

REFERENCE TITLE: juveniles; monetary sanctions; repeal

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2385

Introduced by
Representatives Blackman: Bolding

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, 12-114, 12-116, 12-116.01, 12-116.02, 12-116.04, 12-116.07, 12-268, 12-1551, 41-191.08, 41-1750 AND 41-2822, ARIZONA REVISED STATUTES; 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; waiver;
5 appointment; guardian ad litem

6 A. In all proceedings involving offenses, dependency or termination
7 of parental rights that are conducted pursuant to this title and that may
8 result in detention, a juvenile has the right to be represented by
9 counsel.

10 B. If a juvenile, parent or guardian is found to be indigent and
11 entitled to counsel, the juvenile court shall appoint an attorney to
12 represent the person or persons unless counsel for the juvenile is waived
13 by both the juvenile and the parent or guardian.

14 C. Before any court appearance ~~which~~ **THAT** may result in
15 institutionalization or mental health hospitalization of a juvenile, the
16 court shall appoint counsel for the juvenile if counsel has not been
17 retained by or for the juvenile, unless counsel is waived by both the
18 juvenile and a parent or guardian with whom the juvenile resides or
19 resided ~~prior to~~ **BEFORE** the filing of a petition. The juvenile, parent or
20 guardian may withdraw the waiver of counsel at any time.

21 D. Waiver of counsel pursuant to this section is subject to the
22 provisions of rule 6, subsection (c) of the Arizona rules of procedure for
23 the juvenile court.

24 E. If a juvenile is entitled to counsel and there appears to be a
25 conflict of interest between a juvenile and the juvenile's parent or
26 guardian ~~including a conflict of interest arising from payment of the fee~~
27 ~~for appointed counsel under subsection 6 of this section~~, the juvenile
28 court may appoint an attorney for the juvenile in addition to the attorney
29 appointed for the parent or guardian or employed by the parent or
30 guardian.

31 F. The county board of supervisors may fix a reasonable sum to be
32 paid by the county for the services of an appointed attorney.

33 ~~G. If the court finds that the juvenile or the parent or guardian~~
34 ~~of a juvenile has sufficient financial resources to reimburse, at least in~~
35 ~~part, the costs of the services of an attorney appointed pursuant to this~~
36 ~~section, the court shall order the juvenile or the parent or guardian to~~
37 ~~pay to the appointed attorney or the county, through the clerk of the~~
38 ~~court, an amount that the parent or guardian is able to pay without~~
39 ~~incurring substantial hardship to the family. Failure to obey an order~~
40 ~~under this subsection is not grounds for contempt or grounds for~~
41 ~~withdrawal by the appointed attorney. An order under this section may be~~
42 ~~enforced in the manner of a civil judgment.~~

43 ~~H.~~ **G.** In a county where there is a public defender, the public
44 defender may act as attorney in either:

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

3 2. Any other juvenile proceeding that is conducted pursuant to this
4 title if the board of supervisors authorizes the appointment of the public
5 defender.

6 ~~F.~~ H. In all juvenile court proceedings in which the dependency
7 petition includes an allegation that the juvenile is abused or neglected,
8 the court shall appoint a guardian ad litem to protect the juvenile's best
9 interests. This guardian AD LITEM may be an attorney or a court appointed
10 special advocate.

11 ~~G.~~ I. The guardian ad litem or attorney for a juvenile shall meet
12 with the juvenile before the preliminary protective hearing, if possible,
13 or within fourteen days after the preliminary protective hearing. The
14 guardian ad litem or attorney for the juvenile also shall meet with the
15 juvenile before all substantive hearings. ~~Upon~~ ON a showing of
16 extraordinary circumstances, the judge may modify this requirement for any
17 substantive hearing.

18 Sec. 2. Section 8-234, Arizona Revised Statutes, is amended to
19 read:

20 8-234. Treatment, community restitution, restraining and
21 protective orders

22 A. A parent or legal guardian of a person who is under eighteen
23 years of age shall exercise reasonable care, supervision, protection and
24 control over the parent's or legal guardian's minor child.

25 B. On petition of a party or on the court's own motion, the court
26 may make an order directing, restraining or otherwise controlling the
27 conduct of a person if:

28 1. An order or disposition of a delinquent, dependent or
29 incorrigible child has been or is about to be made in a proceeding under
30 this chapter.

31 2. The court finds that such conduct is or may be detrimental or
32 harmful to the child, will tend to defeat the execution of an order or
33 disposition made or to be made or will assist in or is necessary for the
34 rehabilitation of the child.

35 3. Notice of the petition or motion and the grounds for the
36 petition or motion and an opportunity to be heard on the petition or
37 motion have been given to the person against whom the order is directed.

38 C. The court may invoke its contempt powers pursuant to section
39 8-247 to enforce any treatment, counseling, education or other restraining
40 or protective order that applies to:

41 1. The child, the parents or guardian of the child or any other
42 party before the court who is the subject of an order to participate in a
43 counseling, treatment or education program or any other restraining or
44 protective order.

1 or orders a referred child to participate in treatment or an education
 2 program or if a probation officer requires a child to comply with a
 3 program pursuant to section 8-321, subsection F, the juvenile court ~~shall~~
 4 ~~inquire into the ability of the child or the child's parent~~ MAY NOT ORDER
 5 THE CHILD OR THE CHILD'S PARENT OR GUARDIAN to bear the charge or expense
 6 of the foster care, treatment, education program or program required
 7 pursuant to section 8-321, subsection F. ~~If the court is satisfied that~~
 8 ~~the child or the child's parent can bear the charge or expense or any~~
 9 ~~portion of the charge or expense, the juvenile court may fix the amount of~~
 10 ~~the payment and shall direct the child or parent to pay the amount monthly~~
 11 ~~to the clerk of the court until the child is discharged from foster care,~~
 12 ~~treatment, an education program or a program required pursuant to section~~
 13 ~~8-321, subsection F. The clerk of the court shall transmit monies~~
 14 ~~collected monthly to the supreme court for deposit in the juvenile~~
 15 ~~probation services fund to reimburse the cost of services incurred under~~
 16 ~~sections 8-321 and 8-322. Monies collected for this purpose are exempt~~
 17 ~~from section 41-2421, subsection C.~~

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

43 C. If the juvenile court awards or commits a child to a juvenile
 44 detention facility, the juvenile court ~~shall inquire into the ability of~~
 45 ~~the child, the child's estate, parent or guardian or the person who has~~

1 ~~custody of the child~~ MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR
2 ~~GUARDIAN~~ to bear the charge, expense and maintenance, including food,
3 clothing, shelter and supervision of the child while the child is detained
4 in a juvenile detention facility. ~~if the juvenile court is satisfied that~~
5 ~~the child, the child's estate, parent or guardian or the person who has~~
6 ~~custody of the child can bear the charges, expense and maintenance or any~~
7 ~~portion of them, the juvenile court may fix the amount of the payment and~~
8 ~~direct that the child, the child's estate, parent or guardian or the~~
9 ~~person who has custody of the child pay the amount monthly to the juvenile~~
10 ~~court. The assessment is collectible as a civil judgment. The juvenile~~
11 ~~court shall acknowledge the receipt of the monies and shall transmit the~~
12 ~~monies monthly to the county treasurer for deposit in the county general~~
13 ~~fund. The juvenile court shall transmit a copy of its orders concerning~~
14 ~~payment along with its order of commitment.~~

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

17 ~~E. If the juvenile was adopted or placed in permanent guardianship~~
18 ~~after the juvenile was determined by the court to be a dependent child,~~
19 ~~the juvenile court shall consider the totality of the child's~~
20 ~~circumstances and the nature of the dependency. The juvenile court may~~
21 ~~waive all or part of the charges, expense and maintenance prescribed by~~
22 ~~this section if the juvenile court determines extenuating circumstances~~
23 ~~exist.~~

24 Sec. 5. Repeal

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

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

28 8-243.02. Assignment of right to support; priority

29 A. The right to support of a child receiving foster care
30 maintenance payments pursuant to 42 United States Code sections 670
31 through 676 is assigned to this state by operation of law. The agency in
32 this state administering the provisions of 42 United States Code sections
33 651 through 665 shall take all steps necessary to enforce the assigned
34 rights to support.

