

REFERENCE TITLE: juvenile court jurisdiction; classification; age

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# **SB 1185**

Introduced by  
Senators Quezada: Alston, Gonzales, Mendez

AN ACT

AMENDING SECTIONS 8-201, 8-202, 8-208, 8-246, 8-272, 8-273, 8-291, 8-291.09, 8-302, 8-323, 8-341, 8-341.01, 8-342, 8-344, 8-348, 8-349, 8-371, 13-501, 13-921, 41-2801 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 8-201, Arizona Revised Statutes, is amended to  
3 read:

4 8-201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Abandoned" means the failure of the parent to provide  
7 reasonable support and to maintain regular contact with the child,  
8 including providing normal supervision. Abandoned includes a judicial  
9 finding that a parent has made only minimal efforts to support and  
10 communicate with the child. Failure to maintain a normal parental  
11 relationship with the child without just cause for a period of six months  
12 constitutes prima facie evidence of abandonment.

13 2. "Abuse" means the infliction or allowing of physical injury,  
14 impairment of bodily function or disfigurement or the infliction of or  
15 allowing another person to cause serious emotional damage as evidenced by  
16 severe anxiety, depression, withdrawal or untoward aggressive behavior and  
17 which emotional damage is diagnosed by a medical doctor or psychologist  
18 and is caused by the acts or omissions of an individual who has the care,  
19 custody and control of a child. Abuse includes:

20 (a) Inflicting or allowing sexual abuse pursuant to section  
21 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual  
22 assault pursuant to section 13-1406, molestation of a child pursuant to  
23 section 13-1410, commercial sexual exploitation of a minor pursuant to  
24 section 13-3552, sexual exploitation of a minor pursuant to section  
25 13-3553, incest pursuant to section 13-3608 or child sex trafficking  
26 pursuant to section 13-3212.

27 (b) Physical injury that results from permitting a child to enter  
28 or remain in any structure or vehicle in which volatile, toxic or  
29 flammable chemicals are found or equipment is possessed by any person for  
30 the purpose of manufacturing a dangerous drug as defined in section  
31 13-3401.

32 (c) Unreasonable confinement of a child.

33 3. "Adult" means a person who is eighteen years of age or older OR  
34 TWENTY-ONE YEARS OF AGE OR OLDER IF THE PERSON IS ACCUSED OF OR  
35 ADJUDICATED DELINQUENT FOR A MISDEMEANOR OFFENSE.

36 4. "Adult court" means the appropriate justice court, municipal  
37 court or criminal division of the superior court that has jurisdiction to  
38 hear proceedings concerning offenses committed by juveniles as provided in  
39 sections 8-327 and 13-501.

40 5. "Award" or "commit" means to assign legal custody.

41 6. "Child", "youth" or "juvenile" means an individual who is under  
42 ~~the age of~~ eighteen years OF AGE OR TWENTY-ONE YEARS OF AGE IF THE  
43 INDIVIDUAL IS ACCUSED OF OR ADJUDICATED DELINQUENT FOR A MISDEMEANOR  
44 OFFENSE.

1           7. "Complaint" means a written statement of the essential facts  
2 constituting a public offense that is any of the following:

3           (a) Made on an oath before a judge or commissioner of the superior  
4 court or an authorized juvenile hearing officer.

5           (b) Made pursuant to section 13-3903.

6           (c) Accompanied by an affidavit of a law enforcement officer or  
7 employee that swears on information and belief to the accuracy of the  
8 complaint pursuant to section 13-4261.

9           8. "Criminal conduct allegation" means an allegation of conduct by  
10 a parent, guardian or custodian of a child or an adult member of the  
11 victim's household that, if true, would constitute any of the following:

12           (a) A violation of section 13-3623 involving child abuse.

13           (b) A felony offense that constitutes domestic violence as defined  
14 in section 13-3601.

15           (c) A violation of section 13-1404 or 13-1406 involving a minor.

16           (d) A violation of section 13-1405, 13-1410 or 13-1417.

17           (e) Any other act of abuse that is classified as a felony.

18           (f) An offense that constitutes domestic violence as defined in  
19 section 13-3601 and that involves a minor who is a victim of or was in  
20 imminent danger during the domestic violence.

21           9. "Custodian" means a person, other than a parent or legal  
22 guardian, who stands in loco parentis to the child or a person to whom  
23 legal custody of the child has been given by order of the juvenile court.

24           10. "DCS report" means a communication received by the centralized  
25 intake hotline that alleges child abuse or neglect and that meets the  
26 criteria for a report as prescribed in section 8-455.

27           11. "Delinquency hearing" means a proceeding in the juvenile court  
28 to determine whether a juvenile has committed a specific delinquent act as  
29 set forth in a petition.

30           12. "Delinquent act" means an act by a juvenile that if committed  
31 by an adult would be a criminal offense or a petty offense, a violation of  
32 any law of this state, or of another state if the act occurred in that  
33 state, or a law of the United States, or a violation of any law that can  
34 only be violated by a minor and that has been designated as a delinquent  
35 offense, or any ordinance of a city, county or political subdivision of  
36 this state defining crime. Delinquent act does not include an offense  
37 under section 13-501, subsection A or B if the offense is filed in adult  
38 court. Any juvenile who is prosecuted as an adult or who is remanded for  
39 prosecution as an adult shall not be adjudicated as a delinquent juvenile  
40 for the same offense.

41           13. "Delinquent juvenile" means a child who is adjudicated to have  
42 committed a delinquent act.

43           14. "Department" means the department of child safety.

- 1           15. "Dependent child":  
2           (a) Means a child who is adjudicated to be:  
3           (i) In need of proper and effective parental care and control and  
4 who has no parent or guardian, or one who has no parent or guardian  
5 willing to exercise or capable of exercising such care and control.  
6           (ii) Destitute or who is not provided with the necessities of life,  
7 including adequate food, clothing, shelter or medical care.  
8           (iii) A child whose home is unfit by reason of abuse, neglect,  
9 cruelty or depravity by a parent, a guardian or any other person having  
10 custody or care of the child.  
11           (iv) Under eight years of age and who is found to have committed an  
12 act that would result in adjudication as a delinquent juvenile or  
13 incorrigible child if committed by an older juvenile or child.  
14           (v) Incompetent or not restorable to competency and who is alleged  
15 to have committed a serious offense as defined in section 13-706.  
16           (b) Does not include a child who in good faith is being furnished  
17 Christian Science treatment by a duly accredited practitioner if none of  
18 the circumstances described in subdivision (a) of this paragraph exists.  
19           16. "Detention" means the temporary confinement of a juvenile who  
20 requires secure care in a physically restricting facility that is  
21 completely surrounded by a locked and physically secure barrier with  
22 restricted ingress and egress for the protection of the juvenile or the  
23 community pending court disposition or as a condition of probation.  
24           17. "Director" means the director of the department.  
25           18. "Health professional" has the same meaning prescribed in  
26 section 32-3201.  
27           19. "Incorrigible child" means a child who:  
28           (a) Is adjudicated as a child who refuses to obey the reasonable  
29 and proper orders or directions of a parent, guardian or custodian and who  
30 is beyond the control of that person.  
31           (b) Is habitually truant from school as defined in section 15-803,  
32 subsection C.  
33           (c) Is a runaway from the child's home or parent, guardian or  
34 custodian.  
35           (d) Habitually behaves in such a manner as to injure or endanger  
36 the morals or health of self or others.  
37           (e) Commits any act constituting an offense that can only be  
38 committed by a minor and that is not designated as a delinquent act.  
39           (f) Fails to obey any lawful order of a court of competent  
40 jurisdiction given in a noncriminal action.  
41           20. "Independent living program" includes a residential program  
42 with supervision of less than twenty-four hours a day.  
43           21. "Juvenile court" means the juvenile division of the superior  
44 court when exercising its jurisdiction over children in any proceeding  
45 relating to delinquency, dependency or incorrigibility.

1           22. "Law enforcement officer" means a peace officer, sheriff,  
2 deputy sheriff, municipal police officer or constable.

3           23. "Medical director of a mental health agency" means a  
4 psychiatrist, or licensed physician experienced in psychiatric matters,  
5 who is designated in writing by the governing body of the agency as the  
6 person in charge of the medical services of the agency, or a psychiatrist  
7 designated by the governing body to act for the director. The term  
8 includes the superintendent of the state hospital.

9           24. "Mental health agency" means any private or public facility  
10 that is licensed by this state as a mental health treatment agency, a  
11 psychiatric hospital, a psychiatric unit of a general hospital or a  
12 residential treatment center for emotionally disturbed children and that  
13 uses secure settings or mechanical restraints.

14           25. "Neglect" or "neglected" means:

15           (a) The inability or unwillingness of a parent, guardian or  
16 custodian of a child to provide that child with supervision, food,  
17 clothing, shelter or medical care if that inability or unwillingness  
18 causes unreasonable risk of harm to the child's health or welfare, except  
19 if the inability of a parent, guardian or custodian to provide services to  
20 meet the needs of a child with a disability or chronic illness is solely  
21 the result of the unavailability of reasonable services.

22           (b) Permitting a child to enter or remain in any structure or  
23 vehicle in which volatile, toxic or flammable chemicals are found or  
24 equipment is possessed by any person for the purposes of manufacturing a  
25 dangerous drug as defined in section 13-3401.

26           (c) A determination by a health professional that a newborn infant  
27 was exposed prenatally to a drug or substance listed in section 13-3401  
28 and that this exposure was not the result of a medical treatment  
29 administered to the mother or the newborn infant by a health professional.  
30 This subdivision does not expand a health professional's duty to report  
31 neglect based on prenatal exposure to a drug or substance listed in  
32 section 13-3401 beyond the requirements prescribed pursuant to section  
33 13-3620, subsection E. The determination by the health professional shall  
34 be based on one or more of the following:

35           (i) Clinical indicators in the prenatal period including maternal  
36 and newborn presentation.

37           (ii) History of substance use or abuse.

38           (iii) Medical history.

39           (iv) Results of a toxicology or other laboratory test on the mother  
40 or the newborn infant.

41           (d) Diagnosis by a health professional of an infant under one year  
42 of age with clinical findings consistent with fetal alcohol syndrome or  
43 fetal alcohol effects.

1 (e) Deliberate exposure of a child by a parent, guardian or  
2 custodian to sexual conduct as defined in section 13-3551 or to sexual  
3 contact, oral sexual contact or sexual intercourse as defined in section  
4 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual  
5 materials as defined in section 13-3507.

