

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 301**  
**HOUSE BILL 2356**

AN ACT

AMENDING SECTIONS 8-202, 8-204, 8-246, 8-272, 8-273, 8-305, 8-341, 8-341.01, 8-342, 8-344, 8-371, 41-1750, 41-2801, 41-2804.01, 41-2815 AND 41-2820, ARIZONA REVISED STATUTES; RELATING TO THE JUVENILE COURT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to  
3 read:

4 8-202. Jurisdiction of juvenile court

5 A. The juvenile court has original jurisdiction over all  
6 delinquency proceedings brought under the authority of this title.

7 B. The juvenile court has exclusive original jurisdiction over all  
8 proceedings brought under the authority of this title except for  
9 delinquency proceedings.

10 C. The juvenile court may consolidate any matter, except that the  
11 juvenile court shall not consolidate any of the following:

12 1. A criminal proceeding that is filed in another division of  
13 superior court and that involves a child who is subject to the  
14 jurisdiction of the juvenile court.

15 2. A delinquency proceeding with any other proceeding that does not  
16 involve delinquency, unless the juvenile delinquency adjudication  
17 proceeding is not heard at the same time or in the same hearing as a  
18 nondelinquency proceeding.

19 D. The juvenile court has jurisdiction of proceedings to:

20 1. Obtain judicial consent to the marriage, employment or  
21 enlistment in the armed services of a child, if consent is required by  
22 law.

23 2. In an action in which parental rights are terminated pursuant to  
24 chapter 4, article 5 or 11 of this title, change the name of a minor child  
25 who is the subject of the action. If the minor child who is the subject  
26 of the action is twelve years of age or older, the court shall consider  
27 the wishes of the child with respect to the name change.

28 E. The juvenile court has jurisdiction over both civil traffic  
29 violations and offenses listed in section 8-323, subsection B that are  
30 committed within the county by persons who are under eighteen years of age  
31 unless the presiding judge of the county declines jurisdiction of these  
32 cases. The presiding judge of the county may decline jurisdiction of  
33 civil traffic violations committed within the county by juveniles if the  
34 presiding judge finds that the declination would promote the more  
35 efficient use of limited judicial and law enforcement resources located  
36 within the county. If the presiding judge declines jurisdiction, juvenile  
37 civil traffic violations shall be processed, heard and disposed of in the  
38 same manner and with the same penalties as adult civil traffic violations.

39 F. The orders of the juvenile court under the authority of this  
40 chapter or chapter 3 or 4 of this title take precedence over any order of  
41 any other court of this state except the court of appeals and the supreme  
42 court to the extent that they are inconsistent with orders of other  
43 courts.

1 G. Except as ~~otherwise~~ provided ~~by law~~ IN SUBSECTION H OF THIS  
2 SECTION, jurisdiction of a child that is obtained by the juvenile court in  
3 a proceeding under this chapter or chapter 3 or 4 of this title shall be  
4 retained by it, for the purposes of implementing the orders made and filed  
5 in that proceeding, until the child becomes eighteen years of age, unless  
6 terminated by order of the court before the child's eighteenth birthday.

7 H. IF THE STATE FILES A NOTICE OF INTENT TO RETAIN JURISDICTION  
8 WHEN PROCEEDINGS ARE COMMENCED PURSUANT TO SECTION 8-301, PARAGRAPH 1 OR  
9 2, THE COURT SHALL RETAIN JURISDICTION OVER A JUVENILE WHO IS AT LEAST  
10 SEVENTEEN YEARS OF AGE AND WHO HAS BEEN ADJUDICATED A DELINQUENT JUVENILE  
11 UNTIL THE JUVENILE REACHES NINETEEN YEARS OF AGE, UNLESS BEFORE THE  
12 JUVENILE'S NINETEENTH BIRTHDAY EITHER:

13 1. JURISDICTION IS TERMINATED BY ORDER OF THE COURT.

14 2. THE JUVENILE IS DISCHARGED FROM THE JURISDICTION OF THE  
15 DEPARTMENT OF JUVENILE CORRECTIONS PURSUANT TO SECTION 41-2820.

16 ~~H.~~ I. Persons who are under eighteen years of age shall be  
17 prosecuted in the same manner as adults if either:

18 1. The juvenile court transfers jurisdiction pursuant to section  
19 8-327.

20 2. The juvenile is charged as an adult with an offense listed in  
21 section 13-501.

22 Sec. 2. Section 8-204, Arizona Revised Statutes, is amended to  
23 read:

24 8-204. Termination of appointment; hearing; notice; annual  
25 report

26 A. The director of juvenile court services shall serve at the  
27 pleasure of the presiding judge of the juvenile court.

28 B. In counties which have adopted or hereafter adopt a limited  
29 county employee merit system pursuant to title 11, chapter 2, article 10  
30 or a judicial merit system, ~~all employees of the juvenile court~~ JUVENILE  
31 PROBATION OFFICERS, JUVENILE SURVEILLANCE OFFICERS AND JUVENILE DETENTION  
32 OFFICERS other than the director AND DEPUTY DIRECTOR of juvenile court  
33 services shall be included in such county merit system or judicial merit  
34 system and entitled to the same privileges and protections provided in  
35 such merit system for other county employees or court employees. DEPUTY  
36 DIRECTORS AND ALL OTHER EMPLOYEES OF THE JUVENILE COURT MAY BE INCLUDED IN  
37 THE COUNTY MERIT SYSTEM OR JUDICIAL MERIT SYSTEM AT THE DISCRETION OF THE  
38 PRESIDING JUDGE OF THE SUPERIOR COURT IN EACH COUNTY.

39 ~~C. In counties without a county employee merit system the~~  
40 ~~employment of a juvenile probation officer, who has served in such~~  
41 ~~position for more than two years, shall not be terminated involuntarily~~  
42 ~~unless written notice of the cause for termination is given to the~~  
43 ~~juvenile probation officer. Such juvenile probation officer may within~~  
44 ~~three days after such notice request that the presiding judge of the~~  
45 ~~juvenile court review the termination, and the presiding judge of the~~

1 ~~juvenile court shall within ten days after such request for review hear~~  
2 ~~the matter, and the juvenile probation officer shall be permitted to~~  
3 ~~present evidence on his own behalf at such hearing. The presiding judge~~  
4 ~~of the juvenile court shall either affirm or withdraw the termination~~  
5 ~~notice, and his decision shall be final and not appealable.~~

6 C. THE DIRECTOR OF JUVENILE COURT SERVICES, IN ADDITION TO ALL  
7 OTHER DUTIES, MUST SUBMIT AN ANNUAL REPORT TO THE PRESIDING JUDGE OF THE  
8 SUPERIOR COURT AND THE LEGISLATURE THAT INCLUDES THE NUMBER OF JUVENILES  
9 THAT THE COURT HAS RETAINED JURISDICTION OVER PURSUANT TO SECTION 8-202,  
10 SUBSECTION H. THE DIRECTOR SHALL PROVIDE A COPY OF THIS REPORT TO THE  
11 SECRETARY OF STATE.

12 Sec. 3. Section 8-246, Arizona Revised Statutes, is amended to  
13 read:

14 8-246. Jurisdiction; length of commitment; placement;  
15 assessment; definition

16 A. When jurisdiction of a juvenile has been acquired by the  
17 juvenile court, the juvenile shall continue under the jurisdiction of the  
18 juvenile court until the juvenile attains eighteen years of age OR, IF THE  
19 JUVENILE COURT HAS RETAINED JURISDICTION OVER THE PERSON PURSUANT TO  
20 SECTION 8-202, SUBSECTION H, NINETEEN YEARS OF AGE, unless sooner  
21 discharged pursuant to law. From the time of commitment to the department  
22 of juvenile corrections, a juvenile shall be subject to the control of the  
23 department of juvenile corrections until the juvenile's ~~absolute~~  
24 ~~or until expiration of the commitment on the juvenile's eighteenth~~  
25 ~~birthday~~ PURSUANT TO SECTION 41-2820.

26 B. Except pursuant to section 8-341, subsection N and section  
27 8-344, AND UNLESS THE COURT HAS RETAINED JURISDICTION OVER THE PERSON  
28 PURSUANT TO SECTION 8-202, SUBSECTION H:

29 1. The awarding of a juvenile shall not extend beyond the  
30 juvenile's eighteenth birthday. ~~and~~

31 2. Commitment to the department of juvenile corrections shall be  
32 until the juvenile attains eighteen years of age unless sooner discharged  
33 by the department of juvenile corrections.

34 C. The supreme court in cooperation with the department of juvenile  
35 corrections and other state agencies shall develop a common risk needs  
36 assessment instrument to be used for each juvenile who is referred to the  
37 juvenile court. The juvenile court shall update the risk needs assessment  
38 on each subsequent referral of the juvenile to the juvenile court, and the  
39 court shall use the risk needs assessment to determine the appropriate  
40 disposition of the juvenile. The supreme court in cooperation with the  
41 department of juvenile corrections shall develop guidelines to be used by  
42 juvenile court judges in determining those juveniles who should be  
43 committed to the department of juvenile corrections.

44 D. FOR THE PURPOSES OF THIS SECTION, "JUVENILE" INCLUDES A PERSON  
45 WHO IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS RETAINED

1 JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H,  
2 UNDER NINETEEN YEARS OF AGE.

3 Sec. 4. Section 8-272, Arizona Revised Statutes, is amended to  
4 read:

5 8-272. Psychiatric acute care services; outpatient and  
6 inpatient assessments; definition

7 A. If a child exhibits behavior that indicates the child may suffer  
8 from a mental disorder or is a danger to self or others, an entity may  
9 request that the child receive an outpatient assessment or inpatient  
10 assessment.

11 B. A psychologist, psychiatrist or physician shall conduct an  
12 outpatient assessment at a time and place that is convenient for the  
13 psychologist, psychiatrist or physician and the child. At the conclusion  
14 of the outpatient assessment, the psychologist, psychiatrist or physician  
15 shall recommend that the child be either:

- 16 1. Provided with outpatient treatment services.
- 17 2. Admitted to a psychiatric acute care facility for inpatient  
18 assessment or inpatient psychiatric acute care services.
- 19 3. Provided with residential treatment services.
- 20 4. Discharged to the entity without further psychological or  
21 psychiatric services because the child does not suffer from a mental  
22 disorder, is not a danger to self or others or is not a child with a  
23 persistent or acute disability or grave disability.

24 C. A psychologist, psychiatrist or physician shall conduct an  
25 inpatient assessment within seventy-two hours after a child is admitted to  
26 an inpatient assessment facility, excluding weekends and holidays. At the  
27 conclusion of the inpatient assessment, the psychologist, psychiatrist or  
28 physician shall recommend that the child be either:

- 29 1. Admitted to a psychiatric acute care facility for inpatient  
30 psychiatric acute care services.
- 31 2. Discharged to an entity and provided with outpatient treatment  
32 services.
- 33 3. Provided with residential treatment services.
- 34 4. Discharged to the entity without further psychological or  
35 psychiatric services because the child does not suffer from a mental  
36 disorder, is not a danger to self or others or is not a child with a  
37 persistent or acute disability or grave disability.

