

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	Administrative Order
JUDICIAL ADMINISTRATION	)	<u>No. 2009 - 25</u>
§ 4-301: PRIORITY OF OFFENDER	)	(Affecting Administrative
PAYMENTS	)	Order No. 2005-72)
_____	)	

Pursuant to the Arizona Code of Judicial Administration, § 1-201(E), the chief justice may adopt technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council. The need for a technical amendment to the above-captioned section of the Arizona Code of Judicial Administration having been recommended by the Administrative Office of the Courts,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 4-301 is amended as indicated on the attached document. All other provisions of § 4-301 as adopted, remain unchanged and in effect.

Dated this 25th day of February, 2009.

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RUTH V. MCGREGOR  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 4: Limited Jurisdiction Court**  
**Chapter 3: Administration**  
**Section 4-301: Priority of Offender Payments**

**A. through D. [no changes]**

**E. Application of payments to obligations.** The court shall apply payments to the categories and subcategories of obligations in the order listed below, except as provided in subsections F and G. If there are two or more unpaid obligations within a category or subcategory, the court shall apply the payment between or amongst the obligations in any reasonable manner consistent with statute, rules of court, local ordinance, administrative order or local rule. If the unpaid obligations are equal in priority within a category or subcategory, the court shall establish policies to apply the payment either proportionately, oldest case first or smallest unpaid balance.

1. Pursuant to A.R.S. § 13-809(A), "...payment and enforcement of restitution take priority over payments to the state".
2. Pursuant to A.R.S. §12-116(A), "the time payment fee shall be collected next after restitution".
3. Pursuant to supreme court administrative orders, any FARE fees, excluding FARE Special Collections fees, shall be the next priority following the time payment fee pursuant to A.R.S. §12-116(A). The FARE Advisory Committee shall recommend the priority of payment for each FARE fee subject to review and approval by the chief justice.
4. Other fees or reimbursable costs shall be the next priority. The local jurisdiction may establish subcategories of such obligations and designate a priority of payment for each subcategory.
5. Fines, sanctions, penalties and surcharges imposed pursuant to court order shall be the next priority. The local jurisdiction may elect to apply payment to either criminal charges or civil traffic charges first. After criminal charges and civil traffic charges, payment shall next be applied to obligations associated with violations of civil ordinances and only then to obligations associated with parking violations. Pursuant to A.R.S §§ 12-116.01 and 12-116.02, fines and penalties shall be paid proportionately with their associated surcharges.
6. The prison construction and operations assessment fee shall be the next priority pursuant to A.R.S. §§ 5-395, 5-395.01, 5-396, 5-397, 28-1381, 28-1382, 28-1383, 28-8282, 28-8284, 28-8286, 28-8287 and 28-8288.
7. The public safety equipment assessment, ARS § 41-1723 ~~DUI additional assessment (extra civil assessment)~~ shall be the next priority pursuant to ~~A.R.S. §§ 28-1382(D)(2), (F)(2), and 28-1383(J)(2).~~

8. Any financial obligation not included in subsections E1-E7 shall be paid after E1-E7.
9. The DUI abatement fee shall be the next priority pursuant to A.R.S. §§ 28-1382(D)(2), (F)(3), and 28-1383(J)(2).

**F. through H. [no changes]**