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

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

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

42 8-245. Physical and mental care

43 A. When a child under the jurisdiction of the juvenile court
44 appears to be in need of medical or surgical care, the juvenile court may
45 order the parent, guardian or custodian to provide treatment for the child

1 in a hospital or otherwise. If the parent, guardian or custodian fails to
2 provide the care as ordered, the juvenile court may enter an order
3 therefor, and the expense, when approved by the juvenile court, shall be a
4 county charge. ~~The juvenile court may adjudge that the person required by~~
5 ~~law to support the child pay part or all of the expenses of treatment in~~
6 ~~accordance with section 8-243.~~ THE COURT MAY NOT ORDER A CHILD OR THE
7 PARENT OR GUARDIAN OF A CHILD WHO IS IN RESIDENTIAL PLACEMENT AS A TERM OF
8 PROBATION, DETENTION OR INCARCERATION TO PAY FOR TREATMENT EXPENSES.

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

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

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

22 Sec. 8. Section 8-246, Arizona Revised Statutes, is amended to
23 read:

24 8-246. Jurisdiction; length of commitment; placement;
25 assessment; definition

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

35 B. Except pursuant to section 8-341, subsection ~~I~~ and section
36 8-344, and unless the court has retained jurisdiction over the person
37 pursuant to section 8-202, subsection H:

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

40 2. Commitment to the department of juvenile corrections shall be
41 until the juvenile attains eighteen years of age unless sooner discharged
42 by the department of juvenile corrections.

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

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

8 D. For the purposes of this section, "juvenile" includes a person
9 who is under eighteen years of age or, if the juvenile court has retained
10 jurisdiction over the person pursuant to section 8-202, subsection H,
11 under nineteen years of age.

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

14 8-263. Order for counseling; administration

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

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

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

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

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.**

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

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

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

35 1. The juvenile's participation is voluntary.

36 2. The victim's participation is voluntary.

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

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

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

43 J. After holding a meeting the participants in the community based
44 alternative program may agree on any legally reasonable consequences that

1 the participants determine are necessary to fully and fairly resolve the
 2 matter except confinement OR MONETARY SANCTIONS OR FINES THAT EXCEED \$250.

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

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

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

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

1 ~~collected from this assessment to the county treasurer for deposit in the~~
2 ~~juvenile probation fund, to be utilized as provided in section 12-268, and~~
3 ~~the county attorney shall pay all monies collected from this assessment~~
4 ~~into the county attorney juvenile diversion fund established by section~~
5 ~~11-537~~ MAY NOT ASSESS OR REQUIRE THE JUVENILE OR THE JUVENILE'S PARENT OR
6 GUARDIAN TO PAY A FEE OR THE COST FOR A COMMUNITY BASED ALTERNATIVE
7 PROGRAM OR DIVERSION PROGRAM THAT IS AUTHORIZED BY THIS SECTION.

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

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

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

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

31 8-322. Juvenile probation services fund; program and contract
32 requirements

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

37 B. The supreme court shall allocate monies in the fund or
38 appropriated to the superior court's juvenile probation services fund line
39 based on its determination of the need for and probable effectiveness of
40 each plan submitted pursuant to this article. The supreme court shall
41 require that the presiding juvenile court judge submit in accordance with
42 rules of the supreme court a plan for the expenditure of monies that are
43 allocated to the juvenile court pursuant to this section. The supreme
44 court may reject a plan or a modification of a plan that is submitted
45 pursuant to this subsection.

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

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

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

30 F. The supreme court shall contract for a periodic evaluation to
 31 determine if the provisions of this article reduce the number of
 32 repetitive juvenile offenders. The supreme court shall send a copy of the
 33 evaluation to the speaker of the house of representatives, the president
 34 of the senate and the governor.

35 G. A contract that is entered into between the supreme court or the
 36 county attorney and any contract provider to provide services pursuant to
 37 section 8-321 or this section to juveniles shall provide that, as a
 38 condition of employment, personnel who are employed by any contract
 39 provider, whether paid or not, and who are required or allowed to provide
 40 services directly to juveniles shall have valid fingerprint clearance
 41 cards issued pursuant to title 41, chapter 12, article 3.1 or shall apply
 42 for a fingerprint clearance card within seven working days of employment.

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

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

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

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

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

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

41 N. Federally recognized Indian tribes or military bases may submit
42 and the supreme court shall accept certifications that state that
43 personnel who are employed or who will be employed during the contract
44 term and who provide services directly to juveniles have not been

1 convicted of, have not admitted committing or are not awaiting trial on
2 any offense under subsection L of this section.

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

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

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

12 1. Is arrested for or charged with an offense listed in section
13 41-1758.03, subsection B.

14 2. Falsified information on the form required by subsection L of
15 this section.

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

18 8-323. Juvenile hearing officer; appointment; term;
19 compensation; hearings; required attendance;
20 contempt

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

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

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

41 2. The purchase, possession or consumption of spirituous liquor by
42 a juvenile.

43 3. Boating or game and fish.

44 4. Curfew.

45 5. Truancy.

1 6. The damage or disfigurement of property by graffiti or the
2 purchase or possession of materials with the intent to use the materials
3 for graffiti.

4 7. The purchase or possession of tobacco.

5 8. Any city, town or political subdivision ordinance.

6 9. Interference with judicial proceedings involving disobeying or
7 resisting the lawful order, process or other mandate of a juvenile hearing
8 officer or failure to appear related to any offense in this section.

9 C. A hearing before the juvenile hearing officer or a hearing
10 before a commissioner or a judge of the juvenile court in which the
11 juvenile is charged with any offense set forth in this section may be
12 conducted on an exact legible copy of a written notice to appear,
13 including a uniform Arizona traffic ticket and complaint form, that
14 states, at a minimum, the name and address of the juvenile, the offense
15 charged and the time and place the juvenile shall appear in court.

16 D. The juvenile hearing officer, commissioner or judge of the
17 superior court shall not dispose of a petition or citation for any offense
18 under this section unless the parent, guardian or custodian of the
19 juvenile appears in court with the juvenile at the time of disposition of
20 the charge. On a showing of good cause that the parent, guardian or
21 custodian cannot appear on the date and time set by the court, the court
22 may waive the requirement that the parent, guardian or custodian
23 appear. The court shall state on the record the reasons for waiving the
24 requirement that the parent, guardian or custodian appear. At the time
25 the court issues an order to appear or other order pursuant to this
26 section, the court shall inform the juvenile that failure to appear or
27 failure to comply with an order will result in suspension of the
28 juvenile's driver license or privilege to drive. If the juvenile fails to
29 appear pursuant to a citation or an order to appear properly issued under
30 this section or if on disposition fails to comply with any court order,
31 the juvenile hearing officer shall order the department of transportation
32 to suspend the juvenile's driver license or privilege to drive or shall
33 direct the department of transportation to refuse to issue, renew or
34 restore the juvenile's driver license or privilege to drive until the
35 juvenile reaches eighteen years of age or appears in court as directed or
36 complies with the court's order.

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

42 F. Except as otherwise provided by law, on an admission by the
43 juvenile of a violation charged pursuant to this section, or after a
44 hearing, on the finding that the juvenile committed the violation, the