38 D. Within twenty-four hours after a child is admitted for an  
39 inpatient assessment, excluding weekends and holidays, the entity shall  
40 file a motion for approval of admission for inpatient assessment with the  
41 juvenile court. The motion shall include all of the following:

- 42 1. The name and address of the inpatient assessment facility.
- 43 2. The name of the psychologist, psychiatrist or physician who is  
44 likely to perform the inpatient assessment.

1           3. The date and time the child was admitted to the inpatient  
2 assessment facility.

3           4. A short statement explaining why the child needs an inpatient  
4 assessment.

5           E. An entity that files a motion under subsection D of this section  
6 shall provide a copy of the motion to all of the parties and their  
7 attorneys. The court shall rule on the motion without response from any  
8 party, except that any party may request a hearing to review the child's  
9 admission for an inpatient assessment. If the court grants a hearing, the  
10 court shall set the hearing on an accelerated basis.

11           F. If the psychologist, psychiatrist or physician who performed the  
12 outpatient assessment or inpatient assessment of the child recommends that  
13 the child receive inpatient acute care psychiatric services, the entity  
14 may file a motion for inpatient psychiatric acute care services with the  
15 juvenile court. If the psychologist, psychiatrist or physician makes this  
16 recommendation after conducting an inpatient assessment, the entity shall  
17 file the motion for inpatient psychiatric acute care services within  
18 twenty-four hours after the completion of the inpatient assessment,  
19 excluding weekends and holidays. The motion shall include all of the  
20 following:

21           1. A copy of the written report of the results of the inpatient  
22 assessment or outpatient assessment, including:

23           (a) The reason why inpatient psychiatric acute care services are in  
24 the child's best interests.

25           (b) The reason why inpatient psychiatric acute care services are  
26 the least restrictive available treatment.

27           (c) A diagnosis of the child's condition that requires inpatient  
28 psychiatric acute care services.

29           (d) The estimated length of time that the child will require  
30 inpatient psychiatric acute care services.

31           2. A written statement from the medical director of the proposed  
32 inpatient psychiatric acute care facility or the medical director's  
33 designee that the facility's services are appropriate to meet the child's  
34 mental health needs.

35           G. As soon as practicable after the filing of a motion under  
36 subsection D or F of this section, the court shall appoint an attorney for  
37 the child if an attorney has not been previously appointed. The court may  
38 also appoint a guardian ad litem for the child.

39           H. If a motion is filed pursuant to subsection F of this section,  
40 the court shall hold a hearing on the motion within seventy-two hours  
41 after the motion is filed, excluding weekends and holidays. If the child  
42 has been admitted for an inpatient assessment, the child may remain at the  
43 inpatient assessment facility until the court rules on the motion.

44           I. If a child is admitted for an inpatient assessment and an entity  
45 fails to file a motion pursuant to and within the time limit prescribed in

1 subsection F of this section, the child shall be discharged from the  
2 inpatient assessment facility.

3 J. If the court approves the admission of the child for inpatient  
4 psychiatric acute care services, the court shall find by clear and  
5 convincing evidence that both:

6 1. The child is suffering from a mental disorder or is a danger to  
7 self or others and requires inpatient psychiatric acute care services.

8 2. Available alternatives to inpatient psychiatric acute care  
9 services were considered, but that inpatient psychiatric acute care  
10 services are the least restrictive available alternative.

11 K. The court shall review the child's continuing need for inpatient  
12 psychiatric acute care services at least every sixty days after the date  
13 of the treatment order. The inpatient psychiatric acute care facility  
14 shall submit a progress report to the court at least five days before the  
15 review and shall provide copies of the progress report to all of the  
16 parties, including the child's attorney and guardian ad litem. On its own  
17 motion or on the motion of a party, the court may hold a hearing on the  
18 child's continuing need for inpatient psychiatric acute care services. If  
19 requested by the child, the court shall hold a hearing unless the court  
20 has held a review hearing within sixty days before the child's request.  
21 If requested by the child, the court may hold a hearing at any time for  
22 good cause shown. The progress report shall make recommendations and  
23 shall include at least the following:

24 1. The nature of the treatment provided, including any medications  
25 and the child's current diagnosis.

26 2. The child's need for continued inpatient psychiatric acute care  
27 services, including the estimated length of the services.

28 3. A projected discharge date.

29 4. The level of care required by the child and the potential  
30 placement options that are available to the child on discharge.

31 5. A statement from the medical director of the inpatient  
32 psychiatric acute care facility or the medical director's designee as to  
33 whether inpatient psychiatric acute care services are necessary to meet  
34 the child's mental health needs and whether the facility that is providing  
35 the inpatient psychiatric acute care services to the child is the least  
36 restrictive available alternative.

37 L. If a child is transferred from an inpatient psychiatric acute  
38 care facility to another inpatient psychiatric acute care facility, no new  
39 inpatient assessment or outpatient assessment is required. Unless the  
40 court orders otherwise due to an emergency, an entity shall file a notice  
41 of transfer with the juvenile court at least five days before the transfer  
42 of the child. The notice shall include all of the following:

43 1. The name and address of the facility to which the child is being  
44 transferred and the date of the transfer.

1           2. A statement from the medical director of the receiving inpatient  
2 psychiatric acute care facility or the medical director's designee that  
3 the receiving facility is an appropriate facility to meet the child's  
4 mental health needs and that it is the least restrictive available  
5 alternative.

6           3. A statement that the entity has contacted the child's attorney  
7 or guardian ad litem and whether the child or the child's attorney or  
8 guardian ad litem opposes the transfer.

9           M. Any party may request a hearing to review the transfer of a  
10 child to another inpatient psychiatric acute care facility pursuant to  
11 subsection L of this section.

12           N. Within fifteen days after a child is discharged, the inpatient  
13 psychiatric acute care facility shall prepare a discharge summary. Within  
14 twenty days after a child is discharged, an entity shall file a notice of  
15 discharge with the juvenile court. The notice shall include:

16           1. A statement of the child's current placement.

17           2. A statement of the mental health services that are being  
18 provided to the child and the child's family.

19           3. A copy of the discharge summary that is prepared by a mental  
20 health professional.

21           O. When possible, the child's attorney shall communicate with the  
22 child within twenty-four hours after a motion is filed pursuant to  
23 subsection D or F of this section, excluding weekends and holidays. The  
24 child's attorney shall discuss treatment recommendations and shall advise  
25 the child of the child's right to request a hearing. The child's attorney  
26 or designee shall attend all court hearings related to the child's  
27 inpatient assessment or inpatient psychiatric acute care services and  
28 shall be prepared to report to the court the child's position on any  
29 recommended assessments or treatment. The child may attend any hearing  
30 unless the court finds by a preponderance of the evidence that allowing  
31 the child to attend would not be in the child's best interests.

32           P. If the child is a dually adjudicated child, the entity that  
33 requests an order for inpatient psychiatric acute care services shall  
34 notify any other entity of all notices, motions, hearings or other  
35 proceedings related to the provision of inpatient psychiatric acute care  
36 services. Any entity may attend and participate in all hearings or other  
37 proceedings relating to the provision of inpatient psychiatric acute care  
38 services to a dually adjudicated child.

39           Q. Section 8-273 applies if residential treatment services are  
40 recommended after an inpatient assessment or outpatient assessment or any  
41 inpatient psychiatric acute care treatment. Section 8-341.01 applies if a  
42 child who is adjudicated delinquent or incorrigible and who is subject to  
43 the jurisdiction of the juvenile court requires residential treatment  
44 services. Section 41-2815 applies if a child who is committed to the



1 department of juvenile corrections requires residential treatment  
2 services.

3 R. Information and records that are obtained or created in the  
4 course of any assessment, examination or treatment are subject to the  
5 confidentiality requirements of section 36-509, except that information  
6 and records may be provided to the department of juvenile corrections  
7 pursuant to section 8-341.

8 S. For the purposes of this section, "child" means a person who is  
9 under eighteen years of age OR, IF THE JUVENILE COURT HAS RETAINED  
10 JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H,  
11 UNDER NINETEEN YEARS OF AGE and who is either:

12 1. Found to be dependent or temporarily subject to court  
13 jurisdiction pending an adjudication of a dependency petition.

14 2. In the temporary custody of the department pursuant to section  
15 8-821.

16 3. Detained in a juvenile court detention facility.

17 4. Committed to the department of juvenile corrections.

18 5. FOUND TO BE DELINQUENT AND SUBJECT TO PROBATION SUPERVISION.

19 Sec. 5. Section 8-273, Arizona Revised Statutes, is amended to  
20 read:

21 8-273. Residential treatment services; definition

22 A. If a child exhibits behavior that indicates the child may suffer  
23 from a mental disorder or if it is recommended as a result of an  
24 outpatient assessment or inpatient assessment pursuant to section 8-272  
25 that a child receive residential treatment services, an entity may file a  
26 motion requesting that the juvenile court order a child to receive  
27 residential treatment services. If the motion states that all parties,  
28 including counsel for the child, have been contacted and are in agreement,  
29 the court is not required to set a hearing on the motion.

30 B. A motion for residential treatment services shall be supported  
31 by a written psychological, psychiatric or medical assessment recommending  
32 residential treatment services. The court may waive the written  
33 assessment on a finding of good cause. The written assessment shall  
34 include at least the following:

35 1. The reason why residential treatment services are in the child's  
36 best interests.

37 2. The reason why residential treatment services are the least  
38 restrictive treatment available.

39 3. The reason why the child's behavioral, psychological, social or  
40 mental health needs require residential treatment services.

41 4. The estimated length of time that the child will require  
42 residential treatment services.

43 C. A motion for residential treatment services shall be supported  
44 by a written statement from the medical or clinical director of the

1 residential treatment facility or the director's designee that the  
2 facility's services are appropriate to meet the child's needs.

3 D. As soon as practicable after an entity files a motion under  
4 subsection A of this section, the court shall appoint an attorney for the  
5 child if an attorney has not been previously appointed. The court may  
6 also appoint a guardian ad litem for the child.

7 E. The child's attorney shall discuss the treatment recommendations  
8 with the child. The child's attorney or designee shall attend all court  
9 hearings related to the child's placement in a residential treatment  
10 facility and shall be prepared to report to the court on the child's  
11 position regarding any recommendations or requests related to the  
12 provision of residential treatment services. The child may appear at any  
13 hearing, unless the court finds by a preponderance of the evidence that  
14 allowing the child to attend the hearing would not be in the child's best  
15 interests.

16 F. If the court orders a child to receive residential treatment  
17 services, the court shall find by clear and convincing evidence that both:

18 1. The child requires residential treatment services to address the  
19 child's behavioral, psychological, social or mental health needs.

20 2. Available alternatives to residential treatment services were  
21 considered, but that residential treatment services are the least  
22 restrictive available alternative.

23 G. The court shall review the child's continuing need for  
24 residential treatment services at least every sixty days from the date of  
25 the treatment order. The residential treatment facility shall submit a  
26 progress report to the court at least five days before the review and  
27 shall provide copies of its report to all of the parties, including the  
28 child's attorney and guardian ad litem. The progress report shall include  
29 the recommendations of the child's treatment facility and shall include at  
30 least the following:

31 1. The nature of the treatment provided, including any medications  
32 and the child's current diagnosis.

33 2. The child's need for continued residential treatment services,  
34 including the estimated length of the services.

