

Senate Engrossed

juvenile offenders; monetary sanctions; repeal

**State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023**

SENATE BILL 1197

AN ACT

AMENDING SECTIONS 8-221 AND 8-234, ARIZONA REVISED STATUTES; REPEALING SECTION 8-241, ARIZONA REVISED STATUTES; AMENDING SECTION 8-243, ARIZONA REVISED STATUTES; REPEALING SECTION 8-243.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 8-243.02, 8-245, 8-246, 8-263, 8-321, 8-322, 8-323 AND 8-341, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-341.02; AMENDING SECTIONS 8-343, 8-344, 8-348 AND 8-349, ARIZONA REVISED STATUTES; REPEALING SECTION 8-418, ARIZONA REVISED STATUTES; AMENDING SECTIONS 8-503.01, 11-537, 11-584, 12-116, 12-116.07, 12-268, 12-1551, 41-191.08, 41-1750 AND 41-2822, ARIZONA REVISED STATUTES; RELATING TO JUVENILE SANCTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

A. The court shall appoint an attorney for a child in all delinquency proceedings that commence with a petition or that may involve detention, dependency proceedings or termination of parental rights proceedings that are conducted pursuant to this title. The court shall appoint the attorney before the first hearing. The attorney shall represent the child at all stages of the proceedings and, in a dependency proceeding, through dismissal.

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

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

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

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

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

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

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

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

H. G. Any guardian ad litem or attorney appointed for a juvenile shall meet with the juvenile before the preliminary protective hearing, if possible, or within fourteen days after the preliminary protective hearing. The guardian ad litem or attorney appointed for the juvenile also shall meet with the juvenile before all substantive hearings. On a showing of extraordinary circumstances, the judge may modify this requirement for any substantive hearing.

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

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

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

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

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

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

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

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

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

2. The legal custodians or agencies, including agency personnel, that are ordered to provide treatment or services to the child, the child's family or any party named in the dispositional order.

D. The court may **NOT** order a parent or guardian to pay the cost of any counseling, treatment or education program ordered pursuant to subsection F of this section.

E. If the court after notice and hearing finds that a person has failed to exercise reasonable care, supervision, protection and control of a minor pursuant to subsection A of this section or if the court holds a person in contempt for violating an order issued pursuant to this section, the court may immediately take one or more of the following actions:

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

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

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

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

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

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

Sec. 3. Repeal

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

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

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

A. The supreme court shall administer the activities, including providing the cost of services, for children who are referred to the juvenile court as incorrigible or delinquent and who are placed in foster care other than in a state institution or who require shelter care or treatment. If the juvenile court places a referred child in foster care or orders a referred child to participate in treatment or an education program or if a probation officer requires a child to comply with a program pursuant to section 8-321, subsection F, the juvenile court ~~shall inquire into the ability of the child or the child's parent~~ **MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR GUARDIAN** to bear the charge or expense of the foster care, treatment, education program or program required pursuant to section 8-321, subsection F. ~~If the court is satisfied that the child or the child's parent can bear the charge or expense or any portion of the charge or expense, the juvenile court may fix the amount of the payment and shall direct the child or parent to pay the amount monthly to the clerk of the court until the child is discharged from foster care, treatment, an education program or a program required pursuant to section 8-321, subsection F. The clerk of the court shall transmit monies collected monthly to the supreme court for deposit in the juvenile probation services fund to reimburse the cost of services incurred under sections 8-321 and 8-322. Monies collected for this purpose are exempt from section 41-2421, subsection C.~~

B. If the juvenile court awards or commits a child to the department of juvenile corrections or other state department or institution, the juvenile court ~~shall inquire into the ability of the child, the child's estate, parent or guardian or the person who has custody of the child~~ **MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR GUARDIAN** to bear the charge, expense and maintenance, including the medical, dental and mental health care of the child while the child is committed to the custody of the department of juvenile corrections or other public or private institution or agency, or private person or persons. ~~If the court is satisfied that the child, the child's estate, parent or guardian or the person who has custody of the child can bear the charges, expense and maintenance or any portion of them, the juvenile court shall fix the amount thereof and direct that the child, the child's estate, parent or guardian or the person who has custody of the child pay the amount monthly to the department of juvenile corrections or other public or private institution or agency, or private person or persons to which the child is awarded or committed. The department of juvenile corrections or~~

