

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION)	Administrative Order
§ 6-207: UNIFORM CONDITIONS OF)	No. 2018 - <u>92</u>
SUPERVISED PROBATION)	(Affecting Administrative
)	Order No. 2010-45)
)	

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 § 6-207 is amended as indicated on the attached document. All other provisions of § 6-207 remain unchanged and in effect.

Dated this 3rd day of October, 2018.

SCOTT BALES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 6:
Chapter 2:
6-207 Uniform Conditions of Supervised Probation

1. **Effect of the proposal:** Technical amendment to correct typo in Appendix A.
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 6-207: Uniform Conditions of Supervised Probation

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

“Court” means the superior court or limited jurisdiction court.

“Presiding judge” means the presiding judge of the superior court in each county.

B. Applicability. Based on the administrative authority provided by Article VI, Section 3 of the Arizona Constitution, the attached form and the following procedures shall govern the uniform conditions of supervised probation imposed by the superior court.

C. Purpose. The attached uniform conditions of supervised probation form is adopted and incorporated as Appendix A in order to ensure consistency among courts and probation departments.

D. General Administration.

1. The presiding judge shall ensure all judges within their jurisdiction use the uniform conditions of supervised probation form for cases assigned to the superior court probation department for supervision.
2. Courts shall impose the uniform conditions of supervised probation on the following:
 - a. Probationers sentenced by the superior court to supervised probation using the attached adopted form, which may be amended pursuant to subsection D(3)(a).
 - b. Probationers referred by a limited jurisdiction court to the superior court probation department for supervision.
 - c. Probationers accepted for supervision in Arizona through the Interstate Compact for Adult Offender Supervision.
3. The forms shall be duplicated and used by courts as follows:
 - a. Each superior court shall duplicate the uniform conditions of supervised probation form as adopted, except that formatting changes are permitted. If a court changes a condition, the change shall be documented on the form. When special conditions are imposed in addition to those specified, they shall be listed under condition 22, or attached in a separate document.
 - b. Probation departments shall duplicate forms that include, at a minimum, conditions 1 through 14 and provide to the limited jurisdiction court for cases referred by a limited

jurisdiction court to the superior court probation department for supervision. The limited jurisdiction court, in conjunction with the probation department, may add additional conditions.

- c. Probation departments shall duplicate forms that include, at a minimum, conditions 1 through 14 for probationers accepted for supervision in Arizona through the Interstate Compact. Probation departments may add additional conditions.
4. A superior court shall use only the currently approved uniform conditions form when continuing probation.

**Section 6-207: Uniform Conditions of Supervised Probation
Appendix A
Uniform Conditions of Supervised Probation Form**

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
UNIFORM CONDITIONS OF SUPERVISED PROBATION**

STATE OF ARIZONA

COUNTY/DIVISION: _____ / _____

VS.

CR: _____

§13-901.01 Offense: 1st 2nd Ineligible

PSID#: _____

OFFENSE(S): _____

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD),

- PLACING** the defendant on probation for a period of _____ year(s) month(s) days lifetime
 to begin ____/____/____ or
 upon absolute discharge from prison for a separate offense or
 upon release from prison for felony DUI (____ months; ____ days credit for time served)
 upon release from prison pursuant to A.R.S. § 13-603(K)
- REINSTATING** the defendant on probation for a period of _____ year(s) month(s) days lifetime
 to begin ____/____/____ with a revised expiration date of ____/____/____.

I AGREE TO THE FOLLOWING AS CONDITIONS OF THE SUSPENSION OF IMPOSITION OR EXECUTION OF SENTENCE: (Conditions Checked Also Apply)

LAW ABIDING BEHAVIOR

1. I will maintain a crime-free lifestyle by obeying all laws, and not engaging or participating in any criminal activity.
2. I will not possess or control any stun guns, tasers, firearms, ammunition, deadly or prohibited weapons as defined in A.R.S. § 13-3101.
3. I will report any contact I have with law enforcement to the APD within 72 (or ____) hours.
4. I will submit to search and seizure of person and property by the APD without a search warrant.
5. If deported or processed through voluntary departure, I will not return to the United States without legal authorization during the term of my probation. If I am deported or processed through voluntary departure, all conditions remain in effect except for _____.

REPORTING TO APD

6. I will report to the APD within 72 (or ____) hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. I will also keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. I will provide a sample for DNA testing if required by law.

RESIDENCE

7. I will provide the APD safe, unrestricted access to my residence and receive prior approval of the APD before changing my residence. I will reside in a residence approved by the APD.
8. I will request and obtain written permission of the APD prior to leaving the state (county).
9. I may apply for Interstate Compact supervision in the state of _____ and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.
10. I may apply for an Inter-County transfer and will not proceed to that County until APD issues written authorization.

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 2 OF 3

STATE OF ARIZONA

COUNTY/DIVISION: _____ / _____

VS. _____

CR: _____

TREATMENT/BEHAVIOR CHANGE/PRO-SOCIAL ACTIVITIES

- 11. I will actively participate and cooperate in any program of counseling or assistance as determined by APD, or as required by law, given assessment results and/or my behavior. I will sign any release or consent required by the APD so the APD can exchange information in relation to my treatment, behavior and activities.
- 12. I will not possess or use illegal drugs or controlled substances and will submit to drug and alcohol testing as directed by the APD.
- 13. I will obtain written approval of the APD prior to associating with anyone I know who has a criminal record. I will not knowingly associate with any person engaged in criminal behaviors.
- 14. I will seek, obtain, and maintain employment, if legally permitted to do so, and/or attend school. I will inform the APD of any changes within 72 hours.
- 15. I will be financially responsible by paying all restitution, fines, and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.
- 16. I will not consume or possess any substances containing alcohol.

SPECIAL REQUIREMENTS

- 17. I will complete a total of _____hours of community restitution. I will complete a set number of hours per month as directed in writing by my probation officer. I will complete these hours at a site approved by the APD.
- 18. I will serve _____ days month(s), in the county jail beginning____/____/____ with credit for _____ days served, not to be released until ____/____/____. I will report to the APD within 72 (or _____) hours of my release from jail. I will comply with all program rules.
 - Be screened for or shall participate in Work Furlough, if eligible or Work Release, if eligible
- 19. I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.
- 20. I will comply with the following sanctions based on my behavior:
 - Up to _____community restitution hours (in addition to any ordered under condition #17), as directed by the APD.
 - Up to _____days in the county jail (in addition to any ordered under condition #18), at the discretion of the Court, upon recommendation from the APD.
- 21. I will abide by the attached special conditions of probation:

<input type="checkbox"/> Intensive Probation	<input type="checkbox"/> Sex Offender	<input type="checkbox"/> Gang
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Drug Court	<input type="checkbox"/> _____
<input type="checkbox"/> Mental Health	<input type="checkbox"/> DUI Court/Program	
- 22. _____

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 3 OF 3

STATE OF ARIZONA COUNTY/DIVISION: _____ / _____
VS. _____ CR: _____

Based upon the defendant's agreement to abide by the Conditions of Supervision set forth, above, as well as my review and approval of such conditions, I hereby impose and order that these conditions are in effect, and the defendant shall comply with said conditions.

Judge of the Superior Court Date

RECEIPT AND ACKNOWLEDGMENT: I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation my probation could be revoked and the Court may sentence me in accordance with the law. In addition, I waive extradition for any probation revocation proceedings in this matter.

Defendant Date

Defendant's Address Apt. City State Zip Phone

DISTRIBUTION: Original – Court, Copies – APD, Defendant Revision 20108