35 3. A projected discharge date.

36 4. The level of care required by the child and the potential  
37 placement options that are available to the child on discharge.

38 5. A statement from the medical or clinical director of the  
39 residential treatment services facility or the director's designee as to  
40 whether residential treatment services are necessary to meet the child's  
41 needs and whether the facility that is providing the residential treatment  
42 services to the child is the least restrictive available alternative.

43 H. On its own motion or on the motion of a party, the court may  
44 schedule a hearing concerning the child's continuing need for residential  
45 treatment services. If requested by the child, the court shall schedule a

1 hearing unless the court has held a review hearing within sixty days  
2 before the child's request. If requested by the child, the court may hold  
3 a hearing at any time for good cause shown.

4 I. If the child is a dually adjudicated child, the entity that  
5 requests an order for residential treatment services shall notify any  
6 other entity of all notices, motions, hearings or other proceedings  
7 related to the provision of residential treatment services. Any entity  
8 may attend and participate in all hearings or other proceedings relating  
9 to the provision of residential treatment services to a dually adjudicated  
10 child.

11 J. Information or records that are obtained or created pursuant to  
12 any assessment, examination or treatment are subject to the  
13 confidentiality requirements of section 36-509, except that information  
14 and records may be provided to the department of juvenile corrections  
15 pursuant to section 8-341.

16 K. This section does not apply to a child who is either:

17 1. Committed to the department of juvenile corrections. Section  
18 41-2815 applies if a child who is committed to the department of juvenile  
19 corrections requires residential treatment services.

20 2. Adjudicated delinquent or incorrigible and who is subject to the  
21 jurisdiction of the juvenile court. Section 8-341.01 applies if a child  
22 who is adjudicated delinquent or incorrigible and who is subject to the  
23 jurisdiction of the juvenile court requires residential treatment  
24 services.

25 L. For the purposes of this section, "child" means a person who is  
26 under eighteen years of age **OR, IF THE JUVENILE COURT HAS RETAINED**  
27 **JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H,**  
28 **UNDER NINETEEN YEARS OF AGE** and who is either:

29 1. Found to be dependent or temporarily subject to court  
30 jurisdiction pending an adjudication of a dependency petition.

31 2. In the temporary custody of the department pursuant to section  
32 8-821.

33 Sec. 6. Section 8-305, Arizona Revised Statutes, is amended to  
34 read:

35 **8-305. Detention center; jail; separate custody; definitions**

36 A. The county board of supervisors or the county jail district, if  
37 authorized pursuant to title 48, chapter 25, shall maintain a detention  
38 center that is separate and apart from a jail or lockup in which adults  
39 are confined and where juveniles who are alleged to be delinquent or  
40 children who are incorrigible and within the provisions of this article  
41 shall be detained when necessary before or after a hearing or as a  
42 condition of probation. A juvenile who is charged with an offense that is  
43 not a dangerous offense and that is listed in section 13-501 may be  
44 detained in a juvenile detention center if the detention is ordered by the  
45 court. The board may enter agreements with public or private entities to

1 acquire land for, build, purchase, lease-purchase, lease or expand a  
2 detention center required by this section.

3 B. The board of supervisors or the county jail district, if  
4 authorized pursuant to title 48, chapter 25, may provide for the detention  
5 of juveniles who are accused or convicted of a criminal offense in a jail  
6 or lockup in which adults are confined. A juvenile who is confined in a  
7 jail or lockup in which adults are confined shall be kept in a physically  
8 separate section from any adult who is charged with or convicted of a  
9 criminal offense, and no sight or sound contact between the juvenile and  
10 any charged or convicted adult is permitted, except to the extent  
11 authorized under federal laws or regulations.

12 C. A juvenile, pending a juvenile hearing, shall not be confined  
13 with adults charged with or convicted of a crime, except that:

14 1. A juvenile who is accused of a criminal offense or who is  
15 alleged to be delinquent may be securely detained in such location for up  
16 to six hours until transportation to a juvenile detention center can be  
17 arranged if the juvenile is kept in a physically separate section from any  
18 adult who is charged with or convicted of a crime and no sight or sound  
19 contact between the juvenile and any charged or convicted adult is  
20 permitted, except to the extent authorized under federal laws or  
21 regulations.

22 2. A juvenile who is transferred as provided in section 8-327 to  
23 the criminal division of the superior court may be securely detained if  
24 the juvenile is kept in a physically separate section from any adult  
25 charged with or convicted of a crime, and no sight or sound contact with  
26 any charged or convicted adult is permitted, except to the extent  
27 authorized under federal laws or regulations.

28 3. A juvenile who is arrested for an offense listed in section  
29 13-501 may be detained in a juvenile detention center until formally  
30 charged as an adult. After a juvenile has been formally charged as an  
31 adult the juvenile may be either of the following:

32 (a) Detained in a juvenile detention center if the offense is not a  
33 dangerous offense and the detention is ordered by the court.

34 (b) Securely detained in an adult facility if the juvenile is  
35 detained separately from any adult charged with or convicted of a crime,  
36 except to the extent authorized under federal laws or regulations.

37 D. In determining whether to order that a juvenile who is charged  
38 with an offense that is not a dangerous offense and that is listed in  
39 section 13-501 be detained in a juvenile detention center or an adult  
40 facility pursuant to subsection A or subsection C, paragraph 3,  
41 subdivision (a) of this section, the court shall consider all of the  
42 following:

43 1. The best interests of both the juvenile charged as an adult and  
44 the other juveniles detained in the juvenile detention center.

1           2. The severity of the charges against the juvenile charged as an  
2 adult.

3           3. The existing programs and facilities for juveniles at both the  
4 juvenile detention center and the adult facility.

5           4. Any other factor relevant to the determination of where to  
6 detain the juvenile.

7           E. A child who is alleged to be delinquent or who is alleged to be  
8 incorrigible shall not be securely detained in a jail or lockup in which  
9 adults charged with or convicted of a crime are detained. A child may be  
10 nonsecurely detained if necessary to obtain the child's name, age,  
11 residence or other identifying information for up to six hours until  
12 arrangements for transportation to any shelter care facility, home or  
13 other appropriate place can be made. A child who is nonsecurely detained  
14 shall be detained separately from any adult charged with or convicted of a  
15 crime, and no sight or sound contact with any charged or convicted adult  
16 is permitted, except to the extent authorized under federal laws or  
17 regulations.

18           F. Any detained juvenile or child who, by the juvenile's or child's  
19 conduct, endangers or evidences that the juvenile or child may endanger  
20 the safety of other detained children shall not be allowed to intermingle  
21 with any other juvenile or child in the detention center.

22           G. Pursuant to section 8-322, the county board of supervisors, the  
23 county jail district board of directors or the administrative office of  
24 the courts on behalf of the juvenile court may enter into an agreement  
25 with public or private entities to provide the detention centers required  
26 by subsection A of this section.

27           H. For the purposes of this section: ~~—~~

28           1. "Dangerous offense" has the same meaning prescribed in section  
29 13-105.

30           2. "JUVENILE" INCLUDES A PERSON WHO IS UNDER THE JURISDICTION OF  
31 THE JUVENILE COURT PURSUANT TO SECTION 8-202, SUBSECTION H.

32           Sec. 7. Section 8-341, Arizona Revised Statutes, is amended to  
33 read:

34           8-341. Disposition and commitment; definitions

35           A. After receiving and considering the evidence on the proper  
36 disposition of the case, the court may enter judgment as follows:

37           1. It may award a delinquent juvenile:

38           (a) To the care of the juvenile's parents, subject to the  
39 supervision of a probation department.

40           (b) To a probation department, subject to any conditions the court  
41 may impose, including a period of incarceration in a juvenile detention  
42 center of not more than one year.

43           (c) To a reputable citizen of good moral character, subject to the  
44 supervision of a probation department.

1 (d) To a private agency or institution, subject to the supervision  
2 of a probation officer.

3 (e) To the department of juvenile corrections.

4 (f) To maternal or paternal relatives, subject to the supervision  
5 of a probation department.

6 (g) To an appropriate official of a foreign country of which the  
7 juvenile is a foreign national who is unaccompanied by a parent or  
8 guardian in this state to remain on unsupervised probation for at least  
9 one year on the condition that the juvenile cooperate with that official.

10 2. It may award an incorrigible child:

11 (a) To the care of the child's parents, subject to the supervision  
12 of a probation department.

13 (b) To the protective supervision of a probation department,  
14 subject to any conditions the court may impose.

15 (c) To a reputable citizen of good moral character, subject to the  
16 supervision of a probation department.

17 (d) To a public or private agency, subject to the supervision of a  
18 probation department.

19 (e) To maternal or paternal relatives, subject to the supervision  
20 of a probation department.

21 B. If a juvenile is placed on probation pursuant to this section,  
22 the period of probation may continue until the juvenile's eighteenth  
23 birthday OR UNTIL THE JUVENILE'S NINETEENTH BIRTHDAY IF JURISDICTION IS  
24 RETAINED PURSUANT TO SECTION 8-202, SUBSECTION H, except that the term of  
25 probation shall not exceed one year if all of the following apply:

26 1. The juvenile is not charged with a subsequent offense.

27 2. The juvenile has not been found in violation of a condition of  
28 probation.

29 3. The court has not made a determination that it is in the best  
30 interests of the juvenile or the public to require continued supervision.  
31 The court shall state by minute entry or written order its reasons for  
32 finding that continued supervision is required.

33 4. The offense for which the juvenile is placed on probation does  
34 not involve a dangerous offense as defined in section 13-105.

35 5. The offense for which the juvenile is placed on probation does  
36 not involve a violation of title 13, chapter 14 or 35.1.

37 6. Restitution ordered pursuant to section 8-344 has been made.

38 7. The juvenile's parents have not requested that the court  
39 continue the juvenile's probation for more than one year.

40 C. If a juvenile is adjudicated as a first time felony juvenile  
41 offender, the court shall provide the following written notice to the  
42 juvenile:

43 You have been adjudicated a first time felony juvenile  
44 offender. You are now on notice that if you are adjudicated  
45 of another offense that would be a felony offense if committed

1 by an adult and if you commit the other offense when you are  
2 fourteen years of age or older, you will be placed on juvenile  
3 intensive probation, which may include home arrest and  
4 electronic monitoring, or you may be placed on juvenile  
5 intensive probation and may be incarcerated for a period of  
6 time in a juvenile detention center, or you may be committed  
7 to the department of juvenile corrections or you may be  
8 prosecuted as an adult. If you are convicted as an adult of a  
9 felony offense and you commit any other offense, you will be  
10 prosecuted as an adult.

11 D. If a juvenile is fourteen years of age or older and is  
12 adjudicated as a repeat felony juvenile offender, the juvenile court shall  
13 place the juvenile on juvenile intensive probation, which may include home  
14 arrest and electronic monitoring, may place the juvenile on juvenile  
15 intensive probation, which may include incarceration for a period of time  
16 in a juvenile detention center, or may commit the juvenile to the  
17 department of juvenile corrections pursuant to subsection A, paragraph 1,  
18 subdivision (e) of this section for a significant period of time.

