

House Engrossed

criminal justice; 2025-2026

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2951

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-102.05; AMENDING TITLE 12, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; REPEALING SECTION 12-299.16, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 6, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-751.01; AMENDING SECTION 13-2314.01, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 38, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 15; AMENDING SECTIONS 31-227, 41-1234, 41-2404 AND 41-2409, ARIZONA REVISED STATUTES; AMENDING LAWS 2023, CHAPTER 137, SECTION 4, AS AMENDED BY LAWS 2024, CHAPTER 213, SECTION 8; RELATING TO COURT PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 12-102.05, to read:

4 **12-102.05. Child and family representation; report**

5 A. THE CHILD AND FAMILY REPRESENTATION PROGRAM IS ESTABLISHED IN
6 THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE PURPOSE OF COLLABORATING
7 WITH SUPERIOR COURTS, JUDGES AND ATTORNEYS TO ENSURE UNIFORM, HIGH-QUALITY
8 LEGAL REPRESENTATION BY ATTORNEYS APPOINTED PURSUANT TO SECTION 8-221.

9 B. THE SUPREME COURT SHALL EMPLOY ADMINISTRATIVE AND OTHER
10 PERSONNEL THAT IT DETERMINES ARE NECESSARY TO PROPERLY ADMINISTER THE
11 PROGRAM, INCLUDING A CHILD AND FAMILY REPRESENTATION COMPLIANCE CHIEF.

12 C. THE PROGRAM SHALL ENHANCE THE PROVISION OF LEGAL REPRESENTATION
13 FOR CHILDREN AND PARENTS BY DOING THE FOLLOWING:

14 1. ASSESSING THE PROVISION AND AVAILABILITY OF HIGH-QUALITY,
15 ACCESSIBLE TRAINING IN THIS STATE FOR PERSONS WHO SERVE AS COUNSEL FOR
16 CHILDREN AND PARENTS AND FOR JUDGES WHO REGULARLY HEAR DEPENDENCY MATTERS.

17 2. MAKING RECOMMENDATIONS TO THE SUPREME COURT CONCERNING THE
18 ESTABLISHMENT OR MODIFICATION, BY COURT RULE, OF MINIMUM TRAINING
19 REQUIREMENTS AND PRACTICE STANDARDS THAT ATTORNEYS WHO SERVE AS COUNSEL
20 SHALL MEET, INCLUDING APPROPRIATE MAXIMUM CASELOADS, MINIMUM
21 RESPONSIBILITIES AND DUTIES AND PRACTICE GUIDELINES.

22 3. AUDITING THE PRACTICE OF COUNSEL TO ENSURE COMPLIANCE WITH ALL
23 RELEVANT STATUTES, COURT RULES, OTHER DIRECTIVES, POLICIES OR PROCEDURES
24 AND CONTRACT PROVISIONS.

25 4. FILING ETHICAL COMPLAINTS AGAINST ATTORNEYS WHO VIOLATE THE
26 RULES OF PROFESSIONAL CONDUCT RELATED TO THE REPRESENTATION OF CHILDREN
27 AND PARENTS IN DEPENDENCY PROCEEDINGS.

28 5. WORKING COOPERATIVELY WITH THE DEPARTMENT OF CHILD SAFETY, THE
29 OFFICE OF THE ATTORNEY GENERAL, JUDGES, ATTORNEYS, CHILDREN AND PARENTS
30 WHO HAVE BEEN IMPACTED BY THE CHILD WELFARE SYSTEM TO FORM PARTNERSHIPS
31 FOR THE PURPOSE OF ENSURING HIGH-QUALITY LEGAL REPRESENTATION FOR CHILDREN
32 AND PARENTS.

33 6. RECOMMENDING FAIR AND REALISTIC COMPENSATION RATES THAT ARE
34 SUFFICIENT TO ATTRACT AND RETAIN HIGH-QUALITY, EXPERIENCED ATTORNEYS TO
35 SERVE AS COURT APPOINTED COUNSEL FOR CHILDREN AND PARENTS.

36 7. SEEKING TO ENHANCE EXISTING FUNDING SOURCES FOR THE PROVISION OF
37 HIGH-QUALITY COUNSEL SERVICES FOR CHILDREN AND PARENTS AND STUDYING THE
38 AVAILABILITY OF OR DEVELOPING NEW FUNDING SOURCES FOR THE PROVISION OF
39 COUNSEL.

40 8. DEVELOPING MEASURES TO ASSESS AND DOCUMENT THE EFFECTIVENESS OF
41 COUNSEL AND THE OUTCOMES ACHIEVED BY CHILDREN WHO ARE REPRESENTED BY
42 COUNSEL IN CONSULTATION WITH STATE AND NATIONAL INTEREST GROUPS WITH AN
43 UNDERSTANDING OF BEST PRACTICES FOR REPRESENTING CHILDREN AND PARENTS IN
44 DEPENDENCY PROCEEDINGS.

9. ASSISTING FOSTER PARENTS, FOSTER CHILDREN, BIOLOGICAL PARENTS AND OTHER PERSONS WHO HAVE KNOWLEDGE OF AN ALLEGED VIOLATION WITH FILING ETHICAL COMPLAINTS RELATED TO THE REPRESENTATION OF CHILDREN AND PARENTS IN DEPENDENCY PROCEEDINGS.

D. ON OR BEFORE JUNE 30 OF EACH YEAR, THE PROGRAM SHALL REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON THE MEASURES TAKEN TO ASSESS AND DOCUMENT THE EFFECTIVENESS OF COUNSEL. BEGINNING IN 2030 AND EVERY FIVE YEARS THEREAFTER, THE LEGISLATURE SHALL REVIEW THE PROGRAM OUTCOMES TO DETERMINE WHETHER THE PROGRAM SHOULD BE CONTINUED.

Sec. 2. Title 12, chapter 2, Arizona Revised Statutes, is amended by adding article 13, to read:

ARTICLE 13. JUDICIAL OFFICER AND EMPLOYEE RESTRICTIONS

12-299.15. Court officers; state boards; prohibition

NOTWITHSTANDING ANY OTHER LAW, UNLESS EXPRESSLY AUTHORIZED BY THE CONSTITUTION, AN ELECTED OR APPOINTED JUDICIAL OFFICER OR AN EMPLOYEE OF THE JUDICIAL BRANCH MAY NOT SERVE ON ANY STATE-AUTHORIZED BOARD, COMMISSION, COUNCIL OR TASK FORCE.

12-299.16. Court officers: family law: salary increase: prohibition

FOR FISCAL YEARS 2025-2026, 2026-2027 AND 2027-2028, A JUDICIAL OFFICER OR AN EMPLOYEE WHO HANDLES FAMILY LAW MATTERS MAY NOT RECEIVE A SALARY INCREASE, RAISE, BONUS OR COST OF LIVING ADJUSTMENT.