~~other public or private institution or agency or private person or persons shall acknowledge the receipt of the monies. The department of juvenile corrections shall retain and utilize the money it receives to fund work restitution programs for juveniles. Except as provided in section 8-243.01, other state institutions or agencies shall deposit, pursuant to sections 35-146 and 35-147, the money in the state general fund. The juvenile court shall transmit a copy of its orders concerning payment along with its order of commitment.~~

C. If the juvenile court awards or commits a child to a juvenile detention facility, the juvenile court ~~shall inquire into the ability of the child, the child's estate, parent or guardian or the person who has custody of the child~~ **MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR GUARDIAN** to bear the charge, expense and maintenance, including food, clothing, shelter and supervision of the child while the child is detained in a juvenile detention facility. ~~If the juvenile court is satisfied that the child, the child's estate, parent or guardian or the person who has custody of the child can bear the charges, expense and maintenance or any portion of them, the juvenile court may fix the amount of the payment and direct that the child, the child's estate, parent or guardian or the person who has custody of the child pay the amount monthly to the juvenile court. The assessment is collectible as a civil judgment. The juvenile court shall acknowledge the receipt of the monies and shall transmit the monies monthly to the county treasurer for deposit in the county general fund. The juvenile court shall transmit a copy of its orders concerning payment along with its order of commitment.~~

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

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

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

Sec. 5. Repeal

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

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

8-243.02. Assignment of right to support; priority

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

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

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

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

8-245. Physical and mental care

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

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

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

subsection G.

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

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

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

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

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

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

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

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

C. The supreme court in cooperation with the department of juvenile corrections and other state agencies shall develop a common risk needs assessment instrument to be used for each juvenile who is adjudicated delinquent in the juvenile court. The juvenile court shall update the risk needs assessment on each subsequent adjudication, and the court shall use the risk needs assessment to determine the appropriate disposition of the juvenile. The supreme court in cooperation with the department of juvenile corrections shall develop guidelines to be used by juvenile court judges in determining those juveniles who should be committed to the department of juvenile corrections.

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

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

8-263. Order for counseling; administration

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

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

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

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

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

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

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

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

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

1. The juvenile committed a dangerous offense as defined in section 13-105.
2. The juvenile is a chronic felony offender as defined in section 13-501.
3. The juvenile committed an offense that is listed in section 13-501.
4. The juvenile is alleged to have committed a violation of section 28-1381, 28-1382 or 28-1383.
5. The juvenile is alleged to have committed an offense involving the purchase, possession or consumption of spirituous liquor or a violation of title 13, chapter 34 and the juvenile has previously participated in a community based alternative program or a diversion program administered by the juvenile court at least two times within twenty-four months before the date of the commission of the alleged offense.

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

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

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

F. If the county attorney diverts the prosecution of a juvenile to the juvenile court, the juvenile probation officer shall conduct a personal interview with the alleged juvenile offender. At least one of the juvenile's parents or guardians shall attend the interview. The probation officer may waive the requirement for the attendance of the parent or guardian for good cause. If the juvenile acknowledges responsibility for the delinquent or incorrigible act, the juvenile probation officer shall require that the juvenile comply with one or more of the following conditions:

1. Participation in unpaid community restitution work.
2. Participation in a counseling program that is approved by the court and that is designed to strengthen family relationships and to prevent repetitive juvenile delinquency.
3. Participation in an education program that is approved by the court and that has as its goal the prevention of further delinquent behavior.
4. Participation in an education program that is approved by the court and that is designed to deal with ancillary problems experienced by the juvenile, such as alcohol or drug abuse.
5. Participation in a nonresidential program of rehabilitation or supervision that is offered by the court or offered by a community youth serving agency and approved by the court.
6. Payment of restitution to the victim of the delinquent act.
7. Payment of a monetary assessment **THAT MAY BE SATISFIED THROUGH COMMUNITY RESTITUTION. THE COURT SHALL CREDIT ANY COMMUNITY RESTITUTION PERFORMED AT A RATE THAT IS EQUAL TO THE MINIMUM WAGE PRESCRIBED BY SECTION 23-363, SUBSECTIONS A AND B, ROUNDED UP TO THE NEAREST DOLLAR.**

