use of these funds by ADPS can be found [here](#).