

REFERENCE TITLE: juvenile offenders; monetary sanctions; repeal

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## HB 2033

Introduced by  
Representative Blackman

### AN ACT

AMENDING SECTIONS 8-221 AND 8-234, ARIZONA REVISED STATUTES; REPEALING SECTION 8-241, ARIZONA REVISED STATUTES; AMENDING SECTION 8-243, ARIZONA REVISED STATUTES; REPEALING SECTION 8-243.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 8-243.02, 8-245, 8-246, 8-263, 8-321, 8-322, 8-323 AND 8-341, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-341.02; AMENDING SECTIONS 8-343, 8-344, 8-348 AND 8-349, ARIZONA REVISED STATUTES; REPEALING SECTION 8-418, ARIZONA REVISED STATUTES; AMENDING SECTIONS 8-503.01, 11-537, 11-584, 12-116, 12-116.07, 12-1551, 41-191.08, 41-1750 AND 41-2822, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO JUVENILE SANCTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-221, Arizona Revised Statutes, is amended to  
3 read:

4 8-221. Counsel right of juvenile, parent or guardian;  
5 appointment; guardian ad litem

6 A. The court shall appoint an attorney for a child in all  
7 delinquency, dependency or termination of parental rights proceedings that  
8 are conducted pursuant to this title. The court shall appoint the  
9 attorney before the first hearing. The attorney shall represent the child  
10 at all stages of the proceedings and, in a dependency proceeding, through  
11 permanency.

12 B. If a juvenile, parent or guardian is found to be indigent and  
13 entitled to counsel, the juvenile court shall appoint an attorney to  
14 represent the person or persons unless the person knowingly, intelligently  
15 and voluntarily waives counsel.

16 C. Before any court appearance that may result in  
17 institutionalization or mental health hospitalization of a juvenile, the  
18 court shall appoint counsel for the juvenile if counsel has not been  
19 previously appointed or retained by or for the juvenile.

20 D. The county board of supervisors may fix a reasonable sum to be  
21 paid by the county for the services of an appointed attorney.

22 ~~E. If the court finds that the parent or guardian of a juvenile has~~  
23 ~~sufficient financial resources to reimburse, at least in part, the costs~~  
24 ~~of the services of an attorney appointed pursuant to this section, the~~  
25 ~~court shall order the parent or guardian to pay to the appointed attorney~~  
26 ~~or the county, through the clerk of the court, an amount that the parent~~  
27 ~~or guardian is able to pay without incurring substantial hardship to the~~  
28 ~~family. Failure to obey an order under this subsection is not grounds for~~  
29 ~~contempt or grounds for withdrawal by the appointed attorney. An order~~  
30 ~~under this section may be enforced in the manner of a civil judgment.~~

31 ~~F.~~ E. In a county where there is a public defender, the public  
32 defender may act as attorney in either:

33 1. A delinquency or incorrigibility proceeding when requested by  
34 the juvenile court.

35 2. Any other juvenile proceeding that is conducted pursuant to this  
36 title if the board of supervisors authorizes the appointment of the public  
37 defender.

38 ~~G.~~ F. In all juvenile court proceedings in which the dependency  
39 petition includes an allegation that the juvenile is abused or neglected,  
40 the court may appoint a guardian ad litem to protect the juvenile's best  
41 interests. This guardian ad litem shall be an attorney. The guardian ad  
42 litem is not the child's attorney.



1           1. Impose a fine of not more than ~~one thousand dollars~~ \$1,000, plus  
2 any applicable surcharges and assessments.

3           2. Impose a term of incarceration in jail for a period of not more  
4 than thirty days.

5           3. Order the parents or guardian of the child to perform community  
6 restitution with the child.

7           F. If the court finds that the best interests of the child would be  
8 served by participation in a diversion program, in lieu of taking any  
9 action pursuant to subsection C of this section, the court may order the  
10 parent or guardian of a child to participate in a diversion program,  
11 approved by the supreme court, that requires the parent or guardian to  
12 perform community restitution or to attend and successfully complete a  
13 program of counseling, treatment or education. If the terms and  
14 conditions of the diversion order are successfully completed, the court  
15 shall dismiss its finding against the parents. If the court finds that  
16 the terms and conditions of the diversion order were not successfully  
17 completed it may take one or more of the actions specified in subsection B  
18 of this section.

19           G. Before a hearing that may result in incarceration for a person  
20 who is alleged to have violated a court order under this section, the  
21 court shall advise the person that the person has the right to be  
22 represented by counsel and that the court may appoint counsel if the court  
23 finds that the person is indigent.

24           H. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT  
25 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR  
26 FROM COVERING AN EXPENSE THAT IS RELATED TO THE CHILD'S TREATMENT OR CARE.

27           Sec. 3. Repeal

28           Section 8-241, Arizona Revised Statutes, is repealed.

29           Sec. 4. Section 8-243, Arizona Revised Statutes, is amended to  
30 read:

31           8-243. Expenses of child services; parent liability  
32 prohibited

33           A. The supreme court shall administer the activities, including  
34 providing the cost of services, for children who are referred to the  
35 juvenile court as incorrigible or delinquent and who are placed in foster  
36 care other than in a state institution or who require shelter care or  
37 treatment. If the juvenile court places a referred child in foster care  
38 or orders a referred child to participate in treatment or an education  
39 program or if a probation officer requires a child to comply with a  
40 program pursuant to section 8-321, subsection F, the juvenile court ~~shall~~  
41 ~~inquire into the ability of the child or the child's parent~~ MAY NOT ORDER  
42 THE CHILD OR THE CHILD'S PARENT OR GUARDIAN to bear the charge or expense  
43 of the foster care, treatment, education program or program required  
44 pursuant to section 8-321, subsection F. ~~If the court is satisfied that~~  
45 ~~the child or the child's parent can bear the charge or expense or any~~

1 ~~portion of the charge or expense, the juvenile court may fix the amount of~~  
 2 ~~the payment and shall direct the child or parent to pay the amount monthly~~  
 3 ~~to the clerk of the court until the child is discharged from foster care,~~  
 4 ~~treatment, an education program or a program required pursuant to section~~  
 5 ~~8-321, subsection F. The clerk of the court shall transmit monies~~  
 6 ~~collected monthly to the supreme court for deposit in the juvenile~~  
 7 ~~probation services fund to reimburse the cost of services incurred under~~  
 8 ~~sections 8-321 and 8-322. Monies collected for this purpose are exempt~~  
 9 ~~from section 41-2421, subsection C.~~

10 B. If the juvenile court awards or commits a child to the  
 11 department of juvenile corrections or other state department or  
 12 institution, the juvenile court ~~shall inquire into the ability of the~~  
 13 ~~child, the child's estate, parent or guardian or the person who has~~  
 14 ~~custody of the child~~ MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR  
 15 GUARDIAN to bear the charge, expense and maintenance, including the  
 16 medical, dental and mental health care of the child while the child is  
 17 committed to the custody of the department of juvenile corrections or  
 18 other public or private institution or agency, or private person or  
 19 persons. ~~If the court is satisfied that the child, the child's estate,~~  
 20 ~~parent or guardian or the person who has custody of the child can bear the~~  
 21 ~~charges, expense and maintenance or any portion of them, the juvenile~~  
 22 ~~court shall fix the amount thereof and direct that the child, the child's~~  
 23 ~~estate, parent or guardian or the person who has custody of the child pay~~  
 24 ~~the amount monthly to the department of juvenile corrections or other~~  
 25 ~~public or private institution or agency, or private person or persons to~~  
 26 ~~which the child is awarded or committed. The department of juvenile~~  
 27 ~~corrections or other public or private institution or agency or private~~  
 28 ~~person or persons shall acknowledge the receipt of the monies. The~~  
 29 ~~department of juvenile corrections shall retain and utilize the money it~~  
 30 ~~receives to fund work restitution programs for juveniles. Except as~~  
 31 ~~provided in section 8-243.01, other state institutions or agencies shall~~  
 32 ~~deposit, pursuant to sections 35-146 and 35-147, the money in the state~~  
 33 ~~general fund. The juvenile court shall transmit a copy of its orders~~  
 34 ~~concerning payment along with its order of commitment.~~

35 C. If the juvenile court awards or commits a child to a juvenile  
 36 detention facility, the juvenile court ~~shall inquire into the ability of~~  
 37 ~~the child, the child's estate, parent or guardian or the person who has~~  
 38 ~~custody of the child~~ MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR  
 39 GUARDIAN to bear the charge, expense and maintenance, including food,  
 40 clothing, shelter and supervision of the child while the child is detained  
 41 in a juvenile detention facility. ~~If the juvenile court is satisfied that~~  
 42 ~~the child, the child's estate, parent or guardian or the person who has~~  
 43 ~~custody of the child can bear the charges, expense and maintenance or any~~  
 44 ~~portion of them, the juvenile court may fix the amount of the payment and~~  
 45 ~~direct that the child, the child's estate, parent or guardian or the~~

1 ~~person who has custody of the child pay the amount monthly to the juvenile~~  
2 ~~court. The assessment is collectible as a civil judgment. The juvenile~~  
3 ~~court shall acknowledge the receipt of the monies and shall transmit the~~  
4 ~~monies monthly to the county treasurer for deposit in the county general~~  
5 ~~fund. The juvenile court shall transmit a copy of its orders concerning~~  
6 ~~payment along with its order of commitment.~~

7 ~~D. Subsection C of this section does not apply to foster parents~~  
8 ~~and group homes.~~

9 ~~E. If the juvenile was adopted or placed in permanent guardianship~~  
10 ~~after the juvenile was determined by the court to be a dependent child,~~  
11 ~~the juvenile court shall consider the totality of the child's~~  
12 ~~circumstances and the nature of the dependency. The juvenile court may~~  
13 ~~waive all or part of the charges, expense and maintenance prescribed by~~  
14 ~~this section if the juvenile court determines extenuating circumstances~~  
15 ~~exist.~~

16 D. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT  
17 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR  
18 FROM COVERING AN EXPENSE THAT IS RELATED TO THE CHILD'S TREATMENT OR CARE.

19 Sec. 5. Repeal

20 Section 8-243.01, Arizona Revised Statutes, is repealed.

21 Sec. 6. Section 8-243.02, Arizona Revised Statutes, is amended to  
22 read:

23 8-243.02. Assignment of right to support; priority

24 A. The right to support of a child receiving foster care  
25 maintenance payments pursuant to 42 United States Code sections 670  
26 through 676 is assigned to this state by operation of law. The agency in  
27 this state administering the provisions of 42 United States Code sections  
28 651 through 665 shall take all steps necessary to enforce the assigned  
29 rights to support.

30 B. This state's assigned right to support has priority over the  
31 claims of all support claimants until the amounts due this state are  
32 satisfied.

33 ~~C. This section does not prohibit a court from entering a parental~~  
34 ~~assessment order pursuant to section 8-241 or 8-243.~~

35 Sec. 7. Section 8-245, Arizona Revised Statutes, is amended to  
36 read:

37 8-245. Physical and mental care

38 A. When a child under the jurisdiction of the juvenile court  
39 appears to be in need of medical or surgical care, the juvenile court may  
40 order the parent, guardian or custodian to provide treatment for the child  
41 in a hospital or otherwise. If the parent, guardian or custodian fails to  
42 provide the care as ordered, the juvenile court may enter an order  
43 therefor, and the expense, when approved by the juvenile court, shall be a  
44 county charge. ~~The juvenile court may adjudge that the person required by~~  
45 ~~law to support the child pay part or all of the expenses of treatment in~~

1 ~~accordance with section 8-243.~~ THE COURT MAY NOT ORDER A CHILD OR THE  
2 PARENT OR GUARDIAN OF A CHILD WHO IS IN RESIDENTIAL PLACEMENT AS A TERM OF  
3 PROBATION, DETENTION OR INCARCERATION TO PAY FOR TREATMENT EXPENSES.

4 B. A county with a population of more than one million persons  
5 shall pay claims approved by the county from a facility or provider for  
6 medical or surgical care to a child that is a county charge pursuant to  
7 subsection A of this section, unless otherwise provided by an  
8 intergovernmental agreement, as follows:

9 1. For inpatient and outpatient hospital services, the county shall  
10 reimburse at a level that does not exceed the reimbursement methodology  
11 established pursuant to section 36-2903.01, subsection G.

12 2. For health and medical services, the county shall reimburse at a  
13 level that does not exceed the capped fee-for-service schedule that is  
14 adopted by the Arizona health care cost containment system administration  
15 pursuant to title 36, chapter 29, article 1 and that is in effect at the  
16 time the services are delivered.

17 C. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT  
18 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR  
19 FROM COVERING AN EXPENSE RELATED TO THE CHILD'S TREATMENT OR CARE.

20 Sec. 8. Section 8-246, Arizona Revised Statutes, is amended to  
21 read:

22 8-246. Jurisdiction; length of commitment; placement;  
23 assessment; definition

24 A. When jurisdiction of a juvenile has been acquired by the  
25 juvenile court, the juvenile shall continue under the jurisdiction of the  
26 juvenile court until the juvenile attains eighteen years of age or, if the  
27 juvenile court has retained jurisdiction over the person pursuant to  
28 section 8-202, subsection H, nineteen years of age, unless sooner  
29 discharged pursuant to law. From the time of commitment to the department  
30 of juvenile corrections, a juvenile shall be subject to the control of the  
31 department of juvenile corrections until the juvenile's discharge pursuant  
32 to section 41-2820.