19 E. If the juvenile is adjudicated as a repeat felony juvenile  
20 offender, the court shall provide the following written notice to the  
21 juvenile:

22 You have been adjudicated a repeat felony juvenile  
23 offender. You are now on notice that if you are arrested for  
24 another offense that would be a felony offense if committed by  
25 an adult and if you commit the other offense when you are  
26 fifteen years of age or older, you will be tried as an adult  
27 in the criminal division of the superior court. If you commit  
28 the other offense when you are fourteen years of age or older,  
29 you may be tried as an adult in the criminal division of the  
30 superior court. If you are convicted as an adult, you will be  
31 sentenced to a term of incarceration. If you are convicted as  
32 an adult of a felony offense and you commit any other offense,  
33 you will be prosecuted as an adult.

34 F. The failure or inability of the court to provide the notices  
35 required under subsections C and E of this section does not preclude the  
36 use of the prior adjudications for any purpose otherwise permitted.

37 G. Except as provided in subsection S of this section, after  
38 considering the nature of the offense and the age, physical and mental  
39 condition and earning capacity of the juvenile, the court shall order the  
40 juvenile to pay a reasonable monetary assessment if the court determines  
41 that an assessment is in aid of rehabilitation. If the director of the  
42 department of juvenile corrections determines that enforcement of an order  
43 for monetary assessment as a term and condition of conditional liberty is  
44 not cost-effective, the director may require the youth to perform an

1 equivalent amount of community restitution in lieu of the payment ordered  
2 as a condition of conditional liberty.

3 H. If a child is adjudicated incorrigible, the court may impose a  
4 monetary assessment on the child of not more than one hundred fifty  
5 dollars.

6 I. A juvenile who is charged with unlawful purchase, possession or  
7 consumption of spirituous liquor is subject to section 8-323. The  
8 monetary assessment for a conviction of unlawful purchase, possession or  
9 consumption of spirituous liquor by a juvenile shall not exceed five  
10 hundred dollars. The court of competent jurisdiction may order a monetary  
11 assessment or equivalent community restitution.

12 J. The court shall require the monetary assessment imposed under  
13 subsection G or H of this section on a juvenile who is not committed to  
14 the department of juvenile corrections to be satisfied in one or both of  
15 the following forms:

16 1. Monetary reimbursement by the juvenile in a lump sum or  
17 installment payments through the clerk of the superior court for  
18 appropriate distribution.

19 2. A program of work, not in conflict with regular schooling, to  
20 repair damage to the victim's property, to provide community restitution  
21 or to provide the juvenile with a job for wages. The court order for  
22 restitution or monetary assessment shall specify, according to the  
23 dispositional program, the amount of reimbursement and the portion of  
24 wages of either existing or provided work that is to be credited toward  
25 satisfaction of the restitution or assessment, or the nature of the work  
26 to be performed and the number of hours to be spent working. The number  
27 of hours to be spent working shall be set by the court based on the  
28 severity of the offense but shall not be less than sixteen hours.

29 K. If a juvenile is committed to the department of juvenile  
30 corrections, the court shall specify the amount of the monetary assessment  
31 imposed pursuant to subsection G or H of this section.

32 L. After considering the length of stay guidelines developed  
33 pursuant to section 41-2816, subsection C, the court may set forth in the  
34 order of commitment the minimum period during which the juvenile shall  
35 remain in secure care while in the custody of the department of juvenile  
36 corrections. When the court awards a juvenile to the department of  
37 juvenile corrections or an institution or agency, it shall transmit with  
38 the order of commitment copies of a diagnostic psychological evaluation  
39 and educational assessment if one has been administered, copies of the  
40 case report, all other psychological and medical reports, restitution  
41 orders, any request for postadjudication notice that has been submitted by  
42 a victim and any other documents or records pertaining to the case  
43 requested by the department of juvenile corrections or an institution or  
44 agency. The department shall not release a juvenile from secure care  
45 before the juvenile completes the length of stay determined by the court



1 in the commitment order unless the county attorney in the county from  
2 which the juvenile was committed requests the committing court to reduce  
3 the length of stay. The department may temporarily escort the juvenile  
4 from secure care pursuant to section 41-2804, may release the juvenile  
5 from secure care without a further court order after the juvenile  
6 completes the length of stay determined by the court or may retain the  
7 juvenile in secure care for any period subsequent to the completion of the  
8 length of stay in accordance with the law.

9 M. Written notice of the release of any juvenile pursuant to  
10 subsection L of this section shall be made to any victim requesting  
11 notice, the juvenile court that committed the juvenile and the county  
12 attorney of the county from which the juvenile was committed.

13 N. Notwithstanding any law to the contrary, if a person is under  
14 the supervision of the court as an adjudicated delinquent juvenile at the  
15 time the person reaches eighteen years of age, treatment services may be  
16 provided until the person reaches twenty-one years of age if the court,  
17 the person and the state agree to the provision of the treatment and a  
18 motion to transfer the person pursuant to section 8-327 has not been filed  
19 or has been withdrawn. The court may terminate the provision of treatment  
20 services after the person reaches eighteen years of age if the court  
21 determines that any of the following applies:

- 22 1. The person is not progressing toward treatment goals.
- 23 2. The person terminates treatment.
- 24 3. The person commits a new offense after reaching eighteen years  
25 of age.
- 26 4. Continued treatment is not required or is not in the best  
27 interests of the state or the person.

28 O. On the request of a victim of an act that may have involved  
29 significant exposure as defined in section 13-1415 or that if committed by  
30 an adult would be a sexual offense, the prosecuting attorney shall  
31 petition the adjudicating court to require that the juvenile be tested for  
32 the presence of the human immunodeficiency virus. If the victim is a  
33 minor the prosecuting attorney shall file this petition at the request of  
34 the victim's parent or guardian. If the act committed against a victim is  
35 an act that if committed by an adult would be a sexual offense or the  
36 court determines that sufficient evidence exists to indicate that  
37 significant exposure occurred, it shall order the department of juvenile  
38 corrections or the department of health services to test the juvenile  
39 pursuant to section 13-1415. Notwithstanding any law to the contrary, the  
40 department of juvenile corrections and the department of health services  
41 shall release the test results only to the victim, the delinquent  
42 juvenile, the delinquent juvenile's parent or guardian and a minor  
43 victim's parent or guardian and shall counsel them regarding the meaning  
44 and health implications of the results.

1 P. If a juvenile has been adjudicated delinquent for an offense  
2 that if committed by an adult would be an offense listed in section  
3 41-1750, subsection C, the court shall provide the department of public  
4 safety Arizona automated fingerprint identification system established in  
5 section 41-2411 with the juvenile's ten-print fingerprints, personal  
6 identification data and other pertinent information. If a juvenile has  
7 been committed to the department of juvenile corrections the department  
8 shall provide the fingerprints and information required by this subsection  
9 to the Arizona automated fingerprint identification system. If the  
10 juvenile's fingerprints and information have been previously submitted to  
11 the Arizona automated fingerprint identification system the information is  
12 not required to be resubmitted.

13 Q. Access to fingerprint records submitted pursuant to subsection P  
14 of this section shall be limited to the administration of criminal justice  
15 as defined in section 41-1750. Dissemination of fingerprint information  
16 shall be limited to the name of the juvenile, juvenile case number, date  
17 of adjudication and court of adjudication.

18 R. If a juvenile is adjudicated delinquent for an offense that if  
19 committed by an adult would be a misdemeanor, the court may prohibit the  
20 juvenile from carrying or possessing a firearm while the juvenile is under  
21 the jurisdiction of the department of juvenile corrections or the juvenile  
22 court.

23 S. If a juvenile is adjudicated delinquent for a violation of  
24 section 13-1602, subsection A, paragraph 5, the court shall order the  
25 juvenile to pay a fine of at least three hundred dollars but not more than  
26 one thousand dollars. Any restitution ordered shall be paid in accordance  
27 with section 13-809, subsection A. The court may order the juvenile to  
28 perform community restitution in lieu of the payment for all or part of  
29 the fine if it is in the best interests of the juvenile. The amount of  
30 community restitution shall be equivalent to the amount of the fine by  
31 crediting any service performed at a rate of ten dollars per hour. If the  
32 juvenile is convicted of a second or subsequent violation of section  
33 13-1602, subsection A, paragraph 5 and is ordered to perform community  
34 restitution, the court may order the parent or guardian of the juvenile to  
35 assist the juvenile in the performance of the community restitution if  
36 both of the following apply:

37 1. The parent or guardian had knowledge that the juvenile intended  
38 to engage in or was engaging in the conduct that gave rise to the  
39 violation.

40 2. The parent or guardian knowingly provided the juvenile with the  
41 means to engage in the conduct that gave rise to the violation.

42 T. If a juvenile is adjudicated delinquent for an offense involving  
43 the purchase, possession or consumption of spirituous liquor or a  
44 violation of title 13, chapter 34 and is placed on juvenile probation, the

1 court may order the juvenile to submit to random drug and alcohol testing  
2 at least two times per week as a condition of probation.

3 U. A juvenile who is adjudicated delinquent for an offense  
4 involving the purchase, possession or consumption of spirituous liquor or  
5 a violation of title 13, chapter 34, who is placed on juvenile probation  
6 and who is found to have consumed any spirituous liquor or to have used  
7 any drug listed in section 13-3401 while on probation is in violation of  
8 the juvenile's probation. If a juvenile commits a third or subsequent  
9 violation of a condition of probation as prescribed by this subsection,  
10 the juvenile shall be brought before the juvenile court and, if the  
11 allegations are proven, the court shall either revoke probation and hold a  
12 disposition hearing pursuant to this section or select additional  
13 conditions of probation as it deems necessary, including detention, global  
14 position system monitoring, additional alcohol or drug treatment,  
15 community restitution, additional drug or alcohol testing or a monetary  
16 assessment.

17 V. IF JURISDICTION OF THE JUVENILE COURT IS RETAINED PURSUANT TO  
18 SECTION 8-202, SUBSECTION H, THE COURT SHALL ORDER CONTINUED PROBATION  
19 SUPERVISION AND TREATMENT SERVICES UNTIL A CHILD WHO HAS BEEN ADJUDICATED  
20 A DELINQUENT JUVENILE REACHES NINETEEN YEARS OF AGE OR UNTIL OTHERWISE  
21 TERMINATED BY THE COURT. THE COURT MAY TERMINATE CONTINUED PROBATION  
22 SUPERVISION OR TREATMENT SERVICES BEFORE THE CHILD'S NINETEENTH BIRTHDAY  
23 IF THE COURT DETERMINES THAT CONTINUED PROBATION SUPERVISION OR TREATMENT  
24 IS NOT REQUIRED OR IS NOT IN THE BEST INTERESTS OF THE JUVENILE OR THE  
25 STATE OR THE JUVENILE COMMITS A CRIMINAL OFFENSE AFTER REACHING EIGHTEEN  
26 YEARS OF AGE.

27 ~~V.~~ W. For the purposes of this section:

28 1. "First time felony juvenile offender" means a juvenile who is  
29 adjudicated delinquent for an offense that would be a felony offense if  
30 committed by an adult.

31 2. "Repeat felony juvenile offender" means a juvenile to whom both  
32 of the following apply:

33 (a) Is adjudicated delinquent for an offense that would be a felony  
34 offense if committed by an adult.

35 (b) Previously has been adjudicated a first time felony juvenile  
36 offender.

