

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2023 - <u>195</u>
§ 5-205: COLLECTIONS)	(Affecting Administrative
)	Order No. 2022-135)
)	

Pursuant to the Arizona Code of Judicial Administration (ACJA) § 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 the amendments to ACJA § 5-205 as indicated on the attached document are adopted. All other provisions of § 5-205 remain unchanged and in effect.

Dated this 8th day of November, 2023.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 2: Programs and Standards
Section: 5-205 Collections

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

“Attempt” means a good faith effort to locate or contact the defendant using ~~notification~~ methods such as mail, phone, text message, skip-tracing, or other electronic means.

* * *

“Fine reduction program” means a program aimed at reducing the balance of outstanding criminal and civil traffic fines, penalties, assessments, and surcharges pursuant to A.R.S. § 28-1601.

* * *

B. through E. [No change]

F. General Provisions for DSO/TIP Participants. DSO/TIP participants shall:

1. through 3. [No change]
4. Finalize all interceptions within 30 days of receipt from DOR. DSO/TIP participants that do not comply with the 30-day finalization requirement shall pay refund to the debtor any applicable ~~DOR~~ fees, penalties, and interest incurred.
5. through 7. [No change]

G. [No change]

H. FARE and DSO/TIP Collection Fees.

1. The following FARE fees cover the provision of additional services and costs to operate the FARE program and shall be assessed as follows:
 - a. [No change]
 - b. A 19.5% FARE special collections fee shall be assessed to all cases submitted by FARE participants to the FARE vendor for collection efforts after two attempts have been made by the FARE vendor to ~~notify the defendant of~~ regarding the delinquency. When this fee is assessed, it becomes part of the total balance due, and any payment received must be applied proportionately between this fee and the delinquent court obligation pursuant to sections 3-401(C)(2) and 4-301(G). This fee may be suspended or waived only if all other financial obligations on the case are eligible for suspension or waiver under the applicable statutory authorities, and the judge issues a written order suspending or waiving all other financial obligations on the case.

2. through 5. [No change]

I. [No change]

J. Fine Reduction Programs

1. The presiding judge of any court may periodically conduct a program for the purpose of reducing the amount of outstanding criminal traffic and civil traffic fines, penalties, assessments, and surcharges with the prior approval of the supreme court, in accordance with A.R.S. § 28-1601 and Administrative Order No. 97-57.
2. [No change]
3. Proposed fine reduction programs must meet all the following criteria:
 - a. The purpose of the program shall be to reduce outstanding criminal traffic and civil traffic fines, penalties, assessments, and surcharges which are at least twelve months delinquent.
 - b. The proposed program shall provide for reduction of the outstanding amounts due up to 50%. All categories of receivables due (fines, penalties, sanctions, assessments, and surcharges), including the FARE special collections fee, shall be reduced proportionately. The time payment fee imposed pursuant to A.R.S. § 12-116 and the FARE delinquency fee shall not be reduced or waived.
 - c. The proposed program shall apply exclusively to fines, penalties, assessments, and surcharges resulting from criminal traffic and civil traffic violations, except a fine ordered as a result of a violation of A.R.S. §§ 28-1381 or -1382.
4. A fine reduction program shall include the following elements:
 - a. through d. [No change]
 - e. A defined schedule of how fines, penalties, assessments, and surcharges shall be reduced. The schedule shall state the amount of the reduction, the criteria which determine the amount of reduction, how the deduction will be applied consistently across all eligible violations and procedures the violators will follow to receive the reduction.
 - f. through j. [No change]
5. and 6. [No change]