Sec. 3. Delayed repeal

Section 12-299.16, Arizona Revised Statutes, as added by this act, is repealed from and after June 30, 2028.

Sec. 4. Title 12, chapter 6, article 15, Arizona Revised Statutes, is amended by adding section 12-751.01, to read:

12-751.01. Attorney general; county attorney; litigation; lawful exercise of constitutional rights; approval; legislative committees

IF ANY LITIGANT HAS ESTABLISHED BY PRIMA FACIE EVIDENCE IN ANY COURT OF COMPETENT JURISDICTION THAT A LEGAL ACTION BROUGHT BY THE ATTORNEY GENERAL OR ANY COUNTY ATTORNEY WAS SUBSTANTIALLY MOTIVATED BY A DESIRE TO DETER, RETALIATE AGAINST OR PREVENT THE LAWFUL EXERCISE OF A CONSTITUTIONAL RIGHT PURSUANT TO SECTION 12-751, SUBSECTION B, THE ATTORNEY GENERAL OR COUNTY ATTORNEY SHALL OBTAIN APPROVAL FROM A MAJORITY OF THE COMMITTEE MEMBERS IN THE HOUSE OF REPRESENTATIVES AND THE SENATE WITH JURISDICTION OVER JUDICIARY MATTERS BEFORE FILING ANY LEGAL ACTIONS AGAINST ANY PERSON RELATED TO AN ELECTION.

1 Sec. 5. Section 13-2314.01, Arizona Revised Statutes, is amended to
2 read:

3 **13-2314.01. Anti-racketeering revolving fund; use of monies;**
4 **reports; audit**

5 A. The anti-racketeering revolving fund is established. The
6 attorney general shall administer the fund **ONLY** under the conditions and
7 for the purposes provided by this section. Monies in the fund are exempt
8 from the lapsing provisions of section 35-190. **MONIES IN THE FUND MAY NOT**
9 **BE TRANSFERRED TO THE STATE GENERAL FUND.**

10 B. Any prosecution and investigation costs, including attorney
11 fees, that are recovered for the state by the attorney general as a result
12 of enforcement of civil and criminal statutes pertaining to any offense
13 included in the definition of racketeering in section 13-2301, subsection
14 D, paragraph 4 or section 13-2312, whether by final judgment, settlement
15 or otherwise, shall be deposited in the fund established by this section.

16 C. Any monies received by any department or agency of this state or
17 any political subdivision of this state from any department or agency of
18 the United States or another state as a result of participation in any
19 investigation or prosecution, whether by final judgment, settlement or
20 otherwise, shall be deposited in the fund established by this section or, if
21 the recipient is a political subdivision of this state, may be deposited in the fund established pursuant to section 13-2314.03.

22 D. Any monies obtained as a result of a forfeiture by any
23 department or agency of this state under this title or under federal law
24 shall be deposited in the fund established by this section. Any monies or
25 other property obtained as a result of a forfeiture by any political
26 subdivision of this state or the federal government may be deposited in
27 the fund established by this section. Monies deposited in the fund
28 pursuant to this section or section 13-4315 shall accrue interest and
29 shall be held for the benefit of the agency or agencies responsible for
30 the seizure or forfeiture to the extent of their contribution.

31 E. Except as provided in subsections H and I of this section, the
32 monies and interest shall be distributed within thirty days after
33 application to the agency or agencies responsible for the seizure or
34 forfeiture. The agency or agencies applying for monies must submit an
35 application in writing to the attorney general that includes a description
36 of what the requested monies will be used for. The attorney general may
37 deny an application that requests monies for a purpose that is not
38 authorized by this section, section 13-4315 or federal law. Monies in the
39 fund used by the attorney general for capital projects in excess of
40 \$1,000,000 are subject to review by the joint committee on capital review.

41 F. Monies in the fund may be used for the following:

42 1. Funding gang prevention programs, substance abuse prevention
43 programs, substance abuse education programs, programs that provide
44 assistance to victims of a criminal offense that is listed in section

1 13-2301 and witness protection pursuant to section 41-196 or for any
2 purpose permitted by federal law relating to disposing of any property
3 that is transferred to a law enforcement agency.

4 2. Investigating and prosecuting any offense included in the
5 definition of racketeering in section 13-2301, subsection D, paragraph 4
6 or section 13-2312, including civil enforcement.

7 3. Paying the relocation expenses of any law enforcement officer
8 and the officer's immediate family if the law enforcement officer is the
9 victim of a bona fide threat that occurred because of the law enforcement
10 officer's duties.

11 4. Paying the costs of the reports, audits and application
12 approvals that are required by this section.

13 G. Notwithstanding subsection F of this section, beginning from and
14 after August 27, 2025, the attorney general may not use monies from the
15 fund to pay salaries for full-time equivalent positions in the attorney
16 general's office.

17 H. On or before January 28, April 28, July 28 and October 28 of
18 each year, each department or agency of this state receiving monies
19 pursuant to this section or section 13-2314.03 or 13-4315 or from any
20 department or agency of the United States or another state as a result of
21 participation in any investigation or prosecution shall file with the
22 attorney general, the board of supervisors if the sheriff received the
23 monies and the city or town council if the city's or town's department
24 received the monies a report for the previous calendar quarter. The
25 report shall be in an electronic form that is prescribed by the Arizona
26 criminal justice commission and approved by the director of the joint
27 legislative budget committee. The report shall set forth the sources of
28 all monies and all expenditures as required by subsection L of this
29 section. The report shall not include any identifying information about
30 specific investigations. If a department or agency of this state fails to
31 file a report within forty-five days after the report is due and there is
32 no good cause as determined by the Arizona criminal justice commission,
33 the attorney general shall make no expenditures from the fund for the
34 benefit of the department or agency until the report is filed. The
35 attorney general is responsible for collecting all reports from
36 departments and agencies of this state and transmitting the reports to the
37 Arizona criminal justice commission at the time that the report required
38 pursuant to subsection I of this section is submitted.

39 I. On or before February 21, May 21, August 21 and November 21 of
40 each year, the attorney general shall file with the Arizona criminal
41 justice commission a report for the previous calendar quarter. The report
42 shall be in an electronic form that is prescribed by the Arizona criminal
43 justice commission and approved by the director of the joint legislative
44 budget committee. The report shall set forth the sources of all monies
45 and all expenditures as required by subsections K and L of this section.

1 The report shall not include any identifying information about specific
2 investigations. If the attorney general fails to file a report within
3 sixty days after the report is due and there is no good cause as
4 determined by the Arizona criminal justice commission, the attorney
5 general shall make no expenditures from the fund for the benefit of the
6 attorney general until the report is filed. If a political subdivision of
7 this state fails to file a report with the county attorney pursuant to
8 section 13-2314.03 within forty-five days after the report is due and
9 there is no good cause as determined by the Arizona criminal justice
10 commission, the attorney general shall make no expenditures from the fund
11 for the benefit of the political subdivision until the report is filed.