37 3. "Sexual offense" means oral sexual contact, sexual contact or  
38 sexual intercourse as defined in section 13-1401.

39 Sec. 8. Section 8-341.01, Arizona Revised Statutes, is amended to  
40 read:

41 8-341.01. Residential treatment services; definition

42 A. If at a disposition hearing or a subsequent hearing the court  
43 orders a delinquent juvenile or incorrigible child to receive residential  
44 treatment services, other than psychiatric acute care services as defined  
45 in section 8-271, the placement must be supported by a written

1 psychological, psychiatric or medical evaluation recommending residential  
2 treatment services. The court may waive the written evaluation for good  
3 cause shown.

4 B. If the court orders a child to receive residential treatment  
5 services, the court shall find by clear and convincing evidence that both:

6 1. The child requires residential treatment services to address the  
7 child's behavioral, psychological, social or mental health needs.

8 2. Available alternatives to residential treatment services were  
9 considered, but that residential treatment services are the least  
10 restrictive alternative.

11 C. The court shall review the child's continuing need for  
12 residential treatment services at least every sixty days after the date of  
13 the treatment order. The residential treatment facility shall submit a  
14 progress report to the court at least five days before the review and  
15 shall provide copies of its report to all parties, including the child's  
16 attorney and guardian ad litem. The progress report shall include the  
17 recommendations of the child's treatment facility and shall include at  
18 least the following:

19 1. The nature of the treatment provided, including any medications  
20 and the child's current diagnosis.

21 2. The child's need for continued residential treatment services,  
22 including the estimated length of the services.

23 3. A projected discharge date.

24 4. The level of care required by the child and the potential  
25 placement options that are available to the child on discharge.

26 5. A statement from the medical or clinical director of the  
27 residential treatment services facility or the director's designee as to  
28 whether residential treatment services are necessary to meet the child's  
29 needs and whether the facility that is providing the residential treatment  
30 services to the child is the least restrictive available alternative.

31 D. On its own motion or the motion of a party, the court may hold  
32 an expedited hearing to review the continued placement of the child in  
33 residential treatment.

34 E. If the child is also found to be dependent or is temporarily  
35 subject to court jurisdiction pending an adjudication of a dependency  
36 petition, the probation department shall notify the department of child  
37 safety that placement of the child for residential treatment services is  
38 being recommended. The department shall receive copies of any reports  
39 relating to the child's placement for residential treatment services. The  
40 department may attend and participate in all hearings and any other  
41 proceedings relating to the placement or continued placement for  
42 residential treatment services.

43 F. FOR THE PURPOSES OF THIS SECTION, "CHILD" OR "JUVENILE" INCLUDES  
44 A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS

1 RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202,  
2 SUBSECTION H, UNDER NINETEEN YEARS OF AGE.

3 Sec. 9. Section 8-342, Arizona Revised Statutes, is amended to  
4 read:

5 8-342. Commitment of child; medical examination; definition

6 A. A child who is any of the following shall not be committed or  
7 awarded to the department of juvenile corrections:

8 1. Adjudicated delinquent for an offense that is not a felony  
9 unless the child has been previously adjudicated delinquent for an offense  
10 that is a felony or is seriously mentally ill.

11 2. Under fourteen years of age.

12 3. A dependent or incorrigible child unless the child is  
13 adjudicated delinquent and is not excluded under paragraph 1 or 2 of this  
14 subsection.

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

26 C. If the child is a dependent child and is committed or awarded to  
27 the department of juvenile corrections, the foster care review board shall  
28 review the child's case as required by section 8-515.03.

29 D. FOR THE PURPOSES OF THIS SECTION, "CHILD" INCLUDES A PERSON WHO  
30 IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS RETAINED  
31 JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H,  
32 UNDER NINETEEN YEARS OF AGE.

33 Sec. 10. Section 8-344, Arizona Revised Statutes, is amended to  
34 read:

35 8-344. Restitution payments

36 A. If a juvenile is adjudicated delinquent, the court, after  
37 considering the nature of the offense and the age, physical and mental  
38 condition and earning capacity of the juvenile, shall order the juvenile  
39 to make full or partial restitution to the victim of the offense for which  
40 the juvenile was adjudicated delinquent or to the estate of the victim if  
41 the victim has died. The juvenile shall make restitution payments to the  
42 clerk of the court for disbursement to the victim or estate of the victim.

43 B. The court shall notify the victim or estate of the victim of the  
44 dispositional hearing. The court may consider a verified statement from  
45 the victim or estate of the victim concerning damages for lost wages,

1 reasonable damages for injury to or loss of property and actual expenses  
2 of medical treatment for personal injury, excluding pain and suffering.

3 C. In ordering restitution pursuant to subsection A of this  
4 section, the court may order one or both of the juvenile's custodial  
5 parents to make restitution to the victim of the offense for which the  
6 juvenile was adjudicated delinquent or to the estate of the victim if the  
7 victim has died. The court shall determine the amount of restitution  
8 ordered pursuant to this subsection, except that the amount shall not  
9 exceed the liability limit established pursuant to section 12-661. The  
10 court may order a parent or juvenile who is ordered to pay restitution to  
11 satisfy the order in a lump sum or installment payments to the clerk of  
12 the court for disbursement to the victim or estate of the victim. If the  
13 court orders the juvenile's parents to make restitution pursuant to this  
14 subsection, the court shall order the juvenile to make either full or  
15 partial restitution, regardless of the juvenile's insufficient earning  
16 capacity. The court shall not consider the ability of the juvenile's  
17 parents to pay restitution before making a restitution order.

18 D. The juvenile court shall retain jurisdiction of the case after  
19 the juvenile attains eighteen years of age for the purpose of modifying  
20 the manner in which court ordered payments are to be made. After a  
21 juvenile attains eighteen years of age **OR IF THE COURT RETAINS**  
22 **JURISDICTION OVER THE JUVENILE PURSUANT TO SECTION 8-202, SUBSECTION H ON**  
23 **TERMINATION OF THE JUVENILE'S PROBATION**, the juvenile court shall enter  
24 the following:

25 1. A juvenile restitution order in favor of the state for the  
26 unpaid balance, if any, of any costs, fees, surcharges or monetary  
27 assessments imposed.

28 2. A juvenile restitution order in favor of each person entitled to  
29 restitution for the unpaid balance of any restitution ordered pursuant to  
30 this section.

31 E. The clerk of the court shall send a copy of the juvenile  
32 restitution order to each person who is entitled to restitution.

33 F. A juvenile restitution order may be recorded and enforced as any  
34 civil judgment, except that a juvenile restitution order does not require  
35 renewal pursuant to section 12-1611 or 12-1612. A juvenile restitution  
36 order does not expire until paid in full. Enforcement of a juvenile  
37 restitution order by any person who is entitled to restitution or by the  
38 state includes the collection of interest, which accrues at a rate of ten  
39 ~~per cent~~ **PERCENT** per annum.

40 G. A juvenile restitution order is a criminal penalty for the  
41 purposes of a federal bankruptcy involving the juvenile.

1           Sec. 11. Section 8-371, Arizona Revised Statutes, is amended to  
2 read:

3           8-371. Educational rehabilitation; definitions

4           A. Juveniles who are subject to the supervision of a probation  
5 officer pursuant to an order of the juvenile court, or who are otherwise  
6 eligible for absolute discharge or conditional liberty from the department  
7 of juvenile corrections in accordance with section 41-2816, shall, as a  
8 condition of probation or liberty, be required to do one of the following:

9           1. Attend school in order to obtain vocational training or to  
10 achieve an appropriate educational level as prescribed in consultation  
11 with the school the juvenile attends by the juvenile's probation officer  
12 or by the department of juvenile corrections. If the juvenile fails to  
13 attend school regularly, maintain appropriate school behavior, or make  
14 satisfactory progress as determined in consultation with the school by the  
15 probation officer or department of juvenile corrections as specified in  
16 subsection C of this section and the juvenile does not meet the  
17 requirements of paragraph 2 of this subsection:

18           (a) If the juvenile court retains jurisdiction, the juvenile court  
19 shall take appropriate action to enforce, modify or revoke its order  
20 granting probation.

21           (b) If the department of juvenile corrections retains jurisdiction,  
22 the department shall act to enforce, modify or revoke its order granting  
23 conditional liberty.

24           2. Attend an on-the-job training program or secure and maintain  
25 employment. If the juvenile fails to attend the program or maintain  
26 employment and does not meet the requirements of paragraph 1 of this  
27 subsection:

28           (a) If the juvenile court retains jurisdiction, the juvenile court  
29 shall take appropriate action to enforce, modify or revoke its order  
30 granting probation.

31           (b) If the department of juvenile corrections retains jurisdiction,  
32 the department shall act to enforce, modify or revoke its order granting  
33 conditional liberty.

34           B. Subsection A of this section does not apply to juveniles who  
35 pass the general educational development test or earn a high school  
36 diploma. Subsection A, paragraph 2 of this section does not apply to a  
37 juvenile required to attend school under section 15-802.

38           C. If the juvenile chooses to meet the requirements of subsection A  
39 of this section by attending a public school:

40           1. If the juvenile had previously been expelled from school, prior  
41 to readmission of that juvenile to the school, school officials shall meet  
42 with the appropriate juvenile court probation officer or department of  
43 juvenile corrections case manager and assist in developing conditions of  
44 probation or conditional liberty that will provide specific guidelines for  
45 behavior and consequences for misbehavior at school as well as educational

1 objectives that must be achieved. If the juvenile is under the  
2 jurisdiction of the juvenile court, the court shall review the conditions  
3 of probation for the juvenile and may continue the expulsion or return the  
4 child to school under the agreed conditions. If the juvenile is under the  
5 jurisdiction of the department of juvenile corrections, the department  
6 shall review the terms of conditional liberty for the juvenile and may  
7 continue the expulsion or return the child to school under the agreed  
8 conditions. The governing board may expel the juvenile for subsequent  
9 actions as provided in title 15, chapter 8, article 3.

10 2. The juvenile shall ~~upon~~ ON release be screened by the school to  
11 which the juvenile is admitted for possible disabilities as provided in  
12 section 15-761, paragraph 2 and, if the screening so indicates, be  
13 referred for evaluation for possible placement in a special education  
14 program.

15 D. The school district of residence and the juvenile court or the  
16 department of juvenile corrections may establish education, counseling or  
17 other programs in order to improve the behavior and educational  
18 performance of juveniles covered by this section.

19 E. FOR THE PURPOSES OF THIS SECTION, "CHILD" OR "JUVENILE" INCLUDES  
20 A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS  
21 RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202,  
22 SUBSECTION H, UNDER NINETEEN YEARS OF AGE.

23 Sec. 12. Section 41-1750, Arizona Revised Statutes, is amended to  
24 read:

25 41-1750. Central state repository; department of public  
26 safety; duties; funds; accounts; definitions

27 A. The department is responsible for the effective operation of the  
28 central state repository in order to collect, store and disseminate  
29 complete and accurate Arizona criminal history records and related  
30 criminal justice information. The department shall:

31 1. Procure from all criminal justice agencies in this state  
32 accurate and complete personal identification data, fingerprints, charges,  
33 process control numbers and dispositions and such other information as may  
34 be pertinent to all persons who have been charged with, arrested for,  
35 convicted of or summoned to court as a criminal defendant for a felony  
36 offense or an offense involving domestic violence as defined in section  
37 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

38 2. Collect information concerning the number and nature of offenses  
39 known to have been committed in this state and of the legal steps taken in  
40 connection with these offenses, such other information that is useful in  
41 the study of crime and in the administration of criminal justice and all  
42 other information deemed necessary to operate the statewide uniform crime  
43 reporting program and to cooperate with the federal government uniform  
44 crime reporting program.