6 (f) Any of the following acts committed by the child's parent,  
7 guardian or custodian with reckless disregard as to whether the child is  
8 physically present:

9 (i) Sexual contact as defined in section 13-1401.

10 (ii) Oral sexual contact as defined in section 13-1401.

11 (iii) Sexual intercourse as defined in section 13-1401.

12 (iv) Bestiality as prescribed in section 13-1411.

13 26. "Newborn infant" means a child who is under thirty days of age.

14 27. "Petition" means a written statement of the essential facts  
15 that allege delinquency, incorrigibility or dependency.

16 28. "Prevention" means the creation of conditions, opportunities  
17 and experiences that encourage and develop healthy, self-sufficient  
18 children and that occur before the onset of problems.

19 29. "Protective supervision" means supervision that is ordered by  
20 the juvenile court of children who are found to be dependent or  
21 incorrigible.

22 30. "Qualified young adult" means a former dependent child who is  
23 at least eighteen years of age and not over twenty-one years of age, who  
24 meets the criteria for an extended foster care program pursuant to section  
25 8-521.02 and who signs a voluntary agreement to participate in the  
26 program.

27 31. "Referral" means a report that is submitted to the juvenile  
28 court and that alleges that a child is dependent or incorrigible or that a  
29 juvenile has committed a delinquent or criminal act.

30 32. "Secure care" means confinement in a facility that is  
31 completely surrounded by a locked and physically secure barrier with  
32 restricted ingress and egress.

33 33. "Serious emotional injury" means an injury that is diagnosed by  
34 a medical doctor or a psychologist and that does any one or a combination  
35 of the following:

36 (a) Seriously impairs mental faculties.

37 (b) Causes serious anxiety, depression, withdrawal or social  
38 dysfunction behavior to the extent that the child suffers dysfunction that  
39 requires treatment.

40 (c) Is the result of sexual abuse pursuant to section 13-1404,  
41 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
42 pursuant to section 13-1406, molestation of a child pursuant to section  
43 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
44 sexual exploitation of a minor pursuant to section 13-3552, sexual

1 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
2 section 13-3608.

3 34. "Serious physical injury" means an injury that is diagnosed by  
4 a medical doctor and that does any one or a combination of the following:

5 (a) Creates a reasonable risk of death.

6 (b) Causes serious or permanent disfigurement.

7 (c) Causes significant physical pain.

8 (d) Causes serious impairment of health.

9 (e) Causes the loss or protracted impairment of an organ or limb.

10 (f) Is the result of sexual abuse pursuant to section 13-1404,  
11 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
12 pursuant to section 13-1406, molestation of a child pursuant to section  
13 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
14 sexual exploitation of a minor pursuant to section 13-3552, sexual  
15 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
16 section 13-3608.

17 35. "Shelter care" means the temporary care of a child in any  
18 public or private facility or home that is licensed by this state and that  
19 offers a physically nonsecure environment that is characterized by the  
20 absence of physically restricting construction or hardware and that  
21 provides the child access to the surrounding community.

22 36. "Young adult administrative review" means an administrative  
23 review of a voluntary extended foster care case plan with the qualified  
24 young adult, the department's case specialist or designee, an independent  
25 party who is not responsible for the case management of or the delivery of  
26 services to the qualified young adult and any other individual the young  
27 adult invites.

28 Sec. 2. Section 8-202, Arizona Revised Statutes, is amended to  
29 read:

30 8-202. Jurisdiction of juvenile court

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

33 B. The juvenile court has exclusive original jurisdiction over all  
34 proceedings brought under the authority of this title except for  
35 delinquency proceedings.

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

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

41 2. A delinquency proceeding with any other proceeding that does not  
42 involve delinquency, unless the juvenile delinquency adjudication  
43 proceeding is not heard at the same time or in the same hearing as a  
44 nondelinquency proceeding.

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

2 1. Obtain judicial consent to the marriage, employment or  
3 enlistment in the armed services of a child, if consent is required by  
4 law.

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

10 E. The juvenile court has jurisdiction over both civil traffic  
11 violations and offenses listed in section 8-323, subsection B that are  
12 committed within the county by persons who are under eighteen years of age  
13 OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR  
14 unless the presiding judge of the county declines jurisdiction of these  
15 cases. The presiding judge of the county may decline jurisdiction of  
16 civil traffic violations committed within the county by juveniles if the  
17 presiding judge finds that the declination would promote the more  
18 efficient use of limited judicial and law enforcement resources located  
19 within the county. If the presiding judge declines jurisdiction, juvenile  
20 civil traffic violations shall be processed, heard and disposed of in the  
21 same manner and with the same penalties as adult civil traffic violations.

22 F. The orders of the juvenile court under the authority of this  
23 chapter or chapter 3 or 4 of this title take precedence over any order of  
24 any other court of this state except the court of appeals and the supreme  
25 court to the extent that they are inconsistent with orders of other  
26 courts.

27 G. Except as provided in subsection H of this section, jurisdiction  
28 of a child that is obtained by the juvenile court in a proceeding under  
29 this chapter or chapter 3 or 4 of this title shall be retained by it, for  
30 the purposes of implementing the orders made and filed in that proceeding,  
31 until the child becomes eighteen years of age OR TWENTY-ONE YEARS OF AGE  
32 IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR, unless terminated by order  
33 of the court before the child's eighteenth birthday OR TWENTY-FIRST  
34 BIRTHDAY IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.

35 H. If the state files a notice of intent to retain jurisdiction  
36 when proceedings are commenced pursuant to section 8-301, paragraph 1 or  
37 2, the court shall retain jurisdiction over a juvenile who is at least  
38 seventeen years of age and who has been adjudicated a delinquent juvenile  
39 until the juvenile reaches nineteen years of age OR TWENTY-ONE YEARS OF  
40 AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR, unless before the  
41 juvenile's nineteenth birthday OR TWENTY-FIRST BIRTHDAY IF THE OFFENSE IS  
42 CLASSIFIED AS A MISDEMEANOR either:

43 1. Jurisdiction is terminated by order of the court.

44 2. The juvenile is discharged from the jurisdiction of the  
45 department of juvenile corrections pursuant to section 41-2820.



1 I. Persons who are under eighteen years of age **OR TWENTY-ONE YEARS**  
2 **OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR** shall be prosecuted  
3 in the same manner as adults if either:

4 1. The juvenile court transfers jurisdiction pursuant to section  
5 8-327.

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

8 J. The juvenile court shall retain jurisdiction after a juvenile's  
9 eighteenth birthday **OR TWENTY-FIRST BIRTHDAY IF THE OFFENSE IS CLASSIFIED**  
10 **AS A MISDEMEANOR** for the purpose of designating an undesignated felony  
11 offense as a misdemeanor or felony, including after an adjudication is set  
12 aside pursuant to section 8-348.

13 K. The juvenile court has jurisdiction to make the initial  
14 determination prescribed in section 8-829 whether the voluntary  
15 participation of a qualified young adult in an extended foster care  
16 program pursuant to section 8-521.02 is in the young adult's best  
17 interests.

18 Sec. 3. Section 8-208, Arizona Revised Statutes, is amended to  
19 read:

20 **8-208. Juvenile court records; public inspection; exceptions**

21 A. The following records relating to a juvenile who is referred to  
22 juvenile court are open to public inspection:

23 1. Referrals involving delinquent acts, after the referrals have  
24 been made to the juvenile court or the county attorney has diverted the  
25 matter according to section 8-321.

26 2. Arrest records, after the juvenile is an accused as defined by  
27 section 13-501.

28 3. Delinquency hearings.

29 4. Disposition hearings.

30 5. A summary of delinquency, disposition and transfer hearings.

31 6. Revocation of probation hearings.

32 7. Appellate review.

33 8. Diversion proceedings involving delinquent acts.

34 B. On the request of an adult probation officer or state or local  
35 prosecutor, the juvenile court shall release to an adult probation  
36 department or prosecutor all information in its possession concerning a  
37 person who is charged with a criminal offense.

38 C. The juvenile court shall release all information in its  
39 possession concerning a person who is arrested for a criminal offense to  
40 superior court programs or departments, other court divisions or judges or  
41 as authorized by the superior court for the purpose of assisting in the  
42 determination of release from custody, bond and pretrial supervision.

43 D. On request by the appropriate jail authorities for the purpose  
44 of determining classification, treatment and security, the juvenile court  
45 shall release all information in its possession concerning persons who are

1 under eighteen years of age OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS  
2 CLASSIFIED AS A MISDEMEANOR, who have been transferred from juvenile court  
3 for criminal prosecution and who are being held in a county jail pending  
4 trial.

5 E. The court shall edit the records to protect the identity of the  
6 victim or the immediate family of the victim if the victim has died as a  
7 result of the alleged offense.

8 F. Except as otherwise provided by law, the records of an adoption,  
9 severance or dependency proceeding shall not be open to public inspection.

10 G. The court may order that the records be kept confidential and  
11 withheld from public inspection if the court determines that the subject  
12 matter of any record involves a clear public interest in confidentiality.

13 H. The disclosure of educational records received pursuant to  
14 section 15-141 shall comply with the family educational RIGHTS and privacy  
15 rights act of 1974 (20 United States Code section 1232g).

16 Sec. 4. Section 8-246, Arizona Revised Statutes, is amended to  
17 read:

18 8-246. Jurisdiction; length of commitment; placement;  
19 assessment

20 A. When jurisdiction of a juvenile has been acquired by the  
21 juvenile court, the juvenile shall continue under the jurisdiction of the  
22 juvenile court until the juvenile attains eighteen years of age OR  
23 TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR or,  
24 if the juvenile court has retained jurisdiction over the person pursuant  
25 to section 8-202, subsection H, nineteen years of age OR TWENTY-ONE YEARS  
26 OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR, unless sooner  
27 discharged pursuant to law. From the time of commitment to the department  
28 of juvenile corrections, a juvenile shall be subject to the control of the  
29 department of juvenile corrections until the juvenile's discharge pursuant  
30 to section 41-2820.

31 B. Except pursuant to section 8-341, subsection N and section  
32 8-344, and unless the court has retained jurisdiction over the person  
33 pursuant to section 8-202, subsection H:

34 1. The awarding of a juvenile shall not extend beyond the  
35 juvenile's eighteenth birthday OR TWENTY-FIRST BIRTHDAY IF THE OFFENSE IS  
36 CLASSIFIED AS A MISDEMEANOR.