- 1 juvenile hearing officer, commissioner or judge of the superior court may
2 do one or more of the following:
- 3 1. Place the juvenile on probation, except that a city magistrate
4 or justice of the peace may only place the juvenile on unsupervised
5 probation.
 - 6 2. Transfer the citation to the juvenile court for all further
7 proceedings.
 - 8 3. Suspend the driving privileges of the juvenile, or restrict the
9 juvenile's driving privileges for a period of not to exceed one hundred
10 eighty days.
 - 11 4. Order the juvenile to attend a traffic school or a counseling or
12 education program approved by the presiding judge of the juvenile court or
13 the supreme court.
 - 14 5. Order the juvenile to pay the monetary assessment or penalty
15 that is applicable to the offense. Except as provided in section 8-341,
16 subsection ~~S~~ N, the monetary assessment or penalty shall not exceed ~~five~~
17 ~~hundred dollars plus lawful surcharges and assessments~~ \$500 payable to the
18 public agency processing the violation. If no monetary assessment or
19 penalty is specified for the offense, the juvenile hearing officer,
20 commissioner or judge of the superior court may order the juvenile to pay
21 not more than ~~one hundred fifty dollars plus lawful surcharges and~~
22 ~~assessments~~ \$150 payable to the public agency processing the violation.
 - 23 6. In lieu of ~~or in addition to~~ a monetary assessment or penalty,
24 order the juvenile to perform a program of work that does not conflict
25 with the juvenile's regular schooling and employment, to repair the
26 victim's property or to provide community restitution.
 - 27 7. If the juvenile hearing officer, commissioner or judge of the
28 superior court determines that the person charged is eighteen or more
29 years of age, transfer the matter to the appropriate criminal court having
30 jurisdiction.
 - 31 8. If the juvenile violated any truancy laws, require the juvenile
32 and the juvenile's parents or guardians to participate in a specialized
33 program consisting of counseling, supervision and education under the
34 terms and conditions the juvenile hearing officer, commissioner or judge
35 of the superior court orders.
 - 36 9. Order the juvenile and one or both of the juvenile's custodial
37 parents to pay restitution to any person who suffered an economic loss as
38 the result of the juvenile's conduct. The juvenile hearing officer,
39 commissioner or judge of the superior court shall not consider the ability
40 of the juvenile's parents to pay restitution before making a restitution
41 order. If the juvenile hearing officer, commissioner or judge of the
42 superior court orders one or both of the juvenile's custodial parents to
43 pay restitution, the amount of the order shall not exceed the liability
44 limit established pursuant to section 12-661.
 - 45 10. Impose sanctions authorized by section 8-343.

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

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

6 H. Within five days after receiving the citation, the juvenile
7 hearing officer shall notify the juvenile court that the juvenile has been
8 charged with an offense by citation and shall indicate the listed
9 charges. The juvenile hearing officer shall retain jurisdiction of the
10 case until all orders made under this section have been fully complied
11 with. Within five days after disposition, the juvenile hearing officer
12 shall transmit a copy of the citation with the findings and disposition of
13 the court noted on the copy to the juvenile court for record keeping
14 purposes. If appropriate, the juvenile hearing officer shall transmit a
15 copy of the citation to the department of transportation. If on
16 disposition the juvenile fails to comply with any court order, the
17 juvenile hearing officer, in the manner provided by subsection D of this
18 section, may impose any of the sanctions prescribed in subsection F of
19 this section.

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

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

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

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

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

36 8-341. Disposition and commitment; definitions

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

39 1. It may award a delinquent juvenile:

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

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

- 1 (c) To a reputable citizen of good moral character, subject to the
2 supervision of a probation department.
- 3 (d) To a private agency or institution, subject to the supervision
4 of a probation officer.
- 5 (e) To the department of juvenile corrections.
- 6 (f) To maternal or paternal relatives, subject to the supervision
7 of a probation department.
- 8 (g) To an appropriate official of a foreign country of which the
9 juvenile is a foreign national who is unaccompanied by a parent or
10 guardian in this state to remain on unsupervised probation for at least
11 one year on the condition that the juvenile cooperate with that official.
- 12 2. It may award an incorrigible child:
- 13 (a) To the care of the child's parents, subject to the supervision
14 of a probation department.
- 15 (b) To the protective supervision of a probation department,
16 subject to any conditions the court may impose.
- 17 (c) To a reputable citizen of good moral character, subject to the
18 supervision of a probation department.
- 19 (d) To a public or private agency, subject to the supervision of a
20 probation department.
- 21 (e) To maternal or paternal relatives, subject to the supervision
22 of a probation department.
- 23 B. If a juvenile is placed on probation pursuant to this section,
24 the period of probation may continue until the juvenile's eighteenth
25 birthday or until the juvenile's nineteenth birthday if jurisdiction is
26 retained pursuant to section 8-202, subsection H, except that the term of
27 probation shall not exceed one year if all of the following apply:
- 28 1. The juvenile is not charged with a subsequent offense.
- 29 2. The juvenile has not been found in violation of a condition of
30 probation.
- 31 3. The court has not made a determination that it is in the best
32 interests of the juvenile or the public to require continued supervision.
33 THE COURT MAY NOT USE THE JUVENILE'S FAILURE TO PAY FEES, COSTS OR FINES
34 AS A REASON TO CONTINUE SUPERVISION. The court shall state by minute
35 entry or written order its reasons for finding that continued supervision
36 is required.
- 37 4. The offense for which the juvenile is placed on probation does
38 not involve a dangerous offense as defined in section 13-105.
- 39 5. The offense for which the juvenile is placed on probation does
40 not involve a violation of title 13, chapter 14 or 35.1.
- 41 6. Restitution ordered pursuant to section 8-344 has been made.
- 42 7. The juvenile's parents have not requested that the court
43 continue the juvenile's probation for more than one year.

1 C. If a juvenile is adjudicated as a first time felony juvenile
2 offender, the court shall provide the following written notice to the
3 juvenile:

4 You have been adjudicated a first time felony juvenile
5 offender. You are now on notice that if you are adjudicated
6 of another offense that would be a felony offense if committed
7 by an adult and if you commit the other offense when you are
8 fourteen years of age or older, you will be placed on juvenile
9 intensive probation, which may include home arrest and
10 electronic monitoring, or you may be placed on juvenile
11 intensive probation and may be incarcerated for a period of
12 time in a juvenile detention center, or you may be committed
13 to the department of juvenile corrections or you may be
14 prosecuted as an adult. If you are convicted as an adult of a
15 felony offense and you commit any other offense, you will be
16 prosecuted as an adult.

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

25 E. If the juvenile is adjudicated as a repeat felony juvenile
26 offender, the court shall provide the following written notice to the
27 juvenile:

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

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

44 ~~G. Except as provided in subsection S of this section, after~~
45 ~~considering the nature of the offense and the age, physical and mental~~

1 ~~condition and earning capacity of the juvenile, the court shall order the~~
2 ~~juvenile to pay a reasonable monetary assessment if the court determines~~
3 ~~that an assessment is in aid of rehabilitation. If the director of the~~
4 ~~department of juvenile corrections determines that enforcement of an order~~
5 ~~for monetary assessment as a term and condition of conditional liberty is~~
6 ~~not cost-effective, the director may require the youth to perform an~~
7 ~~equivalent amount of community restitution in lieu of the payment ordered~~
8 ~~as a condition of conditional liberty.~~

9 ~~H. If a child is adjudicated incorrigible, the court may impose a~~
10 ~~monetary assessment on the child of not more than one hundred fifty~~
11 ~~dollars.~~

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

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

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

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

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

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

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

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

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

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

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

1 department of juvenile corrections and the department of health services
 2 shall release the test results only to the victim, the delinquent
 3 juvenile, the delinquent juvenile's parent or guardian and a minor
 4 victim's parent or guardian and shall counsel them regarding the meaning
 5 and health implications of the results.

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

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

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

28 ~~S.~~ N. If a juvenile is adjudicated delinquent for a violation of
 29 section 13-1602, subsection A, paragraph 5, the court shall order the
 30 juvenile to pay a fine of at least ~~three hundred dollars~~ \$300 but not more
 31 than ~~one thousand dollars~~ \$1,000. Any restitution ordered shall be paid
 32 in accordance with section 13-809, subsection A. The court may order the
 33 juvenile to perform community restitution in lieu of the payment for all
 34 or part of the fine if it is in the best interests of the juvenile. The
 35 amount of community restitution shall be equivalent to the amount of the
 36 fine by crediting any service performed at a rate of ~~ten dollars~~ \$10 per
 37 hour. If the juvenile is convicted of a second or subsequent violation of
 38 section 13-1602, subsection A, paragraph 5 and is ordered to perform
 39 community restitution, the court may order the parent or guardian of the
 40 juvenile to assist the juvenile in the performance of the community
 41 restitution if both of the following apply:

42 1. The parent or guardian had knowledge that the juvenile intended
 43 to engage in or was engaging in the conduct that gave rise to the
 44 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.** A juvenile who is adjudicated delinquent for an offense
9 involving the purchase, possession or consumption of spirituous liquor or
10 a violation of title 13, chapter 34, who is placed on juvenile probation
11 and who is found to have consumed any spirituous liquor or to have used
12 any drug listed in section 13-3401 while on probation is in violation of
13 the juvenile's probation. If a juvenile commits a third or subsequent
14 violation of a condition of probation as prescribed by this subsection,
15 the juvenile shall be brought before the juvenile court and, if the
16 allegations are proven, the court shall either revoke probation and hold a
17 disposition hearing pursuant to this section or select additional
18 conditions of probation as it deems necessary, including detention, global
19 position system monitoring, additional alcohol or drug treatment,
20 community restitution, additional drug or alcohol testing or a monetary
21 assessment.