1           3. Collect information concerning criminal offenses that manifest  
2 evidence of prejudice based on race, color, religion, national origin,  
3 sexual orientation, gender or disability.

4           4. Cooperate with the central state repositories in other states  
5 and with the appropriate agency of the federal government in the exchange  
6 of information pertinent to violators of the law.

7           5. Ensure the rapid exchange of information concerning the  
8 commission of crime and the detection of violators of the law among the  
9 criminal justice agencies of other states and of the federal government.

10          6. Furnish assistance to peace officers throughout this state in  
11 crime scene investigation for the detection of latent fingerprints and in  
12 the comparison of latent fingerprints.

13          7. Conduct periodic operational audits of the central state  
14 repository and of a representative sample of other agencies that  
15 contribute records to or receive criminal justice information from the  
16 central state repository or through the Arizona criminal justice  
17 information system.

18          8. Establish and enforce the necessary physical and system  
19 safeguards to ensure that the criminal justice information maintained and  
20 disseminated by the central state repository or through the Arizona  
21 criminal justice information system is appropriately protected from  
22 unauthorized inquiry, modification, destruction or dissemination as  
23 required by this section.

24          9. Aid and encourage coordination and cooperation among criminal  
25 justice agencies through the statewide and interstate exchange of criminal  
26 justice information.

27          10. Provide training and proficiency testing on the use of criminal  
28 justice information to agencies receiving information from the central  
29 state repository or through the Arizona criminal justice information  
30 system.

31          11. Operate and maintain the Arizona automated fingerprint  
32 identification system established by section 41-2411.

33          12. Provide criminal history record information to the  
34 fingerprinting division for the purpose of screening applicants for  
35 fingerprint clearance cards.

36          B. The director may establish guidelines for the submission and  
37 retention of criminal justice information as deemed useful for the study  
38 or prevention of crime and for the administration of criminal justice.

39          C. The chief officers of criminal justice agencies of this state or  
40 its political subdivisions shall provide to the central state repository  
41 fingerprints and information concerning personal identification data,  
42 descriptions, crimes for which persons are arrested, process control  
43 numbers and dispositions and such other information as may be pertinent to  
44 all persons who have been charged with, arrested for, convicted of or  
45 summoned to court as criminal defendants for felony offenses or offenses

1 involving domestic violence as defined in section 13-3601 or violations of  
2 title 13, chapter 14 or title 28, chapter 4 that have occurred in this  
3 state.

4 D. The chief officers of law enforcement agencies of this state or  
5 its political subdivisions shall provide to the department such  
6 information as necessary to operate the statewide uniform crime reporting  
7 program and to cooperate with the federal government uniform crime  
8 reporting program.

9 E. The chief officers of criminal justice agencies of this state or  
10 its political subdivisions shall comply with the training and proficiency  
11 testing guidelines as required by the department to comply with the  
12 federal national crime information center mandates.

13 F. The chief officers of criminal justice agencies of this state or  
14 its political subdivisions also shall provide to the department  
15 information concerning crimes that manifest evidence of prejudice based on  
16 race, color, religion, national origin, sexual orientation, gender or  
17 disability.

18 G. The director shall authorize the exchange of criminal justice  
19 information between the central state repository, or through the Arizona  
20 criminal justice information system, whether directly or through any  
21 intermediary, only as follows:

22 1. With criminal justice agencies of the federal government, Indian  
23 tribes, this state or its political subdivisions and other states, on  
24 request by the chief officers of such agencies or their designated  
25 representatives, specifically for the purposes of the administration of  
26 criminal justice and for evaluating the fitness of current and prospective  
27 criminal justice employees.

28 2. With any noncriminal justice agency pursuant to a statute,  
29 ordinance or executive order that specifically authorizes the noncriminal  
30 justice agency to receive criminal history record information for the  
31 purpose of evaluating the fitness of current or prospective licensees,  
32 employees, contract employees or volunteers, on submission of the  
33 subject's fingerprints and the prescribed fee. Each statute, ordinance,  
34 or executive order that authorizes noncriminal justice agencies to receive  
35 criminal history record information for these purposes shall identify the  
36 specific categories of licensees, employees, contract employees or  
37 volunteers, and shall require that fingerprints of the specified  
38 individuals be submitted in conjunction with such requests for criminal  
39 history record information.

40 3. With the board of fingerprinting for the purpose of conducting  
41 good cause exceptions pursuant to section 41-619.55 and central registry  
42 exceptions pursuant to section 41-619.57.

43 4. With any individual for any lawful purpose on submission of the  
44 subject of record's fingerprints and the prescribed fee.

1           5. With the governor, if the governor elects to become actively  
2 involved in the investigation of criminal activity or the administration  
3 of criminal justice in accordance with the governor's constitutional duty  
4 to ensure that the laws are faithfully executed or as needed to carry out  
5 the other responsibilities of the governor's office.

6           6. With regional computer centers that maintain authorized  
7 computer-to-computer interfaces with the department, that are criminal  
8 justice agencies or under the management control of a criminal justice  
9 agency and that are established by a statute, ordinance or executive order  
10 to provide automated data processing services to criminal justice agencies  
11 specifically for the purposes of the administration of criminal justice or  
12 evaluating the fitness of regional computer center employees who have  
13 access to the Arizona criminal justice information system and the national  
14 crime information center system.

15           7. With an individual who asserts a belief that criminal history  
16 record information relating to the individual is maintained by an agency  
17 or in an information system in this state that is subject to this section.  
18 On submission of fingerprints, the individual may review this information  
19 for the purpose of determining its accuracy and completeness by making  
20 application to the agency operating the system. Rules adopted under this  
21 section shall include provisions for administrative review and necessary  
22 correction of any inaccurate or incomplete information. The review and  
23 challenge process authorized by this paragraph is limited to criminal  
24 history record information.

25           8. With individuals and agencies pursuant to a specific agreement  
26 with a criminal justice agency to provide services required for the  
27 administration of criminal justice pursuant to that agreement if the  
28 agreement specifically authorizes access to data, limits the use of data  
29 to purposes for which given and ensures the security and confidentiality  
30 of the data consistent with this section.

31           9. With individuals and agencies for the express purpose of  
32 research, evaluative or statistical activities pursuant to an agreement  
33 with a criminal justice agency if the agreement specifically authorizes  
34 access to data, limits the use of data to research, evaluative or  
35 statistical purposes and ensures the confidentiality and security of the  
36 data consistent with this section.

37           10. With the auditor general for audit purposes.

38           11. With central state repositories of other states for noncriminal  
39 justice purposes for dissemination in accordance with the laws of those  
40 states.

41           12. On submission of the fingerprint card, with the department of  
42 child safety and a tribal social services agency to provide criminal  
43 history record information on prospective adoptive parents for the purpose  
44 of conducting the preadoption certification investigation under title 8,  
45 chapter 1, article 1 if the department of economic security is conducting

1 the investigation, or with an agency or a person appointed by the court,  
2 if the agency or person is conducting the investigation. Information  
3 received under this paragraph shall only be used for the purposes of the  
4 preadoption certification investigation.

5 13. With the department of child safety, a tribal social services  
6 agency and the superior court for the purpose of evaluating the fitness of  
7 custodians or prospective custodians of juveniles, including parents,  
8 relatives and prospective guardians. Information received under this  
9 paragraph shall only be used for the purposes of that evaluation. The  
10 information shall be provided on submission of either:

11 (a) The fingerprint card.

12 (b) The name, date of birth and social security number of the  
13 person.

14 14. On submission of a fingerprint card, provide criminal history  
15 record information to the superior court for the purpose of evaluating the  
16 fitness of investigators appointed under section 14-5303 or 14-5407,  
17 guardians appointed under section 14-5206 or 14-5304 or conservators  
18 appointed under section 14-5401.

19 15. With the supreme court to provide criminal history record  
20 information on prospective fiduciaries pursuant to section 14-5651.

21 16. With the department of juvenile corrections to provide criminal  
22 history record information pursuant to section 41-2814.

23 17. On submission of the fingerprint card, provide criminal history  
24 record information to the Arizona peace officer standards and training  
25 board or a board certified law enforcement academy to evaluate the fitness  
26 of prospective cadets.

27 18. With the internet sex offender website database established  
28 pursuant to section 13-3827.

29 19. With licensees of the United States nuclear regulatory  
30 commission for the purpose of determining whether an individual should be  
31 granted unescorted access to the protected area of a commercial nuclear  
32 generating station on submission of the subject of record's fingerprints  
33 and the prescribed fee.

34 20. With the department of education for the purpose of evaluating  
35 the fitness of a certificated teacher or administrator or an applicant for  
36 a teaching or an administrative certificate provided that the department  
37 of education or its employees or agents have reasonable suspicion that the  
38 certificated person engaged in conduct that would be a criminal violation  
39 of the laws of this state or was involved in immoral or unprofessional  
40 conduct or that the applicant engaged in conduct that would warrant  
41 disciplinary action if the applicant were certificated at the time of the  
42 alleged conduct. The information shall be provided on the submission of  
43 either:

44 (a) The fingerprint card.

1 (b) The name, date of birth and social security number of the  
2 person.

3 21. With each school district and charter school in this state.  
4 The state board of education and the state board for charter schools shall  
5 provide the department of public safety with a current list of e-mail  
6 addresses for each school district and charter school in this state and  
7 shall periodically provide the department of public safety with updated  
8 e-mail addresses. If the department of public safety is notified that a  
9 person who is required to have a fingerprint clearance card to be employed  
10 by or to engage in volunteer activities at a school district or charter  
11 school has been arrested for or convicted of an offense listed in section  
12 41-1758.03, subsection B or has been arrested for or convicted of an  
13 offense that amounts to unprofessional conduct under section 15-550, the  
14 department of public safety shall notify each school district and charter  
15 school in this state that the person's fingerprint clearance card has been  
16 suspended or revoked.

17 22. With a tribal social services agency and the department of  
18 child safety as provided by law, which currently is the Adam Walsh child  
19 protection and safety act of 2006 (42 United States Code section 16961),  
20 for the purposes of investigating or responding to reports of child abuse,  
21 neglect or exploitation. Information received pursuant to this paragraph  
22 from the national crime information center, the interstate identification  
23 index and the Arizona criminal justice information system network shall  
24 only be used for the purposes of investigating or responding as prescribed  
25 in this paragraph. The information shall be provided on submission to the  
26 department of public safety of either:

27 (a) The fingerprints of the person being investigated.

28 (b) The name, date of birth and social security number of the  
29 person.

30 23. With a nonprofit organization that interacts with children or  
31 vulnerable adults for the lawful purpose of evaluating the fitness of all  
32 current and prospective employees, contractors and volunteers of the  
33 organization. The criminal history record information shall be provided  
34 on submission of the applicant fingerprint card and the prescribed fee.