33 B. Except pursuant to section 8-341, subsection ~~I~~ I and section  
34 8-344, and unless the court has retained jurisdiction over the person  
35 pursuant to section 8-202, subsection H:

36 1. The awarding of a juvenile shall not extend beyond the  
37 juvenile's eighteenth birthday.

38 2. Commitment to the department of juvenile corrections shall be  
39 until the juvenile attains eighteen years of age 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, if the juvenile court has retained  
8 jurisdiction over the person pursuant to section 8-202, subsection H,  
9 under nineteen years of age.

10 Sec. 9. Section 8-263, Arizona Revised Statutes, is amended to  
11 read:

12 8-263. Order for counseling; administration

13 A. In addition to or ~~prior to~~ BEFORE entering a judgment pursuant  
14 to article 4 of this chapter, the court may order parents or guardians of  
15 a child referred to the court and ~~such~~ THE child to attend family  
16 counseling programs administered by the court pursuant to this article.

17 B. The COURT SHALL DETERMINE THE frequency of attendance at the  
18 counseling sessions provided for in subsection A OF THIS SECTION, THE  
19 times and locations ~~thereof~~ OF THE COUNSELING SESSIONS and THE areas of  
20 counseling to be emphasized ~~shall be as determined by the court~~. The  
21 court may employ personnel and delegate to public and private agencies  
22 execution of the family counseling programs. Payment for services  
23 necessary to carry out the provisions of this section shall be a county  
24 charge to the matching funds as provided in this article.

25 ~~C. The juvenile division of the superior court shall inquire into~~  
26 ~~the ability of the minor, his estate or parent, guardian or person who has~~  
27 ~~custody of such minor to bear the charge or expense of conducting~~  
28 ~~counseling sessions provided for by this article. If the court is~~  
29 ~~satisfied that the minor, his estate or parent, guardian or person who has~~  
30 ~~custody of such minor can bear such charge or expense, the court may fix~~  
31 ~~the amount thereof and direct that the minor, his estate or parent,~~  
32 ~~guardian or person who has custody of such minor pay such amount to the~~  
33 ~~clerk of the court on terms directed by the court. The clerk of the court~~  
34 ~~shall acknowledge receipt of the money received to the person paying same.~~  
35 ~~The clerk of the court shall transmit such money to the state treasurer~~  
36 ~~for deposit in the state general fund.~~

37 C. THE COURT MAY NOT ORDER A CHILD OR THE CHILD'S PARENT OR  
38 GUARDIAN TO PAY FOR THE COST OF COUNSELING SESSIONS OR OTHER SERVICES THAT  
39 ARE AUTHORIZED BY THIS SECTION.

40 D. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT  
41 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR  
42 FROM COVERING A COST THAT IS RELATED TO THE CHILD'S TREATMENT OR CARE.

1           Sec. 10. Section 8-321, Arizona Revised Statutes, is amended to  
2 read:

3           8-321. Referrals; diversions; conditions; community based  
4                                   alternative programs

5           A. Except as provided in subsection B of this section, before a  
6 petition is filed or an admission or adjudication hearing is held, the  
7 county attorney may divert the prosecution of a juvenile who is accused of  
8 committing a delinquent act or a child who is accused of committing an  
9 incorrigible act to a community based alternative program or to a  
10 diversion program administered by the juvenile court.

11           B. A juvenile is not eligible for diversion if any of the following  
12 applies:

13           1. The juvenile committed a dangerous offense as defined in section  
14 13-105.

15           2. The juvenile is a chronic felony offender as defined in section  
16 13-501.

17           3. The juvenile committed an offense that is listed in section  
18 13-501.

19           4. The juvenile is alleged to have committed a violation of section  
20 28-1381, 28-1382 or 28-1383.

21           5. The juvenile is alleged to have committed an offense involving  
22 the purchase, possession or consumption of spirituous liquor or a  
23 violation of title 13, chapter 34 and the juvenile has previously  
24 participated in a community based alternative program or a diversion  
25 program administered by the juvenile court at least two times within  
26 twenty-four months before the date of the commission of the alleged  
27 offense.

28           C. Except as provided in section 8-323, the county attorney has  
29 sole discretion to decide whether to divert or defer prosecution of a  
30 juvenile offender. The county attorney may designate the offenses that  
31 shall be retained by the juvenile court for diversion or that shall be  
32 referred directly to a community based alternative program that is  
33 authorized by the county attorney.

34           D. The county attorney or the juvenile court in cooperation with  
35 the county attorney may establish community based alternative programs.

36           E. Except for offenses that the county attorney designates as  
37 eligible for diversion or referral to a community based alternative  
38 program, on receipt of a referral alleging the commission of an offense,  
39 the juvenile probation officer shall submit the referral to the county  
40 attorney to determine if a petition should be filed.

41           F. If the county attorney diverts the prosecution of a juvenile to  
42 the juvenile court, the juvenile probation officer shall conduct a  
43 personal interview with the alleged juvenile offender. At least one of  
44 the juvenile's parents or guardians shall attend the interview. The  
45 probation officer may waive the requirement for the attendance of the

1 parent or guardian for good cause. If the juvenile acknowledges  
2 responsibility for the delinquent or incorrigible act, the juvenile  
3 probation officer shall require that the juvenile comply with one or more  
4 of the following conditions:

5 1. Participation in unpaid community restitution work.

6 2. Participation in a counseling program that is approved by the  
7 court and that is designed to strengthen family relationships and to  
8 prevent repetitive juvenile delinquency.

9 3. Participation in an education program that is approved by the  
10 court and that has as its goal the prevention of further delinquent  
11 behavior.

12 4. Participation in an education program that is approved by the  
13 court and that is designed to deal with ancillary problems experienced by  
14 the juvenile, such as alcohol or drug abuse.

15 5. Participation in a nonresidential program of rehabilitation or  
16 supervision that is offered by the court or offered by a community youth  
17 serving agency and approved by the court.

18 6. Payment of restitution to the victim of the delinquent act.

19 7. Payment of a monetary assessment THAT MAY BE SATISFIED THROUGH  
20 COMMUNITY RESTITUTION. THE COURT SHALL CREDIT ANY COMMUNITY RESTITUTION  
21 PERFORMED AT A RATE THAT IS EQUAL TO THE MINIMUM WAGE PRESCRIBED BY  
22 SECTION 23-363, SUBSECTIONS A AND B, ROUNDED UP TO THE NEAREST DOLLAR.

23 G. If the juvenile successfully complies with the conditions set  
24 forth by the probation officer, the county attorney shall not file a  
25 petition in juvenile court and the program's resolution shall not be used  
26 against the juvenile in any further proceeding and is not an adjudication  
27 of incorrigibility or delinquency. The resolution of the program is not a  
28 conviction of crime, does not impose any civil disabilities ordinarily  
29 resulting from a conviction and does not disqualify the juvenile in any  
30 civil service application or appointment.

31 H. In order to participate in a community based alternative program  
32 the juvenile who is referred to a program shall admit responsibility for  
33 the essential elements of the accusation and shall cooperate with the  
34 program in all of its proceedings.

35 I. All of the following apply to each community based alternative  
36 program that is established pursuant to this section:

37 1. The juvenile's participation is voluntary.

38 2. The victim's participation is voluntary.

39 3. The community based alternative program shall ensure that the  
40 victim, the juvenile's parent or guardian and any other persons who are  
41 directly affected by an offense have the right to participate.

42 4. The participants shall agree to the consequences imposed on the  
43 juvenile or the juvenile's parent or guardian.

44 5. The meetings and records shall be open to the public.

1 J. After holding a meeting the participants in the community based  
2 alternative program may agree on any legally reasonable consequences that  
3 the participants determine are necessary to fully and fairly resolve the  
4 matter except confinement OR MONETARY SANCTIONS OR FINES THAT EXCEED \$250.

5 K. The participants shall determine consequences within thirty days  
6 after referral to the community based alternative program, and the  
7 juvenile shall complete the consequences within ninety days after the  
8 matter is referred to the community based alternative program. The county  
9 attorney or the juvenile probation officer may extend the time in which to  
10 complete the consequences for good cause. If the community based  
11 alternative program involves a school, the deadlines for determination and  
12 completion of consequences shall be thirty and ninety school days,  
13 respectively.

14 L. The community based alternative program, the juvenile, the  
15 juvenile's parent or guardian and the victim may sign a written contract  
16 in which the parties agree to the program's resolution of the matter and  
17 in which the juvenile's parent or guardian agrees to ensure that the  
18 juvenile complies with the contract. ~~The contract may provide that the  
19 parent or guardian shall post a bond payable to this state to secure the  
20 performance of any consequence imposed on the juvenile pursuant to  
21 subsection J of this section.~~

22 M. If the juvenile successfully completes the consequences, the  
23 county attorney shall not file a petition in juvenile court and the  
24 program's resolution shall not be used against the juvenile in any further  
25 proceeding and is not an adjudication of incorrigibility or delinquency.  
26 The resolution of the program is not a conviction of crime, does not  
27 impose any civil disabilities ordinarily resulting from a conviction and  
28 does not disqualify the juvenile in any civil service application or  
29 appointment.

30 N. ~~The county attorney or juvenile court shall assess the parent of  
31 a juvenile who is diverted pursuant to subsection A of this section a fee  
32 of fifty dollars unless, after determining the inability of the parent to  
33 pay the fee, the county attorney or juvenile court assesses a lesser  
34 amount. If the juvenile was adopted or placed in permanent guardianship  
35 after the juvenile was determined by the court to be a dependent child,  
36 the county attorney or juvenile court shall consider the totality of the  
37 child's circumstances and the nature of the dependency. The county  
38 attorney or juvenile court may waive all or part of the fee prescribed by  
39 this subsection if the county attorney or juvenile court determines  
40 extenuating circumstances exist. All monies assessed pursuant to this  
41 subsection shall be used for the administration and support of community  
42 based alternative programs or juvenile court diversion programs. Any  
43 amount greater than forty dollars of the fee assessed pursuant to this  
44 subsection shall only be used to supplement monies currently used for the  
45 salaries of juvenile probation and surveillance officers and for support~~

~~of programs and services of the superior court juvenile probation departments. The clerk of the superior court shall pay all monies collected from this assessment to the county treasurer for deposit in the juvenile probation fund, to be utilized as provided in section 12-268, and the county attorney shall pay all monies collected from this assessment into the county attorney juvenile diversion fund established by section 11-537~~ MAY NOT ASSESS OR REQUIRE THE JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY A FEE OR THE COST FOR A COMMUNITY BASED ALTERNATIVE PROGRAM OR DIVERSION PROGRAM THAT IS AUTHORIZED BY THIS SECTION.

O. The supreme court shall annually establish an average cost per juvenile for providing diversion services in each county, based on the monies appropriated for diversion pursuant to section 8-322, excluding the cost of juvenile intake services provided by the juvenile court, and the number of juveniles diverted the previous year. On the county attorney's certification to the supreme court of the number of juveniles diverted to a county attorney community based alternative program each quarter, the annual average cost per juvenile for each juvenile diverted shall be reimbursed to the county attorney juvenile diversion fund established by section 11-537 out of monies appropriated to the supreme court for diversion programs.

P. If the juvenile does not acknowledge responsibility for the offense, or fails to comply with the consequences set by the community based alternative program, the case shall be submitted to the county attorney for review. THE PAYMENT OF A MONETARY ASSESSMENT MAY NOT BE USED AS A CONDITION FOR THE JUVENILE TO COMPLY WITH THE CONSEQUENCES SET BY THE COMMUNITY BASED ALTERNATIVE PROGRAM.

Q. After reviewing a referral, if the county attorney declines prosecution, the county attorney may return the case to the juvenile probation department for further action as provided in subsection F of this section.

R. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR FROM COVERING AN EXPENSE THAT IS RELATED TO THE JUVENILE'S TREATMENT OR CARE.

Sec. 11. Section 8-322, Arizona Revised Statutes, is amended to read:

8-322. Juvenile probation services fund; program and contract requirements

A. The juvenile probation services fund is established. The supreme court shall administer the fund. Monies in the juvenile probation services fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

B. The supreme court shall allocate monies in the fund or appropriated to the superior court's juvenile probation services fund line based on its determination of the need for and probable effectiveness of

1 each plan submitted pursuant to this article. The supreme court shall  
 2 require that the presiding juvenile court judge submit in accordance with  
 3 rules of the supreme court a plan for the expenditure of monies that are  
 4 allocated to the juvenile court pursuant to this section. The supreme  
 5 court may reject a plan or a modification of a plan that is submitted  
 6 pursuant to this subsection.