37 2. Commitment to the department of juvenile corrections shall be  
38 until the juvenile attains eighteen years of age OR TWENTY-ONE YEARS OF  
39 AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR unless sooner discharged  
40 by the department of juvenile corrections.

41 C. The supreme court in cooperation with the department of juvenile  
42 corrections and other state agencies shall develop a common risk needs  
43 assessment instrument to be used for each juvenile who is referred to the  
44 juvenile court. The juvenile court shall update the risk needs assessment  
45 on each subsequent referral of the juvenile to the juvenile court, and the

1 court shall use the risk needs assessment to determine the appropriate  
2 disposition of the juvenile. The supreme court in cooperation with the  
3 department of juvenile corrections shall develop guidelines to be used by  
4 juvenile court judges in determining those juveniles who should be  
5 committed to the department of juvenile corrections.

6 D. For the purposes of this section, "juvenile" includes a person  
7 who is under eighteen years of age OR TWENTY-ONE YEARS OF AGE IF THE  
8 OFFENSE IS CLASSIFIED AS A MISDEMEANOR or, if the juvenile court has  
9 retained jurisdiction over the person pursuant to section 8-202,  
10 subsection H, under nineteen years of age OR TWENTY-ONE YEARS OF AGE IF  
11 THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.

12 Sec. 5. Section 8-272, Arizona Revised Statutes, is amended to  
13 read:

14 8-272. Psychiatric acute care services; outpatient and  
15 inpatient assessments; definition

16 A. If a child exhibits behavior that indicates the child may suffer  
17 from a mental disorder or is a danger to self or others, an entity may  
18 request that the child receive an outpatient assessment or inpatient  
19 assessment.

20 B. A psychologist, psychiatrist or physician shall conduct an  
21 outpatient assessment at a time and place that is convenient for the  
22 psychologist, psychiatrist or physician and the child. At the conclusion  
23 of the outpatient assessment, the psychologist, psychiatrist or physician  
24 shall recommend that the child be either:

- 25 1. Provided with outpatient treatment services.
- 26 2. Admitted to a psychiatric acute care facility for inpatient  
27 assessment or inpatient psychiatric acute care services.
- 28 3. Provided with residential treatment services.
- 29 4. Discharged to the entity without further psychological or  
30 psychiatric services because the child does not suffer from a mental  
31 disorder, is not a danger to self or others or is not a child with a  
32 persistent or acute disability or grave disability.

33 C. A psychologist, psychiatrist or physician shall conduct an  
34 inpatient assessment within seventy-two hours after a child is admitted to  
35 an inpatient assessment facility, excluding weekends and holidays. At the  
36 conclusion of the inpatient assessment, the psychologist, psychiatrist or  
37 physician shall recommend that the child be either:

- 38 1. Admitted to a psychiatric acute care facility for inpatient  
39 psychiatric acute care services.
- 40 2. Discharged to an entity and provided with outpatient treatment  
41 services.
- 42 3. Provided with residential treatment services.
- 43 4. Discharged to the entity without further psychological or  
44 psychiatric services because the child does not suffer from a mental

1 disorder, is not a danger to self or others or is not a child with a  
2 persistent or acute disability or grave disability.

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

7 1. The name and address of the inpatient assessment facility.

8 2. The name of the psychologist, psychiatrist or physician who is  
9 likely to perform the inpatient assessment.

10 3. The date and time the child was admitted to the inpatient  
11 assessment facility.

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

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

20 F. If the psychologist, psychiatrist or physician who performed the  
21 outpatient assessment or inpatient assessment of the child recommends that  
22 the child receive inpatient acute care psychiatric services, the entity  
23 may file a motion for inpatient psychiatric acute care services with the  
24 juvenile court. If the psychologist, psychiatrist or physician makes this  
25 recommendation after conducting an inpatient assessment, the entity shall  
26 file the motion for inpatient psychiatric acute care services within  
27 twenty-four hours after the completion of the inpatient assessment,  
28 excluding weekends and holidays. The motion shall include all of the  
29 following:

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

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

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

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

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

40 2. A written statement from the medical director of the proposed  
41 inpatient psychiatric acute care facility or the medical director's  
42 designee that the facility's services are appropriate to meet the child's  
43 mental health needs.

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

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

10 I. If a child is admitted for an inpatient assessment and an entity  
11 fails to file a motion pursuant to and within the time limit prescribed in  
12 subsection F of this section, the child shall be discharged from the  
13 inpatient assessment facility.

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

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

19 2. Available alternatives to inpatient psychiatric acute care  
20 services were considered, but that inpatient psychiatric acute care  
21 services are the least restrictive available alternative.

22 K. The court shall review the child's continuing need for inpatient  
23 psychiatric acute care services at least every sixty days after the date  
24 of the treatment order. The inpatient psychiatric acute care facility  
25 shall submit a progress report to the court at least five days before the  
26 review and shall provide copies of the progress report to all of the  
27 parties, including the child's attorney and guardian ad litem. On its own  
28 motion or on the motion of a party, the court may hold a hearing on the  
29 child's continuing need for inpatient psychiatric acute care services. If  
30 requested by the child, the court shall hold a hearing unless the court  
31 has held a review hearing within sixty days before the child's request.  
32 If requested by the child, the court may hold a hearing at any time for  
33 good cause shown. The progress report shall make recommendations and  
34 shall include at least the following:

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

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

39 3. A projected discharge date.

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

42 5. A statement from the medical director of the inpatient  
43 psychiatric acute care facility or the medical director's designee as to  
44 whether inpatient psychiatric acute care services are necessary to meet  
45 the child's mental health needs and whether the facility that is providing

1 the inpatient psychiatric acute care services to the child is the least  
2 restrictive available alternative.

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

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

11 2. A statement from the medical director of the receiving inpatient  
12 psychiatric acute care facility or the medical director's designee that  
13 the receiving facility is an appropriate facility to meet the child's  
14 mental health needs and that it is the least restrictive available  
15 alternative.

16 3. A statement that the entity has contacted the child's attorney  
17 or guardian ad litem and whether the child or the child's attorney or  
18 guardian ad litem opposes the transfer.

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

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

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

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

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

31 O. When possible, the child's attorney shall communicate with the  
32 child within twenty-four hours after a motion is filed pursuant to  
33 subsection D or F of this section, excluding weekends and holidays. The  
34 child's attorney shall discuss treatment recommendations and shall advise  
35 the child of the child's right to request a hearing. The child's attorney  
36 or designee shall attend all court hearings related to the child's  
37 inpatient assessment or inpatient psychiatric acute care services and  
38 shall be prepared to report to the court the child's position on any  
39 recommended assessments or treatment. The child may attend any hearing  
40 unless the court finds by a preponderance of the evidence that allowing  
41 the child to attend would not be in the child's best interests.

42 P. If the child is a dually adjudicated child, the entity that  
43 requests an order for inpatient psychiatric acute care services shall  
44 notify any other entity of all notices, motions, hearings or other  
45 proceedings related to the provision of inpatient psychiatric acute care

1 services. Any entity may attend and participate in all hearings or other  
2 proceedings relating to the provision of inpatient psychiatric acute care  
3 services to a dually adjudicated child.

4 Q. Section 8-273 applies if residential treatment services are  
5 recommended after an inpatient assessment or outpatient assessment or any  
6 inpatient psychiatric acute care treatment. Section 8-341.01 applies if a  
7 child who is adjudicated delinquent or incorrigible and who is subject to  
8 the jurisdiction of the juvenile court requires residential treatment  
9 services. Section 41-2815 applies if a child who is committed to the  
10 department of juvenile corrections requires residential treatment  
11 services.

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

17 S. For the purposes of this section, "child" means a person who is  
18 under eighteen years of age OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS  
19 CLASSIFIED AS A MISDEMEANOR or, if the juvenile court has retained  
20 jurisdiction over the person pursuant to section 8-202, subsection H,  
21 under nineteen years of age OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS  
22 CLASSIFIED AS A MISDEMEANOR and who is either:

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

25 2. In the temporary custody of the department pursuant to section  
26 8-821.

27 3. Detained in a juvenile court detention facility.

28 4. Committed to the department of juvenile corrections.

29 5. Found to be delinquent and subject to probation supervision.

30 Sec. 6. Section 8-273, Arizona Revised Statutes, is amended to  
31 read:

32 8-273. Residential treatment services; definition

33 A. If a child exhibits behavior that indicates the child may suffer  
34 from a mental disorder or if it is recommended as a result of an  
35 outpatient assessment or inpatient assessment pursuant to section 8-272  
36 that a child receive residential treatment services, an entity may file a  
37 motion requesting that the juvenile court order a child to receive  
38 residential treatment services. If the motion states that all parties,  
39 including counsel for the child, have been contacted and are in agreement,  
40 the court is not required to set a hearing on the motion.

41 B. A motion for residential treatment services shall be supported  
42 by a written psychological, psychiatric or medical assessment recommending  
43 residential treatment services. The court may waive the written  
44 assessment on a finding of good cause. The written assessment shall  
45 include at least the following:

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

3           2. The reason why residential treatment services are the least  
4 restrictive treatment available.

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

7           4. The estimated length of time that the child will require  
8 residential treatment services.

9           C. A motion for residential treatment services shall be supported  
10 by a written statement from the medical or clinical director of the  
11 residential treatment facility or the director's designee that the  
12 facility's services are appropriate to meet the child's needs.

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

17           E. The child's attorney shall discuss the treatment recommendations  
18 with the child. The child's attorney or designee shall attend all court  
19 hearings related to the child's placement in a residential treatment  
20 facility and shall be prepared to report to the court on the child's  
21 position regarding any recommendations or requests related to the  
22 provision of residential treatment services. The child may appear at any  
23 hearing, unless the court finds by a preponderance of the evidence that  
24 allowing the child to attend the hearing would not be in the child's best  
25 interests.

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

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

30           2. Available alternatives to residential treatment services were  
31 considered, but that residential treatment services are the least  
32 restrictive available alternative.

33           G. The court shall review the child's continuing need for  
34 residential treatment services at least every sixty days from the date of  
35 the treatment order. The residential treatment facility shall submit a  
36 progress report to the court at least five days before the review and  
37 shall provide copies of its report to all of the parties, including the  
38 child's attorney and guardian ad litem. The progress report shall include  
39 the recommendations of the child's treatment facility and shall include at  
40 least the following:

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

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

45           3. A projected discharge date.



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

3           5. A statement from the medical or clinical director of the  
4 residential treatment services facility or the director's designee as to  
5 whether residential treatment services are necessary to meet the child's  
6 needs and whether the facility that is providing the residential treatment  
7 services to the child is the least restrictive available alternative.