22 ~~V.~~ **Q.** If jurisdiction of the juvenile court is retained pursuant
23 to section 8-202, subsection H, the court shall order continued probation
24 supervision and treatment services until a child who has been adjudicated
25 a delinquent juvenile reaches nineteen years of age or until otherwise
26 terminated by the court. The court may terminate continued probation
27 supervision or treatment services before the child's nineteenth birthday
28 if the court determines that continued probation supervision or treatment
29 is not required or is not in the best interests of the juvenile or the
30 state or the juvenile commits a criminal offense after reaching eighteen
31 years of age.

32 ~~W.~~ **R.** For the purposes of this section:

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

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

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

40 (b) Previously has been adjudicated a first time felony juvenile
41 offender.

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

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

3 8-341.02. Prohibited fees, fines and costs

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

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

9 8-343. Disposition of offenses involving driving or in actual
10 physical control of a motor vehicle while under the
11 influence of intoxicating liquor or drugs

12 A. A juvenile who is adjudicated delinquent for a violation of
13 section 28-1381 shall be detained for a period of not less than ten
14 consecutive days in a juvenile detention center as a condition of
15 probation, except that the judge may suspend all ten days of the sentence
16 if the juvenile completes alcohol or other drug screening pursuant to
17 subsection L of this section.

18 B. A juvenile who within a period of eighty-four months is
19 adjudicated delinquent for a violation of section 28-1381 and who has
20 previously been adjudicated for a violation of section 28-1381, 28-1382 or
21 28-1383 or an act in another state, a court of the United States or a
22 tribal court that if committed in this state would be a violation of
23 section 28-1381, 28-1382 or 28-1383 shall be detained for a period of not
24 less than ninety days in a juvenile detention center as a condition of
25 probation, except that the judge may suspend all but thirty consecutive
26 days of the sentence if the juvenile completes alcohol or other drug
27 screening pursuant to subsection L of this section.

28 C. A juvenile who is adjudicated delinquent for a violation of
29 section 28-1382, subsection A, paragraph 1 shall be detained for a period
30 of not less than thirty consecutive days in a juvenile detention center as
31 a condition of probation, except that the judge may suspend all but ten
32 consecutive days of the sentence if the juvenile completes alcohol or
33 other drug screening pursuant to subsection L of this section. A juvenile
34 who is adjudicated delinquent for a violation of section 28-1382,
35 subsection A, paragraph 2 shall be detained for a period of not less than
36 forty-five consecutive days in a juvenile detention center as a condition
37 of probation, except that the judge may suspend all but fifteen
38 consecutive days of the sentence if the juvenile completes alcohol or
39 other drug screening pursuant to subsection L of this section.

40 D. If within a period of eighty-four months a juvenile is
41 adjudicated delinquent for a violation of section 28-1382 and has
42 previously been adjudicated for a violation of section 28-1381, 28-1382 or
43 28-1383 or an act in another state, a court of the United States or a
44 tribal court that if committed in this state would be a violation of
45 section 28-1381, 28-1382 or 28-1383, the juvenile:

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

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

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

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

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

24 F. A juvenile who is adjudicated delinquent under section 28-1383,
25 subsection A, paragraph 2 and who within an eighty-four month period has
26 been adjudicated delinquent for three or more prior violations of section
27 28-1381, 28-1382 or 28-1383, or any combination of those sections, or acts
28 in another jurisdiction that if committed in this state would be a
29 violation of section 28-1381, 28-1382 or 28-1383 shall be detained for a
30 period of not less than eight months in a juvenile detention center or the
31 department of juvenile corrections as a condition of probation.

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

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

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

44 J. If a juvenile is adjudicated delinquent for a violation of
45 section 28-1381, 28-1382 or 28-1383, the court shall order the juvenile to

1 pay ~~at least two hundred fifty dollars but~~ not more than ~~five hundred~~
2 ~~dollars plus any applicable surcharges and assessments to the public~~
3 ~~agency processing the violation~~ \$250 or the court may order the juvenile
4 to perform ~~at least eighty~~ NOT MORE THAN TWENTY hours of community
5 restitution under the supervision of the court.

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

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

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

- 33 ~~1. The per diem per juvenile cost of detention incurred by the~~
34 ~~county that detains the juvenile.~~
35 ~~2. The ability of the juvenile or the parents of the juvenile to~~
36 ~~pay part or all of the detention costs.~~

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

39 8-344. Restitution payments

40 A. If a juvenile is adjudicated delinquent, the court, after
41 considering the nature of the offense and the age, physical and mental
42 condition and earning capacity of the juvenile, shall order the juvenile
43 to make full or partial restitution to the victim of the offense for which
44 the juvenile was adjudicated delinquent or to the estate of the victim if

1 the victim has died. The juvenile shall make restitution payments to the
2 clerk of the court for disbursement to the victim or estate of the victim.

3 B. The court shall notify the victim or estate of the victim of the
4 dispositional hearing. The court may consider a verified statement from
5 the victim or estate of the victim concerning damages for lost wages,
6 reasonable damages for injury to or loss of property and actual expenses
7 of medical treatment for personal injury, excluding pain and suffering.

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

23 D. The juvenile court shall retain jurisdiction of the case after
24 the juvenile attains eighteen years of age for the purpose of modifying
25 the manner in which court ordered payments are to be made. After a
26 juvenile attains eighteen years of age or if the court retains
27 jurisdiction over the juvenile pursuant to section 8-202, subsection H on
28 termination of the juvenile's probation, the juvenile court shall enter
29 ~~the following:~~

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

33 ~~2.~~ a juvenile restitution order in favor of each person entitled to
34 restitution for the unpaid balance of any restitution ordered pursuant to
35 this section.

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

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

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

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

5 8-348. Setting aside adjudication; application; release from
6 disabilities; exceptions

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

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

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

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

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

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

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

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

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

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

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

12 Sec. 18. Section 8-349, Arizona Revised Statutes, is amended to
13 read:

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

16 A. A person who is at least eighteen years of age and who has been
17 adjudicated delinquent or incorrigible may apply for destruction of the
18 person's juvenile court and department of juvenile corrections records if
19 the records involve an adjudication for an offense other than an offense
20 listed in section 13-501, subsection A or B or title 28, chapter 4.

21 B. The person shall attest to all of the following in the
22 application:

- 23 1. The person is at least eighteen years of age.
- 24 2. The person has not been convicted of a felony offense or
25 adjudicated delinquent for an offense that would be an offense listed in
26 section 13-501, subsection A or B or title 28, chapter 4.
- 27 3. A criminal charge is not pending.
- 28 4. The person has completed all of the terms and conditions of
29 court-ordered probation or been discharged from the department of juvenile
30 corrections pursuant to section 41-2820 on successful completion of the
31 individual treatment plan.
- 32 5. All restitution is paid in full.
- 33 6. The person is not under the jurisdiction of the juvenile court
34 or the department of juvenile corrections.
- 35 7. The person is not currently required to register pursuant to
36 section 13-3821.

37 ~~8. The person has either paid all monetary obligations in full or~~
38 ~~has requested the court to modify the outstanding monetary obligations~~
39 ~~pursuant to subsection K of this section.~~

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

- 42 1. The person is at least eighteen years of age.
- 43 2. The person has not been convicted of a felony offense.
- 44 3. A criminal charge is not pending.

1 4. The person was not adjudicated for an offense listed in section
2 13-501, subsection A or B or title 28, chapter 4.

3 5. The person successfully completed the terms and conditions of
4 probation or was discharged from the department of juvenile corrections
5 pursuant to section 41-2820 on successful completion of the individual
6 treatment plan.

7 6. All restitution is paid in full.

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

10 ~~8.~~ 7. The person is not under the jurisdiction of the juvenile
11 court or the department of juvenile corrections.

12 ~~9.~~ 8. The person is not currently required to register pursuant to
13 section 13-3821.