35 24. With the superior court for the purpose of determining an  
36 individual's eligibility for substance abuse and treatment courts in a  
37 family or juvenile case.

38 25. With the governor to provide criminal history record  
39 information on prospective gubernatorial nominees, appointees and  
40 employees as provided by law.

41 H. The director shall adopt rules necessary to execute this  
42 section.

43 I. The director, in the manner prescribed by law, shall remove and  
44 destroy records that the director determines are no longer of value in the  
45 detection or prevention of crime.

1 J. The director shall establish a fee in an amount necessary to  
2 cover the cost of federal noncriminal justice fingerprint processing for  
3 criminal history record information checks that are authorized by law for  
4 noncriminal justice employment, licensing or other lawful purposes. An  
5 additional fee may be charged by the department for state noncriminal  
6 justice fingerprint processing. Fees submitted to the department for  
7 state noncriminal justice fingerprint processing are not refundable.

8 K. The director shall establish a fee in an amount necessary to  
9 cover the cost of processing copies of department reports, eight by ten  
10 inch black and white photographs or eight by ten inch color photographs of  
11 traffic accident scenes.

12 L. Except as provided in subsection 0 of this section, each agency  
13 authorized by this section may charge a fee, in addition to any other fees  
14 prescribed by law, in an amount necessary to cover the cost of state and  
15 federal noncriminal justice fingerprint processing for criminal history  
16 record information checks that are authorized by law for noncriminal  
17 justice employment, licensing or other lawful purposes.

18 M. A fingerprint account within the records processing fund is  
19 established for the purpose of separately accounting for the collection  
20 and payment of fees for noncriminal justice fingerprint processing by the  
21 department. Monies collected for this purpose shall be credited to the  
22 account, and payments by the department to the United States for federal  
23 noncriminal justice fingerprint processing shall be charged against the  
24 account. Monies in the account not required for payment to the United  
25 States shall be used by the department in support of the department's  
26 noncriminal justice fingerprint processing duties. At the end of each  
27 fiscal year, any balance in the account not required for payment to the  
28 United States or to support the department's noncriminal justice  
29 fingerprint processing duties reverts to the state general fund.

30 N. A records processing fund is established for the purpose of  
31 separately accounting for the collection and payment of fees for  
32 department reports and photographs of traffic accident scenes processed by  
33 the department. Monies collected for this purpose shall be credited to  
34 the fund and shall be used by the department in support of functions  
35 related to providing copies of department reports and photographs. At the  
36 end of each fiscal year, any balance in the fund not required for support  
37 of the functions related to providing copies of department reports and  
38 photographs reverts to the state general fund.

39 O. The department of child safety may pay from appropriated monies  
40 the cost of federal fingerprint processing or federal criminal history  
41 record information checks that are authorized by law for employees and  
42 volunteers of the department, guardians pursuant to section 8-453,  
43 subsection A, paragraph 6, the licensing of foster parents or the  
44 certification of adoptive parents.

45 P. The director shall adopt rules that provide for:

1           1. The collection and disposition of fees pursuant to this section.

2           2. The refusal of service to those agencies that are delinquent in  
3 paying these fees.

4           Q. The director shall ensure that the following limitations are  
5 observed regarding dissemination of criminal justice information obtained  
6 from the central state repository or through the Arizona criminal justice  
7 information system:

8           1. Any criminal justice agency that obtains criminal justice  
9 information from the central state repository or through the Arizona  
10 criminal justice information system assumes responsibility for the  
11 security of the information and shall not secondarily disseminate this  
12 information to any individual or agency not authorized to receive this  
13 information directly from the central state repository or originating  
14 agency.

15           2. Dissemination to an authorized agency or individual may be  
16 accomplished by a criminal justice agency only if the dissemination is for  
17 criminal justice purposes in connection with the prescribed duties of the  
18 agency and not in violation of this section.

19           3. Criminal history record information disseminated to noncriminal  
20 justice agencies or to individuals shall be used only for the purposes for  
21 which it was given. Secondary dissemination is prohibited unless  
22 otherwise authorized by law.

23           4. The existence or nonexistence of criminal history record  
24 information shall not be confirmed to any individual or agency not  
25 authorized to receive the information itself.

26           5. Criminal history record information to be released for  
27 noncriminal justice purposes to agencies of other states shall only be  
28 released to the central state repositories of those states for  
29 dissemination in accordance with the laws of those states.

30           6. Criminal history record information shall be released to  
31 noncriminal justice agencies of the federal government pursuant to the  
32 terms of the federal security clearance information act (P.L. 99-169).

33           R. This section and the rules adopted under this section apply to  
34 all agencies and individuals collecting, storing or disseminating criminal  
35 justice information processed by manual or automated operations if the  
36 collection, storage or dissemination is funded in whole or in part with  
37 monies made available by the law enforcement assistance administration  
38 after July 1, 1973, pursuant to title I of the crime control act of 1973,  
39 and to all agencies that interact with or receive criminal justice  
40 information from or through the central state repository and through the  
41 Arizona criminal justice information system.

42           S. This section does not apply to criminal history record  
43 information contained in:

44           1. Posters, arrest warrants, announcements or lists for identifying  
45 or apprehending fugitives or wanted persons.

1           2. Original records of entry such as police blotters maintained by  
2 criminal justice agencies, compiled chronologically and required by law or  
3 long-standing custom to be made public if these records are organized on a  
4 chronological basis.

5           3. Transcripts or records of judicial proceedings if released by a  
6 court or legislative or administrative proceedings.

7           4. Announcements of executive clemency or pardon.

8           5. Computer databases, other than the Arizona criminal justice  
9 information system, that are specifically designed for community  
10 notification of an offender's presence in the community pursuant to  
11 section 13-3825 or for public informational purposes authorized by section  
12 13-3827.

13           T. Nothing in this section prevents a criminal justice agency from  
14 disclosing to the public criminal history record information that is  
15 reasonably contemporaneous to the event for which an individual is  
16 currently within the criminal justice system, including information noted  
17 on traffic accident reports concerning citations, blood alcohol tests or  
18 arrests made in connection with the traffic accident being investigated.

19           U. In order to ensure that complete and accurate criminal history  
20 record information is maintained and disseminated by the central state  
21 repository:

22           1. The booking agency shall take legible ten-print fingerprints of  
23 all persons who are arrested for offenses listed in subsection C of this  
24 section. The booking agency shall obtain a process control number and  
25 provide to the person fingerprinted a document that indicates proof of the  
26 fingerprinting and that informs the person that the document must be  
27 presented to the court.

28           2. Except as provided in paragraph 3 of this subsection, if a  
29 person is summoned to court as a result of an indictment or complaint for  
30 an offense listed in subsection C of this section, the court shall order  
31 the person to appear before the county sheriff and provide legible  
32 ten-print fingerprints. The county sheriff shall obtain a process control  
33 number and provide a document to the person fingerprinted that indicates  
34 proof of the fingerprinting and that informs the person that the document  
35 must be presented to the court. For the purposes of this paragraph,  
36 "summoned" includes a written promise to appear by the defendant on a  
37 uniform traffic ticket and complaint.

38           3. If a person is arrested for a misdemeanor offense listed in  
39 subsection C of this section by a city or town law enforcement agency, the  
40 person shall appear before the law enforcement agency that arrested the  
41 defendant and provide legible ten-print fingerprints. The law enforcement  
42 agency shall obtain a process control number and provide a document to the  
43 person fingerprinted that indicates proof of the fingerprinting and that  
44 informs the person that the document must be presented to the court.



1           4. The mandatory fingerprint compliance form shall contain the  
2 following information:

3           (a) Whether ten-print fingerprints have been obtained from the  
4 person.

5           (b) Whether a process control number was obtained.

6           (c) The offense or offenses for which the process control number  
7 was obtained.

8           (d) Any report number of the arresting authority.

9           (e) Instructions on reporting for ten-print fingerprinting,  
10 including available times and locations for reporting for ten-print  
11 fingerprinting.

12           (f) Instructions that direct the person to provide the form to the  
13 court at the person's next court appearance.

14           5. Within ten days after a person is fingerprinted, the arresting  
15 authority or agency that took the fingerprints shall forward the  
16 fingerprints to the department in the manner or form required by the  
17 department.

18           6. On the issuance of a summons for a defendant who is charged with  
19 an offense listed in subsection C of this section, the summons shall  
20 direct the defendant to provide ten-print fingerprints to the appropriate  
21 law enforcement agency.

22           7. At the initial appearance or on the arraignment of a summoned  
23 defendant who is charged with an offense listed in subsection C of this  
24 section, if the person does not present a completed mandatory fingerprint  
25 compliance form to the court or if the court has not received the process  
26 control number, the court shall order that within twenty calendar days the  
27 defendant be ten-print fingerprinted at a designated time and place by the  
28 appropriate law enforcement agency.

29           8. If the defendant fails to present a completed mandatory  
30 fingerprint compliance form or if the court has not received the process  
31 control number, the court, on its own motion, may remand the defendant  
32 into custody for ten-print fingerprinting. If otherwise eligible for  
33 release, the defendant shall be released from custody after being  
34 ten-print fingerprinted.

35           9. In every criminal case in which the defendant is incarcerated or  
36 fingerprinted as a result of the charge, an originating law enforcement  
37 agency or prosecutor, within forty days of the disposition, shall advise  
38 the central state repository of all dispositions concerning the  
39 termination of criminal proceedings against an individual arrested for an  
40 offense specified in subsection C of this section. This information shall  
41 be submitted on a form or in a manner required by the department.

42           10. Dispositions resulting from formal proceedings in a court  
43 having jurisdiction in a criminal action against an individual who is  
44 arrested for an offense specified in subsection C of this section or  
45 section 8-341, subsection ~~V~~ W, paragraph 3 shall be reported to the

1 central state repository within forty days of the date of the  
2 disposition. This information shall be submitted on a form or in a manner  
3 specified by rules approved by the supreme court.

4 11. The state department of corrections or the department of  
5 juvenile corrections, within forty days, shall advise the central state  
6 repository that it has assumed supervision of a person convicted of an  
7 offense specified in subsection C of this section or section 8-341,  
8 subsection ~~V~~ W, paragraph 3. The state department of corrections or the  
9 department of juvenile corrections shall also report dispositions that  
10 occur thereafter to the central state repository within forty days of the  
11 date of the dispositions. This information shall be submitted on a form  
12 or in a manner required by the department of public safety.

13 12. Each criminal justice agency shall query the central state  
14 repository before dissemination of any criminal history record information  
15 to ensure the completeness of the information. Inquiries shall be made  
16 before any dissemination except in those cases in which time is of the  
17 essence and the repository is technically incapable of responding within  
18 the necessary time period. If time is of the essence, the inquiry shall  
19 still be made and the response shall be provided as soon as possible.

20 V. The director shall adopt rules specifying that any agency that  
21 collects, stores or disseminates criminal justice information that is  
22 subject to this section shall establish effective security measures to  
23 protect the information from unauthorized access, disclosure, modification  
24 or dissemination. The rules shall include reasonable safeguards to  
25 protect the affected information systems from fire, flood, wind, theft,  
26 sabotage or other natural or man-made hazards or disasters.