12 J. On or before the last day of February, May, August and November
13 of each year, the Arizona criminal justice commission shall compile the
14 attorney general report and the reports of all departments and agencies of
15 this state into a single comprehensive report for the previous calendar
16 quarter and shall submit an electronic copy of the report to the governor,
17 the director of the department of administration, the president of the
18 senate, the speaker of the house of representatives, the director of the
19 joint legislative budget committee and the secretary of state.

20 K. The report that is required by subsection I of this section must
21 include all of the following information if monies were obtained as a
22 result of a forfeiture:

- 23 1. The name of the law enforcement agency that seized the property.
- 24 2. The date of the seizure for forfeiture.
- 25 3. The type of property seized and a description of the property
26 seized, including, if applicable, the make, the model and the serial
27 number of the property.
- 28 4. The location of the original seizure by law enforcement.
- 29 5. The estimated value of the property seized for forfeiture, not
30 excluding encumbrances.
- 31 6. The criminal statute that allowed the seizure for forfeiture.
- 32 7. The criminal statute charged in the criminal case that is
33 related to the forfeiture case.
- 34 8. The court case number of the criminal case that is related to
35 the forfeiture case.
- 36 9. The outcome of the criminal case that is related to the
37 forfeiture case.
- 38 10. If the property was seized by a state agency and submitted for
39 state forfeiture proceedings but was transferred to federal authorities
40 for forfeiture proceedings, the reason for the federal transfer.
- 41 11. The forfeiture case number.
- 42 12. The method of forfeiture proceeding, including whether it was
43 criminal or civil, and if civil, whether a claim was filed by an owner or
44 interest holder.
- 45 13. The venue of the forfeiture action.

1 14. Whether a person or entity filed a claim or counterclaim or
2 submitted a petition asserting an interest in the property as an owner,
3 interest holder or injured person.

4 15. Whether the owner, interest holder or injured person was
5 assisted by an attorney in the forfeiture case.

6 16. The date of the forfeiture decision.

7 17. Whether there was a forfeiture settlement agreement.

8 18. Whether the property was awarded or partially awarded to the
9 owner, partial owner or injured person or if the property was forfeited to
10 the state.

11 19. Whether the property was sold, destroyed or retained by law
12 enforcement.

13 20. The earliest date that the property was disposed of or sent for
14 disposition.

15 21. The net amount of monies and proceeds received from the
16 forfeiture.

17 22. The estimated administrative and storage costs and any other
18 costs, including any costs of litigation.

19 23. The amount of attorney fees, costs, expenses and damages
20 awarded and to whom the fees, costs, expenses or damages were awarded.

21 L. The reports that are required by subsections H and I of this
22 section must include the following information with regard to all
23 expenditures made from the fund for:

24 1. Crime, gang and substance abuse prevention programs.

25 2. Any injured person as defined in section 13-4301.

26 3. Witness protection.

27 4. Investigation costs, including informant fees and buy money.

28 5. Regular-time salaries, overtime pay and employee benefits of
29 prosecutors.

30 6. Regular-time salaries, overtime pay and employee benefits of
31 sworn law enforcement agency personnel other than prosecutors.

32 7. Regular-time salaries, overtime pay and employee benefits of
33 unsworn law enforcement agency personnel other than prosecutors.

34 8. Professional or outside services, including services related to
35 auditing, outside attorney fees, court reporting, expert witnesses and
36 other court costs.

37 9. Travel and meals.

38 10. Training.

39 11. Conferences.

40 12. Vehicles purchased or leased.

41 13. Vehicle maintenance.

42 14. Canines, firearms and related equipment, including tactical
43 gear.

44 15. Other capital expenditures, including furniture, computers and
45 office equipment.

1 16. External publications and communications.

2 17. Other operating expenses, including office supplies, postage
3 and printing. Expenses listed under this paragraph must be separately
4 categorized.

5 M. Beginning in 2018 and every other year thereafter, the auditor
6 general shall conduct a performance audit, as defined in section 41-1278,
7 and a financial audit of the attorney general's use of monies in the fund.
8 The audits must include all expenditures that were made by the attorney
9 general's office from the fund for the previous two years. The auditor
10 general shall submit copies of the performance and financial audits to the
11 president of the senate, the speaker of the house of representatives and
12 the chairpersons of the senate judiciary committee and the house of
13 representatives judiciary and public safety committee, or their successor
14 committees. The attorney general shall pay any fees and costs of the
15 audits under this section from the fund.

16 Sec. 6. Title 13, chapter 38, Arizona Revised Statutes, is amended
17 by adding article 15, to read:

18 ARTICLE 15. ERRONEOUS CONVICTIONS

19 13-4005. Erroneous convictions: compensation

20 A. NOTWITHSTANDING ANY OTHER LAW, A CLAIMANT MAY BRING AN ACTION IN
21 SUPERIOR COURT SEEKING COMPENSATION FROM THIS STATE IF THE CLAIMANT
22 ESTABLISHES, BY A PREPONDERANCE OF THE EVIDENCE, THAT ALL OF THE FOLLOWING
23 APPLY:

24 1. THE CLAIMANT WAS CONVICTED OF A FELONY AND SUBSEQUENTLY
25 INCARCERATED.

26 2. THE CLAIMANT DID NOT COMMIT THE CRIME OR CRIMES FOR WHICH THE
27 CLAIMANT WAS CONVICTED.

28 3. THE CLAIMANT DID NOT COMMIT PERJURY, FABRICATE EVIDENCE OR BY
29 THE CLAIMANT'S OWN CONDUCT CAUSE OR BRING ABOUT THE CONVICTION. A
30 CONFESSION OR ADMISSION LATER FOUND TO BE FALSE OR A GUILTY PLEA DOES NOT
31 CONSTITUTE COMMITTING PERJURY, FABRICATING EVIDENCE OR CAUSING OR BRINGING
32 ABOUT THE CONVICTION.

33 4. ONE OF THE FOLLOWING APPLIES:

34 (a) THE CLAIMANT WAS PARDONED BASED ON INNOCENCE.

35 (b) THE CLAIMANT'S JUDGMENT OF CONVICTION WAS REVERSED OR VACATED
36 AND THE CHARGES WERE DISMISSED OR THE CLAIMANT WAS FOUND NOT GUILTY ON
37 RETRIAL.

38 (c) THE CLAIMANT'S JUDGMENT OF CONVICTION WAS REVERSED OR VACATED
39 AND THE CLAIMANT ENTERED AN ALFORD PLEA OR A PLEA OF NO CONTEST, WHILE
40 MAINTAINING A CLAIM OF INNOCENCE, AFTER THE CONVICTION WAS OVERTURNED,
41 REVERSED OR VACATED ON DIRECT APPEAL OR POSTCONVICTION REVIEW WHEN THE
42 CLAIMANT WOULD OTHERWISE HAVE BEEN ENTITLED TO A NEW TRIAL.

