

# Guadalupe Municipal Court

Transition to Justice

# What are the unique problems the people you work with are having with regard to fines, fees, and bail?

Census Data		
Total <b>Population</b> of Guadalupe is <b>5,892</b> with a median <b>age</b> of <b>27</b>   Females 52.8%   Males 47.2% *2016 Maricopa County Needs Assessment		
Classification	Local Statistic	State Statistic
American Indian	43.3%	4.4%
White	22.3%	78.9%
Other	34.4%	16.7%
Poverty Issues		
Unemployment Rate	49.8%	9.9%
Medium Household Income	\$29,517	\$53,482
Poverty Rate (American Indian)	26.4%	38.5%
Poverty Rate (White)	29.3%	16%
Poverty Rate (Other)	44.9%	19.9%

# What suggestions do you have to help alleviate these problems?

- **Dignity and Respect**

- Civil and Professional Treatment
  - Court Staff Members understand their roles in and out of the courtroom, and interact with all of the people that we serve in a professional respectful manner.
- Elimination of Debtor's Jail
  - Warrants for Arrest for non-payment of monetary penalties are no longer issued.
- Equal Access
  - Bilingual Forms
  - Bilingual Website

- Protocols

- Court protocols are posted and each litigant must read and acknowledge before they enter the courtroom
- Through Administrative Order, MCSO and the Custody Court Judge have been directed when to see and how to proceed with defendants held on charges from the Guadalupe Municipal Court.
- The Bond Card sanction amounts were adjusted to meet the Uniform Bond Card guidelines. The sanctions were adjusted to keep them on the low side of the scale.

# Impact of the Changes

- Jail Costs Savings
  - Competitive salaries for staff member
  - Increase budget for public defenders
  - Increase budget for interpreter services

\$ 219,298.00	FY13/14 Actuals
\$ 34,000.00	FY15/16 Projected
\$ 185,298.00	Savings
84%	Reduction

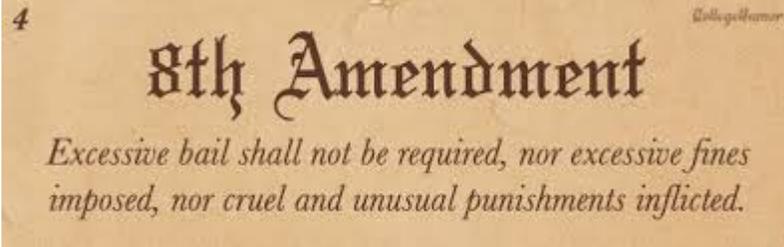
- Appearance rate for Court Proceedings
  - 15% Appearance Rate to 95% – 100%
  - Confidence in the local Justice System has been restored.

# Are the Courts Collection Agencies for the State?

<b>\$ 100.00</b>	\$100 Base Fine
<b>\$ 20.00</b>	\$20 Maricopa County Probation Fee
<b>\$ 4.00</b>	\$4 State Public Safety Equipment Fund
<b>\$ 4.00</b>	\$4 Gang & Immigration Intelligence Team
<b>\$ 4.00</b>	\$4 Local Public Safety Equipment Fund
<b>\$ 1.00</b>	\$1 Justice Courts
<b>\$ 2.00</b>	\$2 Victim's Rights Enforcement
<b>\$ 47.00</b>	47% CJEF
<b>\$ 13.00</b>	13% MSEF
<b>\$ 10.00</b>	10% CEF
<b>\$ 7.00</b>	7% State Aid
<b>\$ 6.00</b>	6% DNA Fund
<b>\$ 218.00</b>	Total Penalty

<b>\$ 100.00</b>	\$100 Diversion Fee ARS 28-3396(A)(1)
<b>\$ 45.00</b>	State Surcharge ARS 28-3396(A)(2)
<b>\$ 15.00</b>	Additional Fee ARS 28-3397(A)
<b>\$ 5.00</b>	Supreme Court Surcharge ARS 12-114(A)
<b>\$ 25.00</b>	School Fee
<b>\$ 190.00</b>	Cost of Defensive Driving School

# The Bigger Picture



IN THE MATTER OF A UNIFORM BOND )  
SCHEDULE FOR MARICOPA COUNTY )  
LIMITED JURISDICTION COURTS )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
NO. 2015-002

## Conclusion

In order to ensure that the mandatory DUI fines and assessments were collected in every case, the legislature enacted A.R.S. § 28-1389 to prohibit a court from waiving the monetary penalties imposed in these cases. This statute clearly provides that not only the penalty amount is mandatory but the requirement that it actually be paid is likewise mandatory. In light of this clear legislative intent, A.R.S. § 13-810 does not support crediting a DUI offender with dollars earned through a work alternative or other community restitution program, especially for DUI “assessments.”

1. *Q: Does ARS § 13-824 apply to Driving Under the Influence (DUI) cases?*

A: Yes, the statute applies to a DUI adjudicated in a municipal or justice court. It does not apply to an Aggravated DUI adjudicated in Superior Court, as by its language the statute is applicable only to a case in a municipal or justice court. ARS § 13-824 expressly authorizes a court to order satisfaction of a monetary obligation by community restitution. In addition, ARS § 13-824 states that “notwithstanding any other law...” the court may permit community restitution in lieu of monetary payment for fines, fees, assessments, and incarceration costs. Therefore, although ARS § 28-1389 provides fines or assessments for DUI offenses shall not be waived, the base fine, fees, assessments, and incarceration costs imposed may be satisfied with community restitution at a rate of \$10.00 per hour, if the court finds that the defendant cannot pay the fine, fees, assessments, or incarceration costs.

Questions?