7 C. Monies shall be used to fund programs, the participation in  
 8 which a juvenile probation officer or community based alternative program  
 9 administered by the juvenile court has required as a condition of  
 10 diversion pursuant to section 8-321. Monies shall also be used to fund  
 11 programs to reduce the number of repetitive juvenile offenders and to  
 12 provide services for juveniles who are on probation, including treatment,  
 13 testing, independent living programs and residential, foster and shelter  
 14 care, and for children who are referred to the juvenile court for  
 15 incorrigibility or delinquency offenses. Monies may be used to provide  
 16 the cost of care for persons who are under twenty-one years of age and who  
 17 were placed in an independent living program or in foster care before  
 18 eighteen years of age, who voluntarily remain in care and who are  
 19 currently enrolled in and regularly attending any high school or  
 20 certificate of equivalency program. Pursuant to section 8-341, subsection  
 21 ~~¶ I~~, monies may also be used to provide services for persons who are  
 22 under twenty-one years of age and who voluntarily participate in  
 23 treatment. Except pursuant to section 8-341, subsection ~~¶ I~~, the cost of  
 24 care shall not be continued for a person who has received a high school  
 25 diploma or certificate of equivalency. **THE SUPREME COURT SHALL APPROVE**  
 26 these services ~~shall be approved by the supreme court~~. The juvenile court  
 27 may develop and staff such programs, or the supreme court may enter into  
 28 the purchase of service contracts with community youth serving agencies.

29 D. The administrative office of the courts may use monies  
 30 appropriated to the fund for the purchase of detention facilities, to  
 31 expand existing detention centers or to contract with private and public  
 32 entities to expand or operate secure care facilities.

33 E. All monies that are distributed or expended from the fund shall  
 34 be used to supplement, not supplant, funding to the juvenile court by the  
 35 county.

36 F. The supreme court shall contract for a periodic evaluation to  
 37 determine if the provisions of this article reduce the number of  
 38 repetitive juvenile offenders. The supreme court shall send a copy of the  
 39 evaluation to the speaker of the house of representatives, the president  
 40 of the senate and the governor.

41 G. A contract that is entered into between the supreme court or the  
 42 county attorney and any contract provider to provide services pursuant to  
 43 section 8-321 or this section to juveniles shall provide that, as a  
 44 condition of employment, personnel who are employed by any contract  
 45 provider, whether paid or not, and who are required or allowed to provide

1 services directly to juveniles shall have valid fingerprint clearance  
2 cards issued pursuant to title 41, chapter 12, article 3.1 or shall apply  
3 for a fingerprint clearance card within seven working days of employment.

4 H. The contractor shall assume the costs of fingerprint checks and  
5 may charge these costs to its fingerprinted personnel.

6 I. A service contract or license with any contract provider that  
7 involves the employment of persons who have contact with juveniles shall  
8 provide that the contract or license may be canceled or terminated  
9 immediately if a person certifies pursuant to subsections L and M of this  
10 section that the person is awaiting trial on or has been convicted of any  
11 of the offenses listed in subsections L and M of this section in this  
12 state or of acts committed in another jurisdiction that would be offenses  
13 in this state or if the person does not possess or is denied issuance of a  
14 valid fingerprint clearance card.

15 J. A contract provider may avoid cancellation or termination of the  
16 contract or license under subsection I of this section if a person who  
17 does not possess or has been denied issuance of a valid fingerprint  
18 clearance card or who certifies pursuant to subsections L and M of this  
19 section that the person has been convicted of or is awaiting trial on any  
20 of the offenses listed in section 41-1758.03, subsection B is immediately  
21 prohibited from employment or service with the licensee or contract  
22 provider in any capacity requiring or allowing contact with juveniles.

23 K. A contract provider may avoid cancellation or termination of the  
24 contract or license under subsection I of this section if a person who  
25 does not possess or has been denied issuance of a valid fingerprint  
26 clearance card or who certifies pursuant to subsections L and M of this  
27 section that the person has been convicted of or is awaiting trial on any  
28 of the offenses listed in section 41-1758.03, subsection C is immediately  
29 prohibited from employment or service with the licensee or contract  
30 provider in any capacity requiring or allowing the person to provide  
31 direct services to juveniles unless the person is granted a good cause  
32 exception pursuant to section 41-619.55.

33 L. Personnel who are employed by any contract provider, whether  
34 paid or not, and who are required or allowed to provide services directly  
35 to juveniles shall certify on forms provided by the contracting agency and  
36 notarized whether they are awaiting trial on or have ever been convicted  
37 of any of the criminal offenses listed in section 41-1758.03, subsections  
38 B and C in this state or similar offenses in another state or  
39 jurisdiction.

40 M. Personnel who are employed by any contract provider, whether  
41 paid or not, and who are required or allowed to provide services directly  
42 to juveniles shall certify on forms provided by the contracting agency and  
43 notarized whether they have ever committed any act of sexual abuse of a  
44 child, including sexual exploitation and commercial sexual exploitation,  
45 or any act of child abuse.

1 N. Federally recognized Indian tribes or military bases may submit  
2 and the supreme court shall accept certifications that state that  
3 personnel who are employed or who will be employed during the contract  
4 term and who provide services directly to juveniles have not been  
5 convicted of, have not admitted committing or are not awaiting trial on  
6 any offense under subsection L of this section.

7 O. Adult clients of a contract provider who are receiving treatment  
8 services are exempt from the requirements of this section, unless they  
9 provide services directly to juveniles without supervision.

10 P. Volunteers who provide services to juveniles under the direct  
11 visual supervision of the contractor's or licensee's employees are exempt  
12 from the fingerprinting requirements of this section.

13 Q. The contracting agency shall notify the department of public  
14 safety if the contracting agency receives credible evidence that a person  
15 who possesses a valid fingerprint clearance card either:

16 1. Is arrested for or charged with an offense listed in section  
17 41-1758.03, subsection B.

18 2. Falsified information on the form required by subsection L of  
19 this section.

20 Sec. 12. Section 8-323, Arizona Revised Statutes, is amended to  
21 read:

22 8-323. Juvenile hearing officer; appointment; term;  
23 compensation; hearings; required attendance;  
24 contempt

25 A. The judge of the juvenile court, or in counties having more than  
26 one judge of the juvenile court, the presiding judge of the juvenile  
27 court, may appoint one or more persons of suitable experience who may be  
28 magistrates or justices of the peace to serve as juvenile hearing officers  
29 on a full-time or part-time basis. The county board of supervisors shall  
30 approve the appointment of justices of the peace as juvenile hearing  
31 officers. The local governing body shall approve the appointment of  
32 municipal judges as juvenile hearing officers. The juvenile hearing  
33 officer serves at the pleasure of the appointing judge. The appointing  
34 judge, with the approval of the board of supervisors, shall determine  
35 whether any compensation shall be paid to a juvenile hearing officer who  
36 is not otherwise employed by a public agency or holding another public  
37 office and shall establish the amounts and rates of the compensation.

38 B. Subject to the orders of the juvenile court a juvenile hearing  
39 officer may hear and determine juvenile pretrial detention hearings and  
40 may process, adjudicate and dispose of all cases that are not classified  
41 as felonies and in which a juvenile who is under eighteen years of age on  
42 the date of the alleged offense is charged with violating any law relating  
43 to the following:

44 1. Any provision of title 28 not declared to be a felony.

- 1           2. The purchase, possession or consumption of spirituous liquor by  
2 a juvenile.
- 3           3. Boating or game and fish.
- 4           4. Curfew.
- 5           5. Truancy.
- 6           6. The damage or disfigurement of property by graffiti or the  
7 purchase or possession of materials with the intent to use the materials  
8 for graffiti.
- 9           7. The purchase or possession of tobacco.
- 10          8. Any city, town or political subdivision ordinance.
- 11          9. Interference with judicial proceedings involving disobeying or  
12 resisting the lawful order, process or other mandate of a juvenile hearing  
13 officer or failure to appear related to any offense in this section.
- 14          10. A civil violation involving the possession and personal use of  
15 marijuana, marijuana products and marijuana paraphernalia.
- 16          C. A hearing before the juvenile hearing officer or a hearing  
17 before a commissioner or a judge of the juvenile court in which the  
18 juvenile is charged with any offense set forth in this section may be  
19 conducted on an exact legible copy of a written notice to appear,  
20 including a uniform Arizona traffic ticket and complaint form, that  
21 states, at a minimum, the name and address of the juvenile, the offense  
22 charged and the time and place the juvenile shall appear in court.
- 23          D. The juvenile hearing officer, commissioner or judge of the  
24 superior court shall not dispose of a petition or citation for any offense  
25 under this section unless the parent, guardian or custodian of the  
26 juvenile appears in court with the juvenile at the time of disposition of  
27 the charge. On a showing of good cause that the parent, guardian or  
28 custodian cannot appear on the date and time set by the court, the court  
29 may waive the requirement that the parent, guardian or custodian  
30 appear. The court shall state on the record the reasons for waiving the  
31 requirement that the parent, guardian or custodian appear. At the time  
32 the court issues an order to appear or other order pursuant to this  
33 section, the court shall inform the juvenile that failure to appear or  
34 failure to comply with an order will result in suspension of the  
35 juvenile's driver license or privilege to drive. If the juvenile fails to  
36 appear pursuant to a citation or an order to appear properly issued under  
37 this section or if on disposition fails to comply with any court order,  
38 the juvenile hearing officer shall order the department of transportation  
39 to suspend the juvenile's driver license or privilege to drive or shall  
40 direct the department of transportation to refuse to issue, renew or  
41 restore the juvenile's driver license or privilege to drive until the  
42 juvenile reaches eighteen years of age or appears in court as directed or  
43 complies with the court's order.

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

6 F. Except as otherwise provided by law, on an admission by the  
7 juvenile of a violation charged pursuant to this section, or after a  
8 hearing, on the finding that the juvenile committed the violation, the  
9 juvenile hearing officer, commissioner or judge of the superior court may  
10 do one or more of the following:

11 1. Place the juvenile on probation, except that a city magistrate  
12 or justice of the peace may only place the juvenile on unsupervised  
13 probation.

14 2. Transfer the citation to the juvenile court for all further  
15 proceedings.

16 3. Suspend the driving privileges of the juvenile, or restrict the  
17 juvenile's driving privileges for a period of not to exceed one hundred  
18 eighty days.

19 4. Order the juvenile to attend a traffic school or a counseling or  
20 education program approved by the presiding judge of the juvenile court or  
21 the supreme court.

22 5. Order the juvenile to pay the monetary assessment or penalty  
23 that is applicable to the offense. Except as provided in section 8-341,  
24 subsection ~~S~~ N, the monetary assessment or penalty shall not exceed ~~five~~  
25 ~~hundred dollars plus lawful surcharges and assessments~~ \$500 payable to the  
26 public agency processing the violation. If no monetary assessment or  
27 penalty is specified for the offense, the juvenile hearing officer,  
28 commissioner or judge of the superior court may order the juvenile to pay  
29 not more than ~~one hundred fifty dollars plus lawful surcharges and~~  
30 ~~assessments~~ \$150 payable to the public agency processing the violation.

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

35 7. If the juvenile hearing officer, commissioner or judge of the  
36 superior court determines that the person charged is eighteen or more  
37 years of age, transfer the matter to the appropriate criminal court having  
38 jurisdiction.

39 8. If the juvenile violated any truancy laws, require the juvenile  
40 and the juvenile's parents or guardians to participate in a specialized  
41 program consisting of counseling, supervision and education under the  
42 terms and conditions the juvenile hearing officer, commissioner or judge  
43 of the superior court orders.

44 9. Order the juvenile and one or both of the juvenile's custodial  
45 parents to pay restitution to any person who suffered an economic loss as

1 the result of the juvenile's conduct. The juvenile hearing officer,  
2 commissioner or judge of the superior court shall not consider the ability  
3 of the juvenile's parents to pay restitution before making a restitution  
4 order. If the juvenile hearing officer, commissioner or judge of the  
5 superior court orders one or both of the juvenile's custodial parents to  
6 pay restitution, the amount of the order shall not exceed the liability  
7 limit established pursuant to section 12-661.

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

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

10 12. NOTWITHSTANDING PARAGRAPH 5 OF THIS SUBSECTION, IF THE JUVENILE  
11 COMMITTED A VIOLATION INCLUDED IN TITLE 28 THAT IS NOT DECLARED TO BE A  
12 FELONY, ORDER THE JUVENILE TO PAY LAWFUL SURCHARGES, FINES, CIVIL  
13 PENALTIES AND ASSESSMENTS.

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

18 H. Within five days after receiving the citation, the juvenile  
19 hearing officer shall notify the juvenile court that the juvenile has been  
20 charged with an offense by citation and shall indicate the listed charges.  
21 The juvenile hearing officer shall retain jurisdiction of the case until  
22 all orders made under this section have been fully complied with. Within  
23 five days after disposition, the juvenile hearing officer shall transmit a  
24 copy of the citation with the findings and disposition of the court noted  
25 on the copy to the juvenile court for record keeping purposes. If  
26 appropriate, the juvenile hearing officer shall transmit a copy of the  
27 citation to the department of transportation. If on disposition the  
28 juvenile fails to comply with any court order, the juvenile hearing  
29 officer, in the manner provided by subsection D of this section, may  
30 impose any of the sanctions prescribed in subsection F of this section.

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

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

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

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

1           Sec. 13. Section 8-341, Arizona Revised Statutes, is amended to  
2 read:

3           8-341. Disposition and commitment; definitions

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

6           1. It may award a delinquent juvenile:

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

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

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

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

16           (e) To the department of juvenile corrections.