14 D. A person who is not eligible to have the person's records
15 destroyed pursuant to subsection A of this section may apply to have the
16 person's juvenile court and department of juvenile corrections records
17 destroyed pursuant to subsection E of this section. The person shall
18 attest to all of the following in an application:

- 19 1. The person is at least twenty-five years of age.
- 20 2. The person has not been convicted of a felony offense.
- 21 3. A criminal charge is not pending.
- 22 4. All restitution is paid in full.

23 ~~5. The person has either paid all monetary obligations in full or~~
24 ~~has requested the court to modify the outstanding monetary obligations~~
25 ~~pursuant to subsection K of this section.~~

26 ~~6.~~ 5. The person is not currently required to register pursuant to
27 section 13-3821.

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

- 31 1. The person is at least twenty-five years of age.
- 32 2. The person has not been convicted of a felony offense.
- 33 3. A criminal charge is not pending.
- 34 4. All restitution is paid in full.

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

37 ~~6.~~ 5. The person is not currently required to register pursuant to
38 section 13-3821.

39 ~~7.~~ 6. The destruction of the records would further the
40 rehabilitative process of the applicant.

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

43 G. At the juvenile's disposition hearing, the court shall inform
44 the juvenile, in writing, of the right to the destruction of the
45 juvenile's court and department of juvenile corrections records.

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

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

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

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

10 L. The juvenile court, the clerk of the superior court and the
11 juvenile probation department, on notification by the probation
12 department, shall destroy the records that concern a referral or citation
13 that did not result in further action or that resulted in a successful
14 completion of diversion within ninety days after the person who was the
15 subject of the referral or citation reaches eighteen years of age. The
16 probation department shall send a copy of the notice to the department of
17 public safety central state repository.

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

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

26 Sec. 19. Repeal

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

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

30 8-503.01. Children and family services training program fund;
31 purposes; status report; exemption from lapsing

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

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

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

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

11 11-537. County attorney juvenile diversion fund

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

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

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

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

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

33 11-584. Public defender; duties; reimbursement

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

- 38 1. Offenses triable in the superior court or justice courts at all
39 stages of the proceedings, including the preliminary examination.
- 40 2. Extradition hearings.
- 41 3. Mental disorder hearings only if appointed by the court under
42 title 36, chapter 5.
- 43 4. Involuntary commitment hearings held pursuant to title 36,
44 chapter 18, only if appointed by the court.

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

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

8 7. Appeals to a higher court or courts.

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

15 9. All mental health hearings regarding release recommendations
16 ~~THAT ARE~~ held before the psychiatric security review board pursuant to
17 section 13-3994, if appointed by the court as provided in section 31-502,
18 subsection A, paragraph 8 and the board of supervisors has advised the
19 presiding judge of the superior court in the county that the public
20 defender is authorized to accept these appointments.

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

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

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

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

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

36 1. Order an indigent administrative assessment of not more than
37 ~~twenty-five dollars~~ \$25.

38 ~~2. Order an administrative assessment fee of not more than~~
39 ~~twenty-five dollars to be paid by the juvenile or the juvenile's parent or~~
40 ~~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 12-114, Arizona Revised Statutes, is amended to
17 read:

18 12-114. Surcharge on court authorized diversion programs for
19 traffic offenses; deposit

20 A. If a court authorizes individuals charged with civil or criminal
21 traffic offenses to attend a court authorized diversion program, including
22 a defensive driving school program, it shall require the assessment of a
23 ~~nine-dollar~~ \$9 surcharge on the fees charged by the court authorized
24 diversion programs. The surcharge applies to every individual who attends
25 a court authorized diversion program, including an individual who holds a
26 commercial driver license.

27 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE SURCHARGE DOES
28 NOT APPLY TO AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN CHARGED
29 WITH A CIVIL OR CRIMINAL TRAFFIC OFFENSE AND WHO ATTENDS A COURT
30 AUTHORIZED DIVERSION PROGRAM AND DOES NOT APPLY TO THAT INDIVIDUAL'S
31 PARENT OR GUARDIAN.

32 ~~B.~~ C. A court or a court authorized diversion program shall
33 collect the ~~nine-dollar~~ \$9 surcharge and remit the surcharge to the
34 supreme court which shall deposit, pursuant to sections 35-146 and 35-147,
35 ~~five-dollars~~ \$5 of the surcharge in the judicial collection enhancement
36 fund and the remaining ~~four-dollars~~ \$4 in the peace officer training
37 equipment fund established by section 41-1731.

38 Sec. 24. Section 12-116, Arizona Revised Statutes, is amended to
39 read:

40 12-116. Time payment fee

41 A. In addition to any other assessment authorized by law, a fee of
42 ~~twenty-dollars~~ \$20 shall be assessed on each person who pays a court
43 ordered penalty, fine or sanction on a time payment basis, including
44 parking penalties, AND restitution ~~and juvenile monetary assessments.~~
45 THE FEE MAY NOT BE ASSESSED ON A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE

1 OR THE PERSON'S PARENT OR GUARDIAN. A time payment basis shall be any
2 penalty, fine or sanction not paid in full on the date the court imposed
3 the fine, penalty or sanction. Notwithstanding any other law, the time
4 payment fee shall be collected first after restitution. A judge may not
5 waive or suspend a time payment fee.

6 B. ~~Eleven dollars~~ \$11 of the time payment fee shall be deposited,
7 pursuant to sections 35-146 and 35-147, in the judicial collection
8 enhancement fund established by section 12-113. ~~Two dollars~~ \$2 of the
9 time payment fee shall be deposited, pursuant to sections 35-146 and
10 35-147, in the judicial collection enhancement fund and shall be allocated
11 by the supreme court to the public defender training fund established by
12 section 12-117. ~~Seven dollars~~ \$7 of the time payment fee shall be kept by
13 the court imposing the fee to be used by the court to improve, maintain
14 and enhance the ability to collect and manage monies assessed or received
15 by the courts, to improve court automation and to improve case processing
16 or the administration of justice. For amounts over an amount determined
17 by the supreme court, the court shall submit a plan to the supreme court
18 that must be approved by the supreme court before the court spends such
19 monies. If the proposed project was described in the information
20 technology strategic plan submitted by the court and approved by the
21 supreme court, including the proposed budget for the project, the project
22 may proceed without further approval of the supreme court. In the case of
23 the superior court, the presiding judge and clerk of the superior court
24 must agree on the project or it shall be submitted to and approved by the
25 supreme court.

26 Sec. 25. Section 12-116.01, Arizona Revised Statutes, is amended to
27 read:

28 12-116.01. Surcharges; remittance reports; fund deposits

29 A. In addition to any penalty provided by law, a surcharge shall be
30 levied in an amount of forty-two percent on every fine, penalty and
31 forfeiture imposed and collected by the courts for criminal offenses and
32 any civil penalty imposed and collected for a civil traffic violation and
33 fine, penalty or forfeiture for a violation of the motor vehicle statutes,
34 for any local ordinance relating to the stopping, standing or operation of
35 a vehicle or for a violation of the game and fish statutes in title 17.

36 B. In addition to any penalty provided by law, a surcharge shall be
37 levied in an amount of seven percent on every fine, penalty and forfeiture
38 imposed and collected by the courts for criminal offenses and any civil
39 penalty imposed and collected for a civil traffic violation and fine,
40 penalty or forfeiture for a violation of the motor vehicle statutes, for
41 any local ordinance relating to the stopping, standing or operation of a
42 vehicle or for a violation of the game and fish statutes in title 17.

43 C. In addition to any penalty provided by law, a surcharge shall be
44 levied in an amount of six percent, on every fine, penalty and forfeiture
45 imposed and collected by the courts for criminal offenses and any civil

1 penalty imposed and collected for a civil traffic violation and fine,
2 penalty or forfeiture for a violation of the motor vehicle statutes, for
3 any local ordinance relating to the stopping, standing or operation of a
4 vehicle or for a violation of the game and fish statutes in title 17.

5 D. If any deposit of bail or bond or deposit for an alleged civil
6 traffic violation is to be made for a violation, the court shall require a
7 sufficient amount to include the surcharge prescribed in this section for
8 forfeited bail, bond or deposit. If bail, bond or deposit is forfeited,
9 the court shall transmit the amount of the surcharge pursuant to
10 subsection G of this section. If bail, bond or deposit is returned, the
11 surcharge made pursuant to this article shall also be returned.