43 B. ALL PLEADINGS SHALL BE ENTITLED "IN THE MATTER OF THE ERRONEOUS
44 CONVICTION OF ____". THE CLAIMANT SHALL SERVE THE ATTORNEY GENERAL WITH
45 A COPY OF THE CLAIM. THE COURT SHALL DECIDE THE CLAIM. THE ARIZONA RULES

1 OF CIVIL PROCEDURE APPLY. THE ACTION SHALL BE BROUGHT IN THE COUNTY OF
2 CONVICTION OR IN MARICOPA COUNTY.

3 C. THE CLAIMANT SHALL BRING THE CLAIM WITHIN TWO YEARS AFTER ONE OF
4 THE FOLLOWING OCCURS:

5 1. THE CLAIMANT'S CONVICTION IS OVERTURNED OR VACATED AND THE
6 CHARGES AGAINST THE CLAIMANT ARE DISMISSED, THE CLAIMANT IS FOUND NOT
7 GUILTY ON RETRIAL OR THE CLAIMANT ENTERS A PLEA OF NO CONTEST, WHICHEVER
8 OCCURS LATER.

9 2. THE CLAIMANT IS PARDONED BASED ON INNOCENCE.

10 3. THE EFFECTIVE DATE OF THIS SECTION IF THE CLAIMANT WAS
11 CONVICTED, INCARCERATED AND RELEASED FROM CUSTODY BEFORE THE EFFECTIVE
12 DATE OF THIS SECTION.

13 D. THE ATTORNEY GENERAL SHALL RESPOND WITHIN THIRTY DAYS TO THE
14 CLAIM. THE ATTORNEY GENERAL MAY REQUEST A SINGLE THIRTY-DAY EXTENSION TO
15 RESPOND ON A SHOWING OF GOOD CAUSE. THE PARTIES MAY STIPULATE TO AN
16 ADDITIONAL EXTENSION OF TIME. IN THE RESPONSE, THE ATTORNEY GENERAL MAY
17 REQUEST THE COURT TO MAKE FINDINGS OF FACT THAT THERE IS EVIDENCE OF
18 MISCONDUCT ON THE PART OF A COUNTY EMPLOYEE.

19 E. IF THE ATTORNEY GENERAL DOES NOT OBJECT IN THE RESPONSE, THE
20 COURT SHALL ENTER AN ORDER GRANTING THE ERRONEOUS CONVICTION CLAIM. IF
21 THE ATTORNEY GENERAL OBJECTS, THE COURT SHALL ORDER AND HOLD AN
22 EVIDENTIARY HEARING. A COURT ORDER THAT GRANTS OR DENIES THE CLAIM SHALL
23 INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW. IF REQUESTED BY THE
24 ATTORNEY GENERAL, THE COURT SHALL MAKE FINDINGS OF FACT REGARDING WHETHER
25 THERE IS EVIDENCE OF MISCONDUCT ON THE PART OF A COUNTY EMPLOYEE. IF NOT
26 REQUESTED BY THE ATTORNEY GENERAL, THE COURT, ON ITS OWN MOTION, MAY FIND
27 THAT THERE IS EVIDENCE OF MISCONDUCT ON THE PART OF A COUNTY EMPLOYEE.

28 F. IF THE COURT ENTERS AN ORDER GRANTING THE CLAIM, THE COURT SHALL
29 AWARD COMPENSATION AS FOLLOWS:

30 1. FOR EACH YEAR THE CLAIMANT WAS INCARCERATED, TWO HUNDRED PERCENT
31 OF THE MEDIAN HOUSEHOLD INCOME IN THIS STATE AS IT EXISTED ON THE DATE THE
32 CLAIMANT WAS INCARCERATED AND AS DETERMINED BY THE UNITED STATES
33 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ADJUSTED FOR INFLATION
34 USING THE CONSUMER PRICE INDEX FOR URBAN CONSUMERS. THE AMOUNT FOR ANY
35 PARTIAL YEAR SHALL BE PRORATED IN ORDER TO COMPENSATE THE CLAIMANT ONLY
36 FOR THE PORTION OF THE YEAR IN WHICH THE CLAIMANT WAS INCARCERATED. THE
37 CLAIMANT MAY NOT RECEIVE COMPENSATION FOR ANY PERIOD OF TIME FOR WHICH THE
38 CLAIMANT WAS CONCURRENTLY SERVING ANOTHER SENTENCE FOR A CONVICTION OF
39 ANOTHER OFFENSE FOR WHICH THE CLAIMANT WAS LAWFULLY INCARCERATED.

40 2. THE CLAIMANT MAY REQUEST MORE THAN THE AMOUNT OF COMPENSATION
41 AWARDED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION. ANY ADDITIONAL AMOUNT
42 OF COMPENSATION AWARDED SHALL BE PAID FROM THE DEPARTMENT OF
43 ADMINISTRATION'S RISK MANAGEMENT REVOLVING FUND PURSUANT TO SUBSECTION M
44 OF THIS SECTION. IF THE CLAIMANT REQUESTS ADDITIONAL COMPENSATION, THE
45 COURT MUST HOLD AN EVIDENTIARY HEARING. THE COURT SHALL CONSIDER THE PRO

1 PER STATUS OF THE CLAIMANT IN DETERMINING WHETHER ADDITIONAL COMPENSATION
2 IS WARRANTED. THE CLAIMANT MAY PRESENT EVIDENCE OF OTHER DAMAGES THE
3 CLAIMANT SUFFERED ARISING FROM OR RELATED TO THE CLAIMANT'S ARREST,
4 PROSECUTION, CONVICTION AND INCARCERATION. THE COURT MAY AWARD UP TO
5 \$500,000 IN ADDITIONAL COMPENSATION.

6 3. \$25,000 PER YEAR FOR EACH YEAR THE CLAIMANT SPENT ON DEATH ROW
7 OR, IF THE CLAIMANT WAS REQUIRED TO REGISTER PURSUANT TO SECTION 13-3821,
8 FOR EACH YEAR THE CLAIMANT COMPLIED WITH THE REGISTRATION REQUIREMENTS.

9 4. REIMBURSEMENT OF NOT MORE THAN \$100,000 FOR REINTEGRATIVE
10 SERVICES AND MENTAL AND PHYSICAL HEALTH CARE COSTS THAT THE CLAIMANT
11 INCURRED FOR THE TIME PERIOD BETWEEN THE CLAIMANT'S RELEASE FROM CUSTODY
12 AND THE ENTRY OF JUDGMENT.