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

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

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

1. The juvenile's participation is voluntary.

2. The victim's participation is voluntary.

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

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

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

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

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

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

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

N. ~~The county attorney or juvenile court shall assess the parent of a juvenile who is diverted pursuant to subsection A of this section a fee of fifty dollars unless, after determining the inability of the parent to pay the fee, the county attorney or juvenile court assesses a lesser amount. If the juvenile was adopted or placed in permanent guardianship after the juvenile was determined by the court to be a dependent child, the county attorney or juvenile court shall consider the totality of the child's circumstances and the nature of the dependency. The county attorney or juvenile court may waive all or part of the fee prescribed by this subsection if the county attorney or juvenile court determines extenuating circumstances exist. All monies assessed pursuant to this subsection shall be used for the administration and support of community based alternative programs or juvenile court diversion programs. Any amount greater than forty dollars of the fee assessed pursuant to this subsection shall only be used to supplement monies currently used for the salaries of juvenile probation and surveillance officers and for support of programs and services of the superior court juvenile probation departments. The clerk of the superior court shall pay all monies collected from this assessment to the county treasurer for deposit in the juvenile probation fund, to be utilized as provided in section 12-268, and the county attorney shall pay all monies collected from this assessment into the county attorney juvenile diversion fund established by section 11-537~~ **MAY NOT ASSESS OR REQUIRE THE JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY A FEE OR THE COST FOR A COMMUNITY BASED ALTERNATIVE PROGRAM OR DIVERSION PROGRAM THAT IS AUTHORIZED BY THIS SECTION.**

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

P. If the juvenile does not acknowledge responsibility for the offense, or fails to comply with the consequences set by the community based alternative program, the case shall be submitted to the county attorney for review. **THE PAYMENT OF A MONETARY ASSESSMENT MAY NOT BE**

USED AS A CONDITION FOR THE JUVENILE TO COMPLY WITH THE CONSEQUENCES SET BY THE COMMUNITY BASED ALTERNATIVE PROGRAM.

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

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

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

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

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

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

C. Monies in the fund shall be used to fund programs, the participation in which a juvenile probation officer or community based alternative program administered by the juvenile court has required as a condition of diversion pursuant to section 8-321. Monies shall also be used to fund programs to reduce the number of repetitive juvenile offenders and to provide services for juveniles who are on probation, including treatment, testing, independent living programs and residential, foster and shelter care, and for children who are referred to the juvenile court for incorrigibility or delinquency offenses. Monies may be used to provide the cost of care for persons who are under twenty-one years of age and who were placed in an independent living program or in foster care before eighteen years of age, who voluntarily remain in care and who are currently enrolled in and regularly attending any high school or certificate of equivalency program. Pursuant to section 8-341, subsection ~~N- I~~, monies may also be used to provide services for persons who are under twenty-one years of age and who voluntarily participate in treatment. Except pursuant to section 8-341, subsection ~~N- I~~, the cost of care shall not be continued for a person who has received a high school diploma or certificate of equivalency. The supreme court shall approve these services. The juvenile court may develop and staff such programs, or the supreme court may enter into the purchase of service contracts with community youth serving agencies.

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

E. Monies in the fund may be used to obtain, operate and maintain a state-approved case management system that serves persons placed on probation or juveniles referred to the juvenile court.

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

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

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

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

J. A service contract or license with any contract provider that involves the employment of persons who have contact with juveniles shall provide that the contract or license may be canceled or

terminated immediately if a person certifies pursuant to subsections M and N of this section that the person is awaiting trial on or has been convicted of any of the offenses listed in subsections M and N of this section in this state or of acts committed in another jurisdiction that would be offenses in this state or if the person does not possess or is denied issuance of a valid fingerprint clearance card.

