

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	<u>No. 2013- 28</u>
§ 6-203: COMMUNITY)	(Affecting Administrative
PUNISHMENT PROGRAM)	Order No. 2006-15)
)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-203 is amended as indicated on the attached document. All other provisions of § 6-203 as adopted, remain unchanged and in effect.

Dated this 27th day of February, 2013.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-203: Community Punishment Program

A. Definitions. In this section the following definitions apply:

“Absconder” as provided in A.R.S. § 13-105(1) “means a probationer who has moved from the primary place of residence without permission of the probation officer, who cannot be located within ninety days of the previous contact and against whom a petition to revoke has been filed in the superior court alleging that the probationer’s ~~and~~ whereabouts are unknown. A probationer is no longer deemed an absconder when the probationer is voluntarily or involuntarily returned to probation service.”

“Administrative director” means both the administrative director of the Administrative Office of the Courts (AOC) and the director’s designee.

“Advisory committee” means: “a local community punishment advisory committee appointed by the presiding judge of the superior court” as provided by A.R.S. § 12-299(1).

“Application process and procedures” means “...criteria and guidelines developed by the supreme court for establishing community punishment plans, granting monies for programs authorized by this article and monitoring and reviewing programs funded under this article” as provided by A.R.S. § 12-299(2).

“Community punishment” means:

...programs for persons placed on supervised probation or intensive probation which are established pursuant to this article and provide for increased conditions of probation and community based programs and services that emphasize supervision, surveillance, control, public protection, community work service, restitution, and victims’ rights and that provide opportunities for rehabilitation and treatment as provided by A.R.S. § 12-299(3).

“Community punishment plan” means “a document which is prepared by the presiding judge of the superior court and submitted to the supreme court pursuant to the requirements set forth in the application process and procedures” as provided by A.R.S. § 12-299(4).

“Community restitution” means unpaid labor or services provided to a not-for-profit private or governmental agency.

“Court” means the superior court.

“Direct case” means probationers actively supervised.

“Hand count” means the manual tabulation of all case files in the probation department, conducted independently from any automated system.

“Private human services agency” means “a nonprofit or ~~for-profit~~ for profit organization which provides treatment, housing, or other services to individuals, families or groups” as provided by A.R.S. § 12-299(5).

“Residing temporarily” means living at a location for 30 days or less.

“Residential treatment” means any type of licensed treatment or counseling where the probationer resides at the facility. “Short term residential treatment” is 30 days or less. “Long term residential treatment” is 31 days or more. Halfway houses are not considered residential treatment.

“Specialized caseload” means a group of probationers with similar presenting problems or needs who are supervised by a probation officer focusing on addressing the problem or need.

Sections B and C – No changes

D. General Administration.

1. A.R.S. §12-299.03 provides:

A. The supreme court shall:

1. Implement and administer the community punishment program.
2. Adopt necessary guidelines, rules, standards and policies to implement this article.
3. Facilitate the development of local plans.
4. Develop and implement an application process and procedures.
5. Review and approve plans and budgets.
6. Allocate funding.
7. Provide statewide training and technical assistance to the superior court, adult probation departments and advisory committees regarding community punishment.
8. Conduct an evaluation of all programs on a periodic basis to ensure program accountability. The evaluation report

shall include information for the superior court in each participating county on the number of offenders serving suspended sentences on probation and intensive probation, the average cost per offender, the amount of restitution, fines and fees paid, the number of community restitution hours contributed by offenders and the number of offenders who have successfully completed terms of probation. ~~The report shall be submitted to the governor, the speaker of the house of representatives and the president of the senate. The supreme court may contract with a private consultant to prepare this report.~~ The supreme court shall submit the report to the governor, the speaker of the house of representatives and the president of the senate and shall provide a copy of this report to the secretary of state. The supreme court may contract with a private consultant to prepare this evaluation report. Beginning July 1, 2011, the report shall be submitted electronically.

- B. The supreme court may contract directly with private human service agencies to develop, implement and operate community punishment programs.

Subsection 2 and 3 – No changes

E. Budget Request Preparation.

Subsection 1 and 2 – No changes

- 3. The administrative director shall review each request, and may modify the request based on appropriate statewide considerations. The AOC shall include the original, or modified, request in the supreme court's annual budget request. The administrative director shall allocate to the court the monies appropriated by the legislature for community punishment programs based on the proposed plan, availability of funds, caseload population, past year use, and program effectiveness.

Subsection 4 and 5 – No changes

F. Program Plan and Financial Management.

Subsection 1 through 3 – No changes

- 4. Pursuant to A.R.S. §§ 12-263 and 12-299.01, on approval of the plan as submitted or modified and the availability of funds, the administrative director shall enter into a written funding agreement with the submitting court for the distribution of funds. The administrative director may amend or terminate funding agreements due to lack of funds,

lack of financial need or the court's failure to comply with applicable statutes, the approved plan, funding agreement, or this section.

Subsection 5 through 8 – No changes

9. Pursuant to A.R.S. § 12-299.01(C), “All monies provided shall be used to supplement monies currently used for community based sentencing and adult probation programs and services.”

Subsection 10 through 16 – No changes

Sections G and H – No changes

I. ~~Direct Active Case.~~ The supervising probation officer or intensive probation team's direct active caseload shall comply with either ACJA § 6-201.01 or § 6-202.01 as applicable.

J. Program Operations. Each probation department, supervising probation officer and intensive probation team shall comply with the standards set forth in either ACJA § 6-201.01 or § 6-202.01 as applicable.

K. Specialized Caseloads.

Subsection 1 through 2 – No changes

3. Any court establishing or maintaining specialized caseloads shall have written minimum supervision requirements specific to the needs and goals of the caseload and consistent with the minimum supervision requirements set forth in either ACJA § 6-201.01 or § 6-202.01 as applicable.

Subsection 4 – No changes

Section L – No changes