13 5. REIMBURSEMENT FOR UNREIMBURSED COSTS, FINES, FEES OR SURCHARGES
14 THAT WERE IMPOSED ON THE CLAIMANT AS A RESULT OF THE ERRONEOUS CONVICTION
15 AND THAT WERE PAID BY OR ON BEHALF OF THE CLAIMANT.

16 6. REIMBURSEMENT FOR UNREIMBURSED RESTITUTION THAT WAS PAID BY OR
17 ON BEHALF OF THE CLAIMANT AS A RESULT OF THE ERRONEOUS CONVICTION.

18 7. REASONABLE ATTORNEY FEES AND COSTS OF NOT MORE THAN \$25,000
19 UNLESS THE COURT AUTHORIZES A GREATER REASONABLE TOTAL ON A FINDING OF
20 GOOD CAUSE SHOWN.

21 G. COMPENSATION AWARDED TO THE CLAIMANT PURSUANT TO THIS SECTION
22 DOES NOT CONSTITUTE GROSS INCOME FOR THE PURPOSES OF TITLE 42 OR 43.

23 H. THE COURT SHALL ORDER THAT THE AWARD BE PAID IN ONE LUMP SUM TO
24 THE CLAIMANT.

25 I. IN ADDITION TO THE COMPENSATION AWARDED PURSUANT TO SUBSECTION F
26 OF THIS SECTION, THE CLAIMANT IS ENTITLED TO THE FOLLOWING SERVICES FROM
27 LICENSED OR ACCREDITED STATE INSTITUTIONS, AGENCIES OR PROVIDERS WITHIN
28 THIS STATE:

29 1. REIMBURSEMENT FOR MENTAL HEALTH TREATMENT FOR UP TO FIFTY-TWO
30 CLINICAL HOURS AT A MAXIMUM OF \$250 PER HOUR WITHIN TWELVE MONTHS AFTER
31 THE COURT'S ORDER AWARDING COMPENSATION.

32 2. REIMBURSEMENT FOR UP TO ONE HUNDRED TWENTY CREDIT HOURS AT ANY
33 POSTSECONDARY EDUCATIONAL INSTITUTION, VOCATIONAL SCHOOL OR TRADE SCHOOL.

34 3. REIMBURSEMENT FOR UP TO FOUR FINANCIAL PLANNING OR LITERACY
35 CLASSES OR CONSULTATIONS WITHIN TWELVE MONTHS AFTER THE COURT'S ORDER
36 AWARDING COMPENSATION.

37 J. IF, AT THE TIME THE COURT ENTERS A JUDGMENT PURSUANT TO
38 SUBSECTION F OF THIS SECTION, THE CLAIMANT HAS WON A MONETARY JUDGMENT
39 AGAINST THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE IN A CIVIL
40 ACTION RELATED TO THE ERRONEOUS CONVICTION OR HAS ENTERED INTO A
41 SETTLEMENT AGREEMENT WITH THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS
42 STATE RELATED TO THE ERRONEOUS CONVICTION, THE COURT SHALL DEDUCT THE
43 AMOUNT AWARDED IN THE ACTION OR THE AMOUNT RECEIVED IN THE SETTLEMENT
44 AGREEMENT, LESS ANY SUMS PAID TO AN ATTORNEY OR FOR COSTS IN LITIGATING
45 THE OTHER CIVIL ACTION OR OBTAINING THE SETTLEMENT AGREEMENT, FROM THE

1 MONIES THAT THE CLAIMANT IS ENTITLED TO RECEIVE UNDER THIS SECTION. THE
2 COURT SHALL INCLUDE IN THE JUDGMENT AN AWARD TO THIS STATE OF ANY AMOUNT
3 THAT IS DEDUCTED PURSUANT TO THIS SUBSECTION.

4 K. IF SUBSECTION J OF THIS SECTION DOES NOT APPLY, ANY FUTURE
5 DAMAGES THAT ARE AWARDED TO THE CLAIMANT RESULTING FROM AN ACTION BY THE
6 CLAIMANT AGAINST ANY UNIT OF GOVERNMENT IN THIS STATE BY REASON OF THE
7 ERRONEOUS CONVICTION SHALL BE OFFSET BY THE COMPENSATION AWARD RECEIVED
8 UNDER THIS SECTION.

9 L. THE COMPENSATION AWARD MAY NOT BE OFFSET BY ANY EXPENSES
10 INCURRED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE,
11 INCLUDING THE FOLLOWING:

12 1. ANY EXPENSES THAT THIS STATE OR A POLITICAL SUBDIVISION OF THIS
13 STATE INCURRED TO SECURE THE CLAIMANT'S CUSTODY OR TO FEED, CLOTHE OR
14 PROVIDE MEDICAL SERVICES FOR THE CLAIMANT.

15 2. THE VALUE OF ANY SERVICES OR REDUCTION IN FEES FOR SERVICE, OR
16 THE VALUE THEREOF TO BE PROVIDED TO THE CLAIMANT THAT MAY BE AWARDED TO
17 THE CLAIMANT PURSUANT TO THIS SECTION.

18 M. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO
19 COMPENSATION, THE COURT SHALL ISSUE A FINDING THAT THE CLAIMANT WAS
20 ERRONEOUSLY CONVICTED AND, AS A RESULT, SERVED A SPECIFIC AMOUNT OF TIME
21 ERRONEOUSLY INCARCERATED. THE CLERK OF THE COURT SHALL SEND A CERTIFIED
22 COPY OF THE ORDER TO THE DEPARTMENT OF ADMINISTRATION'S RISK MANAGEMENT
23 REVOLVING FUND FOR PAYMENT FROM THE RISK MANAGEMENT REVOLVING FUND
24 ESTABLISHED PURSUANT TO SECTION 41-622. THE DEPARTMENT OF ADMINISTRATION
25 SHALL REMIT FROM THE RISK MANAGEMENT REVOLVING FUND THE PAYMENT TO THE
26 CLAIMANT WITHIN FORTY-FIVE DAYS. ANY CLAIMS FOR REIMBURSEMENT UNDER
27 SUBSECTION I OF THIS SECTION SHALL BE SUBMITTED TO THE DEPARTMENT OF
28 ADMINISTRATION FOR APPROVAL AND PAID FROM THE RISK MANAGEMENT REVOLVING
29 FUND WITHIN FOURTEEN DAYS AFTER RECEIPT. IF THE COURT MADE FINDINGS OF
30 FACT THAT THERE WAS EVIDENCE OF MISCONDUCT ON THE PART OF A COUNTY
31 EMPLOYEE THAT RESULTED IN THE PARDONING, REVERSAL OR VACATING OF A
32 CONVICTION, THE COUNTY OF CONVICTION SHALL REIMBURSE ALL PAYMENTS MADE
33 FROM THE RISK MANAGEMENT REVOLVING FUND TO THE CLAIMANT.