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

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

23           2. It may award an incorrigible child:

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

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

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

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

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

34           B. If a juvenile is placed on probation pursuant to this section,  
35 the period of probation may continue until the juvenile's eighteenth  
36 birthday or until the juvenile's nineteenth birthday if jurisdiction is  
37 retained pursuant to section 8-202, subsection H, except that the term of  
38 probation shall not exceed one year if all of the following apply:

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

40           2. The juvenile has not been found in violation of a condition of  
41 probation.

42           3. The court has not made a determination that it is in the best  
43 interests of the juvenile or the public to require continued supervision.

44           **THE COURT MAY NOT USE THE JUVENILE'S FAILURE TO PAY FEES, COSTS OR FINES**  
45 **AS A REASON TO CONTINUE SUPERVISION.** The court shall state by minute

1 entry or written order its reasons for finding that continued supervision  
2 is required.

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

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

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

8 C. If a juvenile is adjudicated as a first time felony juvenile  
9 offender, the court shall provide the following written notice to the  
10 juvenile:

11 This is your first felony offense. If you commit  
12 another felony offense and you are fourteen years of age or  
13 older, any of the following could happen to you:

14 1. You could be tried as an adult in adult criminal  
15 court.

16 2. You could be committed to the department of juvenile  
17 corrections.

18 3. You could be placed on juvenile intensive probation,  
19 which could include incarceration in a juvenile detention  
20 center.

21 D. If a juvenile is fourteen years of age or older and is  
22 adjudicated as a repeat felony juvenile offender, unless the court  
23 determines based on the severity of the offense and a risk assessment that  
24 juvenile intensive probation services are not required, the juvenile court  
25 shall place the juvenile on juvenile intensive probation, which may  
26 include incarceration in a juvenile detention center, or may commit the  
27 juvenile to the department of juvenile corrections pursuant to subsection  
28 A, paragraph 1, subdivision (e) of this section.

29 E. If the juvenile is adjudicated as a repeat felony juvenile  
30 offender, the court shall provide the following written notice to the  
31 juvenile:

32 You are now a repeat felony offender. This means:

33 1. You will be tried as an adult in adult criminal  
34 court if you commit another felony offense and you are fifteen  
35 years of age or older.

36 2. You could be tried as an adult in adult criminal  
37 court if you commit another felony offense when you are at  
38 least fourteen years of age.

39 3. You could be incarcerated in the state department of  
40 corrections if you are convicted as an adult in adult criminal  
41 court.

42 F. The failure or inability of the court to provide the notices  
43 required under subsections C and E of this section does not preclude the  
44 use of the prior adjudications for any purpose otherwise allowed.

1           ~~G. Except as provided in subsection S of this section, after~~  
2 ~~considering the nature of the offense and the age, physical and mental~~  
3 ~~condition and earning capacity of the juvenile, the court shall order the~~  
4 ~~juvenile to pay a reasonable monetary assessment if the court determines~~  
5 ~~that an assessment is in aid of rehabilitation. If the director of the~~  
6 ~~department of juvenile corrections determines that enforcement of an order~~  
7 ~~for monetary assessment as a term and condition of conditional liberty is~~  
8 ~~not cost-effective, the director may require the youth to perform an~~  
9 ~~equivalent amount of community restitution in lieu of the payment ordered~~  
10 ~~as a condition of conditional liberty.~~

11           ~~H. If a child is adjudicated incorrigible, the court may impose a~~  
12 ~~monetary assessment on the child of not more than \$150.~~

13           ~~I. A juvenile who is charged with unlawful purchase, possession or~~  
14 ~~consumption of spirituous liquor is subject to section 8-323. The~~  
15 ~~monetary assessment for a conviction of unlawful purchase, possession or~~  
16 ~~consumption of spirituous liquor by a juvenile shall not exceed \$500. The~~  
17 ~~court of competent jurisdiction may order a monetary assessment or~~  
18 ~~equivalent community restitution.~~

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

23           ~~1. Monetary reimbursement by the juvenile in a lump sum or~~  
24 ~~installment payments through the clerk of the superior court for~~  
25 ~~appropriate distribution.~~

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

36           ~~K. If a juvenile is committed to the department of juvenile~~  
37 ~~corrections, the court shall specify the amount of the monetary assessment~~  
38 ~~imposed pursuant to subsection G or H of this section.~~

39           ~~t.~~ G. After considering the length of stay guidelines developed  
40 pursuant to section 41-2816, subsection C, the court may set forth in the  
41 order of commitment the minimum period during which the juvenile shall  
42 remain in secure care while in the custody of the department of juvenile  
43 corrections. When the court awards a juvenile to the department of  
44 juvenile corrections or an institution or agency, it shall transmit with  
45 the order of commitment copies of a diagnostic psychological evaluation

1 and educational assessment if one has been administered, copies of the  
 2 case report, all other psychological and medical reports, restitution  
 3 orders, any request for postadjudication notice that has been submitted by  
 4 a victim and any other documents or records pertaining to the case  
 5 requested by the department of juvenile corrections or an institution or  
 6 agency. The department shall not release a juvenile from secure care  
 7 before the juvenile completes the length of stay determined by the court  
 8 in the commitment order unless the county attorney in the county from  
 9 which the juvenile was committed requests the committing court to reduce  
 10 the length of stay. The department may temporarily escort the juvenile  
 11 from secure care pursuant to section 41-2804, may release the juvenile  
 12 from secure care without a further court order after the juvenile  
 13 completes the length of stay determined by the court or may retain the  
 14 juvenile in secure care for any period subsequent to the completion of the  
 15 length of stay in accordance with the law.

16 ~~M.~~ H. Written notice of the release of any juvenile pursuant to  
 17 subsection ~~F~~ G of this section shall be made to any victim requesting  
 18 notice, the juvenile court that committed the juvenile and the county  
 19 attorney of the county from which the juvenile was committed.

20 ~~N.~~ I. Notwithstanding any law to the contrary, if a person is  
 21 under the supervision of the court as an adjudicated delinquent juvenile  
 22 at the time the person reaches eighteen years of age, treatment services  
 23 may be provided until the person reaches twenty-one years of age if the  
 24 court, the person and the state agree to the provision of the treatment  
 25 and a motion to transfer the person pursuant to section 8-327 has not been  
 26 filed or has been withdrawn. The court may terminate the provision of  
 27 treatment services after the person reaches eighteen years of age if the  
 28 court determines that any of the following applies:

- 29 1. The person is not progressing toward treatment goals.
- 30 2. The person terminates treatment.
- 31 3. The person commits a new offense after reaching eighteen years  
 32 of age.
- 33 4. Continued treatment is not required or is not in the best  
 34 interests of the state or the person.

35 ~~O.~~ J. On the request of a victim of an act that may have involved  
 36 significant exposure as defined in section 13-1415 or that if committed by  
 37 an adult would be a sexual offense, the prosecuting attorney shall  
 38 petition the adjudicating court to require that the juvenile be tested for  
 39 the presence of the human immunodeficiency virus. If the victim is a  
 40 minor the prosecuting attorney shall file this petition at the request of  
 41 the victim's parent or guardian. If the act committed against a victim is  
 42 an act that if committed by an adult would be a sexual offense or the  
 43 court determines that sufficient evidence exists to indicate that  
 44 significant exposure occurred, it shall order the department of juvenile  
 45 corrections or the department of health services to test the juvenile

1 pursuant to section 13-1415. Notwithstanding any law to the contrary, the  
2 department of juvenile corrections and the department of health services  
3 shall release the test results only to the victim, the delinquent  
4 juvenile, the delinquent juvenile's parent or guardian and a minor  
5 victim's parent or guardian and shall counsel them regarding the meaning  
6 and health implications of the results.

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

19 ~~Q.~~ L. Access to fingerprint records submitted pursuant to  
20 subsection ~~P.~~ K of this section shall be limited to the administration of  
21 criminal justice as defined in section 41-1750. Dissemination of  
22 fingerprint information shall be limited to the name of the juvenile,  
23 juvenile case number, date of adjudication and court of adjudication.

24 ~~R.~~ M. If a juvenile is adjudicated delinquent for an offense that  
25 if committed by an adult would be a misdemeanor, the court may prohibit  
26 the juvenile from carrying or possessing a firearm while the juvenile is  
27 under the jurisdiction of the department of juvenile corrections or the  
28 juvenile court.

29 ~~S.~~ N. If a juvenile is adjudicated delinquent for a violation of  
30 section 13-1602, subsection A, paragraph 5, the court shall order the  
31 juvenile to pay a fine of at least \$300 but not more than \$1,000. Any  
32 restitution ordered shall be paid in accordance with section 13-809,  
33 subsection A. The court may order the juvenile to perform community  
34 restitution in lieu of the payment for all or part of the fine if it is in  
35 the best interests of the juvenile. The court shall credit community  
36 restitution performed at a rate that is equal to the minimum wage  
37 prescribed by section 23-363, subsections A and B, rounded up to the  
38 nearest dollar. If the juvenile is convicted of a second or subsequent  
39 violation of section 13-1602, subsection A, paragraph 5 and is ordered to  
40 perform community restitution, the court may order the parent or guardian  
41 of the juvenile to assist the juvenile in the performance of the community  
42 restitution if both of the following apply:

43 1. The parent or guardian had knowledge that the juvenile intended  
44 to engage in or was engaging in the conduct that gave rise to the  
45 violation.

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

3           ~~F.~~ **O.** If a juvenile is adjudicated delinquent for an offense  
4 involving the purchase, possession or consumption of spirituous liquor or  
5 a violation of title 13, chapter 34 and is placed on juvenile probation,  
6 the court may order the juvenile to submit to random drug and alcohol  
7 testing at least two times per week as a condition of probation.

8           ~~H.~~ **P.** If jurisdiction of the juvenile court is retained pursuant  
9 to section 8-202, subsection H, the court shall order continued probation  
10 supervision and treatment services until a child who has been adjudicated  
11 a delinquent juvenile reaches nineteen years of age or until otherwise  
12 terminated by the court. The court may terminate continued probation  
13 supervision or treatment services before the child's nineteenth birthday  
14 if the court determines that continued probation supervision or treatment  
15 is not required or is not in the best interests of the juvenile or the  
16 state or the juvenile commits a criminal offense after reaching eighteen  
17 years of age.

18           ~~V.~~ **Q.** For the purposes of this section:

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

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

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

26           (b) Previously has been adjudicated a first time felony juvenile  
27 offender.

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

30           Sec. 14. Title 8, chapter 3, article 3, Arizona Revised Statutes,  
31 is amended by adding section 8-341.02, to read:

32           8-341.02. Prohibited fees, fines and costs

33           A. THE COURT MAY NOT ORDER A JUVENILE WHO IS UNDER THE JURISDICTION  
34 OF THE JUVENILE COURT OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY A FEE,  
35 FINE OR COST THAT IS NOT SPECIFICALLY REQUIRED BY THE OFFENSE OR CITATION.

36           B. NOTWITHSTANDING ANY OTHER LAW, THIS SECTION DOES NOT PREVENT A  
37 JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN FROM PAYING A FINE IN LIEU  
38 OF PERFORMING COMMUNITY RESTITUTION IF THE COURT PROVIDES THE OPTION.

39           Sec. 15. Section 8-343, Arizona Revised Statutes, is amended to  
40 read:

41           8-343. Disposition of offenses involving driving or in actual  
42           physical control of a motor vehicle while under the  
43           influence of intoxicating liquor or drugs

44           A. A juvenile who is adjudicated delinquent for a violation of  
45 section 28-1381 shall be detained for a period of not less than ten

1 consecutive days in a juvenile detention center as a condition of  
2 probation, except that the judge may suspend all ten days of the sentence  
3 if the juvenile completes alcohol or other drug screening pursuant to  
4 subsection L of this section.

5 B. A juvenile who within a period of eighty-four months is  
6 adjudicated delinquent for a violation of section 28-1381 and who has  
7 previously been adjudicated for a violation of section 28-1381, 28-1382 or  
8 28-1383 or an act in another state, a court of the United States or a  
9 tribal court that if committed in this state would be a violation of  
10 section 28-1381, 28-1382 or 28-1383 shall be detained for a period of not  
11 less than ninety days in a juvenile detention center as a condition of  
12 probation, except that the judge may suspend all but thirty consecutive  
13 days of the sentence if the juvenile completes alcohol or other drug  
14 screening pursuant to subsection L of this section.

15 C. A juvenile who is adjudicated delinquent for a violation of  
16 section 28-1382, subsection A, paragraph 1 shall be detained for a period  
17 of not less than thirty consecutive days in a juvenile detention center as  
18 a condition of probation, except that the judge may suspend all but ten  
19 consecutive days of the sentence if the juvenile completes alcohol or  
20 other drug screening pursuant to subsection L of this section. A juvenile  
21 who is adjudicated delinquent for a violation of section 28-1382,  
22 subsection A, paragraph 2 shall be detained for a period of not less than  
23 forty-five consecutive days in a juvenile detention center as a condition  
24 of probation, except that the judge may suspend all but fifteen  
25 consecutive days of the sentence if the juvenile completes alcohol or  
26 other drug screening pursuant to subsection L of this section.