12 E. After addition of the surcharge, the courts may round the total
13 amount due to the nearest one-quarter dollar.

14 F. The surcharge imposed by this section shall be applied to the
15 base fine, civil penalty or forfeiture and not to any other surcharge
16 imposed.

17 G. After a determination by the court of the amount due, the court
18 shall transmit, on the last day of each month, the surcharges collected
19 pursuant to subsections A, B, C and D of this section and a remittance
20 report of the fines, civil penalties, assessments and surcharges collected
21 pursuant to subsections A, B, C and D of this section to the county
22 treasurer, except that municipal courts shall transmit the surcharges and
23 the remittance report of the fines, civil penalties, assessments and
24 surcharges to the city treasurer.

25 H. The appropriate authorities specified in subsection G of this
26 section shall transmit the surcharge prescribed in subsection A of this
27 section and the remittance report as required in subsection G of this
28 section to the state treasurer on or before the fifteenth day of each
29 month for deposit in the criminal justice enhancement fund established by
30 section 41-2401.

31 I. The appropriate authorities specified in subsection G of this
32 section shall transmit the seven percent surcharge prescribed in
33 subsection B of this section and the remittance report as required in
34 subsection G of this section to the state treasurer on or before the
35 fifteenth day of each month for allocation pursuant to section 41-2421,
36 subsection J.

37 J. The appropriate authorities specified in subsection G of this
38 section shall transmit the surcharge prescribed in subsection C of this
39 section and the remittance report as required in subsection G of this
40 section to the state treasurer on or before the fifteenth day of each
41 month for deposit in the department of public safety forensics fund
42 established by section 41-1730.

43 K. Partial payments of the amount due shall be transmitted as
44 prescribed in subsections G, H, I and J of this section and shall be

1 divided according to the proportion that the civil penalty, fine, bail or
2 bond and the surcharge represent of the total amount due.

3 L. NOTWITHSTANDING SUBSECTIONS A, B, C AND D OF THIS SECTION, THE
4 SURCHARGE DOES NOT APPLY TO A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE AT
5 THE TIME OF THE VIOLATION THAT GAVE RISE TO THE FINE, PENALTY OR
6 FORFEITURE AND DOES NOT APPLY TO THAT PERSON'S PARENT OR GUARDIAN.

7 Sec. 26. Section 12-116.02, Arizona Revised Statutes, is amended to
8 read:

9 12-116.02. Additional surcharges; fund deposits

10 A. In addition to any penalty provided by law, a surcharge shall be
11 levied in an amount of thirteen percent on every fine, penalty and
12 forfeiture imposed and collected by the courts for criminal offenses and
13 civil penalties imposed and collected for a civil traffic violation and
14 fine, penalty or forfeiture for a violation of the motor vehicle statutes,
15 for a violation of any local ordinance relating to the stopping, standing
16 or operation of a vehicle or for a violation of the game and fish statutes
17 in title 17.

18 B. If any deposit of bail or bond or deposit for an alleged civil
19 traffic violation is to be made for a violation, the court shall require a
20 sufficient amount to include the surcharge prescribed in this section for
21 forfeited bail, bond or deposit. If bail, bond or deposit is forfeited,
22 the court shall transmit the amount of the surcharge pursuant to
23 subsection E of this section. If bail, bond or deposit is returned, the
24 surcharge made pursuant to this article shall also be returned.

25 C. After addition of the surcharge, the courts may round the total
26 amount due to the nearest one-quarter dollar.

27 D. The surcharge imposed by this section shall be applied to the
28 base fine, civil penalty or forfeiture and not to any other surcharge
29 imposed.

30 E. After a determination by the court of the amount due, the court
31 shall transmit, on the last day of each month, the surcharges collected
32 pursuant to subsections A and B of this section and a remittance report of
33 the fines, civil penalties, assessments and surcharges collected pursuant
34 to subsections A and B of this section to the county treasurer, except
35 that municipal courts shall transmit the surcharges and the remittance
36 report of the fines, civil penalties, assessments and surcharges to the
37 city treasurer.

38 F. The appropriate authorities prescribed in subsection E of this
39 section shall transmit the thirteen percent surcharge as required in
40 subsection A of this section to the state treasurer on or before the
41 fifteenth day of each month for deposit in the medical services
42 enhancement fund established by section 36-2219.01.

43 G. Partial payments of the amount due shall be transmitted as
44 required in subsections E and F of this section and shall be divided

1 according to the proportion that the civil penalty, fine, bail or bond and
2 the surcharge represent of the total amount due.

3 H. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, THE
4 SURCHARGE DOES NOT APPLY TO A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE AT
5 THE TIME OF THE VIOLATION THAT GAVE RISE TO THE FINE, PENALTY OR
6 FORFEITURE AND DOES NOT APPLY TO THAT PERSON'S PARENT OR GUARDIAN.

7 Sec. 27. Section 12-116.04, Arizona Revised Statutes, is amended to
8 read:

9 12-116.04. Assessment; law enforcement officer equipment;
10 gang and immigration intelligence team
11 enforcement mission

12 A. In addition to any other penalty assessment provided by law, a
13 penalty assessment shall be levied in an amount of ~~thirteen dollars~~ \$13 on
14 every fine, penalty and forfeiture imposed and collected by the courts for
15 criminal offenses and any civil penalty imposed and collected for a civil
16 traffic violation and fine, penalty or forfeiture for a violation of the
17 motor vehicle statutes, for any local ordinance relating to the stopping,
18 standing or operation of a vehicle or for a violation of the game and fish
19 statutes in title 17.

20 B. The court shall transmit the assessments collected pursuant to
21 this section and a remittance report of the fines, civil penalties and
22 assessments collected pursuant to this section to the county treasurer,
23 except that municipal courts shall transmit the assessments and the
24 remittance report of the fines, civil penalties and assessments to the
25 city treasurer.

26 C. The city or county treasurer shall transmit ~~eight dollars~~ \$8 of
27 the assessment and the remittance report to the state treasurer. The
28 state treasurer shall deposit ~~four dollars~~ \$4 of the assessment in the
29 public safety equipment fund established by section 41-1723 and the
30 remaining ~~four dollars~~ \$4 of the assessment in the gang and immigration
31 intelligence team enforcement mission border security and law enforcement
32 subaccount established by section 41-1724.

33 D. The city or county treasurer shall transmit ~~four dollars~~ \$4 of
34 the assessment and the remittance report to the agency that investigated
35 the offense or issued the citation to be used to supplement, not supplant,
36 monies available for officer safety equipment.

37 E. The city treasurer shall transmit ~~one dollar~~ \$1 of the
38 assessment and the remittance report to the county treasurer. The county
39 treasurer shall transmit ~~one dollar~~ \$1 of the assessment and any monies
40 received from the city treasurer pursuant to this subsection to the
41 following entities to be used to improve, maintain and enhance the ability
42 to collect and manage monies assessed or received by the courts, to
43 improve court automation and to improve case processing or the
44 administration of justice:

1 1. In a county with a population of less than two million persons,
2 to the justice courts, distributed proportionally based on the judicial
3 productivity credits calculated pursuant to section 22-125.

4 2. In a county with a population of two million persons or more, to
5 the justice court administration.

6 F. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE PENALTY
7 ASSESSMENT DOES NOT APPLY TO A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE
8 AT THE TIME OF THE VIOLATION THAT GAVE RISE TO THE FINE, PENALTY OR
9 FORFEITURE AND DOES NOT APPLY TO THAT PERSON'S PARENT OR GUARDIAN.

10 Sec. 28. Section 12-116.07, Arizona Revised Statutes, is amended to
11 read:

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

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

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

22 Sec. 29. Section 12-268, Arizona Revised Statutes, is amended to
23 read:

24 12-268. Juvenile probation fund; use

25 A. The board of supervisors shall designate a chief fiscal officer
26 who shall establish and administer a juvenile probation fund consisting
27 of:

- 28 1. County general fund appropriations for juvenile probation.
- 29 2. Court information cost monies received pursuant to section
30 8-134, subsection L.
- 31 3. State appropriations for juvenile probation, except monies in
32 the juvenile probation services fund established by section 8-322 and
33 except monies in the court appointed special advocate fund established by
34 section 8-524, but including:

35 (a) Monies for juvenile probation officers authorized by section
36 8-203.