34 N. NOTWITHSTANDING ANY OTHER LAW, ON ENTRY OF AN ERRONEOUS
35 CONVICTION RULING, THE COURT SHALL:

36 1. ORDER THE CLAIMANT'S ASSOCIATED CONVICTIONS AND ARRESTS EXPUNGED
37 FROM ALL APPLICABLE STATE AND FEDERAL SYSTEMS AND THE RECORDS SEALED. THE
38 COURT SHALL ENTER THE EXPUNGEMENT ORDER FOR THE OFFENSE OR OFFENSES FOR
39 WHICH THE RULING APPLIES REGARDLESS OF WHETHER THE CLAIMANT HAS A
40 HISTORICAL PRIOR FELONY CONVICTION. THE EXPUNGEMENT ORDER SHALL STATE ALL
41 OF THE FOLLOWING:

42 (a) THE CLAIMANT'S CURRENT FULL NAME.
43 (b) THE CLAIMANT'S FULL NAME AT THE TIME OF ARREST AND CONVICTION,
44 IF DIFFERENT THAN THE CLAIMANT'S CURRENT NAME.
45 (c) THE CLAIMANT'S SEX, RACE AND DATE OF BIRTH.

1 (d) THE OFFENSE FOR WHICH THE CLAIMANT WAS ARRESTED AND CONVICTED.
2 (e) THE DATES OF THE CLAIMANT'S ARREST AND CONVICTION.

3 (f) THE IDENTITY OF THE ARRESTING LAW ENFORCEMENT AGENCY AND
4 CONVICTING COURT.

5 (g) THAT THE ORDER EXPUNGE ANY RECORD OF THE CLAIMANT'S ARREST,
6 CHARGE, CONVICTION OR ADJUDICATION AND SENTENCE.

7 (h) THAT THE CLAIMANT'S CIVIL RIGHTS, INCLUDING THE RIGHT TO
8 POSSESS FIREARMS, ARE RESTORED, UNLESS THE CLAIMANT IS OTHERWISE NOT
9 ELIGIBLE FOR THE RESTORATION OF CIVIL RIGHTS ON GROUNDS OTHER THAN THE
10 CONVICTION AT ISSUE.

11 (i) THAT THE CLERK OF THE COURT SHALL NOTIFY THE DEPARTMENT OF
12 PUBLIC SAFETY, THE PROSECUTING AGENCY AND THE ARRESTING LAW ENFORCEMENT
13 AGENCY, IF APPLICABLE, OF THE EXPUNGEMENT ORDER.

14 (j) THAT THE CLERK OF THE COURT SHALL SEAL THE CLAIMANT'S COURT
15 RECORDS RELATING TO THE EXPUNGED ARREST, CHARGE, CONVICTION OR
16 ADJUDICATION AND SENTENCE AND ALLOW THE CLAIMANT'S RECORDS TO BE ACCESSED
17 ONLY BY THE CLAIMANT OR THE CLAIMANT'S ATTORNEY.

18 2. DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO EXPUNGE AND DESTROY
19 ANY BIOLOGICAL SAMPLES, INCLUDING DNA AND FINGERPRINT SAMPLES, RECEIVED BY
20 THE DEPARTMENT PURSUANT TO SECTION 13-610. THE CLERK OF THE COURT SHALL
21 SEND A CERTIFIED COPY OF THE ORDER TO THE DEPARTMENT OF PUBLIC SAFETY,
22 WHICH SHALL IMPLEMENT THE ORDER AND PROVIDE CONFIRMATION OF THE ACTION TO
23 THE COURT. THIS PARAGRAPH DOES NOT REQUIRE THE DEPARTMENT OF PUBLIC
24 SAFETY TO EXPUNGE AND DESTROY SAMPLES OR A PROFILE RECORD THAT IS
25 ASSOCIATED WITH THE CLAIMANT AND THAT RELATES TO AN UNRELATED OFFENSE.

26 O. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE THE
27 EXPUNGED RECORD FROM THE DEPARTMENT'S RECORDS AND SHALL INFORM ALL
28 APPROPRIATE STATE AND FEDERAL LAW ENFORCEMENT AGENCIES OF THE EXPUNGEMENT
29 AT NO COST TO THE CLAIMANT. THE STATE DEPARTMENT OF CORRECTIONS SHALL
30 SEAL AND SEPARATE THE EXPUNGED RECORD FROM THE DEPARTMENT'S RECORDS AND
31 MAY NOT MAKE INFORMATION RELATED TO THE EXPUNGED CONVICTION PUBLICLY
32 AVAILABLE THROUGH ANY DEPARTMENT DATABASE.

33 P. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN
34 EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE CLAIMANT WAS
35 ERRONEOUSLY CONVICTED AND THAT THE ARREST, CHARGE, CONVICTION OR
36 ADJUDICATION AND SENTENCE ARE EXPUNGED AND MAY NOT MAKE ANY RECORDS OF THE
37 EXPUNGED ARREST, CHARGE, CONVICTION OR ADJUDICATION AND SENTENCE AVAILABLE
38 AS A PUBLIC RECORD TO ANY PERSON EXCEPT TO THE CLAIMANT OR THE CLAIMANT'S
39 ATTORNEY.

40 Q. PURSUANT TO THE EXPUNGEMENT ORDER, THE CLAIMANT SHALL BE TREATED
41 AS NOT HAVING BEEN ARRESTED FOR, ADJUDICATED DELINQUENT FOR OR CONVICTED
42 OF THE EXPUNGED OFFENSE. THE EXPUNGED ARREST, CHARGE, ADJUDICATION,
43 CONVICTION OR SENTENCE MAY NOT BE USED IN A SUBSEQUENT PROSECUTION BY A
44 PROSECUTING AGENCY OR COURT FOR ANY PURPOSE. THE CLAIMANT MAY STATE THAT
45 THE CLAIMANT HAS NEVER BEEN ARRESTED FOR, CHARGED WITH, ADJUDICATED

1 DELINQUENT FOR, CONVICTED OF OR SENTENCED FOR THE OFFENSE THAT IS THE
2 SUBJECT OF THE EXPUNGEMENT.

3 R. THE CLAIMANT MAY REQUEST THAT THIS ACTION AND ERRONEOUS
4 CONVICTION RULING BE SEALED.

5 S. THE COURT'S DECISION TO GRANT OR DENY AN ERRONEOUS CONVICTION
6 CLAIM IS NOT RES JUDICATA ON ANY OTHER PROCEEDINGS.

7 T. IF THE COURT DENIES AN ERRONEOUS CONVICTION CLAIM, THE CLAIMANT
8 MAY FILE A DIRECT APPEAL PURSUANT TO SECTION 13-4033, SUBSECTION A,
9 PARAGRAPH 3.