8           H. On its own motion or on the motion of a party, the court may  
9 schedule a hearing concerning the child's continuing need for residential  
10 treatment services. If requested by the child, the court shall schedule a  
11 hearing unless the court has held a review hearing within sixty days  
12 before the child's request. If requested by the child, the court may hold  
13 a hearing at any time for good cause shown.

14           I. If the child is a dually adjudicated child, the entity that  
15 requests an order for residential treatment services shall notify any  
16 other entity of all notices, motions, hearings or other proceedings  
17 related to the provision of residential treatment services. Any entity  
18 may attend and participate in all hearings or other proceedings relating  
19 to the provision of residential treatment services to a dually adjudicated  
20 child.

21           J. Information or records that are obtained or created pursuant to  
22 any assessment, examination or treatment are subject to the  
23 confidentiality requirements of section 36-509, except that information  
24 and records may be provided to the department of juvenile corrections  
25 pursuant to section 8-341.

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

27           1. Committed to the department of juvenile corrections. Section  
28 41-2815 applies if a child who is committed to the department of juvenile  
29 corrections requires residential treatment services.

30           2. Adjudicated delinquent or incorrigible and who is subject to the  
31 jurisdiction of the juvenile court. Section 8-341.01 applies if a child  
32 who is adjudicated delinquent or incorrigible and who is subject to the  
33 jurisdiction of the juvenile court requires residential treatment  
34 services.

35           L. For the purposes of this section, "child" means a person who is  
36 under eighteen years of age OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS  
37 CLASSIFIED AS A MISDEMEANOR or, if the juvenile court has retained  
38 jurisdiction over the person pursuant to section 8-202, subsection H,  
39 under nineteen years of age OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS A  
40 MISDEMEANOR and who is either:

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

43           2. In the temporary custody of the department pursuant to section  
44 8-821.

1           Sec. 7. Section 8-291, Arizona Revised Statutes, is amended to  
2 read:

3           8-291. Definitions

4           In this article, unless the context otherwise requires:

5           1. "Clinical liaison" means a mental health expert or another  
6 individual who has experience and training in mental health or  
7 developmental disabilities and who is qualified and appointed by the court  
8 to aid in coordinating the treatment or training of juveniles who are  
9 found incompetent to stand trial. If developmental disability is an  
10 issue, the clinical liaison shall be an expert in developmental  
11 disability.

12           2. "Incompetent" means a juvenile who does not have sufficient  
13 present ability to consult with the juvenile's lawyer with a reasonable  
14 degree of rational understanding or who does not have a rational and  
15 factual understanding of the proceedings against the juvenile. Age alone  
16 does not render a person incompetent.

17           3. "Juvenile" means a person who is under eighteen years of age **OR**  
18 **TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR** at  
19 the time the issue of competency is raised.

20           4. "Mental health expert" means a physician who is licensed  
21 pursuant to title 32, chapter 13 or 17 or a psychologist who is licensed  
22 pursuant to title 32, chapter 19.1 and who is all of the following:

23           (a) Familiar with this state's competency standards and statutes.

24           (b) Familiar with the treatment, training and restoration programs  
25 that are available in this state.

26           (c) Certified by the court as meeting court developed guidelines.

27           Sec. 8. Section 8-291.09, Arizona Revised Statutes, is amended to  
28 read:

29           8-291.09. Restoration order; commitment

30           A. The court may order a juvenile to participate in an outpatient  
31 or inpatient competency restoration program or may commit the juvenile for  
32 competency restoration to the state hospital or another facility. The  
33 juvenile court shall approve all competency restoration programs. In  
34 determining the type and location of the program, the court shall select  
35 the least restrictive alternative after making a finding of probable cause  
36 and considering the following:

37           1. If confinement is necessary for program participation.

38           2. If the juvenile meets the civil commitment criteria under title  
39 36, chapter 5.

40           B. The court may appoint a guardian ad litem for a juvenile who is  
41 ordered to participate in an inpatient or outpatient program pursuant to  
42 this section. The guardian ad litem shall both:

43           1. Coordinate the continuity of care following restoration.

44           2. In cooperation with the restoration program, advise the court on  
45 matters relating to the appropriateness of the form and location of the

1 program and, on request of the court, shall submit a written report. The  
2 court shall distribute copies of any report to the prosecutor and the  
3 defense attorney. The privilege against self-incrimination applies to all  
4 reports and communications with the juvenile.

5 C. An order entered pursuant to this section shall state if the  
6 juvenile is incompetent to refuse treatment pursuant to section 13-4511,  
7 including medication.

8 D. The state shall pay the costs of an inpatient competency  
9 restoration program at the state hospital until either:

10 1. Ten days, excluding Saturdays, Sundays or other legal holidays,  
11 after the hospital submits a report to the court stating that the juvenile  
12 has regained competence or that there is no substantial probability that  
13 the juvenile will regain competency within six months after the date of  
14 the original finding of incompetency.

15 2. The restoration order expires.

16 3. Seven days, excluding Saturdays, Sundays or other legal  
17 holidays, after the charges are dismissed.

18 E. The state shall pay the costs of a restoration program for a  
19 juvenile who is a ward of the court unless the court orders otherwise. If  
20 the court orders otherwise, the county shall pay the costs of the  
21 restoration program, or if the proceeding arises out of municipal court,  
22 the political subdivision shall pay the costs of the restoration program.

23 F. A restoration order that is issued pursuant to this section is  
24 valid for one hundred eighty days from the date of the initial finding of  
25 incompetency or until one of the following occurs, whichever occurs first:

26 1. The restoration program submits a report that the juvenile has  
27 regained competency or that there is no substantial probability that the  
28 juvenile will regain competency within the period of the order.

29 2. The charges are dismissed.

30 3. The juvenile reaches eighteen years of age **OR TWENTY-ONE YEARS**  
31 **OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.**

32 Sec. 9. Section 8-302, Arizona Revised Statutes, is amended to  
33 read:

34 **8-302. Transfer between juvenile and criminal courts**

35 A. If during the pendency of a criminal charge in any court of this  
36 state the court determines that the defendant is a juvenile who is not  
37 subject to prosecution as an adult pursuant to section 13-501, the court  
38 shall transfer the case to the juvenile court, together with all of the  
39 original accusatory pleadings and other papers, documents and transcripts  
40 of any testimony relating to the case. On transfer, the court shall order  
41 that the defendant be taken to a place of detention designated by the  
42 juvenile court or to that court itself or shall release the juvenile to  
43 the custody of the juvenile's parent or guardian or any other person  
44 legally responsible for the juvenile. If the juvenile is released to the  
45 juvenile's parent or guardian or any other person legally responsible for

1 the juvenile, the court shall require that the parent, guardian or other  
2 person bring the juvenile to appear before the juvenile court at a  
3 designated time. The juvenile court shall then proceed with all further  
4 proceedings as if a petition alleging delinquency had been filed with the  
5 juvenile court under section 8-301 on the effective date of the transfer.  
6 This subsection does not apply to a juvenile who is subject to prosecution  
7 pursuant to section 13-501 but who is convicted of an offense not listed  
8 in section 13-501.

9 B. If during the pendency of a criminal charge in any court of this  
10 state the court determines that the defendant is a juvenile who is subject  
11 to prosecution as an adult pursuant to section 13-501, subsection B, on  
12 motion of the prosecutor the court shall transfer the case to the juvenile  
13 court, together with all of the original accusatory pleadings and other  
14 papers, documents and transcripts of any testimony relating to the case.  
15 On transfer, the court shall order that the juvenile be taken to a place  
16 of detention designated by the juvenile court or to that court itself or  
17 shall release the juvenile to the custody of the juvenile's parent or  
18 guardian or any other person legally responsible for the juvenile. If the  
19 juvenile is released to the juvenile's parent or guardian or any other  
20 person legally responsible for the juvenile, the court shall require that  
21 the parent, guardian or other person bring the juvenile to appear before  
22 the juvenile court at a designated time. The juvenile court shall then  
23 proceed with all further proceedings as if a petition alleging delinquency  
24 had been filed with the juvenile court under section 8-301 on the  
25 effective date of the transfer.

26 C. During the pendency of a delinquency action in any court of this  
27 state, on the motion of the prosecution and before the adjudication  
28 hearing, the court shall dismiss without prejudice any count in the  
29 petition charging an offense for which the juvenile is subject to  
30 prosecution as an adult pursuant to section 13-501 to allow criminal  
31 charges to be filed.

32 D. If a juvenile reaches eighteen years of age **OR TWENTY-ONE YEARS**  
33 **OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR** during the pendency  
34 of a delinquency action or before completion of the sentence in any court  
35 in this state for an act that if committed by an adult would be a  
36 misdemeanor or petty offense or a civil traffic violation, the court shall  
37 transfer the case to the appropriate criminal court, together with all of  
38 the original accusatory pleadings and other papers, documents and  
39 transcripts of any testimony relating to the case and any sentencing  
40 order. The appropriate criminal court shall then proceed with all further  
41 proceedings as if a uniform Arizona traffic ticket and complaint form or a  
42 complaint alleging a misdemeanor or petty offense or a civil traffic  
43 violation had been filed with the appropriate criminal court pursuant to  
44 section 13-3903 or the Arizona rules of criminal procedure, the rules of

1 procedure in traffic cases or the rules of procedure in civil traffic  
2 violation cases.

3 Sec. 10. Section 8-323, Arizona Revised Statutes, is amended to  
4 read:

5 8-323. Juvenile hearing officer; appointment; term;  
6 compensation; hearings; required attendance;  
7 contempt

8 A. The judge of the juvenile court, or in counties having more than  
9 one judge of the juvenile court, the presiding judge of the juvenile  
10 court, may appoint one or more persons of suitable experience who may be  
11 magistrates or justices of the peace to serve as juvenile hearing officers  
12 on a full-time or part-time basis. The county board of supervisors shall  
13 approve the appointment of justices of the peace as juvenile hearing  
14 officers. The local governing body shall approve the appointment of  
15 municipal judges as juvenile hearing officers. The juvenile hearing  
16 officer serves at the pleasure of the appointing judge. The appointing  
17 judge, with the approval of the board of supervisors, shall determine  
18 whether any compensation shall be paid to a juvenile hearing officer who  
19 is not otherwise employed by a public agency or holding another public  
20 office and shall establish the amounts and rates of the compensation.