27 D. If within a period of eighty-four months a juvenile is  
28 adjudicated delinquent for a violation of section 28-1382 and has  
29 previously been adjudicated for a violation of section 28-1381, 28-1382 or  
30 28-1383 or an act in another state, a court of the United States or a  
31 tribal court that if committed in this state would be a violation of  
32 section 28-1381, 28-1382 or 28-1383, the juvenile:

33 1. Shall be detained for a period of not less than one hundred  
34 twenty days in a juvenile detention center as a condition of probation if  
35 the juvenile is adjudicated delinquent for a violation of section 28-1382,  
36 subsection A, paragraph 1, except that the judge may suspend all but sixty  
37 consecutive days of the sentence if the juvenile completes alcohol or  
38 other drug screening pursuant to subsection L of this section.

39 2. Shall be detained for a period of not less than one hundred  
40 eighty days in a juvenile detention center as a condition of probation if  
41 the juvenile is adjudicated delinquent for a violation of section 28-1382,  
42 subsection A, paragraph 2, except that the judge may suspend all but  
43 ninety consecutive days of the sentence if the juvenile completes alcohol  
44 or other drug screening pursuant to subsection L of this section.

1 E. A juvenile who is adjudicated delinquent for a violation of  
2 section 28-1383 shall be detained for a period of not less than four  
3 months in a juvenile detention center or the department of juvenile  
4 corrections as a condition of probation if the juvenile is adjudicated  
5 delinquent under either of the following:

6 1. Section 28-1383, subsection A, paragraph 1.

7 2. Section 28-1383, subsection A, paragraph 2 and within an  
8 eighty-four month period has been adjudicated delinquent for two prior  
9 violations of section 28-1381, 28-1382 or 28-1383, or any combination of  
10 those sections, or acts in another jurisdiction that if committed in this  
11 state would be a violation of section 28-1381, 28-1382 or 28-1383.

12 F. A juvenile who is adjudicated delinquent under section 28-1383,  
13 subsection A, paragraph 2 and who within an eighty-four month period has  
14 been adjudicated delinquent for three or more prior violations of section  
15 28-1381, 28-1382 or 28-1383, or any combination of those sections, or acts  
16 in another jurisdiction that if committed in this state would be a  
17 violation of section 28-1381, 28-1382 or 28-1383 shall be detained for a  
18 period of not less than eight months in a juvenile detention center or the  
19 department of juvenile corrections as a condition of probation.

20 G. A juvenile who is adjudicated delinquent under section 28-1383,  
21 subsection A, paragraph 3, subdivision (a) shall serve at least the  
22 minimum term of detention required pursuant to subsection A or B of this  
23 section.

24 H. A juvenile who is adjudicated delinquent under section 28-1383,  
25 subsection A, paragraph 3, subdivision (b) shall serve at least the  
26 minimum term of detention required pursuant to subsection C or D of this  
27 section.

28 I. Notwithstanding subsection E or F of this section, at the time  
29 of sentencing, the judge may suspend all but two months of the sentence if  
30 the juvenile completes alcohol or other drug screening pursuant to  
31 subsection L of this section.

32 J. If a juvenile is adjudicated delinquent for a violation of  
33 section 28-1381, 28-1382 or 28-1383, the court shall order the juvenile to  
34 pay ~~at least two hundred fifty dollars but~~ not more than ~~five hundred~~  
35 ~~dollars~~ \$250 plus any applicable surcharges and assessments to the public  
36 agency processing the violation or the court may order the juvenile to  
37 perform ~~at least eighty~~ NOT MORE THAN TWENTY hours of community  
38 restitution under the supervision of the court.

39 K. The dates of the commission of the offense shall be the  
40 determining factor in applying the eighty-four month provision of  
41 subsection B, D, E or F of this section, irrespective of the sequence in  
42 which the offenses were committed. A second violation for which a  
43 conviction occurs as provided in this section shall not include a  
44 conviction for an offense arising out of the same series of acts.

1 L. In addition to any other penalties prescribed by law, if a  
2 juvenile is adjudicated delinquent for a violation of section 28-1381,  
3 28-1382 or 28-1383, the court shall order the juvenile to complete alcohol  
4 or other drug screening that is provided by a facility approved by the  
5 department of health services or a probation department. If the court  
6 determines that the juvenile requires further alcohol or other drug  
7 education or treatment, the juvenile may be required pursuant to court  
8 order to obtain education or treatment under the court's supervision from  
9 an approved facility. The court may review an education or treatment  
10 determination at the request of the state or the defendant or on the  
11 court's initiative. ~~The juvenile shall pay the costs of the screening,~~  
12 ~~education or treatment unless the court waives part or all of the costs.~~  
13 ~~The court may order the parent or guardian of the juvenile to pay part or~~  
14 ~~all of the costs of the screening, education or treatment.~~ THE COURT MAY  
15 NOT ORDER THE JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY THE  
16 COSTS OF THE SCREENING, EDUCATION OR TREATMENT.

17 M. The court ~~shall~~ MAY NOT order a juvenile or the ~~parents~~ PARENT  
18 OR GUARDIAN of a juvenile who is sentenced to a term of detention to  
19 reimburse the county that is responsible for the costs of the juvenile's  
20 detention. ~~for those detention costs. The court may determine the amount~~  
21 ~~of detention costs to be paid based on the following factors:~~

22 ~~1. The per diem per juvenile cost of detention incurred by the~~  
23 ~~county that detains the juvenile.~~

24 ~~2. The ability of the juvenile or the parents of the juvenile to~~  
25 ~~pay part or all of the detention costs.~~

26 N. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT  
27 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR  
28 FROM COVERING THE EXPENSE OF THE JUVENILE'S SCREENING, EDUCATION OR  
29 TREATMENT.

30 Sec. 16. Section 8-344, Arizona Revised Statutes, is amended to  
31 read:

32 8-344. Restitution payments

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

40 B. The court shall notify the victim or estate of the victim of the  
41 dispositional hearing. The court may consider a verified statement from  
42 the victim or estate of the victim concerning damages for lost wages,  
43 reasonable damages for injury to or loss of property and actual expenses  
44 of medical treatment for personal injury, excluding pain and suffering.

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

16 D. The juvenile court shall retain jurisdiction of the case after  
17 the juvenile attains eighteen years of age for the purpose of modifying  
18 the manner in which court ordered payments are to be made. After a  
19 juvenile attains eighteen years of age or if the court retains  
20 jurisdiction over the juvenile pursuant to section 8-202, subsection H on  
21 termination of the juvenile's probation, the juvenile court shall enter  
22 ~~the following:~~

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

26 ~~2.~~ a juvenile restitution order in favor of each person entitled to  
27 restitution for the unpaid balance of any restitution ordered pursuant to  
28 this section.

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

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

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

40 Sec. 17. Section 8-348, Arizona Revised Statutes, is amended to  
41 read:

42 8-348. Setting aside adjudication; application; release from  
43 disabilities; exceptions

44 A. Except as provided in subsection I of this section, a person who  
45 is at least eighteen years of age, who has been adjudicated delinquent or

1 incorrigible and who has fulfilled the conditions of probation or who is  
2 discharged from the department of juvenile corrections pursuant to section  
3 41-2820 on successful completion of the individual treatment plan may  
4 apply to the juvenile court to set aside the adjudication. The court  
5 shall inform the person of this right in writing at the time of the  
6 disposition of the case.

7 B. The person or the person's attorney, probation officer or parole  
8 officer may apply to set aside the adjudication. The clerk of the court  
9 may not charge a filing fee for an application to set aside an  
10 adjudication. The clerk shall transmit a copy of the application to the  
11 county attorney in the county where the referral was made.

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

14 1. The nature and circumstances of the offense on which the  
15 adjudication is based.

16 2. Whether the person has been convicted of a felony offense.

17 3. Whether the person has any pending criminal charges.

18 4. The victim's input.

19 5. Any other factor that is relevant to the application.

20 D. Except as provided in subsection F of this section, if the court  
21 grants the application, the court shall set aside the adjudication,  
22 dismiss the petition and order that the person be released from all  
23 penalties and disabilities resulting from the adjudication except those  
24 imposed by the department of transportation pursuant to section 28-3304,  
25 28-3306, 28-3307, 28-3308 or 28-3319.

26 E. On a showing of good cause, the court may modify any monetary  
27 obligation that is imposed by the court except for victim restitution.

28 F. If the court grants an application, any remaining unpaid  
29 ~~monetary obligation~~ VICTIM RESTITUTION continues to be owed and is subject  
30 to the remedies included in sections 8-344 and 8-345 until the ~~monetary~~  
31 ~~obligation~~ VICTIM RESTITUTION is paid.

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

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

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

40 1. A dangerous offense as defined in section 13-105.

41 2. An offense for which there has been a finding of sexual  
42 motivation pursuant to section 13-118.

43 3. An offense in violation of title 13, chapter 14.



1           7. All ~~monetary obligations~~ FINES are either paid in full or have  
2 been modified pursuant to subsection K of this section.

3           8. The person is not under the jurisdiction of the juvenile court  
4 or the department of juvenile corrections.

5           9. The person is not currently required to register pursuant to  
6 section 13-3821.

7           D. A person who is not eligible to have the person's records  
8 destroyed pursuant to subsection A of this section may apply to have the  
9 person's juvenile court and department of juvenile corrections records  
10 destroyed pursuant to subsection E of this section. The person shall  
11 attest to all of the following in an application:

12           1. The person is at least twenty-five years of age.

13           2. The person has not been convicted of a felony offense.

14           3. A criminal charge is not pending.

15           4. All restitution is paid in full.

16           5. The person has either paid all ~~monetary obligations~~ FINES in  
17 full or has requested the court to modify the outstanding ~~monetary~~  
18 ~~obligations~~ FINES pursuant to subsection K of this section.

19           6. The person is not currently required to register pursuant to  
20 section 13-3821.

21           E. The juvenile court may order the destruction of records if the  
22 court finds that all of the following apply to a person who files an  
23 application pursuant to subsection D of this section:

24           1. The person is at least twenty-five years of age.

25           2. The person has not been convicted of a felony offense.

26           3. A criminal charge is not pending.

27           4. All restitution is paid in full.

28           5. All ~~monetary obligations~~ FINES are either paid in full or have  
29 been modified pursuant to subsection K of this section.

30           6. The person is not currently required to register pursuant to  
31 section 13-3821.

32           7. The destruction of the records would further the rehabilitative  
33 process of the applicant.

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

36           G. At the juvenile's disposition hearing, the court shall inform  
37 the juvenile, in writing, of the right to the destruction of the  
38 juvenile's court and department of juvenile corrections records.

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

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

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

1 K. On a showing of good cause, the court may modify any ~~monetary~~  
2 ~~obligation~~ FINE imposed by the court ~~except for victim restitution~~.

3 L. THE JUVENILE COURT MAY NOT CONSIDER OUTSTANDING FEES,  
4 ASSESSMENTS AND SURCHARGES WHEN DETERMINING WHETHER TO DESTROY THE  
5 JUVENILE'S COURT AND DEPARTMENT OF JUVENILE CORRECTIONS' RECORDS.

6 ~~t.~~ M. The juvenile court, the clerk of the superior court and the  
7 juvenile probation department, either on order of the juvenile court after  
8 the person files an application with the court or on notification by the  
9 probation department, shall destroy the records that concern a referral or  
10 citation that did not result in further action, that resulted in a  
11 successful completion of diversion within ninety days after the person who  
12 was the subject of the referral or citation reaches eighteen years of age  
13 or when destruction is ordered by the court. The probation department  
14 shall send a copy of the notice to the department of public safety central  
15 state repository.

16 ~~M.~~ N. Within six months after receiving a notification from the  
17 superior court that a person's juvenile delinquency or incorrigibility  
18 records were destroyed, the department of child safety shall destroy all  
19 court, juvenile probation and department of juvenile corrections records  
20 that are in the department of child safety's possession and that were  
21 produced in the delinquency or incorrigibility matter.

22 ~~N.~~ O. The clerk of the court shall notify the department of public  
23 safety if a person's record is destroyed pursuant to this section.

24 ~~O.~~ P. For the purposes of this section, "successfully" means, in  
25 the discretion of the court, the person satisfied the conditions of  
26 probation.

27 Sec. 19. Repeal

28 Section 8-418, Arizona Revised Statutes, is repealed.

29 Sec. 20. Section 8-503.01, Arizona Revised Statutes, is amended to  
30 read:

31 8-503.01. Children and family services training program fund;  
32 purposes; status report; exemption from lapsing

33 A. The division shall establish a children and family services  
34 training program fund consisting of monies received pursuant to ~~sections~~  
35 ~~8-243.01 and~~ SECTION 8-807. Subject to legislative appropriation, the  
36 fund monies shall be used to ~~enhance the collection of monies owed the~~  
37 ~~department pursuant to section 8-243 and to~~ administer a children and  
38 family services training program for the training of child safety workers,  
39 public employees in related program services and employees of child  
40 welfare agencies and community treatment programs that, in the judgment of  
41 the director of the department, would benefit from staff training. The  
42 department shall not use fund monies to pay any portion of training  
43 program staff salaries and training program staff expenses. The  
44 department shall use monies ~~collected under section 8-807~~ only to

1 reimburse the department for the labor, editing and copying charges  
2 related to that section.

3 B. The director shall include in the annual report a status report  
4 on and an evaluation of the children and family services training program.

5 C. Ninety ~~per cent~~ PERCENT of the monies collected under this  
6 section shall be deposited in the children and family services training  
7 program fund, not more than ten ~~per cent~~ PERCENT of which shall be used to  
8 enhance the collection of monies owed the department pursuant to section  
9 8-243. The remaining ten ~~per cent~~ PERCENT of the monies collected shall  
10 be deposited in the state general fund.