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

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

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

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

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

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

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

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

1. Is arrested for or charged with an offense listed in section 41-1758.03, subsection B.
2. Falsified information on the form required by subsection M of this section.

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

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

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

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

1. Any provision of title 28 not declared to be a felony.
2. The purchase, possession or consumption of spirituous liquor by a juvenile.

3. Boating or game and fish.
4. Curfew.
5. Truancy.
6. The damage or disfigurement of property by graffiti or the purchase or possession of materials with the intent to use the materials for graffiti.
7. The purchase or possession of tobacco.
8. Any city, town or political subdivision ordinance.
9. Interference with judicial proceedings involving disobeying or resisting the lawful order, process or other mandate of a juvenile hearing officer or failure to appear related to any offense in this section.
10. A civil violation involving the possession and personal use of marijuana, marijuana products and marijuana paraphernalia.

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

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

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

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

1. Place the juvenile on probation, except that a city magistrate or justice of the peace may only place the juvenile on unsupervised probation.
2. Transfer the citation to the juvenile court for all further proceedings.
3. Suspend the driving privileges of the juvenile, or restrict the juvenile's driving privileges for a period of not to exceed one hundred eighty days.
4. Order the juvenile to attend a traffic school or a counseling or education program approved by the presiding judge of the juvenile court or the supreme court.
5. Order the juvenile to pay the monetary assessment or penalty that is applicable to the offense. Except as provided in section 8-341, subsection ~~S~~ N, the monetary assessment or penalty shall not exceed ~~five hundred dollars plus lawful surcharges and assessments~~ \$500 payable to the public agency processing the violation. If no monetary assessment or penalty is specified for the offense, the juvenile hearing officer, commissioner or judge of the superior court may order the juvenile to pay not more than ~~one hundred fifty dollars plus lawful surcharges and assessments~~ \$150 payable to the public agency processing the violation.

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

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

court having jurisdiction.

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

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

10. Impose sanctions authorized by section 8-343.

11. Reprimand the juvenile and take no further action.

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

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

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

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

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

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

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

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

8-341. Disposition and commitment; definitions

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

1. It may award a delinquent juvenile:

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

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

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

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

(e) To the department of juvenile corrections.

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

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

2. It may award an incorrigible child:

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

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

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

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

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

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

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

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

3. The court has not made a determination that it is in the best interests of the juvenile or the public to require continued supervision. **THE COURT MAY NOT USE THE JUVENILE'S FAILURE TO PAY FEES, COSTS OR FINES AS A REASON TO CONTINUE SUPERVISION.** The court shall state by minute entry or written order its reasons for finding that continued supervision is required.

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

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

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

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

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

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

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

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

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

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

You are now a repeat felony offender. This means:

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

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

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

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

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

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

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

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

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

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

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

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

M. H. Written notice of the release of any juvenile pursuant to subsection **L- G** of this section shall be made to any victim requesting notice, the juvenile court that committed the juvenile and the county attorney of the county from which the juvenile was committed.

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

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

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

juvenile's parent or guardian and a minor victim's parent or guardian and shall counsel them regarding the meaning and health implications of the results.

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

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

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

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

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

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

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

V. Q. For the purposes of this section:

1. "First time felony juvenile offender" means a juvenile who is adjudicated delinquent for an offense that would be a felony offense if committed by an adult.
2. "Repeat felony juvenile offender" means a juvenile to whom both of the following apply:
 - (a) Is adjudicated delinquent for an offense that would be a felony offense if committed by an adult.
 - (b) Previously has been adjudicated a first time felony juvenile offender.
3. "Sexual offense" means oral sexual contact, sexual contact or sexual intercourse as defined in section 13-1401.