21 B. Subject to the orders of the juvenile court a juvenile hearing  
22 officer may hear and determine juvenile pretrial detention hearings and  
23 may process, adjudicate and dispose of all cases that are not classified  
24 as felonies and in which a juvenile who is under ~~eighteen~~ TWENTY-ONE  
25 years of age on the date of the alleged offense is charged with violating any  
26 law relating to the following:

- 27 1. Any provision of title 28 not declared to be a felony.
- 28 2. The purchase, possession or consumption of spirituous liquor by  
29 a juvenile.
- 30 3. Boating or game and fish.
- 31 4. Curfew.
- 32 5. Truancy.
- 33 6. The damage or disfigurement of property by graffiti or the  
34 purchase or possession of materials with the intent to use the materials  
35 for graffiti.
- 36 7. The purchase or possession of tobacco.
- 37 8. Any city, town or political subdivision ordinance.
- 38 9. Interference with judicial proceedings involving disobeying or  
39 resisting the lawful order, process or other mandate of a juvenile hearing  
40 officer or failure to appear related to any offense in this section.

41 C. A hearing before the juvenile hearing officer or a hearing  
42 before a commissioner or a judge of the juvenile court in which the  
43 juvenile is charged with any offense set forth in this section may be  
44 conducted on an exact legible copy of a written notice to appear,  
45 including a uniform Arizona traffic ticket and complaint form, that

1 states, at a minimum, the name and address of the juvenile, the offense  
 2 charged and the time and place the juvenile shall appear in court.

3 D. The juvenile hearing officer, commissioner or judge of the  
 4 superior court shall not dispose of a petition or citation for any offense  
 5 under this section unless the parent, guardian or custodian of the  
 6 juvenile appears in court with the juvenile at the time of disposition of  
 7 the charge. On a showing of good cause that the parent, guardian or  
 8 custodian cannot appear on the date and time set by the court, the court  
 9 may waive the requirement that the parent, guardian or custodian appear.  
 10 The court shall state on the record the reasons for waiving the  
 11 requirement that the parent, guardian or custodian appear. At the time  
 12 the court issues an order to appear or other order pursuant to this  
 13 section, the court shall inform the juvenile that failure to appear or  
 14 failure to comply with an order will result in suspension of the  
 15 juvenile's driver license or privilege to drive. If the juvenile fails to  
 16 appear pursuant to a citation or an order to appear properly issued under  
 17 this section or if on disposition fails to comply with any court order,  
 18 the juvenile hearing officer shall order the department of transportation  
 19 to suspend the juvenile's driver license or privilege to drive or shall  
 20 direct the department of transportation to refuse to issue, renew or  
 21 restore the juvenile's driver license or privilege to drive until the  
 22 juvenile reaches ~~eighteen~~ TWENTY-ONE years of age or appears in court as  
 23 directed or complies with the court's order.

24 E. If a parent, guardian or custodian fails to appear with the  
 25 juvenile, and good cause for the failure to appear is not found as  
 26 provided in subsection D of this section, the court shall issue an order  
 27 to show cause to the parent, guardian or custodian as to why that person  
 28 shall not be held in contempt.

29 F. Except as otherwise provided by law, on an admission by the  
 30 juvenile of a violation charged pursuant to this section, or after a  
 31 hearing, on the finding that the juvenile committed the violation, the  
 32 juvenile hearing officer, commissioner or judge of the superior court may  
 33 do one or more of the following:

34 1. Place the juvenile on probation, except that a city magistrate  
 35 or justice of the peace may only place the juvenile on unsupervised  
 36 probation.

37 2. Transfer the citation to the juvenile court for all further  
 38 proceedings.

39 3. Suspend the driving privileges of the juvenile, or restrict the  
 40 juvenile's driving privileges for a period of not to exceed one hundred  
 41 eighty days.

42 4. Order the juvenile to attend a traffic school or a counseling or  
 43 education program approved by the presiding judge of the juvenile court or  
 44 the supreme court.

1           5. Order the juvenile to pay the monetary assessment or penalty  
2 that is applicable to the offense. Except as provided in section 8-341,  
3 subsection S, the monetary assessment or penalty shall not exceed ~~five~~  
4 ~~hundred dollars~~ \$500 plus lawful surcharges and assessments payable to the  
5 public agency processing the violation. If no monetary assessment or  
6 penalty is specified for the offense, the juvenile hearing officer,  
7 commissioner or judge of the superior court may order the juvenile to pay  
8 not more than ~~one hundred fifty dollars~~ \$150 plus lawful surcharges and  
9 assessments payable to the public agency processing the violation.

10           6. In lieu of or in addition to a monetary assessment or penalty,  
11 order the juvenile to perform a program of work that does not conflict  
12 with the juvenile's regular schooling and employment, to repair the  
13 victim's property or to provide community restitution.

14           7. If the juvenile hearing officer, commissioner or judge of the  
15 superior court determines that the person charged is eighteen or more  
16 years of age ~~OR TWENTY-ONE OR MORE YEARS OF AGE IS THE OFFENSE IS~~  
17 ~~CLASSIFIED AS A MISDEMEANOR~~, transfer the matter to the appropriate  
18 criminal court having jurisdiction.

19           8. If the juvenile violated any truancy laws, require the juvenile  
20 and the juvenile's parents or guardians to participate in a specialized  
21 program consisting of counseling, supervision and education under the  
22 terms and conditions the juvenile hearing officer, commissioner or judge  
23 of the superior court orders.

24           9. Order the juvenile and one or both of the juvenile's custodial  
25 parents to pay restitution to any person who suffered an economic loss as  
26 the result of the juvenile's conduct. The juvenile hearing officer,  
27 commissioner or judge of the superior court shall not consider the ability  
28 of the juvenile's parents to pay restitution before making a restitution  
29 order. If the juvenile hearing officer, commissioner or judge of the  
30 superior court orders one or both of the juvenile's custodial parents to  
31 pay restitution, the amount of the order shall not exceed the liability  
32 limit established pursuant to section 12-661.

33           10. Impose sanctions authorized by section 8-343.

34           11. Reprimand the juvenile and take no further action.

35           G. A record of the proceedings before a juvenile hearing officer  
36 may be made by a court reporter, videotape or audiotape or any other  
37 method approved by the supreme court that accurately reproduces what  
38 occurred at the proceeding.

39           H. Within five days after receiving the citation, the juvenile  
40 hearing officer shall notify the juvenile court that the juvenile has been  
41 charged with an offense by citation and shall indicate the listed charges.  
42 The juvenile hearing officer shall retain jurisdiction of the case until  
43 all orders made under this section have been fully complied with. Within  
44 five days after disposition, the juvenile hearing officer shall transmit a  
45 copy of the citation with the findings and disposition of the court noted



1 on the copy to the juvenile court for record keeping purposes. If  
2 appropriate, the juvenile hearing officer shall transmit a copy of the  
3 citation to the department of transportation. If on disposition the  
4 juvenile fails to comply with any court order, the juvenile hearing  
5 officer, in the manner provided by subsection D of this section, may  
6 impose any of the sanctions prescribed in subsection F of this section.

7 I. Subject to an appeal pursuant to section 8-325 all orders of the  
8 juvenile hearing officer shall be effective immediately.

9 J. A city or town attorney or prosecutor shall act on behalf of the  
10 state in matters that are heard in a municipal court by a juvenile hearing  
11 officer pursuant to this section. In these matters and on approval of the  
12 county attorney, with notice to the presiding judge of the juvenile court,  
13 the city or town attorney or the prosecutor may establish diversion  
14 programs for offenses other than offenses involving either:

15 1. A violation of section 28-1381, 28-1382 or 28-1383.

16 2. The purchase, possession or consumption of spirituous liquor or  
17 misdemeanor violations under title 13, chapter 34 if the juvenile has  
18 previously participated in a diversion program established pursuant to  
19 this subsection at least two times within twenty-four months before the  
20 date of the commission of the current offense.

21 Sec. 11. Section 8-341, Arizona Revised Statutes, is amended to  
22 read:

23 8-341. Disposition and commitment; definitions

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

26 1. It may award a delinquent juvenile:

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

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

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

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

36 (e) To the department of juvenile corrections.

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

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

43 2. It may award an incorrigible child:

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



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

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

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

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

9 B. If a juvenile is placed on probation pursuant to this section,  
10 the period of probation may continue until the juvenile's eighteenth  
11 birthday OR TWENTY-FIRST BIRTHDAY IF THE OFFENSE IS CLASSIFIED AS A  
12 MISDEMEANOR or until the juvenile's nineteenth birthday OR TWENTY-FIRST  
13 BIRTHDAY IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR if jurisdiction is  
14 retained pursuant to section 8-202, subsection H, except that the term of  
15 probation shall not exceed one year if all of the following apply:

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

17 2. The juvenile has not been found in violation of a condition of  
18 probation.

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

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

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

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

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

30 C. If a juvenile is adjudicated as a first time felony juvenile  
31 offender, the court shall provide the following written notice to the  
32 juvenile:

33 You have been adjudicated a first time felony juvenile  
34 offender. You are now on notice that if you are adjudicated  
35 of another offense that would be a felony offense if committed  
36 by an adult and if you commit the other offense when you are  
37 fourteen years of age or older, you will be placed on juvenile  
38 intensive probation, which may include home arrest and  
39 electronic monitoring, or you may be placed on juvenile  
40 intensive probation and may be incarcerated for a period of  
41 time in a juvenile detention center, or you may be committed  
42 to the department of juvenile corrections or you may be  
43 prosecuted as an adult. If you are convicted as an adult of a  
44 felony offense and you commit any other offense, you will be  
45 prosecuted as an adult.

1 D. If a juvenile is fourteen years of age or older and is  
2 adjudicated as a repeat felony juvenile offender, the juvenile court shall  
3 place the juvenile on juvenile intensive probation, which may include home  
4 arrest and electronic monitoring, may place the juvenile on juvenile  
5 intensive probation, which may include incarceration for a period of time  
6 in a juvenile detention center, or may commit the juvenile to the  
7 department of juvenile corrections pursuant to subsection A, paragraph 1,  
8 subdivision (e) of this section for a significant period of time.

9 E. If the juvenile is adjudicated as a repeat felony juvenile  
10 offender, the court shall provide the following written notice to the  
11 juvenile:

12 You have been adjudicated a repeat felony juvenile  
13 offender. You are now on notice that if you are arrested for  
14 another offense that would be a felony offense if committed by  
15 an adult and if you commit the other offense when you are  
16 fifteen years of age or older, you will be tried as an adult  
17 in the criminal division of the superior court. If you commit  
18 the other offense when you are fourteen years of age or older,  
19 you may be tried as an adult in the criminal division of the  
20 superior court. If you are convicted as an adult, you will be  
21 sentenced to a term of incarceration. If you are convicted as  
22 an adult of a felony offense and you commit any other offense,  
23 you will be prosecuted as an adult.