10 U. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION NOTICE, THE
11 ATTORNEY GENERAL SHALL PROVIDE THE VICTIM WITH NOTICE OF THE CLAIMANT'S
12 CLAIM AND OF THE RIGHTS PROVIDED TO THE VICTIM IN THIS SECTION. THE RIGHTS
13 AND DUTIES PRESCRIBED IN CHAPTER 40 OF THIS TITLE CONTINUE TO BE
14 ENFORCEABLE THROUGHOUT THE PROCEEDINGS UNDER THIS SECTION.

15 V. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO A JUDGMENT,
16 A VICTIM AS DEFINED IN SECTION 13-4401 IS ENTITLED TO REIMBURSEMENT FOR
17 MENTAL HEALTH TREATMENT FOR UP TO FIFTY-TWO CLINICAL HOURS WITHIN TWELVE
18 MONTHS AFTER THE COURT'S ORDER AWARDING COMPENSATION AT A MAXIMUM OF \$250
19 PER HOUR PURSUANT TO THE VICTIM COMPENSATION AND ASSISTANCE FUND
20 ESTABLISHED BY SECTION 41-2407. THE VICTIM DOES NOT NEED TO ESTABLISH ANY
21 OTHER ELIGIBILITY REQUIREMENTS TO RECEIVE REIMBURSEMENT FOR MENTAL HEALTH
22 SERVICES.

23 Sec. 7. Section 31-227, Arizona Revised Statutes, is amended to
24 read:

25 31-227. Expenses of prosecution; reimbursement of counties

26 A. If a person is arrested within this state for any crime
27 committed in or adjacent and related to a correctional facility under the
28 jurisdiction of the state department of corrections or committed while
29 escaped from a correctional facility under the jurisdiction of the
30 department or from the custody of officials or employees of the department
31 while away from the correctional facility, the clerk of the court in which
32 the legal proceedings relating to the crime are held shall prepare an
33 itemized claim PURSUANT TO AN EXISTING INTERGOVERNMENTAL AGREEMENT WITH
34 THE STATE DEPARTMENT OF CORRECTIONS against the state for the court costs
35 and any other costs or fees incurred by the county on the prosecution and
36 defense of the case and the cost of confining and keeping the prisoner.
37 The claim shall be certified by the judge of the court, sent to the state
38 department of corrections.

39 B. ON RECEIPT OF THE CLAIM, THE STATE DEPARTMENT OF CORRECTIONS
40 SHALL FILE THE CLAIM WITH THE DEPARTMENT OF ADMINISTRATION and ~~paid~~ SHALL
41 PAY THE CLAIM from the appropriation for the support of the state
42 department of corrections to the county treasurer of the county where the
43 legal proceedings were held. The county treasurer shall deposit the
44 monies in the county general fund.

1 Sec. 8. Section 41-1234, Arizona Revised Statutes, is amended to
2 read:

3 **41-1234. Publicly funded contract lobbyists: prohibition**

4 A. Notwithstanding any other law, a state agency, office,
5 department, board or commission and any person acting on behalf of a state
6 agency, office, department, board or commission shall not:

7 1. Enter into a contract or other agreement with a person or entity
8 for lobbying services.

9 2. Spend monies for any person or entity to lobby on behalf of that
10 agency, office, department, board or commission unless that person is a
11 state employee.

12 B. This section does not apply to any state agency, office,
13 department, board or commission that is either:

14 1. Headed by one or more elected officials.

15 2. Exempt from ~~title 41~~, chapter 23 **OF THIS TITLE** for the purposes
16 of contracts for professional lobbyists **EXCEPT FOR THE JUDICIAL BRANCH**.

17 C. This section does not apply to the employment relationship of a
18 lobbyist who is a state employee directly employed by a state governmental
19 unit for ~~whom~~ **WHICH** the employee acts as a lobbyist or lobbying is part of
20 the employee's job description.

21 ~~D. For the purposes of this section, "state employee" has the same
22 meaning prescribed in section 41-1231.~~

23 Sec. 9. Section 41-2404, Arizona Revised Statutes, is amended to
24 read:

25 **41-2404. Arizona criminal justice commission: members;
26 compensation; terms; meetings**

27 A. The Arizona criminal justice commission is established
28 consisting of the following members:

29 1. The attorney general or the attorney general's designee.

30 2. The director of the department of public safety or the
31 director's designee.

32 3. The director of the state department of corrections or the
33 director's designee.

34 4. Sixteen members who are appointed by the governor or their
35 designees. Not more than eight of these members may be from the same
36 political party.

37 ~~5. The administrative director of the courts or the director's
38 designee.~~

39 ~~6.~~ 5. The chairperson of the board of executive clemency or the
40 chairperson's designee.

41 B. The members who are appointed pursuant to subsection A,
42 paragraph 4 of this section shall include at least one police chief, one
43 county attorney and one county sheriff from a county with a population of
44 one million five hundred thousand or more persons, one police chief, one
45 county attorney and one county sheriff from a county with a population

1 equal to or greater than eight hundred thousand persons but fewer than one
2 million five hundred thousand persons and one police chief, one county
3 attorney and one county sheriff from counties with a population of fewer
4 than eight hundred thousand persons. The remaining members shall include
5 one law enforcement leader, one former judge, one mayor, one member of a
6 county board of supervisors, one public defender, one victim advocate and
7 one chief probation officer.

8 C. Members who are appointed pursuant to subsection A, paragraph 4
9 of this section shall serve for terms of two years terminating on the
10 convening of the first regular session of the legislature. Any appointive
11 member who ceases to be a member of the body the member represents on the
12 commission is deemed to have resigned. Appointments to fill a vacancy
13 shall be made in the same manner as the original appointment.

14 D. The commission shall meet and organize by electing from among
15 its membership officers as are deemed necessary or advisable. The
16 commission shall meet at least once during each calendar quarter and
17 additionally as the chairperson deems necessary, and a majority of the
18 members constitutes a quorum for the transaction of business.

19 E. Members of the commission are not eligible to receive
20 compensation but are eligible for reimbursement of expenses pursuant to
21 title 38, chapter 4, article 2.

22 Sec. 10. Section 41-2409, Arizona Revised Statutes, is amended to
23 read:

24 **41-2409. State aid; administration; report**

25 A. The Arizona criminal justice commission shall administer the
26 state aid to county attorneys fund established by section 11-539. On or
27 before September 1 of each year, the commission shall distribute monies in
28 the fund to each county according to the following composite index
29 formula:

30 1. The three-year average of the total felony filings in the
31 superior court in the county, divided by the statewide three-year average
32 of the total felony filings in the superior court.

33 2. The county population, as adopted by the office of economic
34 opportunity, divided by the statewide population, as adopted by the office
35 of economic opportunity.

36 3. The sum of paragraphs 1 and 2 of this subsection divided by two
37 equals the composite index.