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

8-341.02. Prohibited fees, fines and costs

A. THE COURT MAY NOT ORDER A JUVENILE WHO IS UNDER THE JURISDICTION OF THE JUVENILE COURT OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY EITHER

OF THE FOLLOWING:

1. A FEE THAT IS ASSOCIATED WITH COURT SERVICES OR PROBATION.
2. A FINE OR MONETARY SANCTION THAT IS NOT SPECIFICALLY REQUIRED BY THE OFFENSE OR CITATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

the department of juvenile corrections as a condition of probation.

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

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

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

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

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

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

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

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

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

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

8-344. Restitution payments

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

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

C. In ordering restitution pursuant to subsection A of this section, the court may order one or both of the juvenile's custodial parents to make restitution to the victim of the offense for which the juvenile was adjudicated delinquent or to the estate of the victim if the victim has died. The court shall determine the amount of restitution ordered pursuant to this subsection, except that the amount shall not exceed the liability limit established pursuant to section 12-661. The court may order a parent or

juvenile who is ordered to pay restitution to satisfy the order in a lump sum or installment payments to the clerk of the court for disbursement to the victim or estate of the victim. If the court orders the juvenile's parents to make restitution pursuant to this subsection, the court shall order the juvenile to make either full or partial restitution, regardless of the juvenile's insufficient earning capacity. The court shall not consider the ability of the juvenile's parents to pay restitution before making a restitution order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. The person is not currently required to register pursuant to section 13-3821.

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

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

1. The person is at least eighteen years of age.
2. The person has not been convicted of a felony offense.
3. A criminal charge is not pending.
4. The person was not adjudicated for an offense listed in section 13-501, subsection A or B or title 28, chapter 4.
5. The person successfully completed the terms and conditions of probation or was discharged from the department of juvenile corrections pursuant to section 41-2820 on successful completion of the individual treatment plan.
6. All restitution is paid in full.
7. All ~~monetary obligations~~ FINES are either paid in full or have been modified pursuant to subsection K of this section.
8. The person is not under the jurisdiction of the juvenile court or the department of juvenile corrections.
9. The person is not currently required to register pursuant to section 13-3821.

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

1. The person is at least twenty-five years of age.
 2. The person has not been convicted of a felony offense.
 3. A criminal charge is not pending.
 4. All restitution is paid in full.
 5. The person has either paid all ~~monetary obligations~~ FINES in full or has requested the court to modify the outstanding ~~monetary obligations~~ FINES pursuant to subsection K of this section.
 6. The person is not currently required to register pursuant to section 13-3821.
- E. The juvenile court may order the destruction of records if the court finds that all of the following apply to a person who files an application pursuant to subsection D of this section:
1. The person is at least twenty-five years of age.

2. The person has not been convicted of a felony offense.
3. A criminal charge is not pending.
4. All restitution is paid in full.
5. All ~~monetary obligations~~ FINES are either paid in full or have been modified pursuant to subsection K of this section.
6. The person is not currently required to register pursuant to section 13-3821.
7. The destruction of the records would further the rehabilitative process of the applicant.
- E. The juvenile court and the department of juvenile corrections may store any records for research purposes.
- G. At the juvenile's disposition hearing, the court shall inform the juvenile, in writing, of the right to the destruction of the juvenile's court and department of juvenile corrections records.
- H. The clerk of the court may not charge a filing fee for the application to destroy juvenile records.
- I. The clerk of the court shall transmit a copy of an application submitted pursuant to this section to the county attorney in the county in which the referral was made.
- J. The county attorney may file an objection to an application that is submitted pursuant to this section for the destruction of records.
- K. On a showing of good cause, the court may modify any ~~monetary obligations~~ FINE imposed by the court except for victim restitution.
- L. THE JUVENILE COURT MAY NOT CONSIDER OUTSTANDING FEES, ASSESSMENTS AND SURCHARGES WHEN DETERMINING WHETHER TO DESTROY THE JUVENILE'S COURT AND DEPARTMENT OF JUVENILE CORRECTIONS' RECORDS.
- ~~L.~~ M. The juvenile court, the clerk of the superior court and the juvenile probation department, either on order of the juvenile court after the person files an application with the court or on notification by the probation department, shall destroy the records that concern a referral or citation that did not result in an adjudication. Records that are eligible for destruction pursuant to this subsection shall be destroyed within ninety days after the person who was the subject of the referral or citation reaches eighteen years of age or when destruction is ordered by the court. The probation department shall send a copy of the notice to the department of public safety central state repository.
- ~~M.~~ N. Within six months after receiving a notification from the superior court that a person's juvenile delinquency or incorrigibility records were destroyed, the department of child safety shall destroy all court, juvenile probation and department of juvenile corrections records that are in the department of child safety's possession and that were produced in the delinquency or incorrigibility matter.
- ~~N.~~ O. The clerk of the court shall notify the department of public safety if a person's record is destroyed pursuant to this section.
- ~~O.~~ P. For the purposes of this section, "successfully" means, in the discretion of the court, the person satisfied the conditions of probation.