24 F. The failure or inability of the court to provide the notices  
25 required under subsections C and E of this section does not preclude the  
26 use of the prior adjudications for any purpose otherwise ~~permitted~~  
27 ~~ALLOWED~~.

28 G. Except as provided in subsection S of this section, after  
29 considering the nature of the offense and the age, physical and mental  
30 condition and earning capacity of the juvenile, the court shall order the  
31 juvenile to pay a reasonable monetary assessment if the court determines  
32 that an assessment is in aid of rehabilitation. If the director of the  
33 department of juvenile corrections determines that enforcement of an order  
34 for monetary assessment as a term and condition of conditional liberty is  
35 not cost-effective, the director may require the youth to perform an  
36 equivalent amount of community restitution in lieu of the payment ordered  
37 as a condition of conditional liberty.

38 H. If a child is adjudicated incorrigible, the court may impose a  
39 monetary assessment on the child of not more than ~~one hundred fifty~~  
40 ~~dollars~~ \$150.

41 I. A juvenile who is charged with unlawful purchase, possession or  
42 consumption of spirituous liquor is subject to section 8-323. The  
43 monetary assessment for a conviction of unlawful purchase, possession or  
44 consumption of spirituous liquor by a juvenile shall not exceed ~~five~~

1 ~~hundred dollars~~ \$500. The court of competent jurisdiction may order a  
2 monetary assessment or equivalent community restitution.

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

7 1. Monetary reimbursement by the juvenile in a lump sum or  
8 installment payments through the clerk of the superior court for  
9 appropriate distribution.

10 2. A program of work, not in conflict with regular schooling, to  
11 repair damage to the victim's property, to provide community restitution  
12 or to provide the juvenile with a job for wages. The court order for  
13 restitution or monetary assessment shall specify, according to the  
14 dispositional program, the amount of reimbursement and the portion of  
15 wages of either existing or provided work that is to be credited toward  
16 satisfaction of the restitution or assessment, or the nature of the work  
17 to be performed and the number of hours to be spent working. The number  
18 of hours to be spent working shall be set by the court based on the  
19 severity of the offense but shall not be less than sixteen hours.

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

23 L. After considering the length of stay guidelines developed  
24 pursuant to section 41-2816, subsection C, the court may set forth in the  
25 order of commitment the minimum period during which the juvenile shall  
26 remain in secure care while in the custody of the department of juvenile  
27 corrections. When the court awards a juvenile to the department of  
28 juvenile corrections or an institution or agency, it shall transmit with  
29 the order of commitment copies of a diagnostic psychological evaluation  
30 and educational assessment if one has been administered, copies of the  
31 case report, all other psychological and medical reports, restitution  
32 orders, any request for postadjudication notice that has been submitted by  
33 a victim and any other documents or records pertaining to the case  
34 requested by the department of juvenile corrections or an institution or  
35 agency. The department shall not release a juvenile from secure care  
36 before the juvenile completes the length of stay determined by the court  
37 in the commitment order unless the county attorney in the county from  
38 which the juvenile was committed requests the committing court to reduce  
39 the length of stay. The department may temporarily escort the juvenile  
40 from secure care pursuant to section 41-2804, may release the juvenile  
41 from secure care without a further court order after the juvenile  
42 completes the length of stay determined by the court or may retain the  
43 juvenile in secure care for any period subsequent to the completion of the  
44 length of stay in accordance with the law.

1 M. Written notice of the release of any juvenile pursuant to  
2 subsection L of this section shall be made to any victim requesting  
3 notice, the juvenile court that committed the juvenile and the county  
4 attorney of the county from which the juvenile was committed.

5 N. Notwithstanding any law to the contrary, if a person is under  
6 the supervision of the court as an adjudicated delinquent juvenile at the  
7 time the person reaches eighteen years of age OR TWENTY-ONE YEARS OF AGE  
8 IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR, treatment services may be  
9 provided until the person reaches ~~twenty-one~~ TWENTY-FOUR years of age if  
10 the court, the person and the state agree to the provision of the  
11 treatment and a motion to transfer the person pursuant to section 8-327  
12 has not been filed or has been withdrawn. The court may terminate the  
13 provision of treatment services after the person reaches eighteen years of  
14 age OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A  
15 MISDEMEANOR if the court determines that any of the following applies:

- 16 1. The person is not progressing toward treatment goals.
- 17 2. The person terminates treatment.
- 18 3. The person commits a new offense after reaching eighteen years  
19 of age OR TWENTY-ONE YEARS OF AGE IF THE NEW OFFENSE IS A MISDEMEANOR.
- 20 4. Continued treatment is not required or is not in the best  
21 interests of the state or the person.

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

39 P. If a juvenile has been adjudicated delinquent for an offense  
40 that if committed by an adult would be an offense listed in section  
41 41-1750, subsection C, the court shall provide the department of public  
42 safety Arizona automated fingerprint identification system established in  
43 section 41-2411 with the juvenile's ten-print fingerprints, personal  
44 identification data and other pertinent information. If a juvenile has  
45 been committed to the department of juvenile corrections the department

1 shall provide the fingerprints and information required by this subsection  
2 to the Arizona automated fingerprint identification system. If the  
3 juvenile's fingerprints and information have been previously submitted to  
4 the Arizona automated fingerprint identification system the information is  
5 not required to be resubmitted.

6 Q. Access to fingerprint records submitted pursuant to subsection P  
7 of this section shall be limited to the administration of criminal justice  
8 as defined in section 41-1750. Dissemination of fingerprint information  
9 shall be limited to the name of the juvenile, juvenile case number, date  
10 of adjudication and court of adjudication.

11 R. If a juvenile is adjudicated delinquent for an offense that if  
12 committed by an adult would be a misdemeanor, the court may prohibit the  
13 juvenile from carrying or possessing a firearm while the juvenile is under  
14 the jurisdiction of the department of juvenile corrections or the juvenile  
15 court.

16 S. If a juvenile is adjudicated delinquent for a violation of  
17 section 13-1602, subsection A, paragraph 5, the court shall order the  
18 juvenile to pay a fine of at least ~~three hundred dollars~~ \$300 but not more  
19 than ~~one thousand dollars~~ \$1,000. Any restitution ordered shall be paid  
20 in accordance with section 13-809, subsection A. The court may order the  
21 juvenile to perform community restitution in lieu of the payment for all  
22 or part of the fine if it is in the best interests of the juvenile. The  
23 amount of community restitution shall be equivalent to the amount of the  
24 fine by crediting any service performed at a rate of ~~ten dollars~~ \$10 per  
25 hour. If the juvenile is convicted of a second or subsequent violation of  
26 section 13-1602, subsection A, paragraph 5 and is ordered to perform  
27 community restitution, the court may order the parent or guardian of the  
28 juvenile to assist the juvenile in the performance of the community  
29 restitution if both of the following apply:

30 1. The parent or guardian had knowledge that the juvenile intended  
31 to engage in or was engaging in the conduct that gave rise to the  
32 violation.

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

35 T. If a juvenile is adjudicated delinquent for an offense involving  
36 the purchase, possession or consumption of spirituous liquor or a  
37 violation of title 13, chapter 34 and is placed on juvenile probation, the  
38 court may order the juvenile to submit to random drug and alcohol testing  
39 at least two times per week as a condition of probation.

40 U. A juvenile who is adjudicated delinquent for an offense  
41 involving the purchase, possession or consumption of spirituous liquor or  
42 a violation of title 13, chapter 34, who is placed on juvenile probation  
43 and who is found to have consumed any spirituous liquor or to have used  
44 any drug listed in section 13-3401 while on probation is in violation of  
45 the juvenile's probation. If a juvenile commits a third or subsequent

1 violation of a condition of probation as prescribed by this subsection,  
2 the juvenile shall be brought before the juvenile court and, if the  
3 allegations are proven, the court shall either revoke probation and hold a  
4 disposition hearing pursuant to this section or select additional  
5 conditions of probation as it deems necessary, including detention, global  
6 position system monitoring, additional alcohol or drug treatment,  
7 community restitution, additional drug or alcohol testing or a monetary  
8 assessment.

9 V. If jurisdiction of the juvenile court is retained pursuant to  
10 section 8-202, subsection H, the court shall order continued probation  
11 supervision and treatment services until a child who has been adjudicated  
12 a delinquent juvenile reaches nineteen years of age **OR TWENTY-ONE YEARS OF**  
13 **AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR** or until otherwise  
14 terminated by the court. The court may terminate continued probation  
15 supervision or treatment services before the child's nineteenth birthday  
16 **OR TWENTY-FIRST BIRTHDAY IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR** if  
17 the court determines that continued probation supervision or treatment is  
18 not required or is not in the best interests of the juvenile or the state  
19 or the juvenile commits a criminal offense after reaching eighteen years  
20 of age **OR TWENTY-ONE YEARS OF AGE IF THE NEW OFFENSE IS A MISDEMEANOR**.

21 W. For the purposes of this section:

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

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

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

29 (b) Previously has been adjudicated a first time felony juvenile  
30 offender.

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

33 Sec. 12. Section 8-341.01, Arizona Revised Statutes, is amended to  
34 read:

35 **8-341.01. Residential treatment services; definition**

36 A. If at a disposition hearing or a subsequent hearing the court  
37 orders a delinquent juvenile or incorrigible child to receive residential  
38 treatment services, other than psychiatric acute care services as defined  
39 in section 8-271, the placement must be supported by a written  
40 psychological, psychiatric or medical evaluation recommending residential  
41 treatment services. The court may waive the written evaluation for good  
42 cause shown.

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

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

5 2. Available alternatives to residential treatment services were  
6 considered, but that residential treatment services are the least  
7 restrictive alternative.

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

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

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

20 3. A projected discharge date.

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

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

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

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

40 F. For the purposes of this section, "child" or "juvenile" includes  
41 a person who is under eighteen years of age OR TWENTY-ONE YEARS OF AGE IF  
42 THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR or, if the juvenile court has  
43 retained jurisdiction over the person pursuant to section 8-202,  
44 subsection H, under nineteen years of age OR TWENTY-ONE YEARS OF AGE IF  
45 THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.



