

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	
JUDICIAL ADMINISTRATION	)	Administrative Order
§ 6-202.01: ADULT INTENSIVE	)	No. 2018 - <u>91</u>
PROBATION EVIDENCE-BASED	)	(Affecting Administrative
PRACTICES	)	Order No. 2018-74)
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Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt technical changes in existing administrative 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 § 6-202.01 is amended as indicated on the attached document. All other provisions of § 6-202.01 remain unchanged and in effect.

Dated this 3rd day of October, 2018.

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SCOTT BALES  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Proposal Cover Sheet**  
**Part 6: Probation**  
**Chapter 2: Adult Services**  
**Section 6-202.01: Adult Intensive Probation Evidence-Based Practices**

1. **Effect of the proposal:** Technical amendment in subsections I.5. and L.5. to conform to revisions in A.R.S. § 13-918 B.
  
2. **Significant new or changed provisions:** N/A
  
3. **Committee actions and comments:** N/A
  
4. **Controversial issues:** N/A
  
5. **Recommendation:** Recommend approval, with incorporated changes.

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**

**Part 6: Probation**

**Chapter 2: Adult Services**

**Section 6-202.01: Adult Intensive Probation Evidence-Based Practices**

**A. [No Changes]**

**B. Applicability.** Pursuant to Az. Const. Art. 6, § 3 and A.R.S. §§ 13-913 through 13-920, the following requirements are adopted to govern the administration and operation of adult intensive probation programs. The AOC shall administer adult intensive probation programs on behalf of the supreme court. A.R.S. § 13-805(A)(B)(C) provides:

A. The trial court shall retain jurisdiction of the case as follows:

1. Subject to paragraph 2 of this subsection, for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the defendant's sentence expires.
2. For all restitution orders in favor of a victim, including liens and criminal restitution orders, for purposes of ordering, modifying and enforcing the manner in which payments are made until paid in full.

B. At the time the defendant is ordered to pay restitution by the court, the court may enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. A criminal restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

C. At the time the defendant completes the defendant's period of probation or the defendant's sentence or the defendant absconds from probation or the defendant's sentence, the court shall enter both:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection B of this section.

The provisions of this code section requiring a probation officer to request a criminal restitution order apply to a probationer who moved from the probationer's primary residence on or after July 20, 2011 without permission of the probation officer.

**C. Purpose.** A.R.S. § 13-913 provides that intensive probation supervision is a “. . . highly structured and closely supervised probation which emphasizes the payment of restitution.” Intensive Probation Supervision (IPS) will be most beneficial to those offenders assessed as medium-high and high risk. Research shows that IPS has potential negative impact for low-risk offenders.

**D. – H. [No Changes]**

**I. Sentencing Provisions.**

1.- 4. [No Changes]

5. A.R.S. § 13-918(B) provides:

The person's wages shall be monitored by the person's probation officer to ensure the collection of restitution, probation fees, fines and other payments. ~~paid directly to an account established by the chief adult probation officer from which the chief adult probation officer shall make payments for restitution, probation fees, fines and other payments. The balance of the monies shall be placed in an account to be used for or paid to the person or his immediate family in a manner and in such amounts as determined by the chief adult probation officer or the court. Any monies remaining in the account at the time the person successfully completes probation shall be paid to the person.~~

**J.- K. [No Changes]**

**L. Program Operations.**

1.- 4. [No Changes]

5. A.R.S. § 13-918(B) provides that the intensive probationer's:

...wages shall be monitored by the person's probation officer to ensure the collection of restitution, probation fees, fines and other payments. ~~paid directly to an account established by the chief adult probation officer from which the chief adult probation officer shall make payments for restitution, probation fees, fines and other payments. The balance of the monies shall be placed in an account to be used for or paid to the person or his immediate family in a manner and in such amounts as determined by the chief adult probation officer or the court. Any monies remaining in the account at the time the person successfully completes probation shall be paid to the person.~~

6. - 10. [No Changes]

**M. – P. [No Changes]**