11 Sec. 21. Section 11-537, Arizona Revised Statutes, is amended to  
12 read:

13 11-537. County attorney juvenile diversion fund

14 A. The county attorney juvenile diversion fund is established  
15 consisting of ~~diversion fees that are collected pursuant to section 8-321,~~  
16 ~~subsection N for community based alternative programs administered by the~~  
17 ~~county attorney and that are deposited in the fund. The fund may also~~  
18 ~~consist of~~ the following:

- 19 1. County general fund appropriations.
- 20 2. Federal monies that are appropriated for community based  
21 alternative programs.
- 22 3. Quarterly reimbursements from the supreme court pursuant to  
23 section 8-321, subsection 0 for juveniles participating in county attorney  
24 community based alternative programs.
- 25 4. Grants, gifts, devises and donations from any public or private  
26 source.

27 B. The county board of supervisors may apply to the internal  
28 revenue service for a ruling that donations to the fund are tax  
29 deductible.

30 C. The monies shall be used at the discretion of the county  
31 attorney for administering county community based alternative programs  
32 that are established pursuant to section 8-321.

33 Sec. 22. Section 11-584, Arizona Revised Statutes, is amended to  
34 read:

35 11-584. Public defender; duties; reimbursement

36 A. The public defender, on order of the court, shall defend, advise  
37 and counsel any person who is entitled to counsel as a matter of law and  
38 who is not financially able to employ counsel in the following proceedings  
39 and circumstances:

- 40 1. Offenses triable in the superior court or justice courts at all  
41 stages of the proceedings, including the preliminary examination.
- 42 2. Extradition hearings.
- 43 3. Mental disorder hearings only if appointed by the court under  
44 title 36, chapter 5.

1 4. Involuntary commitment hearings held pursuant to title 36,  
2 chapter 18, only if appointed by the court.

3 5. Involuntary commitment hearings held pursuant to title 36,  
4 chapter 37, if appointed by the court as provided in section 36-3704,  
5 subsection C and the board of supervisors has advised the presiding judge  
6 of the county that the public defender is authorized to accept these  
7 appointments.

8 6. Juvenile delinquency and incorrigibility proceedings only if  
9 appointed by the court under section 8-221.

10 7. Appeals to a higher court or courts.

11 8. All juvenile proceedings other than delinquency and  
12 incorrigibility proceedings under paragraph 6 of this subsection,  
13 including serving as a guardian ad litem, if appointed by the court  
14 pursuant to section 8-221 and the board of supervisors has advised the  
15 presiding judge of the county that the public defender is authorized to  
16 accept these appointments.

17 9. All mental health hearings regarding release recommendations  
18 that are held in the superior court pursuant to title 13, chapter 38,  
19 article 14 and the board of supervisors has advised the presiding judge of  
20 the superior court in the county that the public defender is authorized to  
21 accept these appointments.

22 10. As attorneys in any other proceeding or circumstance in which a  
23 party is entitled to counsel as a matter of law if the court appoints the  
24 public defender and the board of supervisors has advised the presiding  
25 judge of the county that the public defender is authorized to accept these  
26 appointments as specified.

27 B. The public defender shall perform the following duties:

28 1. Keep a record of all services rendered by the public defender in  
29 that capacity and file with the board of supervisors an annual report of  
30 those services.

31 2. By December 1 of each year, file with the presiding judge of the  
32 superior court, the chief probation officer and the board of supervisors  
33 an annual report on the average cost of defending a felony case.

34 C. Although the services of the public defender or court appointed  
35 counsel shall be without expense to the defendant, the juvenile, a parent  
36 or any other party, the court may make the following assessments:

37 1. Order an indigent administrative assessment of not more than  
38 \$25.

39 ~~2. Order an administrative assessment fee of not more than \$25 to~~  
40 ~~be paid by the juvenile or the juvenile's parent or guardian.~~

41 ~~3.~~ 2. Require that the defendant, including a defendant who is  
42 placed on probation, ~~a juvenile, a parent~~ or any other party who is  
43 appointed counsel under subsection A of this section repay to the county a  
44 reasonable amount to reimburse the county for the cost of the person's  
45 legal services. ~~Reimbursement for legal services in a delinquency,~~

1 ~~dependency or termination proceeding shall be ordered pursuant to section~~  
2 ~~8-221.~~ Reimbursement for legal services in a guardianship or  
3 conservatorship proceeding shall be ordered pursuant to section 14-5414.  
4 THE COURT MAY NOT ORDER A JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN TO  
5 PAY ADMINISTRATIVE ASSESSMENTS OR REIMBURSE THE COST OF LEGAL SERVICES.

6 D. In determining the amount and method of payment the court shall  
7 take into account the financial resources of the defendant and the nature  
8 of the burden that the payment will impose.

9 E. Assessments collected pursuant to subsection C of this section  
10 shall be paid into the county general fund in the account designed for use  
11 solely by the public defender and court appointed counsel to defray the  
12 costs of public defenders and court appointed counsel. The assessments  
13 shall supplement, not supplant, funding provided by counties for public  
14 defense, legal defense and contract indigent defense counsel in each  
15 county.

16 Sec. 23. Section 12-116, Arizona Revised Statutes, is amended to  
17 read:

18 12-116. Time payment fee

19 A. In addition to any other assessment authorized by law, a fee of  
20 ~~twenty dollars~~ \$20 shall be assessed on each person who pays a court  
21 ordered penalty, fine or sanction on a time payment basis, including  
22 parking penalties, ~~AND restitution and juvenile monetary assessments.~~  
23 THE FEE MAY NOT BE ASSESSED ON A PENALTY, FINE OR SANCTION THAT IS ORDERED  
24 BY THE COURT PURSUANT TO TITLE 8. A time payment basis shall be any  
25 penalty, fine or sanction not paid in full on the date the court imposed  
26 the fine, penalty or sanction. Notwithstanding any other law, the time  
27 payment fee shall be collected first after restitution. A judge may not  
28 waive or suspend a time payment fee.

29 B. ~~Eleven dollars~~ \$11 of the time payment fee shall be deposited,  
30 pursuant to sections 35-146 and 35-147, in the judicial collection  
31 enhancement fund established by section 12-113. ~~Two dollars~~ \$2 of the  
32 time payment fee shall be deposited, pursuant to sections 35-146 and  
33 35-147, in the judicial collection enhancement fund and shall be allocated  
34 by the supreme court to the public defender training fund established by  
35 section 12-117. ~~Seven dollars~~ \$7 of the time payment fee shall be kept by  
36 the court imposing the fee to be used by the court to improve, maintain  
37 and enhance the ability to collect and manage monies assessed or received  
38 by the courts, to improve court automation and to improve case processing  
39 or the administration of justice. For amounts over an amount determined  
40 by the supreme court, the court shall submit a plan to the supreme court  
41 that must be approved by the supreme court before the court spends such  
42 monies. If the proposed project was described in the information  
43 technology strategic plan submitted by the court and approved by the  
44 supreme court, including the proposed budget for the project, the project  
45 may proceed without further approval of the supreme court. In the case of

1 the superior court, the presiding judge and clerk of the superior court  
2 must agree on the project or it shall be submitted to and approved by the  
3 supreme court.

4 Sec. 24. Section 12-116.07, Arizona Revised Statutes, is amended to  
5 read:

6 12-116.07. Assessments for dangerous crimes against children  
7 and sexual assault

8 A. In addition to any other assessment or restitution, if a person  
9 is convicted of ~~or adjudicated delinquent for~~ a dangerous crime against  
10 children as defined in section 13-705 or sexual assault, the court shall  
11 order the person to pay an assessment of ~~five hundred dollars~~ \$500. The  
12 assessment shall not be waived and is not subject to a surcharge.

13 B. The court shall transmit the monies collected pursuant to this  
14 section to the county treasurer for the purpose of defraying the cost of  
15 investigations pursuant to section 13-1414.

16 Sec. 25. Section 12-1551, Arizona Revised Statutes, is amended to  
17 read:

18 12-1551. Issuance of writ of execution; limitation; renewal;  
19 death of judgment debtor; applicability

20 A. The party in whose favor a judgment is given, at any time within  
21 ten years after entry of the judgment and within ten years after any  
22 renewal of the judgment either by affidavit or by an action brought on it,  
23 may have a writ of execution or other process issued for its enforcement.

24 B. An execution or other process shall not be issued on a judgment  
25 after the expiration of ten years from the date of its entry unless the  
26 judgment is renewed by affidavit or process pursuant to section 12-1612 or  
27 an action is brought on it within ten years after the date of the entry of  
28 the judgment or of its renewal.

29 C. The court shall not issue a writ of execution after the death of  
30 the judgment debtor unless it is for the recovery of real or personal  
31 property or enforcement of a lien.

32 D. This section applies to:

33 1. All judgments that were entered on or after August 3, 2013.

34 2. All judgments that were entered on or before August 2, 2013 and  
35 that were renewed on or before August 2, 2018, except that a writ of  
36 execution or other process may not be issued for a judgment entered on or  
37 before August 2, 2013 that was not renewed on or before August 2, 2018.

38 E. This section does not apply to:

39 1. Criminal restitution orders entered pursuant to section 13-805.

40 2. Written judgments and orders for child support and spousal  
41 maintenance and to associated costs and attorney fees.

42 ~~3. Judgments for supervision fees or expenses associated with the~~  
43 ~~care of a juvenile pursuant to section 8-241 or 8-243 and to associated~~  
44 ~~costs and attorney fees.~~

1 ~~4.~~ 3. Civil judgments obtained by this state that are either of  
2 the following:

3 (a) Entered on or after September 13, 2013.

4 (b) Entered before September 13, 2013 and that were current and  
5 collectable under the laws applicable on September 13, 2013.

6 Sec. 26. Section 41-191.08, Arizona Revised Statutes, is amended to  
7 read:

8 41-191.08. Victims' rights fund; use; reporting requirements;  
9 exemption from lapsing

10 A. The victims' rights fund is established consisting of monies  
11 deposited pursuant to ~~sections 8-418 and~~ SECTION 12-116.08 and legislative  
12 appropriations. Monies in the fund are subject to legislative  
13 appropriation. Monies from state general fund appropriations shall be  
14 deposited in the victims' rights fund and are not subject to further  
15 appropriation. Monies from state general fund appropriations are  
16 available for use on deposit in the victims' rights fund. The attorney  
17 general shall administer the fund. The attorney general shall use fund  
18 monies for the purpose of operating, improving, maintaining and enhancing  
19 the victims' rights program established pursuant to section 41-191.06.

20 B. Each fiscal year the attorney general may spend twelve percent  
21 of the total victims' rights fund appropriation and state general fund  
22 deposits for the purpose of performing duties mandated by title 13,  
23 chapter 40, including the costs of administering the victims' rights  
24 program under section 41-191.06.

25 C. Except as provided in subsections D, G and H of this section,  
26 each fiscal year the attorney general shall disburse eighty-eight percent  
27 of the total victims' rights fund appropriation and state general fund  
28 deposits to state and local entities that have previously qualified under  
29 this subsection or have demonstrated a history of need and performance  
30 according to criteria established by the attorney general. Each entity  
31 that qualifies to receive monies pursuant to this subsection shall receive  
32 monies in a percentage that is proportional to that entity's percentage of  
33 the total fund monies disbursed to all qualifying entities in the prior  
34 fiscal year. The attorney general is not a qualifying entity under this  
35 subsection.

36 D. Except as provided in subsections G and H of this section, each  
37 fiscal year the attorney general may disburse victims' rights fund monies  
38 to entities that do not qualify under subsection C of this section, that  
39 are financially impacted by title 8, chapter 3, article 7 or title 13,  
40 chapter 40 and that submit an implementation plan and funding request to  
41 the attorney general pursuant to guidelines adopted by the attorney  
42 general. The attorney general shall establish procedures to assess the  
43 financial impact on and the need of these entities. The attorney general  
44 shall disburse monies based on the information that is derived from the  
45 assessment. On an annual basis, as new or additional entities receive

1 monies pursuant to this subsection, the attorney general shall  
2 proportionally adjust the percentage share disbursed to each entity  
3 pursuant to subsection C of this section.

4 E. Monies in the victims' rights fund shall be used to supplement,  
5 not supplant, monies that would otherwise be made available to state and  
6 local entities for funding victims' rights services and assistance.

7 F. Each entity that receives funding pursuant to this section shall  
8 submit an annual report to the attorney general that identifies all  
9 sources and amounts of monies that are spent for the purposes of  
10 implementing and complying with victims' rights. The report shall detail:

11 1. The expenditure of the monies that are awarded under the  
12 victims' rights program pursuant to section 41-191.06.

13 2. The number of instances in which the entity performed mandated  
14 victims' rights duties or services.

15 3. The level of victim satisfaction with the services.

16 G. Each fiscal year the attorney general shall review and evaluate  
17 the entities that receive funding pursuant to this section. The attorney  
18 general may adjust funding levels, redistribute monies or deny continued  
19 funding to an entity that fails to effectively implement or comply with  
20 victims' rights mandates.