1           Sec. 13. Section 8-342, Arizona Revised Statutes, is amended to  
2 read:

3           8-342. Commitment of child; medical examination; definition

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

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

9           2. Under fourteen years of age.

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

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

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

27          D. For the purposes of this section, "child" includes a person who  
28 is under eighteen years of age **OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE**  
29 **IS CLASSIFIED AS A MISDEMEANOR** or, if the juvenile court has retained  
30 jurisdiction over the person pursuant to section 8-202, subsection H,  
31 under nineteen years of age **OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS**  
32 **CLASSIFIED AS A MISDEMEANOR**.

33          Sec. 14. 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 OR TWENTY-ONE YEARS OF AGE IF  
20 THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR for the purpose of modifying  
21 the manner in which court ordered payments are to be made. After a  
22 juvenile attains eighteen years of age OR TWENTY-ONE YEARS OF AGE IF THE  
23 OFFENSE IS A MISDEMEANOR or if the court retains jurisdiction over the  
24 juvenile pursuant to section 8-202, subsection H on termination of the  
25 juvenile's probation, the juvenile court shall enter the following:

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

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

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

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

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

1           Sec. 15. Section 8-348, Arizona Revised Statutes, is amended to  
2 read:

3           8-348. Setting aside adjudication; application; release from  
4                     disabilities; exceptions

5           A. Except as provided in subsection I of this section, a person who  
6 is at least eighteen years of age **OR TWENTY-ONE YEARS OF AGE IF THE**  
7 **OFFENSE IS CLASSIFIED AS A MISDEMEANOR**, who has been adjudicated  
8 delinquent or incorrigible and who has fulfilled the conditions of  
9 probation and discharge ordered by the court or who is discharged from the  
10 department of juvenile corrections pursuant to section 41-2820 on  
11 successful completion of the individual treatment plan may apply to the  
12 juvenile court to set aside the adjudication. The court shall inform the  
13 person of this right in writing at the time of the disposition of the  
14 case.

15           B. The person or the person's attorney, probation officer or parole  
16 officer may apply to set aside the adjudication. The clerk of the court  
17 may not charge a filing fee for an application to set aside an  
18 adjudication. The clerk shall transmit a copy of the application to the  
19 county attorney in the county where the referral was made.

20           C. The court may consider the following factors when determining  
21 whether to set aside an adjudication:

- 22           1. The nature and circumstances of the offense on which the  
23 adjudication is based.
- 24           2. Whether the person has been convicted of a felony offense.
- 25           3. Whether the person has any pending criminal charges.
- 26           4. The victim's input.
- 27           5. Any other factor that is relevant to the application.

28           D. Except as provided in subsection F of this section, if the court  
29 grants the application, the court shall set aside the adjudication,  
30 dismiss the petition and order that the person be released from all  
31 penalties and disabilities resulting from the adjudication except those  
32 imposed by the department of transportation pursuant to section 28-3304,  
33 28-3306, 28-3307, 28-3308 or 28-3319.

34           E. On a showing of good cause, the court may modify any monetary  
35 obligation that is owed by the person except for victim restitution.

36           F. If the court grants an application, any remaining unpaid  
37 monetary obligation continues to be owed and is subject to the remedies  
38 included in sections 8-344 and 8-345 until the monetary obligation is  
39 paid.

40           G. If the court denies an application, the court shall state its  
41 reasons for the denial in writing.

42           H. If a victim has made a request for postadjudication notice, the  
43 victim has the right to be present and heard at any hearing on the  
44 application. The state shall provide the victim with notice of the  
45 application and of the rights provided to the victim in this section.

1 I. This section does not apply to a person who was adjudicated  
2 delinquent for any of the following:

- 3 1. A dangerous offense as defined in section 13-105.
- 4 2. An offense for which there has been a finding of sexual  
5 motivation pursuant to section 13-118.
- 6 3. An offense in violation of title 13, chapter 14.
- 7 4. An offense in violation of section 28-1381, 28-1382 or 28-1383  
8 if the offense can be alleged as a prior violation pursuant to title 28,  
9 chapter 4.
- 10 5. An offense for which the person has not paid in full the victim  
11 restitution ordered by the court.

12 Sec. 16. Section 8-349, Arizona Revised Statutes, is amended to  
13 read:

14 8-349. Destruction of juvenile records; electronic research  
15 records; definition

16 A. A person who is at least eighteen years of age **OR TWENTY-ONE**  
17 **YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR** and who has  
18 been adjudicated delinquent or incorrigible may apply for destruction of  
19 the person's juvenile court and department of juvenile corrections records  
20 if the records involve an adjudication for an offense other than an  
21 offense listed in section 13-501, subsection A or B or title 28,  
22 chapter 4.

23 B. The person shall attest to all of the following in the  
24 application:

- 25 1. The person is at least eighteen years of age **OR TWENTY-ONE YEARS**  
26 **OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR**.
- 27 2. The person has not been convicted of a felony offense or  
28 adjudicated delinquent for an offense that would be an offense listed in  
29 section 13-501, subsection A or B or title 28, chapter 4.
- 30 3. A criminal charge is not pending.
- 31 4. The person has completed all of the terms and conditions of  
32 court-ordered probation or been discharged from the department of juvenile  
33 corrections pursuant to section 41-2820 on successful completion of the  
34 individual treatment plan.
- 35 5. All restitution is paid in full.
- 36 6. The person is not under the jurisdiction of the juvenile court  
37 or the department of juvenile corrections.
- 38 7. The person is not currently required to register pursuant to  
39 section 13-3821.
- 40 8. The person has either paid all monetary obligations in full or  
41 has requested the court to modify the outstanding monetary obligations  
42 pursuant to subsection K of this section.

43 C. The juvenile court may order the destruction of records under  
44 subsection A of this section if the court finds all of the following:

- 1           1. The person is at least eighteen years of age OR TWENTY-ONE YEARS  
2 OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.
- 3           2. The person has not been convicted of a felony offense.
- 4           3. A criminal charge is not pending.
- 5           4. The person was not adjudicated for an offense listed in section  
6 13-501, subsection A or B or title 28, chapter 4.
- 7           5. The person successfully completed the terms and conditions of  
8 probation or was discharged from the department of juvenile corrections  
9 pursuant to section 41-2820 on successful completion of the individual  
10 treatment plan.
- 11          6. All restitution is paid in full.
- 12          7. All monetary obligations are either paid in full or have been  
13 modified pursuant to subsection K of this section.
- 14          8. The person is not under the jurisdiction of the juvenile court  
15 or the department of juvenile corrections.
- 16          9. The person is not currently required to register pursuant to  
17 section 13-3821.
- 18          D. A person who is not eligible to have the person's records  
19 destroyed pursuant to subsection A of this section may apply to have the  
20 person's juvenile court and department of juvenile corrections records  
21 destroyed pursuant to subsection E of this section. The person shall  
22 attest to all of the following in an application:
  - 23           1. The person is at least twenty-five years of age.
  - 24           2. The person has not been convicted of a felony offense.
  - 25           3. A criminal charge is not pending.
  - 26           4. All restitution is paid in full.
  - 27           5. The person has either paid all monetary obligations in full or  
28 has requested the court to modify the outstanding monetary obligations  
29 pursuant to subsection K of this section.
  - 30           6. The person is not currently required to register pursuant to  
31 section 13-3821.
- 32          E. The juvenile court may order the destruction of records if the  
33 court finds that all of the following apply to a person who files an  
34 application pursuant to subsection D of this section:
  - 35           1. The person is at least twenty-five years of age.
  - 36           2. The person has not been convicted of a felony offense.
  - 37           3. A criminal charge is not pending.
  - 38           4. All restitution is paid in full.
  - 39           5. All monetary obligations are either paid in full or have been  
40 modified pursuant to subsection K of this section.
  - 41           6. The person is not currently required to register pursuant to  
42 section 13-3821.
  - 43           7. The destruction of the records would further the rehabilitative  
44 process of the applicant.

1 F. The juvenile court and the department of juvenile corrections  
2 may store any records for research purposes.

3 G. At the juvenile's disposition hearing, the court shall inform  
4 the juvenile, in writing, of the right to the destruction of the  
5 juvenile's court and department of juvenile corrections records.

6 H. The clerk of the court may not charge a filing fee for the  
7 application to destroy juvenile records.

8 I. The clerk of the court shall transmit a copy of an application  
9 submitted pursuant to this section to the county attorney in the county in  
10 which the referral was made.

11 J. The county attorney may file an objection to an application that  
12 is submitted pursuant to this section for the destruction of records.

13 K. On a showing of good cause, the court may modify any monetary  
14 obligation except for victim restitution.

15 L. The juvenile court, the clerk of the superior court and the  
16 juvenile probation department, on notification by the probation  
17 department, shall destroy the records that concern a referral or citation  
18 that did not result in further action or that resulted in a successful  
19 completion of diversion within ninety days after the person who was the  
20 subject of the referral or citation reaches eighteen years of age **OR**  
21 **TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.**  
22 The probation department shall send a copy of the notice to the department  
23 of public safety central state repository.

24 M. Within six months after receiving a notification from the  
25 superior court that a person's juvenile delinquency or incorrigibility  
26 records were destroyed, the department of child safety shall destroy all  
27 court, juvenile probation and department of juvenile corrections records  
28 that are in the department of child safety's possession and that were  
29 produced in the delinquency or incorrigibility matter.

30 N. For the purposes of this section, "successfully" means, in the  
31 discretion of the court, the person satisfied the conditions of probation.

32 Sec. 17. Section 8-371, Arizona Revised Statutes, is amended to  
33 read:

34 **8-371. Educational rehabilitation; definition**

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

40 1. Attend school in order to obtain vocational training or to  
41 achieve an appropriate educational level as prescribed in consultation  
42 with the school the juvenile attends by the juvenile's probation officer  
43 or by the department of juvenile corrections. If the juvenile fails to  
44 attend school regularly, maintain appropriate school behavior, or make  
45 satisfactory progress as determined in consultation with the school by the

1 probation officer or department of juvenile corrections as specified in  
2 subsection C of this section and the juvenile does not meet the  
3 requirements of paragraph 2 of this subsection:

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

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

10 2. Attend an on-the-job training program or secure and maintain  
11 employment. If the juvenile fails to attend the program or maintain  
12 employment and does not meet the requirements of paragraph 1 of this  
13 subsection:

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

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

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

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

26 1. If the juvenile had previously been expelled from school, prior  
27 to readmission of that juvenile to the school, school officials shall meet  
28 with the appropriate juvenile court probation officer or department of  
29 juvenile corrections case manager and assist in developing conditions of  
30 probation or conditional liberty that will provide specific guidelines for  
31 behavior and consequences for misbehavior at school as well as educational  
32 objectives that must be achieved. If the juvenile is under the  
33 jurisdiction of the juvenile court, the court shall review the conditions  
34 of probation for the juvenile and may continue the expulsion or return the  
35 child to school under the agreed conditions. If the juvenile is under the  
36 jurisdiction of the department of juvenile corrections, the department  
37 shall review the terms of conditional liberty for the juvenile and may  
38 continue the expulsion or return the child to school under the agreed  
39 conditions. The governing board may expel the juvenile for subsequent  
40 actions as provided in title 15, chapter 8, article 3.