37 (b) Monies for state aid for juvenile probation services authorized
38 by this article.

39 ~~(c) Monies for family counseling services established by title 8,~~
40 ~~chapter 2, article 5.~~

41 ~~(d)~~ (c) Monies for juvenile intensive probation services
42 established by title 8, chapter 3, article 4.

43 ~~4. Probation fees collected pursuant to section 8-321, subsection N~~
44 ~~for community based alternative programs or diversion programs~~
45 ~~administered by the juvenile court.~~

1 ~~5. Probation fees collected pursuant to section 8-341.~~
2 ~~6.~~ 4. Federal monies provided for juvenile probation services.
3 ~~7.~~ 5. Juvenile probation monies from any other source.

4 B. The chief fiscal officer shall establish and maintain separate
5 accounts in the fund showing receipts and expenditures of monies from each
6 source listed in subsection A of this section. The presiding juvenile
7 judge of the superior court shall annually present to the board of
8 supervisors for approval a detailed expenditure plan for the juvenile
9 probation services fund accounts. Any modifications to the expenditure
10 plan affecting state appropriations shall be made in accordance with the
11 rules and procedures established by the supreme court. Any modifications
12 to the expenditure plan affecting county appropriated funds shall be made
13 in accordance with the policies established by the county. The chief
14 fiscal officer shall disburse monies from the fund accounts only at the
15 direction of the presiding juvenile judge of the superior court. The
16 chief fiscal officer, on or before August 31 of each year for the
17 preceding fiscal year, shall submit an annual report to the supreme court
18 showing the total amount of receipts and expenditures in each account of
19 the juvenile probation services fund.

20 C. The state monies in the juvenile probation services fund shall
21 be used in accordance with guidelines established by the supreme court or
22 the granting authority.

23 D. State monies expended from the juvenile probation services fund
24 shall be used to supplement, not supplant, county appropriations for the
25 superior court juvenile probation department.

26 E. County monies in the juvenile probation services fund shall be
27 used in accordance with the fiscal policies and procedures established by
28 the board of supervisors.

29 Sec. 30. Section 12-1551, Arizona Revised Statutes, is amended to
30 read:

31 12-1551. Issuance of writ of execution; limitation; renewal;
32 death of judgment debtor; applicability

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

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

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

45 D. This section applies to:

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

2 2. All judgments ~~THAT WERE~~ entered on or before August 2, 2013 and
3 that were renewed on or before August 2, 2018, except that a writ of
4 execution or other process may not be issued for a judgment entered on or
5 before August 2, 2013 that was not renewed on or before August 2, 2018.

6 E. This section does not apply to:

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

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

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

13 ~~4.~~ 3. Civil judgments obtained by this state.

14 Sec. 31. Section 41-191.08, Arizona Revised Statutes, is amended to
15 read:

16 41-191.08. Victims' rights fund; use; reporting requirements;
17 exemption from lapsing

18 A. The victims' rights fund is established consisting of monies
19 deposited pursuant to ~~sections 8-418 and~~ SECTION 12-116.08 and legislative
20 appropriations. Monies in the fund are subject to legislative
21 appropriation. Monies from state general fund appropriations shall be
22 deposited in the victims' rights fund and are not subject to further
23 appropriation. Monies from state general fund appropriations are
24 available for use on deposit in the victims' rights fund. The attorney
25 general shall administer the fund. The attorney general shall use fund
26 monies for the purpose of operating, improving, maintaining and enhancing
27 the victims' rights program established pursuant to section 41-191.06.

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

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

44 D. Except as provided in subsections G and H of this section, each
45 fiscal year the attorney general may disburse victims' rights fund monies

1 to entities that do not qualify under subsection C of this section, that
2 are financially impacted by title 8, chapter 3, article 7 or title 13,
3 chapter 40 and that submit an implementation plan and funding request to
4 the attorney general pursuant to guidelines adopted by the attorney
5 general. The attorney general shall establish procedures to assess the
6 financial impact on and the need of these entities. The attorney general
7 shall disburse monies based on the information that is derived from the
8 assessment. On an annual basis, as new or additional entities receive
9 monies pursuant to this subsection, the attorney general shall
10 proportionally adjust the percentage share disbursed to each entity
11 pursuant to subsection C of this section.

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

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

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

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

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

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

29 H. Supplemental fund monies appropriated to the attorney general to
30 expand victims' rights training and to expand the reporting of victims'
31 feedback on services provided shall be expended according to a plan and
32 procedures adopted by the attorney general. The attorney general shall
33 spend the monies appropriated for costs to develop, provide, sponsor or
34 support programs that expand the delivery and improve the quality of
35 mandated services to victims of crime by law enforcement, prosecutorial
36 and correctional agencies and courts.

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

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

1 Sec. 32. Section 41-1750, Arizona Revised Statutes, is amended to
2 read:

3 41-1750. Central state repository; department of public
4 safety; duties; funds; accounts; definitions

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

9 1. Procure from all criminal justice agencies in this state
10 accurate and complete personal identification data, fingerprints, charges,
11 process control numbers and dispositions and such other information as may
12 be pertinent to all persons who have been charged with, arrested for,
13 convicted of or summoned to court as a criminal defendant for a felony
14 offense or an offense involving domestic violence as defined in section
15 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

16 2. Collect information concerning the number and nature of offenses
17 known to have been committed in this state and of the legal steps taken in
18 connection with these offenses, such other information that is useful in
19 the study of crime and in the administration of criminal justice and all
20 other information deemed necessary to operate the statewide uniform crime
21 reporting program and to cooperate with the federal government uniform
22 crime reporting program.

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

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

29 5. Ensure the rapid exchange of information concerning the
30 commission of crime and the detection of violators of the law among the
31 criminal justice agencies of other states and of the federal government.

32 6. Furnish assistance to peace officers throughout this state in
33 crime scene investigation for the detection of latent fingerprints and in
34 the comparison of latent fingerprints.

35 7. Conduct periodic operational audits of the central state
36 repository and of a representative sample of other agencies that
37 contribute records to or receive criminal justice information from the
38 central state repository or through the Arizona criminal justice
39 information system.

40 8. Establish and enforce the necessary physical and system
41 safeguards to ensure that the criminal justice information maintained and
42 disseminated by the central state repository or through the Arizona
43 criminal justice information system is appropriately protected from
44 unauthorized inquiry, modification, destruction or dissemination as
45 required by this section.

1 9. Aid and encourage coordination and cooperation among criminal
2 justice agencies through the statewide and interstate exchange of criminal
3 justice information.

4 10. Provide training and proficiency testing on the use of criminal
5 justice information to agencies receiving information from the central
6 state repository or through the Arizona criminal justice information
7 system.

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

10 12. Provide criminal history record information to the
11 fingerprinting division for the purpose of screening applicants for
12 fingerprint clearance cards.

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

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

26 D. The chief officers of law enforcement agencies of this state or
27 its political subdivisions shall provide to the department such
28 information as necessary to operate the statewide uniform crime reporting
29 program and to cooperate with the federal government uniform crime
30 reporting program.

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

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

40 G. The director shall authorize the exchange of criminal justice
41 information between the central state repository, or through the Arizona
42 criminal justice information system, whether directly or through any
43 intermediary, only as follows:

44 1. With criminal justice agencies of the federal government, Indian
45 tribes, this state or its political subdivisions and other states, on

1 request by the chief officers of such agencies or their designated
2 representatives, specifically for the purposes of the administration of
3 criminal justice and for evaluating the fitness of current and prospective
4 criminal justice employees. The department may conduct periodic state and
5 federal criminal history records checks for the purpose of updating the
6 status of current criminal justice employees or volunteers and may notify
7 the criminal justice agency of the results of the records check. The
8 department is authorized to submit fingerprints to the federal bureau of
9 investigation to be retained for the purpose of being searched by future
10 submissions to the federal bureau of investigation including latent
11 fingerprint searches.

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

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

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

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

41 6. With regional computer centers that maintain authorized
42 computer-to-computer interfaces with the department, that are criminal
43 justice agencies or under the management control of a criminal justice
44 agency and that are established by a statute, ordinance or executive order
45 to provide automated data processing services to criminal justice agencies

1 specifically for the purposes of the administration of criminal justice or
2 evaluating the fitness of regional computer center employees who have
3 access to the Arizona criminal justice information system and the national
4 crime information center system.