27 W. The department shall make available to agencies that contribute  
28 to, or receive criminal justice information from, the central state  
29 repository or through the Arizona criminal justice information system a  
30 continuing training program in the proper methods for collecting, storing  
31 and disseminating information in compliance with this section.

32 X. Nothing in this section creates a cause of action or a right to  
33 bring an action including an action based on discrimination due to sexual  
34 orientation.

35 Y. For the purposes of this section:

36 1. "Administration of criminal justice" means performance of the  
37 detection, apprehension, detention, pretrial release, posttrial release,  
38 prosecution, adjudication, correctional supervision or rehabilitation of  
39 criminal offenders. Administration of criminal justice includes  
40 enforcement of criminal traffic offenses and civil traffic violations,  
41 including parking violations, when performed by a criminal justice agency.  
42 Administration of criminal justice also includes criminal identification  
43 activities and the collection, storage and dissemination of criminal  
44 history record information.

1           2. "Administrative records" means records that contain adequate and  
2 proper documentation of the organization, functions, policies, decisions,  
3 procedures and essential transactions of the agency and that are designed  
4 to furnish information to protect the rights of this state and of persons  
5 directly affected by the agency's activities.

6           3. "Arizona criminal justice information system" or "system" means  
7 the statewide information system managed by the director for the  
8 collection, processing, preservation, dissemination and exchange of  
9 criminal justice information and includes the electronic equipment,  
10 facilities, procedures and agreements necessary to exchange this  
11 information.

12           4. "Booking agency" means the county sheriff or, if a person is  
13 booked into a municipal jail, the municipal law enforcement agency.

14           5. "Central state repository" means the central location within the  
15 department for the collection, storage and dissemination of Arizona  
16 criminal history records and related criminal justice information.

17           6. "Criminal history record information" and "criminal history  
18 record" means information that is collected by criminal justice agencies  
19 on individuals and that consists of identifiable descriptions and  
20 notations of arrests, detentions, indictments and other formal criminal  
21 charges, and any disposition arising from those actions, sentencing,  
22 formal correctional supervisory action and release. Criminal history  
23 record information and criminal history record do not include  
24 identification information to the extent that the information does not  
25 indicate involvement of the individual in the criminal justice system or  
26 information relating to juveniles unless they have been adjudicated as  
27 adults.

28           7. "Criminal justice agency" means either:

29           (a) A court at any governmental level with criminal or equivalent  
30 jurisdiction, including courts of any foreign sovereignty duly recognized  
31 by the federal government.

32           (b) A government agency or subunit of a government agency that is  
33 specifically authorized to perform as its principal function the  
34 administration of criminal justice pursuant to a statute, ordinance or  
35 executive order and that allocates more than fifty percent of its annual  
36 budget to the administration of criminal justice. This subdivision  
37 includes agencies of any foreign sovereignty duly recognized by the  
38 federal government.

39           8. "Criminal justice information" means information that is  
40 collected by criminal justice agencies and that is needed for the  
41 performance of their legally authorized and required functions, such as  
42 criminal history record information, citation information, stolen property  
43 information, traffic accident reports, wanted persons information and  
44 system network log searches. Criminal justice information does not  
45 include the administrative records of a criminal justice agency.

1           9. "Disposition" means information disclosing that a decision has  
2 been made not to bring criminal charges or that criminal proceedings have  
3 been concluded or information relating to sentencing, correctional  
4 supervision, release from correctional supervision, the outcome of an  
5 appellate review of criminal proceedings or executive clemency.

6           10. "Dissemination" means the written, oral or electronic  
7 communication or transfer of criminal justice information to individuals  
8 and agencies other than the criminal justice agency that maintains the  
9 information. Dissemination includes the act of confirming the existence  
10 or nonexistence of criminal justice information.

11           11. "Management control":

12           (a) Means the authority to set and enforce:

13           (i) Priorities regarding development and operation of criminal  
14 justice information systems and programs.

15           (ii) Standards for the selection, supervision and termination of  
16 personnel involved in the development of criminal justice information  
17 systems and programs and in the collection, maintenance, analysis and  
18 dissemination of criminal justice information.

19           (iii) Policies governing the operation of computers, circuits and  
20 telecommunications terminals used to process criminal justice information  
21 to the extent that the equipment is used to process, store or transmit  
22 criminal justice information.

23           (b) Includes the supervision of equipment, systems design,  
24 programming and operating procedures necessary for the development and  
25 implementation of automated criminal justice information systems.

26           12. "Process control number" means the Arizona automated  
27 fingerprint identification system number that attaches to each arrest  
28 event at the time of fingerprinting and that is assigned to the arrest  
29 fingerprint card, disposition form and other pertinent documents.

30           13. "Secondary dissemination" means the dissemination of criminal  
31 justice information from an individual or agency that originally obtained  
32 the information from the central state repository or through the Arizona  
33 criminal justice information system to another individual or agency.

34           14. "Sexual orientation" means consensual homosexuality or  
35 heterosexuality.

36           15. "Subject of record" means the person who is the primary subject  
37 of a criminal justice record.

38           Sec. 13. Section 41-2801, Arizona Revised Statutes, is amended to  
39 read:

40           41-2801. Definitions

41           In this chapter, unless the context otherwise requires:

42           1. "Committed youth" or "youth" means a person ~~who is fourteen~~  
43 ~~years of age or older but who has not yet attained the age of eighteen~~  
44 ~~years and~~ who has been committed according to law to the department of

1 juvenile corrections for supervision, rehabilitation, treatment and  
2 education AND WHO IS EITHER:

3 (a) AT LEAST FOURTEEN YEARS OF AGE AND UNDER EIGHTEEN YEARS OF AGE.

4 (b) SUBJECT TO RETAINED JURISDICTION PURSUANT TO SECTION 8-202,  
5 SUBSECTION H.

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

7 3. "Director" means the director of the department of juvenile  
8 corrections.

9 4. "Educational system" means the state educational system for  
10 committed youth.

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

14 Sec. 14. Section 41-2804.01, Arizona Revised Statutes, is amended  
15 to read:

16 41-2804.01. Religious services advisory committee;  
17 appointment; duties; religious programs

18 A. The director shall establish a religious services advisory  
19 committee to consist of nine members, no fewer than six of whom shall be  
20 representatives of the religious community. ~~---~~

21 ~~1-~~ B. The director shall appoint the committee members, who shall  
22 serve at the director's pleasure. ~~---~~

23 ~~(a)~~ The chaplains employed by the department and the members of the  
24 religious services advisory committee shall make recommendations regarding  
25 appointments to the committee.

26 ~~(b)~~ Committee members shall not receive compensation.

27 ~~2-~~ C. The religious services advisory committee shall meet at  
28 least quarterly and shall submit quarterly progress reports and  
29 recommendations to the director.

30 ~~3-~~ D. The religious services advisory committee shall advise the  
31 director regarding the provision of religious programs to all youth in  
32 secure care facilities who desire the services.

33 ~~4-~~ E. The department shall make available religious programs that  
34 accommodate the religious faiths held by youth in secure care facilities  
35 ~~5-~~ AS long as the programs would not interfere with the safety or security  
36 of the facility, staff or youth. ~~---~~

37 ~~6-~~ F. Participation in religious programs shall be available to  
38 all ~~juveniles~~ YOUTH in secure care facilities. ~~---~~

39 ~~(a)~~ Participation in religious programs by committed ~~juveniles~~  
40 YOUTH shall be strictly voluntary.

41 ~~(b)~~ No ~~juvenile~~ YOUTH shall be coerced to participate in religious  
42 programs nor shall any effort be made to coerce any youth to adopt or  
43 change any religious affiliation or beliefs.



1           Sec. 16. Section 41-2820, Arizona Revised Statutes, is amended to  
2 read:

3           41-2820. Discharge

4           A. Each youth shall be discharged from the jurisdiction of the  
5 department on attaining eighteen years of age, EXCEPT THAT IF THE JUVENILE  
6 COURT RETAINED JURISDICTION OVER THE YOUTH PURSUANT TO SECTION 8-202,  
7 SUBSECTION H, THE YOUTH SHALL BE DISCHARGED FROM THE JURISDICTION OF THE  
8 DEPARTMENT ON OR BEFORE ATTAINING NINETEEN YEARS OF AGE.

9           B. If the department determines that the youth's treatment,  
10 rehabilitation and education pursuant to the individual treatment plan  
11 have been successfully completed and that there is a reasonable  
12 probability that the youth will observe the law and will not be a threat  
13 to the public's safety if at liberty, the youth may be granted a  
14 discharge. On the discharge of a youth pursuant to this subsection, the  
15 department shall promptly notify the committing court, the county attorney  
16 in the county in which the youth was committed and the victim or the  
17 victim's representative of the discharge.

18           C. Except as provided in subsection D of this section, a youth  
19 shall be discharged from the jurisdiction of the department of juvenile  
20 corrections if the youth is convicted of a felony offense.

21           D. A youth who is convicted of a felony offense and who committed  
22 the offense while residing in a secure care facility operated by the  
23 department of juvenile corrections either:

24           1. Shall be discharged from the department of juvenile corrections  
25 if the youth is sentenced to the state department of corrections.

26           2. May be discharged from the department of juvenile corrections if  
27 the youth is placed on adult probation and all the following apply:

28           (a) The youth has completed the minimum length of stay in secure  
29 care, if any, that was assigned by the committing juvenile court pursuant  
30 to section 8-341.

31           (b) The youth would have been eligible to be placed on conditional  
32 liberty pursuant to section 41-2818.

33           (c) The youth is subject to the jurisdiction of an adult probation  
34 department.

35           E. A youth may be discharged from the jurisdiction of the  
36 department if the youth is placed by civil commitment under the  
37 jurisdiction of another agency.

38           F. A youth shall be conditionally discharged from the jurisdiction  
39 of the department if all of the following requirements are satisfied:

40           1. The youth has completed the minimum length of stay in a secure  
41 care facility, if any, that was assigned by the committing juvenile court  
42 pursuant to section 8-341.

43           2. The United States immigration and customs enforcement enforces a  
44 detainer by taking custody of the youth for immigration proceedings.

1           3. The youth ~~must sign~~ SIGNS a condition that the youth's discharge  
2 will be vacated if the youth returns to the United States without legal  
3 authorization.

4           G. If the department receives actual notice that a youth who  
5 received a discharge pursuant to this section has returned to the United  
6 States without legal authorization prior to the youth's attaining eighteen  
7 years of age, the department shall:

- 8           1. Vacate the discharge.
- 9           2. Place the youth on conditional liberty status.
- 10          3. Issue a warrant for the apprehension of the youth.
- 11          4. Notify the United States immigration and customs enforcement.
- 12          5. Take the youth into custody.

13          H. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A YOUTH WHO IS AT  
14 LEAST EIGHTEEN YEARS OF AGE SHALL BE DISCHARGED FROM THE JURISDICTION OF  
15 THE DEPARTMENT IF THE JURISDICTION OVER THE YOUTH HAS BEEN RETAINED  
16 PURSUANT TO SECTION 8-202, SUBSECTION H AND THE YOUTH IS CHARGED WITH A  
17 CRIMINAL OFFENSE.

APPROVED BY THE GOVERNOR MAY 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018.