21 H. Supplemental fund monies appropriated to the attorney general to  
22 expand victims' rights training and to expand the reporting of victims'  
23 feedback on services provided shall be expended according to a plan and  
24 procedures adopted by the attorney general. The attorney general shall  
25 spend the monies appropriated for costs to develop, provide, sponsor or  
26 support programs that expand the delivery and improve the quality of  
27 mandated services to victims of crime by law enforcement, prosecutorial  
28 and correctional agencies and courts.

29 I. The attorney general shall submit an annual report to the  
30 governor, the president of the senate and the speaker of the house of  
31 representatives that details the status of the victims' rights program  
32 under section 41-191.06, the attorney general's compliance with the  
33 program, including the level of service, and the expenditure of all monies  
34 that are appropriated for the purpose of victims' rights.

35 J. Monies in the victims' rights fund are exempt from the lapsing  
36 provisions of section 35-190.

37 Sec. 27. Section 41-1750, Arizona Revised Statutes, is amended to  
38 read:

39 41-1750. Central state repository; department of public  
40 safety; duties; funds; accounts; definitions

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

- 1           1. Procure from all criminal justice agencies in this state  
2 accurate and complete personal identification data, fingerprints, charges,  
3 process control numbers and dispositions and such other information as may  
4 be pertinent to all persons who have been charged with, arrested for,  
5 convicted of or summoned to court as a criminal defendant for a felony  
6 offense or an offense involving domestic violence as defined in section  
7 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.
- 8           2. Collect information concerning the number and nature of offenses  
9 known to have been committed in this state and of the legal steps taken in  
10 connection with these offenses, such other information that is useful in  
11 the study of crime and in the administration of criminal justice and all  
12 other information deemed necessary to operate the statewide uniform crime  
13 reporting program and to cooperate with the federal government uniform  
14 crime reporting program.
- 15           3. Collect information concerning criminal offenses that manifest  
16 evidence of prejudice based on race, color, religion, national origin,  
17 sexual orientation, gender or disability.
- 18           4. Cooperate with the central state repositories in other states  
19 and with the appropriate agency of the federal government in the exchange  
20 of information pertinent to violators of the law.
- 21           5. Ensure the rapid exchange of information concerning the  
22 commission of crime and the detection of violators of the law among the  
23 criminal justice agencies of other states and of the federal government.
- 24           6. Furnish assistance to peace officers throughout this state in  
25 crime scene investigation for the detection of latent fingerprints and in  
26 the comparison of latent fingerprints.
- 27           7. Conduct periodic operational audits of the central state  
28 repository and of a representative sample of other agencies that  
29 contribute records to or receive criminal justice information from the  
30 central state repository or through the Arizona criminal justice  
31 information system.
- 32           8. Establish and enforce the necessary physical and system  
33 safeguards to ensure that the criminal justice information maintained and  
34 disseminated by the central state repository or through the Arizona  
35 criminal justice information system is appropriately protected from  
36 unauthorized inquiry, modification, destruction or dissemination as  
37 required by this section.
- 38           9. Aid and encourage coordination and cooperation among criminal  
39 justice agencies through the statewide and interstate exchange of criminal  
40 justice information.
- 41           10. Provide training and proficiency testing on the use of criminal  
42 justice information to agencies receiving information from the central  
43 state repository or through the Arizona criminal justice information  
44 system.

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

3           12. Provide criminal history record information to the  
4 fingerprinting division for the purpose of screening applicants for  
5 fingerprint clearance cards.

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

9           C. The chief officers of criminal justice agencies of this state or  
10 its political subdivisions shall provide to the central state repository  
11 fingerprints and information concerning personal identification data,  
12 descriptions, crimes for which persons are arrested, process control  
13 numbers and dispositions and such other information as may be pertinent to  
14 all persons who have been charged with, arrested for, convicted of or  
15 summoned to court as criminal defendants for felony offenses or offenses  
16 involving domestic violence as defined in section 13-3601 or violations of  
17 title 13, chapter 14 or title 28, chapter 4 that have occurred in this  
18 state.

19           D. The chief officers of law enforcement agencies of this state or  
20 its political subdivisions shall provide to the department such  
21 information as necessary to operate the statewide uniform crime reporting  
22 program and to cooperate with the federal government uniform crime  
23 reporting program.

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

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

33           G. The director shall authorize the exchange of criminal justice  
34 information between the central state repository, or through the Arizona  
35 criminal justice information system, whether directly or through any  
36 intermediary, only as follows:

37           1. With criminal justice agencies of the federal government, Indian  
38 tribes, this state or its political subdivisions and other states, on  
39 request by the chief officers of such agencies or their designated  
40 representatives, specifically for the purposes of the administration of  
41 criminal justice and for evaluating the fitness of current and prospective  
42 criminal justice employees. The department may conduct periodic state and  
43 federal criminal history records checks for the purpose of updating the  
44 status of current criminal justice employees or volunteers and may notify  
45 the criminal justice agency of the results of the records check. The

1 department is authorized to submit fingerprints to the federal bureau of  
2 investigation to be retained for the purpose of being searched by future  
3 submissions to the federal bureau of investigation including latent  
4 fingerprint searches.

5 2. With any noncriminal justice agency pursuant to a statute,  
6 ordinance or executive order that specifically authorizes the noncriminal  
7 justice agency to receive criminal history record information for the  
8 purpose of evaluating the fitness of current or prospective licensees,  
9 employees, contract employees or volunteers, on submission of the  
10 subject's fingerprints and the prescribed fee. Each statute, ordinance,  
11 or executive order that authorizes noncriminal justice agencies to receive  
12 criminal history record information for these purposes shall identify the  
13 specific categories of licensees, employees, contract employees or  
14 volunteers, and shall require that fingerprints of the specified  
15 individuals be submitted in conjunction with such requests for criminal  
16 history record information. The department may conduct periodic state and  
17 federal criminal history records checks for the purpose of updating the  
18 status of current licensees, employees, contract employees or volunteers  
19 and may notify the noncriminal justice agency of the results of the  
20 records check. The department is authorized to submit fingerprints to the  
21 federal bureau of investigation to be retained for the purpose of being  
22 searched by future submissions to the federal bureau of investigation  
23 including latent fingerprint searches.

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

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

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

34 6. With regional computer centers that maintain authorized  
35 computer-to-computer interfaces with the department, that are criminal  
36 justice agencies or under the management control of a criminal justice  
37 agency and that are established by a statute, ordinance or executive order  
38 to provide automated data processing services to criminal justice agencies  
39 specifically for the purposes of the administration of criminal justice or  
40 evaluating the fitness of regional computer center employees who have  
41 access to the Arizona criminal justice information system and the national  
42 crime information center system.

43 7. With an individual who asserts a belief that criminal history  
44 record information relating to the individual is maintained by an agency  
45 or in an information system in this state that is subject to this section.

1 On submission of fingerprints, the individual may review this information  
2 for the purpose of determining its accuracy and completeness by making  
3 application to the agency operating the system. Rules adopted under this  
4 section shall include provisions for administrative review and necessary  
5 correction of any inaccurate or incomplete information. The review and  
6 challenge process authorized by this paragraph is limited to criminal  
7 history record information.

8 8. With individuals and agencies pursuant to a specific agreement  
9 with a criminal justice agency to provide services required for the  
10 administration of criminal justice pursuant to that agreement if the  
11 agreement specifically authorizes access to data, limits the use of data  
12 to purposes for which given and ensures the security and confidentiality  
13 of the data consistent with this section.

14 9. With individuals and agencies for the express purpose of  
15 research, evaluative or statistical activities pursuant to an agreement  
16 with a criminal justice agency if the agreement specifically authorizes  
17 access to data, limits the use of data to research, evaluative or  
18 statistical purposes and ensures the confidentiality and security of the  
19 data consistent with this section.

20 10. With the auditor general for audit purposes.

21 11. With central state repositories of other states for noncriminal  
22 justice purposes for dissemination in accordance with the laws of those  
23 states.

24 12. On submission of the fingerprint card, with the department of  
25 child safety and a tribal social services agency to provide criminal  
26 history record information on prospective adoptive parents for the purpose  
27 of conducting the preadoption certification investigation under title 8,  
28 chapter 1, article 1 if the department of economic security is conducting  
29 the investigation, or with an agency or a person appointed by the court,  
30 if the agency or person is conducting the investigation. Information  
31 received under this paragraph shall only be used for the purposes of the  
32 preadoption certification investigation.

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

39 (a) The fingerprint card.

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

42 14. On submission of a fingerprint card, provide criminal history  
43 record information to the superior court for the purpose of evaluating the  
44 fitness of investigators appointed under section 14-5303 or 14-5407,

1 guardians appointed under section 14-5206 or 14-5304 or conservators  
2 appointed under section 14-5401.

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

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

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

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

13 19. With licensees of the United States nuclear regulatory  
14 commission for the purpose of determining whether an individual should be  
15 granted unescorted access to the protected area of a commercial nuclear  
16 generating station on submission of the subject of record's fingerprints  
17 and the prescribed fee.

18 20. With the state board of education for the purpose of evaluating  
19 the fitness of a certificated educator, an applicant for a teaching or  
20 administrative certificate or a noncertificated person as defined in  
21 section 15-505 if the state board of education or its employees or agents  
22 have reasonable suspicion that the educator or person engaged in conduct  
23 that would be a criminal violation of the laws of this state or was  
24 involved in immoral or unprofessional conduct or that the applicant  
25 engaged in conduct that would warrant disciplinary action if the applicant  
26 were certificated at the time of the alleged conduct. The information  
27 shall be provided on the submission of either:

28 (a) The fingerprint card.

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

31 21. With each school district and charter school in this state. The  
32 department of education and the state board for charter schools shall  
33 provide the department of public safety with a current list of email  
34 addresses for each school district and charter school in this state and  
35 shall periodically provide the department of public safety with updated  
36 email addresses. If the department of public safety is notified that a  
37 person who is required to have a fingerprint clearance card to be employed  
38 by or to engage in volunteer activities at a school district or charter  
39 school has been arrested for or convicted of an offense listed in section  
40 41-1758.03, subsection B or has been arrested for or convicted of an  
41 offense that amounts to unprofessional conduct under section 15-550, the  
42 department of public safety shall notify each school district and charter  
43 school in this state that the person's fingerprint clearance card has been  
44 suspended or revoked.

1           22. With a tribal social services agency and the department of  
2 child safety as provided by law, which currently is the Adam Walsh child  
3 protection and safety act of 2006 (42 United States Code section 16961),  
4 for the purposes of investigating or responding to reports of child abuse,  
5 neglect or exploitation. Information received pursuant to this paragraph  
6 from the national crime information center, the interstate identification  
7 index and the Arizona criminal justice information system network shall  
8 only be used for the purposes of investigating or responding as prescribed  
9 in this paragraph. The information shall be provided on submission to the  
10 department of public safety of either:

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

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

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

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

22           25. With the governor to provide criminal history record  
23 information on prospective gubernatorial nominees, appointees and  
24 employees as provided by law.

25           H. The director shall adopt rules necessary to execute this  
26 section.

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

30           J. The director shall establish a fee in an amount necessary to  
31 cover the cost of federal noncriminal justice fingerprint processing for  
32 criminal history record information checks that are authorized by law for  
33 noncriminal justice employment, licensing or other lawful purposes. An  
34 additional fee may be charged by the department for state noncriminal  
35 justice fingerprint processing. Fees submitted to the department for  
36 state noncriminal justice fingerprint processing are not refundable.

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

41           L. Except as provided in subsection O of this section, each agency  
42 authorized by this section may charge a fee, in addition to any other fees  
43 prescribed by law, in an amount necessary to cover the cost of state and  
44 federal noncriminal justice fingerprint processing for criminal history

1 record information checks that are authorized by law for noncriminal  
2 justice employment, licensing or other lawful purposes.

3 M. A fingerprint account within the records processing fund is  
4 established for the purpose of separately accounting for the collection  
5 and payment of fees for noncriminal justice fingerprint processing by the  
6 department. Monies collected for this purpose shall be credited to the  
7 account, and payments by the department to the United States for federal  
8 noncriminal justice fingerprint processing shall be charged against the  
9 account. Monies in the account not required for payment to the United  
10 States shall be used by the department in support of the department's  
11 noncriminal justice fingerprint processing duties. At the end of each  
12 fiscal year, any balance in the account not required for payment to the  
13 United States or to support the department's noncriminal justice  
14 fingerprint processing duties reverts to the state general fund.

15 N. A records processing fund is established for the purpose of  
16 separately accounting for the collection and payment of fees for  
17 department reports and photographs of traffic accident scenes processed by  
18 the department. Monies collected for this purpose shall be credited to  
19 the fund and shall be used by the department in support of functions  
20 related to providing copies of department reports and photographs. At the  
21 end of each fiscal year, any balance in the fund not required for support  
22 of the functions related to providing copies of department reports and  
23 photographs reverts to the state general fund.

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

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

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

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

34 Q. The director shall ensure that the following limitations are  
35 observed regarding dissemination of criminal justice information obtained  
36 from the central state repository or through the Arizona criminal justice  
37 information system:

38 1. Any criminal justice agency that obtains criminal justice  
39 information from the central state repository or through the Arizona  
40 criminal justice information system assumes responsibility for the  
41 security of the information and shall not secondarily disseminate this  
42 information to any individual or agency not authorized to receive this  
43 information directly from the central state repository or originating  
44 agency.