5 7. With an individual who asserts a belief that criminal history
6 record information relating to the individual is maintained by an agency
7 or in an information system in this state that is subject to this section.
8 On submission of fingerprints, the individual may review this information
9 for the purpose of determining its accuracy and completeness by making
10 application to the agency operating the system. Rules adopted under this
11 section shall include provisions for administrative review and necessary
12 correction of any inaccurate or incomplete information. The review and
13 challenge process authorized by this paragraph is limited to criminal
14 history record information.

15 8. With individuals and agencies pursuant to a specific agreement
16 with a criminal justice agency to provide services required for the
17 administration of criminal justice pursuant to that agreement if the
18 agreement specifically authorizes access to data, limits the use of data
19 to purposes for which given and ensures the security and confidentiality
20 of the data consistent with this section.

21 9. With individuals and agencies for the express purpose of
22 research, evaluative or statistical activities pursuant to an agreement
23 with a criminal justice agency if the agreement specifically authorizes
24 access to data, limits the use of data to research, evaluative or
25 statistical purposes and ensures the confidentiality and security of the
26 data consistent with this section.

27 10. With the auditor general for audit purposes.

28 11. With central state repositories of other states for noncriminal
29 justice purposes for dissemination in accordance with the laws of those
30 states.

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

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

1 (a) The fingerprint card.

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

4 14. On submission of a fingerprint card, provide criminal history
5 record information to the superior court for the purpose of evaluating the
6 fitness of investigators appointed under section 14-5303 or 14-5407,
7 guardians appointed under section 14-5206 or 14-5304 or conservators
8 appointed under section 14-5401.

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

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

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

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

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

24 20. With the department of education for the purpose of evaluating
25 the fitness of a certificated teacher or administrator or an applicant for
26 a teaching or an administrative certificate provided that the department
27 of education or its employees or agents have reasonable suspicion that the
28 certificated person engaged in conduct that would be a criminal violation
29 of the laws of this state or was involved in immoral or unprofessional
30 conduct or that the applicant engaged in conduct that would warrant
31 disciplinary action if the applicant were certificated at the time of the
32 alleged conduct. The information shall be provided on the submission of
33 either:

34 (a) The fingerprint card.

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

37 21. With each school district and charter school in this state.
38 The state board of education and the state board for charter schools shall
39 provide the department of public safety with a current list of email
40 addresses for each school district and charter school in this state and
41 shall periodically provide the department of public safety with updated
42 email addresses. If the department of public safety is notified that a
43 person who is required to have a fingerprint clearance card to be employed
44 by or to engage in volunteer activities at a school district or charter
45 school has been arrested for or convicted of an offense listed in section

1 41-1758.03, subsection B or has been arrested for or convicted of an
2 offense that amounts to unprofessional conduct under section 15-550, the
3 department of public safety shall notify each school district and charter
4 school in this state that the person's fingerprint clearance card has been
5 suspended or revoked.

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

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

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

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

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

27 25. With the governor to provide criminal history record
28 information on prospective gubernatorial nominees, appointees and
29 employees as provided by law.

30 H. The director shall adopt rules necessary to execute this
31 section.

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

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

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

1 L. Except as provided in subsection O of this section, each agency
2 authorized by this section may charge a fee, in addition to any other fees
3 prescribed by law, in an amount necessary to cover the cost of state and
4 federal noncriminal justice fingerprint processing for criminal history
5 record information checks that are authorized by law for noncriminal
6 justice employment, licensing or other lawful purposes.

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

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

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

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

- 35 1. The collection and disposition of fees pursuant to this section.
- 36 2. The refusal of service to those agencies that are delinquent in
37 paying these fees.

38 Q. The director shall ensure that the following limitations are
39 observed regarding dissemination of criminal justice information obtained
40 from the central state repository or through the Arizona criminal justice
41 information system:

- 42 1. Any criminal justice agency that obtains criminal justice
43 information from the central state repository or through the Arizona
44 criminal justice information system assumes responsibility for the
45 security of the information and shall not secondarily disseminate this

1 information to any individual or agency not authorized to receive this
2 information directly from the central state repository or originating
3 agency.

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

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

12 4. The existence or nonexistence of criminal history record
13 information shall not be confirmed to any individual or agency not
14 authorized to receive the information itself.

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

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

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

31 S. This section does not apply to criminal history record
32 information contained in:

33 1. Posters, arrest warrants, announcements or lists for identifying
34 or apprehending fugitives or wanted persons.

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

39 3. Transcripts or records of judicial proceedings if released by a
40 court or legislative or administrative proceedings.

41 4. Announcements of executive clemency or pardon.

42 5. Computer databases, other than the Arizona criminal justice
43 information system, that are specifically designed for community
44 notification of an offender's presence in the community pursuant to

1 section 13-3825 or for public informational purposes authorized by section
2 13-3827.

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

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

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

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

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

35 4. The mandatory fingerprint compliance form shall contain the
36 following information:

37 (a) Whether ten-print fingerprints have been obtained from the
38 person.

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

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

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

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

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

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

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

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

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

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

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

38 11. The state department of corrections or the department of
39 juvenile corrections, within forty days, shall advise the central state
40 repository that it has assumed supervision of a person convicted of an
41 offense specified in subsection C of this section or section 8-341,
42 subsection ~~W~~ R, paragraph 3. The state department of corrections or the
43 department of juvenile corrections shall also report dispositions that
44 occur thereafter to the central state repository within forty days of the

1 date of the dispositions. This information shall be submitted on a form
2 or in a manner required by the department of public safety.

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

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

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

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

25 Y. For the purposes of this section:

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

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

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

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

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

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

17 7. "Criminal justice agency" means either:

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

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

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

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

40 10. "Dissemination" means the written, oral or electronic
41 communication or transfer of criminal justice information to individuals
42 and agencies other than the criminal justice agency that maintains the
43 information. Dissemination includes the act of confirming the existence
44 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. 33. 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.~~ 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.~~ 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 ~~K~~ I. The department may enter into contracts with this state, any
2 political subdivision of this state or private entities in order to
3 provide employment or vocational educational experience.

4 Sec. 34. Outstanding debt; forgiveness; administrative court
5 procedures

6 A. Notwithstanding any other law, the unpaid outstanding balance of
7 any fee, cost, surcharge or monetary assessment that was imposed on a
8 juvenile or the juvenile's parent or guardian before the effective date of
9 this act pursuant to sections 8-221, 8-234, 8-243, 8-245, 8-263, 8-321,
10 8-323, 8-341, 8-343, 8-344, 8-349, 11-584, 12-114, 12-116, 12-116.01,
11 12-116.02, 12-116.04 and 12-116.07, Arizona Revised Statutes, as amended
12 by this act, and sections 8-241 and 8-418, Arizona Revised Statutes, as
13 repealed by this act, are vacated, unenforceable and uncollectable.

14 B. Notwithstanding any other law, all unsatisfied civil judgments,
15 or portions of judgments, that were entered before the effective date of
16 this act for an unpaid fee, cost, surcharge or monetary assessment that
17 was imposed on a juvenile or the juvenile's parent or guardian pursuant to
18 sections 8-221, 8-234, 8-243, 8-245, 8-263, 8-321, 8-323, 8-341, 8-343,
19 8-344, 8-349, 11-584, 12-114, 12-116, 12-116.01, 12-116.02, 12-116.04 and
20 12-116.07, Arizona Revised Statutes, as amended by this act, and sections
21 8-241 and 8-418, Arizona Revised Statutes, as repealed by this act, are
22 deemed null and void and for all legal purposes are vacated and
23 discharged.

24 C. Within six months after the effective date of this act, the
25 administrative office of the courts, in consultation with state and
26 municipal agencies, shall establish procedures to vacate all unpaid
27 outstanding balances that are subject to subsection A of this section and
28 to vacate and discharge all unsatisfied civil judgments that are subject
29 to subsection B of this section. The procedures may not require a
30 juvenile or the juvenile's parent or guardian to affirmatively act to
31 initiate the procedures.

32 Sec. 35. Effective date

33 This act is effective from and after _____.