38 4. The composite index for each county shall be used as the
39 multiplier against the total ~~funds~~ MONIES appropriated from the state
40 general fund and other monies distributed to the fund pursuant to section
41 41-2421.

42 B. The board of supervisors in each county shall separately account
43 for the monies transmitted pursuant to subsection A of this section and
44 may expend these monies only for the purposes specified in section
45 11-539. The county treasurer shall invest these monies and interest

1 earned shall be expended only for the purposes specified in section
2 11-539.

3 C. The Arizona criminal justice commission shall administer the
4 state aid to indigent defense fund established by section 11-588. By
5 September 1 of each fiscal year, the commission shall distribute monies in
6 the fund to each county according to the following composite index
7 formula:

8 1. The three-year average of the total felony filings in the
9 superior court in the county divided by the statewide three-year average
10 of the total felony filings in the superior court.

11 2. The county population, as adopted by the office of economic
12 opportunity, divided by the statewide population, as adopted by the office
13 of economic opportunity.

14 3. The sum of paragraphs 1 and 2 of this subsection divided by two
15 equals the composite index.

16 4. The composite index for each county shall be used as the
17 multiplier against the total ~~funds~~ MONIES appropriated from the state
18 general fund and other monies distributed to the fund pursuant to section
19 41-2421.

20 D. The board of supervisors shall separately account for the monies
21 transmitted pursuant to subsection C of this section and may expend these
22 monies only for the purposes specified in section 11-588. The county
23 treasurer shall invest these monies and interest earned shall be expended
24 only for the purposes specified in section 11-588.

25 E. The Arizona criminal justice commission shall administer the
26 state aid for juvenile dependency proceedings fund established by section
27 41-2410. On or before September 1 of each fiscal year, the Arizona
28 criminal justice commission shall distribute monies in the fund to each
29 ~~eligible county in which the three-year average of the total juvenile~~
30 ~~dependency case filings in the superior court in the county exceeds the~~
31 ~~three-year average juvenile dependency case filings in the superior court~~
32 ~~of the county for fiscal years 2012-2013, 2013-2014 and 2014-2015~~ based on
33 the proportional share of ~~the increase in petitions~~ FILINGS for each
34 county IN THE MOST RECENT FISCAL YEAR FOR WHICH JUVENILE DEPENDENCY CASE
35 FILING FIGURES ARE AVAILABLE. DISTRIBUTIONS FROM THE STATE AID FOR
36 JUVENILE DEPENDENCY PROCEEDINGS FUND TO A COUNTY MAY NOT EXCEED \$250,000
37 IN ANY FISCAL YEAR. IF A COUNTY DISTRIBUTION IN ANY FISCAL YEAR IS
38 PROJECTED TO EXCEED \$250,000, THE ARIZONA CRIMINAL JUSTICE COMMISSION
39 SHALL DISTRIBUTE MONIES IN EXCESS OF \$250,000 TO THE REMAINING COUNTIES
40 BASED ON THE PROPORTIONAL SHARE OF JUVENILE DEPENDENCY CASE FILINGS
41 STATEWIDE FOR EACH COUNTY LESS THE JUVENILE DEPENDENCY CASE FILINGS FROM
42 THE COUNTIES THAT HAVE REACHED THE MAXIMUM DISTRIBUTION IN THE FISCAL
43 YEAR.

44 F. The board of supervisors shall separately account for the monies
45 distributed pursuant to subsection E of this section and may spend these

1 monies only for the purposes specified in section 41-2410. The county
2 treasurer shall invest these monies and interest earned shall be spent
3 only for the purposes specified in section 41-2410.

4 G. On or before January 8 each year, the commission shall report to
5 each county board of supervisors, the governor, the legislature, the joint
6 legislative budget committee, the chief justice of the supreme court and
7 the attorney general on the expenditure of the monies in the state aid to
8 county attorneys fund and the state aid to indigent defense fund for the
9 prior fiscal year and on the progress made in achieving the goal of
10 improved criminal case processing.

11 Sec. 11. Laws 2023, chapter 137, section 4, as amended by Laws
12 2024, chapter 213, section 8, is amended to read:

13 Sec. 4. Fentanyl prosecution, diversion and testing fund;
14 exemption; delayed repeal; transfer of monies

15 A. The fentanyl prosecution, diversion and testing fund is
16 established consisting of monies appropriated by the legislature. The
17 department of public safety shall administer the fund and may use monies
18 in the fund for costs that are associated with administering the fund.
19 Monies in the fund are continuously appropriated and are exempt from the
20 provisions of section 35-190, Arizona Revised Statutes, relating to
21 lapsing of appropriations. The department shall allocate monies in the
22 fund on a first-come, first-served basis to:

23 1. County attorneys, county sheriffs and courts to reimburse costs
24 related to fentanyl prosecutions in this state that involve a violation of
25 either of the following:

26 (a) Section 13-3408, subsection A, paragraph 2, 3 or 4, Arizona
27 Revised Statutes.

28 (b) Section 13-3408, subsection A, paragraph 7, Arizona Revised
29 Statutes, unless the violation involves the transfer or offer to transfer
30 fentanyl.

31 2. Law enforcement agencies in this state to reimburse costs
32 related to fentanyl testing.

33 3. Law enforcement agencies in this state to reimburse costs
34 related to fentanyl diversion activities.

35 B. From and after June 30, ~~2025~~ 2027, this section is repealed and
36 any unexpended or unencumbered monies in the fentanyl prosecution,
37 diversion and testing fund established by this section are transferred to
38 the state general fund.

39 Sec. 12. Legislative findings

40 The legislature finds that:

41 1. Innocent persons who have been erroneously convicted of crimes
42 have been uniquely victimized, have distinct struggles reentering society,
43 have difficulty achieving legal redress due to a variety of substantive
44 and technical obstacles in the law and should have an available avenue of

1 redress over and above the existing tort remedies to seek compensation for
2 damages.

3 2. Erroneously convicted persons suffer particular and substantial
4 harm by being imprisoned for a crime they did not commit, including the
5 loss of liberty, livelihood and financial opportunity. The legislature
6 intends that by enacting section 13-4005, Arizona Revised Statutes, as
7 added by this act, persons who were erroneously convicted and unjustly
8 robbed of their freedom should be able to receive monetary compensation
9 and nonmonetary services.

10 3. Erroneous convictions cause victims of crime unique harm. The
11 legislature intends to provide crime victims with mental health treatment
12 services in recognition of the trauma crime victims undergo when the legal
13 system fails them by erroneously convicting the wrong person.

14 Sec. 13. Retroactivity

15 Section 41-2409, Arizona Revised Statutes, as amended by this act,
16 applies retroactively to from and after June 30, 2025.

17 Sec. 14. Effective date

18 Title 13, chapter 38, article 15, Arizona Revised Statutes, as added
19 by this act, is effective from and after December 31, 2025.