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

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

9           4. The existence or nonexistence of criminal history record  
10 information shall not be confirmed to any individual or agency not  
11 authorized to receive the information itself.

12           5. Criminal history record information to be released for  
13 noncriminal justice purposes to agencies of other states shall only be  
14 released to the central state repositories of those states for  
15 dissemination in accordance with the laws of those states.

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

19           R. This section and the rules adopted under this section apply to  
20 all agencies and individuals collecting, storing or disseminating criminal  
21 justice information processed by manual or automated operations if the  
22 collection, storage or dissemination is funded in whole or in part with  
23 monies made available by the law enforcement assistance administration  
24 after July 1, 1973, pursuant to title I of the crime control act of 1973,  
25 and to all agencies that interact with or receive criminal justice  
26 information from or through the central state repository and through the  
27 Arizona criminal justice information system.

28           S. This section does not apply to criminal history record  
29 information contained in:

30           1. Posters, arrest warrants, announcements or lists for identifying  
31 or apprehending fugitives or wanted persons.

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

36           3. Transcripts or records of judicial proceedings if released by a  
37 court or legislative or administrative proceedings.

38           4. Announcements of executive clemency or pardon.

39           5. Computer databases, other than the Arizona criminal justice  
40 information system, that are specifically designed for community  
41 notification of an offender's presence in the community pursuant to  
42 section 13-3825 or for public informational purposes authorized by section  
43 13-3827.

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

7 U. In order to ensure that complete and accurate criminal history  
8 record information is maintained and disseminated by the central state  
9 repository:

10 1. The booking agency shall take legible ten-print fingerprints of  
11 all persons who are arrested for offenses listed in subsection C of this  
12 section. The booking agency shall obtain a process control number and  
13 provide to the person fingerprinted a document that indicates proof of the  
14 fingerprinting and that informs the person that the document must be  
15 presented to the court.

16 2. Except as provided in paragraph 3 of this subsection, if a  
17 person is summoned to court as a result of an indictment or complaint for  
18 an offense listed in subsection C of this section, the court shall order  
19 the person to appear before the county sheriff and provide legible  
20 ten-print fingerprints. The county sheriff shall obtain a process control  
21 number and provide a document to the person fingerprinted that indicates  
22 proof of the fingerprinting and that informs the person that the document  
23 must be presented to the court. For the purposes of this paragraph,  
24 "summoned" includes a written promise to appear by the defendant on a  
25 uniform traffic ticket and complaint.

26 3. If a person is arrested for a misdemeanor offense listed in  
27 subsection C of this section by a city or town law enforcement agency, the  
28 person shall appear before the law enforcement agency that arrested the  
29 defendant and provide legible ten-print fingerprints. The law enforcement  
30 agency shall obtain a process control number and provide a document to the  
31 person fingerprinted that indicates proof of the fingerprinting and that  
32 informs the person that the document must be presented to the court.

33 4. The mandatory fingerprint compliance form shall contain the  
34 following information:

35 (a) Whether ten-print fingerprints have been obtained from the  
36 person.

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

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

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

41 (e) Instructions on reporting for ten-print fingerprinting,  
42 including available times and locations for reporting for ten-print  
43 fingerprinting.

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

1           5. Within ten days after a person is fingerprinted, the arresting  
2 authority or agency that took the fingerprints shall forward the  
3 fingerprints to the department in the manner or form required by the  
4 department.

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

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

16           8. If the defendant fails to present a completed mandatory  
17 fingerprint compliance form or if the court has not received the process  
18 control number, the court, on its own motion, may remand the defendant  
19 into custody for ten-print fingerprinting. If otherwise eligible for  
20 release, the defendant shall be released from custody after being  
21 ten-print fingerprinted.

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

29           10. Dispositions resulting from formal proceedings in a court  
30 having jurisdiction in a criminal action against an individual who is  
31 arrested for an offense specified in subsection C of this section or  
32 section 8-341, subsection ~~V~~ Q, paragraph 3 shall be reported to the  
33 central state repository within forty days of the date of the  
34 disposition. This information shall be submitted on a form or in a manner  
35 specified by rules approved by the supreme court.

36           11. The state department of corrections or the department of  
37 juvenile corrections, within forty days, shall advise the central state  
38 repository that it has assumed supervision of a person convicted of an  
39 offense specified in subsection C of this section or section 8-341,  
40 subsection ~~V~~ Q, paragraph 3. The state department of corrections or the  
41 department of juvenile corrections shall also report dispositions that  
42 occur thereafter to the central state repository within forty days of the  
43 date of the dispositions. This information shall be submitted on a form  
44 or in a manner required by the department of public safety.

1           12. Each criminal justice agency shall query the central state  
2 repository before dissemination of any criminal history record information  
3 to ensure the completeness of the information. Inquiries shall be made  
4 before any dissemination except in those cases in which time is of the  
5 essence and the repository is technically incapable of responding within  
6 the necessary time period. If time is of the essence, the inquiry shall  
7 still be made and the response shall be provided as soon as possible.

8           V. The director shall adopt rules specifying that any agency that  
9 collects, stores or disseminates criminal justice information that is  
10 subject to this section shall establish effective security measures to  
11 protect the information from unauthorized access, disclosure, modification  
12 or dissemination. The rules shall include reasonable safeguards to  
13 protect the affected information systems from fire, flood, wind, theft,  
14 sabotage or other natural or man-made hazards or disasters.

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

20           X. Nothing in this section creates a cause of action or a right to  
21 bring an action including an action based on discrimination due to sexual  
22 orientation.

23           Y. For the purposes of this section:

24           1. "Administration of criminal justice" means performance of the  
25 detection, apprehension, detention, pretrial release, posttrial release,  
26 prosecution, adjudication, correctional supervision or rehabilitation of  
27 criminal offenders. Administration of criminal justice includes  
28 enforcement of criminal traffic offenses and civil traffic violations,  
29 including parking violations, when performed by a criminal justice agency.  
30 Administration of criminal justice also includes criminal identification  
31 activities and the collection, storage and dissemination of criminal  
32 history record information.

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

38           3. "Arizona criminal justice information system" or "system" means  
39 the statewide information system managed by the director for the  
40 collection, processing, preservation, dissemination and exchange of  
41 criminal justice information and includes the electronic equipment,  
42 facilities, procedures and agreements necessary to exchange this  
43 information.

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

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

4           6. "Criminal history record information" and "criminal history  
5 record" means information that is collected by criminal justice agencies  
6 on individuals and that consists of identifiable descriptions and  
7 notations of arrests, detentions, indictments and other formal criminal  
8 charges, and any disposition arising from those actions, sentencing,  
9 formal correctional supervisory action and release. Criminal history  
10 record information and criminal history record do not include  
11 identification information to the extent that the information does not  
12 indicate involvement of the individual in the criminal justice system or  
13 information relating to juveniles unless they have been adjudicated as  
14 adults.

15           7. "Criminal justice agency" means either:

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

19           (b) A government agency or subunit of a government agency that is  
20 specifically authorized to perform as its principal function the  
21 administration of criminal justice pursuant to a statute, ordinance or  
22 executive order and that allocates more than fifty percent of its annual  
23 budget to the administration of criminal justice. This subdivision  
24 includes agencies of any foreign sovereignty duly recognized by the  
25 federal government.

26           8. "Criminal justice information" means information that is  
27 collected by criminal justice agencies and that is needed for the  
28 performance of their legally authorized and required functions, such as  
29 criminal history record information, citation information, stolen property  
30 information, traffic accident reports, wanted persons information and  
31 system network log searches. Criminal justice information does not  
32 include the administrative records of a criminal justice agency.

33           9. "Disposition" means information disclosing that a decision has  
34 been made not to bring criminal charges or that criminal proceedings have  
35 been concluded or information relating to sentencing, correctional  
36 supervision, release from correctional supervision, the outcome of an  
37 appellate review of criminal proceedings or executive clemency.

38           10. "Dissemination" means the written, oral or electronic  
39 communication or transfer of criminal justice information to individuals  
40 and agencies other than the criminal justice agency that maintains the  
41 information. Dissemination includes the act of confirming the existence  
42 or nonexistence of criminal justice information.

1 11. "Management control":

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

3 (i) Priorities regarding development and operation of criminal  
4 justice information systems and programs.

5 (ii) Standards for the selection, supervision and termination of  
6 personnel involved in the development of criminal justice information  
7 systems and programs and in the collection, maintenance, analysis and  
8 dissemination of criminal justice information.

9 (iii) Policies governing the operation of computers, circuits and  
10 telecommunications terminals used to process criminal justice information  
11 to the extent that the equipment is used to process, store or transmit  
12 criminal justice information.

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

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

20 13. "Secondary dissemination" means the dissemination of criminal  
21 justice information from an individual or agency that originally obtained  
22 the information from the central state repository or through the Arizona  
23 criminal justice information system to another individual or agency.

24 14. "Sexual orientation" means consensual homosexuality or  
25 heterosexuality.

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

28 Sec. 28. Section 41-2822, Arizona Revised Statutes, is amended to  
29 read:

30 41-2822. Committed youth work program

31 A. The director shall establish a committed youth work program for  
32 youths in secure care facilities and on conditional liberty to ensure  
33 that:

34 1. All committed youths in a secure care facility receive work  
35 assignments commensurate and compatible with the condition and limitations  
36 of the youth's physical and mental health.

37 2. Committed youths on conditional liberty, as a condition of  
38 liberty, may receive work assignments. All work assignments shall be  
39 commensurate and compatible with the condition and limitations of the  
40 youth's physical and mental health.

41 3. No committed youth in a secure care facility or on conditional  
42 liberty participates in a work assignment that threatens the safety and  
43 security of the public, a secure care facility or the committed youth.

1 B. A committed youth may be exempted from the work requirement if  
2 the staff determines that the exemption is necessary for the health,  
3 safety or treatment of the youth. The director or the director's  
4 authorized designee shall review and approve each exemption of a committed  
5 youth from engaging in the work requirements of this section.

6 C. Notwithstanding title 23, chapter 2, article 3 relating to youth  
7 employment, each youth who is under commitment to the department, who is  
8 confined in a secure care facility under the department's jurisdiction and  
9 who is not regularly attending and making satisfactory progress in  
10 educational classes shall engage in work for at least forty hours a week  
11 unless exempted pursuant to subsection B of this section.

12 D. Each committed youth who is engaged in productive work while  
13 under the jurisdiction of the department may receive such compensation for  
14 the youth's work as the director determines. The compensation shall be in  
15 accordance with a graduated schedule based on quality and quantity of work  
16 performed and skill required for its performance.

17 E. The compensation of committed youths shall be paid directly by  
18 an outside entity or ~~out of monies received pursuant to section 8-243 or~~  
19 monies appropriated by the legislature or by the department with monies  
20 from the department of juvenile corrections restitution fund established  
21 by section 41-2826.

22 F. A minimum of two-thirds of any compensation earned pursuant to  
23 this section by a committed youth in a secure care facility shall be paid  
24 to the clerk of the superior court to satisfy any juvenile court  
25 restitution order made pursuant to section 8-344. While a youth is on  
26 conditional liberty, the department shall determine the amount of wages to  
27 be credited to restitution.

28 ~~G. If a committed youth in a secure care facility is not subject to~~  
29 ~~a restitution order but is subject to a monetary assessment by the court~~  
30 ~~pursuant to section 8-341, subsection G or H, a minimum of two-thirds of~~  
31 ~~any compensation earned shall be paid to the clerk of the superior court~~  
32 ~~to satisfy the monetary assessment. While a youth is on conditional~~  
33 ~~liberty the department shall determine the amount of wages to be credited~~  
34 ~~to a monetary assessment.~~

35 ~~H. If a committed youth in a secure care facility is not subject to~~  
36 ~~a restitution order or a monetary assessment, two-thirds of any~~  
37 ~~compensation earned pursuant to this section shall be used to defer the~~  
38 ~~costs of room and board for maintaining the committed youth at the secure~~  
39 ~~care facility.~~

40 ~~i.~~ G. The department shall require the payment of ~~court ordered~~  
41 COURT-ORDERED restitution, monetary reimbursements or assessments as a  
42 term of conditional liberty.

43 ~~j.~~ H. With the approval of the juvenile court and the victim,  
44 community restitution hours may be substituted for monetary restitution or  
45 monetary assessments at a rate deemed reasonable by the department.



1 G. The clerk of the court must notify the county recorder of all  
2 applicable vacated civil judgments.

3 H. On or before December 31, 2024, the supreme court must report to  
4 the legislature, by county, the number of unpaid balances and unsatisfied  
5 civil judgments vacated and discharged or partially vacated by judicial  
6 discretion or by petition, the amount of the balances vacated and the  
7 number of orders vacated automatically or by request pursuant to this  
8 section.

9 Sec. 30. Appropriation; supreme court; counties; juvenile  
10 treatment services and expenses

11 A. The sum of \$231,000 is appropriated from the state general fund  
12 in fiscal year 2022-2023 to the supreme court for costs related to  
13 juvenile treatment services that are ordered by a court.

14 B. The sum of \$2,300,000 is appropriated from the state general  
15 fund in fiscal year 2022-2023 to each county in this state in proportion  
16 to the number of juveniles in that county to pay the costs related to  
17 attorney fees, probation services and diversion expenses for juveniles.