Sec. 19. Repeal

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

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

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

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

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

C. Ninety ~~per cent~~ PERCENT of the monies collected under this section shall be deposited in the children and family services training program fund, not more than ten ~~per cent~~ PERCENT of which shall be used to enhance the collection of monies owed the department pursuant to section

8-243. The remaining ten ~~per-cent~~ **PERCENT** of the monies collected shall be deposited in the state general fund.

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

11-537. County attorney juvenile diversion fund

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

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

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

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

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

11-584. Public defender; duties; reimbursement

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

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

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

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

7. Appeals to a higher court or courts.

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

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

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

B. The public defender shall perform the following duties:

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

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

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

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

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

3. 2. Require that the defendant, including a defendant who is placed on probation, ~~a juvenile, a parent~~ or any other party who is appointed counsel under subsection A of this section repay to the county a reasonable amount to reimburse the county for the cost of the person's legal services. ~~Reimbursement for legal services in a delinquency, dependency or termination proceeding shall be ordered pursuant to section 8-221.~~ Reimbursement for legal services in a guardianship or conservatorship proceeding shall be ordered pursuant to section 14-5414. **THE COURT MAY NOT ORDER A JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY ADMINISTRATIVE ASSESSMENTS OR REIMBURSE THE COST OF LEGAL SERVICES.**

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

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

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

12-116. Time payment fee

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

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

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

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

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

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

Sec. 25. Section 12-268, Arizona Revised Statutes, is amended to read:

12-268. Juvenile probation fund; use

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

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

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

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

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

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

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

~~5. Probation fees collected pursuant to section 8-341.~~

~~6. 4. Federal monies provided for juvenile probation services.~~

~~7. 5. Juvenile probation monies from any other source.~~

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

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

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

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

Sec. 26. Section 12-1551, Arizona Revised Statutes, is amended to read:

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

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

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

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

D. This section applies to:

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

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

E. This section does not apply to:

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

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

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

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

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

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

Sec. 27. Section 41-191.08, Arizona Revised Statutes, is amended to read:

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

A. The victims' rights fund is established consisting of monies deposited pursuant to ~~sections 8-418 and~~ **SECTION 12-116.08** and legislative appropriations. Monies in the fund are subject to legislative appropriation. Monies from state general fund appropriations shall be deposited in the victims' rights fund and are not subject to further appropriation. Monies from state general fund

appropriations are available for use on deposit in the victims' rights fund. The attorney general shall administer the fund. The attorney general shall use fund monies for the purpose of operating, improving, maintaining and enhancing the victims' rights program established pursuant to section 41-191.06.

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

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

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

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

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

1. The expenditure of the monies that are awarded under the victims' rights program pursuant to section 41-191.06.
2. The number of instances in which the entity performed mandated victims' rights duties or services.
3. The level of victim satisfaction with the services.