41 2. The juvenile shall on release be screened by the school to which  
42 the juvenile is admitted for possible disabilities as provided in section  
43 15-761, paragraph 2 and, if the screening so indicates, be referred for  
44 evaluation for possible placement in a special education program.

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

5 E. For the purposes of this section, "child" or "juvenile" includes  
6 a person who is under eighteen years of age OR TWENTY-ONE YEARS OF AGE IF  
7 THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR or, if the juvenile court has  
8 retained jurisdiction over the person pursuant to section 8-202,  
9 subsection H, under nineteen years of age OR TWENTY-ONE YEARS OF AGE IF  
10 THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.

11 Sec. 18. Section 13-501, Arizona Revised Statutes, is amended to  
12 read:

13 13-501. Persons under twenty-two years of age; felony  
14 charging; definitions

15 A. The county attorney shall bring a criminal prosecution against a  
16 juvenile in the same manner as an adult if the juvenile is fifteen,  
17 sixteen or seventeen years of age at the time the alleged offense is  
18 committed and the juvenile is accused of any of the following offenses:

- 19 1. First degree murder in violation of section 13-1105.
- 20 2. Second degree murder in violation of section 13-1104.
- 21 3. Forcible sexual assault in violation of section 13-1406.
- 22 4. Armed robbery in violation of section 13-1904.
- 23 5. Any other violent felony offense.
- 24 6. Any felony offense committed by a chronic felony offender.
- 25 7. Any offense that is properly joined to an offense listed in this

26 subsection.

27 B. Except as provided in subsection A of this section, the county  
28 attorney may bring a criminal prosecution against a juvenile in the same  
29 manner as an adult if the juvenile is at least fourteen years of age at  
30 the time the alleged offense is committed and the juvenile is accused of  
31 any of the following offenses:

- 32 1. A class 1 felony.
- 33 2. A class 2 felony.
- 34 3. A class 3 felony in violation of any offense in chapters 10  
35 through 17 or chapter 19 or 23 of this title.
- 36 4. A class 3, 4, 5 or 6 felony involving a dangerous offense.
- 37 5. Any felony offense committed by a chronic felony offender.
- 38 6. Any offense that is properly joined to an offense listed in this

39 subsection.

40 C. A criminal prosecution shall be brought against a juvenile in  
41 the same manner as an adult if the juvenile has been accused of a criminal  
42 offense and has a historical prior felony conviction.

43 D. At the time the county attorney files a complaint or indictment  
44 the county attorney shall file a notice stating that the juvenile is a  
45 chronic felony offender. Subject to subsection E of this section, the

1 notice shall establish and confer jurisdiction over the juvenile as a  
2 chronic felony offender.

3 E. On motion of the juvenile the court shall hold a hearing after  
4 arraignment and before trial to determine if a juvenile is a chronic  
5 felony offender. At the hearing the state shall prove by a preponderance  
6 of the evidence that the juvenile is a chronic felony offender. If the  
7 court does not find that the juvenile is a chronic felony offender, the  
8 court shall transfer the juvenile to the juvenile court pursuant to  
9 section 8-302. If the court finds that the juvenile is a chronic felony  
10 offender or if the juvenile does not file a motion to determine if the  
11 juvenile is a chronic felony offender, the criminal prosecution shall  
12 continue.

13 F. Except as provided in section 13-921, a person who is charged  
14 pursuant to this section shall be sentenced in the criminal court in the  
15 same manner as an adult for any offense for which the person is convicted.

16 G. Unless otherwise provided by law, ~~nothing in~~ this section ~~shall~~  
17 ~~be construed as to~~ DOES NOT confer jurisdiction in the juvenile court over  
18 any person who is eighteen years of age or older OR TWENTY-ONE YEARS OF  
19 AGE OR OLDER IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.

20 H. For the purposes of this section:

21 1. "Accused" means a juvenile against whom a complaint, information  
22 or indictment is filed.

23 2. "Chronic felony offender" means a juvenile who has had two prior  
24 and separate adjudications and dispositions for conduct that would  
25 constitute a historical prior felony conviction if the juvenile had been  
26 tried as an adult.

27 3. "Forcible sexual assault" means sexual assault pursuant to  
28 section 13-1406 that is committed without consent as defined in section  
29 13-1401, SUBSECTION A, paragraph 7, subdivision (a).

30 4. "Other violent felony offense" means:

31 (a) Aggravated assault pursuant to section 13-1204, subsection A,  
32 paragraph 1.

33 (b) Aggravated assault pursuant to section 13-1204, subsection A,  
34 paragraph 2 involving the use of a deadly weapon.

35 (c) Drive by shooting pursuant to section 13-1209.

36 (d) Discharging a firearm at a structure pursuant to section  
37 13-1211.

38 Sec. 19. Section 13-921, Arizona Revised Statutes, is amended to  
39 read:

40 13-921. Probation for defendants under twenty-two years of  
41 age; dual adult juvenile probation

42 A. The court may enter a judgment of guilt and place the defendant  
43 on probation pursuant to this section if all of the following apply:



1           1. The defendant is under eighteen years of age OR TWENTY-ONE YEARS  
2 OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR at the time the  
3 offense is committed.

4           2. The defendant is convicted of a felony offense.

5           3. The defendant is not sentenced to a term of imprisonment.

6           4. The defendant does not have a historical prior felony  
7 conviction.

8           B. If the court places a defendant on probation pursuant to this  
9 section, all of the following apply:

10           1. Except as provided in paragraphs 2, 3 and 4 of this subsection,  
11 if the defendant successfully completes the terms and conditions of  
12 probation, the court may set aside the judgment of guilt, dismiss the  
13 information or indictment, expunge the defendant's record and order the  
14 person to be released from all penalties and disabilities resulting from  
15 the conviction. The clerk of the court in which the conviction occurred  
16 shall notify each agency to which the original conviction was reported  
17 that all penalties and disabilities have been discharged and that the  
18 defendant's record has been expunged.

19           2. The conviction may be used as a conviction if it would be  
20 admissible pursuant to section 13-703 or 13-704 as if it had not been set  
21 aside and the conviction may be pleaded and proved as a prior conviction  
22 in any subsequent prosecution of the defendant.

23           3. The conviction is deemed to be a conviction for the purposes of  
24 sections 28-3304, 28-3305, 28-3306 and 28-3320.

25           4. The defendant shall comply with sections 13-3821 and 13-3822.

26           C. A defendant who is placed on probation pursuant to this section  
27 is deemed to be on adult probation.

28           D. If a defendant is placed on probation pursuant to this section,  
29 the court as a condition of probation may order the defendant to  
30 participate in services that are available to the juvenile court.

31           E. The court may order that a defendant who is placed on probation  
32 pursuant to this section be incarcerated in a county jail at whatever time  
33 or intervals, consecutive or nonconsecutive, that the court determines.  
34 The incarceration shall not extend beyond the period of court ordered  
35 probation, and the length of time the defendant actually spends in a  
36 county jail shall not exceed one year.

37           F. In addition to the provisions of this section, the court may  
38 apply any of the provisions of section 13-901.

39           Sec. 20. Section 41-2801, Arizona Revised Statutes, is amended to  
40 read:

41           41-2801. Definitions

42           In this chapter, unless the context otherwise requires:

43           1. "Committed youth" or "youth" means a person who has been  
44 committed according to law to the department of juvenile corrections for  
45 supervision, rehabilitation, treatment and education and who is either:

1 (a) At least fourteen years of age and under eighteen years of age  
2 OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.

3 (b) Subject to retained jurisdiction pursuant to section 8-202,  
4 subsection H.

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

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

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

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

13 Sec. 21. Section 41-2820, Arizona Revised Statutes, is amended to  
14 read:

15 41-2820. Discharge

16 A. Each youth shall be discharged from the jurisdiction of the  
17 department on attaining eighteen years of age OR TWENTY-ONE YEARS OF AGE  
18 IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR, except that if the juvenile  
19 court retained jurisdiction over the youth pursuant to section 8-202,  
20 subsection H, the youth shall be discharged from the jurisdiction of the  
21 department on or before attaining nineteen years of age OR TWENTY-ONE  
22 YEARS OF AGE IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR.

23 B. If the department determines that the youth's treatment,  
24 rehabilitation and education pursuant to the individual treatment plan  
25 have been successfully completed and that there is a reasonable  
26 probability that the youth will observe the law and will not be a threat  
27 to the public's safety if at liberty, the youth may be granted a  
28 discharge. On the discharge of a youth pursuant to this subsection, the  
29 department shall promptly notify the committing court, the county attorney  
30 in the county in which the youth was committed and the victim or the  
31 victim's representative of the discharge.

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

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

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

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

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

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

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

5 E. A youth may be discharged from the jurisdiction of the  
6 department if the youth is placed by civil commitment under the  
7 jurisdiction of another agency.

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

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

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

15 3. The youth signs a condition that the youth's discharge will be  
16 vacated if the youth returns to the United States without legal  
17 authorization.

18 G. If the department receives actual notice that a youth who  
19 received a discharge pursuant to this section has returned to the United  
20 States without legal authorization ~~prior to~~ BEFORE the youth's attaining  
21 eighteen years of age OR TWENTY-ONE YEARS OF AGE IF THE OFFENSE IS  
22 CLASSIFIED AS A MISDEMEANOR, the department shall:

23 1. Vacate the discharge.

24 2. Place the youth on conditional liberty status.

25 3. Issue a warrant for the apprehension of the youth.

26 4. Notify the United States immigration and customs enforcement.

27 5. Take the youth into custody.

28 H. Notwithstanding subsection A of this section, a youth who is at  
29 least eighteen years of age shall be discharged from the jurisdiction of  
30 the department if the jurisdiction over the youth has been retained  
31 pursuant to section 8-202, subsection H and the youth is charged with a  
32 criminal offense.