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

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

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

J. Monies in the victims' rights fund are exempt from the lapsing provisions of section 35-190. Sec. 28. Section 41-1750, Arizona Revised Statutes, is amended to read:
41-1750. Central state repository; department of public safety; duties; funds; accounts; definitions

A. The department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The department may procure criminal history records and

related criminal justice information for violations that are not listed in this section. The department shall:

1. Procure from all criminal justice agencies in this state accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for any of the following:

- (a) A felony offense or an offense involving domestic violence as defined in section 13-3601.
- (b) A violation of title 13, chapter 14 or title 28, chapter 4.
- (c) An offense listed in:
 - (i) Section 32-2422, subsection A, paragraph 4.
 - (ii) Section 32-2441, ~~subsection A~~, paragraph 4.
 - (iii) Section 32-2612, subsection A, paragraph 4.
 - (iv) Section 32-2622, subsection A, paragraph 4.
 - (v) Section 41-1758.03, subsections B and C.
 - (vi) Section 41-1758.07, subsections B and C.

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

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

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

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

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

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

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

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

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

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

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

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

C. Criminal justice agencies may provide criminal history records and related criminal justice information for violations that are not listed in this section. The chief officers of criminal justice agencies of this state or its political subdivisions shall provide to the central state repository fingerprints and information concerning personal identification data, descriptions, crimes for which persons are arrested, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as criminal defendants for any of the following:

- 1. Felony offenses or offenses involving domestic violence as defined in section 13-3601.
- 2. Violations of title 13, chapter 14 or title 28, chapter 4 that have occurred in this state.
- 3. An offense listed in:

- (a) Section 32-2422, subsection A, paragraph 4.
- (b) Section 32-2441, ~~subsection A~~, paragraph 4.
- (c) Section 32-2612, subsection A, paragraph 4.
- (d) Section 32-2622, subsection A, paragraph 4.
- (e) Section 41-1758.03, subsections B and C.
- (f) Section 41-1758.07, subsections B and C.

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

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

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

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

1. With criminal justice agencies of the federal government, Indian tribes, this state or its political subdivisions and other states, on request by the chief officers of such agencies or their designated representatives, specifically for the purposes of the administration of criminal justice and for evaluating the fitness of current and prospective criminal justice employees. The department may conduct periodic state and federal criminal history records checks for the purpose of updating the status of current criminal justice employees or volunteers and may notify the criminal justice agency of the results of the records check. The department is authorized to submit fingerprints to the federal bureau of investigation to be retained for the purpose of being searched by future submissions to the federal bureau of investigation including latent fingerprint searches.

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

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

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

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

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

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

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

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

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

10. With the auditor general for audit purposes.

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

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

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

(a) The fingerprint card.

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

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

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

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

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

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

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

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

(a) The fingerprint card.

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

21. With each school district and charter school in this state. The department of education and the state board for charter schools shall provide the department of public safety with a current list of email addresses for each school district and charter school in this state and shall periodically provide the department of public safety with updated email addresses. If the department of public

safety is notified that a person who is required to have a fingerprint clearance card to be employed by or to engage in volunteer activities at a school district or charter school has been arrested for or convicted of an offense listed in section 41-1758.03, subsection B or has been arrested for or convicted of an offense that amounts to unprofessional conduct under section 15-550, the department of public safety shall notify each school district and charter school in this state that the person's fingerprint clearance card has been suspended or revoked.

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

- (a) The fingerprints of the person being investigated.
- (b) The name, date of birth and social security number of the person.

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

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

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

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

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

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

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

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

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

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

O. The department of child safety may pay from appropriated monies the cost of federal fingerprint processing or federal criminal history record information checks that are authorized by

law for employees and volunteers of the department, guardians pursuant to section 8-453, subsection A, paragraph 6, the licensing of foster parents or the certification of adoptive parents.

P. The director shall adopt rules that provide for:

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Announcements of executive clemency or pardon.

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

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

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

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

2. Except as provided in paragraph 3 of this subsection, if a person is summoned to court as a

result of an indictment or complaint for an offense listed in subsection C of this section, the court shall order the person to appear before the county sheriff and provide legible ten-print fingerprints. The county sheriff shall obtain a process control number and provide a document to the person fingerprinted that indicates proof of the fingerprinting and that informs the person that the document must be presented to the court. For the purposes of this paragraph, "summoned" includes a written promise to appear by the defendant on a uniform traffic ticket and complaint.

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

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

- (a) Whether ten-print fingerprints have been obtained from the person.
- (b) Whether a process control number was obtained.
- (c) The offense or offenses for which the process control number was obtained.
- (d) Any report number of the arresting authority.
- (e) Instructions on reporting for ten-print fingerprinting, including available times and locations for reporting for ten-print fingerprinting.
- (f) Instructions that direct the person to provide the form to the court at the person's next court appearance.

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

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

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

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

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

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

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

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

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

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

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

Y. The definition prescribed in subsection Z, paragraph 3 of this section does not diminish or infringe on any rights protected under the first amendment to the United States constitution or the Arizona constitution.

Z. For the purposes of this section:

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

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

3. "Antisemitism" includes the definition of antisemitism that was adopted by the international holocaust remembrance alliance on May 26, 2016 and that has been adopted by the United States department of state, including the contemporary examples of antisemitism identified in the adopted definition.

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

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

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

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

8. "Criminal justice agency" means either:

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

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

9. "Criminal justice information" means information that is collected by criminal justice agencies and that is needed for the performance of their legally authorized and required functions, such as criminal history record information, citation information, stolen property information, traffic accident reports, wanted persons information and system network log searches. Criminal justice

information does not include the administrative records of a criminal justice agency.

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

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

12. "Management control":

(a) Means the authority to set and enforce:

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

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

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

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

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

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

15. "Sexual orientation" means consensual homosexuality or heterosexuality.

16. "Subject of record" means the person who is the primary subject of a criminal justice record.

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

41-2822. Committed youth work program

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

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

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

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

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

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

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

E. The compensation of committed youths shall be paid directly by an outside entity or ~~out of monies received pursuant to section 8-243 or~~ monies appropriated by the legislature or by the

department with monies from the department of juvenile corrections restitution fund established by section 41-2826.

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

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

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

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

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

~~K. I.~~ The department may enter into contracts with this state, any political subdivision of this state or private entities in order to provide employment or vocational educational experience.

Sec. 30. **Outstanding debt; forgiveness; administrative court procedures**

A. Notwithstanding any other law, the unpaid outstanding balance of any fee, cost, surcharge or monetary assessment that was imposed on a juvenile or the juvenile's parent or guardian before the effective date of this act pursuant to sections 8-221, 8-234, 8-243, 8-245, 8-263, 8-321, 8-323, 8-341, 8-343, 8-344, 11-584, 12-116 and 12-116.07, Arizona Revised Statutes, as amended by this act, and sections 8-241 and 8-418, Arizona Revised Statutes, as repealed by this act, are eligible to be vacated. Collection enforcement measures may not be initiated on eligible unpaid balances after the effective date of this act.

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

C. Within six months after the effective date of this act, the administrative office of the courts, in consultation with state and municipal agencies, must develop and implement clear and accessible procedures for an individual to request a court to vacate an eligible unpaid balance and unsatisfied civil judgment. The court must grant a request to vacate an eligible unpaid balance and unsatisfied civil judgment within sixty days after the request is filed with the court.

D. Notwithstanding subsection C of this section, the court may automatically vacate any eligible unpaid balance and unsatisfied civil judgment by judicial discretion without requiring the juvenile or juvenile's parents or guardians to make a request.

E. If the court has referred the unpaid outstanding balance to a private collection agency and that balance has been vacated pursuant to subsection C or D of this section, the court must promptly inform the agency that the balance is void and not collectable.

F. Within six months after the effective date of this act, the supreme court must make a reasonable effort to notify any individual who may be eligible that the individual may request the court to vacate any unpaid balance and unsatisfied civil judgment that were imposed by the juvenile court. At a minimum, the notification must be posted in a conspicuous place on the court's website and may include public service announcements or other notifications.

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

H. On or before December 31, 2025, the supreme court must report to the legislature, by county, the number of unpaid balances and unsatisfied civil judgments vacated and discharged or partially vacated by judicial discretion or by petition, the amount of the balances vacated and the number of orders vacated automatically or by request pursuant to this section.