

### **2020-01: juvenile; restoration of rights; set aside; destruction of records**

The juvenile court may, for good cause, modify any monetary obligation imposed by the court except for victim restitution, including after a person's 18th birthday.

Removes references to "gun" in the juvenile restoration of rights statute and clarifies that a person who was adjudicated delinquent for a felony may have the right to possess or carry a firearm restored by the court in the county where the person was adjudicated delinquent, rather than by the judge or judge's successor. Requires the clerk of court, rather than an applicant or applicant's attorney, to forward the application for restoration of firearms rights to the county attorney and prohibits the clerk from charging a fee for the application.

Tasks the clerk of court with notifying the Department of Public Safety if the court orders destruction of a juvenile court record.

Removes an offense for which there was a finding of "sexual motivation" from the list of exclusions for setting aside an adjudication.

### **2020-11: juvenile disposition; probation**

Requires the court place a juvenile on intensive probation who is at least 14 years of age and adjudicated as a repeat felony juvenile offender unless the court finds based on the severity of the offense and a risk assessment that intensive probation services are not required. Modifies the definition of "repeat felony juvenile offender" to clarify that the juvenile must be adjudicated for an offense that would be a felony if committed by an adult after previously having had a prior and separate adjudication and disposition for conduct that would constitute a historical prior felony adjudication if tried as an adult.

Removes language mandating the court hold a hearing for certain drug/alcohol probation violations, thereby giving juvenile probation departments discretion to provide individualized supervision for substance abuse treatment.

### **2020-14: juvenile court; retention of jurisdiction**

Permits the county attorney to file a Notice of Intent to Extend Jurisdiction of the juvenile court subsequent to filing a petition.

**Juveniles; restoration of rights; set aside; destruction of records**

1 Section 1. **8-202. Jurisdiction of juvenile court**

2 A. The juvenile court has original jurisdiction over all delinquency proceedings brought under the  
3 authority of this title.

4 B. The juvenile court has exclusive original jurisdiction over all proceedings brought under the  
5 authority of this title except for delinquency proceedings.

6 C. The juvenile court may consolidate any matter, except that the juvenile court shall not  
7 consolidate any of the following:

8 1. A criminal proceeding that is filed in another division of superior court and that involves a child  
9 who is subject to the jurisdiction of the juvenile court.

10 2. A delinquency proceeding with any other proceeding that does not involve delinquency, unless  
11 the juvenile delinquency adjudication proceeding is not heard at the same time or in the same  
12 hearing as a nondelinquency proceeding.

13 D. The juvenile court has jurisdiction of proceedings to:

14 1. Obtain judicial consent to the marriage, employment or enlistment in the armed services of a  
15 child, if consent is required by law.

16 2. In an action in which parental rights are terminated pursuant to chapter 4, article 5 or 11 of  
17 this title, change the name of a minor child who is the subject of the action. If the minor child  
18 who is the subject of the action is twelve years of age or older, the court shall consider the wishes  
19 of the child with respect to the name change.

20 E. The juvenile court has jurisdiction over both civil traffic violations and offenses listed in section  
21 8-323, subsection B that are committed within the county by persons who are under eighteen  
22 years of age unless the presiding judge of the county declines jurisdiction of these cases. The  
23 presiding judge of the county may decline jurisdiction of civil traffic violations committed within  
24 the county by juveniles if the presiding judge finds that the declination would promote the more  
25 efficient use of limited judicial and law enforcement resources located within the county. If the  
26 presiding judge declines jurisdiction, juvenile civil traffic violations shall be processed, heard and  
27 disposed of in the same manner and with the same penalties as adult civil traffic violations.

28 F. The orders of the juvenile court under the authority of this chapter or chapter 3 or 4 of this  
29 title take precedence over any order of any other court of this state except the court of appeals  
30 and the supreme court to the extent that they are inconsistent with orders of other courts.

1 G. Except as provided in subsection H of this section, jurisdiction of a child that is obtained by the  
2 juvenile court in a proceeding under this chapter or chapter 3 or 4 of this title shall be retained  
3 by it, for the purposes of implementing the orders made and filed in that proceeding, until the  
4 child becomes eighteen years of age, unless terminated by order of the court before the child's  
5 eighteenth birthday.

6 H. If the state files a notice of intent to retain jurisdiction when proceedings are commenced  
7 pursuant to section 8-301, paragraph 1 or 2, the court shall retain jurisdiction over a juvenile who  
8 is at least seventeen years of age and who has been adjudicated a delinquent juvenile until the  
9 juvenile reaches nineteen years of age, unless before the juvenile's nineteenth birthday either:

- 10 1. Jurisdiction is terminated by order of the court.
- 11 2. The juvenile is discharged from the jurisdiction of the department of juvenile corrections  
12 pursuant to section 41-2820.

13 I. Persons who are under eighteen years of age shall be prosecuted in the same manner as adults  
14 if either:

- 15 1. The juvenile court transfers jurisdiction pursuant to section 8-327.
- 16 2. The juvenile is charged as an adult with an offense listed in section 13-501.

17 J. The juvenile court shall retain jurisdiction after a juvenile's eighteenth birthday for the purpose  
18 of:

- 19 1. Designating an undesignated felony offense as a misdemeanor or felony, including after an  
20 adjudication is set aside pursuant to section 8-348.
- 21 2. MODIFYING OUTSTANDING MONETARY OBLIGATIONS IMPOSED BY THE COURT, EXCEPT FOR  
22 VICTIM RESTITUTION.

23 K. The juvenile court has jurisdiction to make the initial determination prescribed in section 8-  
24 829 whether the voluntary participation of a qualified young adult in an extended foster care  
25 program pursuant to section 8-521.02 is in the young adult's best interests.

26 Sec. 2. Section 8-249, Arizona revised statutes, is amended to read:

27 8-249. Restoration of right to possess a firearm; persons adjudicated delinquent

28 A. A person who was adjudicated delinquent FOR A FELONY and whose period of probation has  
29 been completed may have the right to possess or carry a ~~gun-or~~ firearm restored by the ~~judge~~  
30 ~~who discharges~~ COURT IN THE COUNTY WHERE the person WAS ADJUDICATED at the end of the  
31 person's term of probation OR AS PROVIDED IN SUBSECTION B OF THIS SECTION.

1 ~~B. A person who was adjudicated delinquent and who has been discharged from probation, on~~  
2 ~~proper application, may have the right to carry or possess a firearm restored by the judge of the~~  
3 ~~juvenile court in the county where the person was adjudicated delinquent or the judge's~~  
4 ~~successors. The clerk of the superior court shall process the application on the request of the~~  
5 ~~person involved or the person's attorney. The applicant shall serve a copy of the application on~~  
6 ~~the county attorney.~~

7 **€ B.** If the person's adjudication was for a dangerous offense under section 13-704, a serious  
8 offense as defined in section 13-706, burglary in the first degree, burglary in the second degree  
9 or arson, the person may not file for the restoration of the right to possess or carry a ~~gun or~~  
10 firearm until the person attains thirty years of age. If the person's adjudication was for any other  
11 felony offense, the person may not file for the restoration of the right to possess or carry a ~~gun~~  
12 ~~or~~ firearm for two years from the date of the person's discharge.

13 **C. THE CLERK OF THE SUPERIOR COURT SHALL:**

14 **1. PROCESS THE APPLICATION ON THE REQUEST OF THE PERSON INVOLVED OR THE PERSON'S**  
15 **ATTORNEY.**

16 **2. SERVE A COPY OF THE APPLICATION ON THE COUNTY ATTORNEY.**

17 **3. NOT CHARGE A FILING FEE FOR THE APPLICATION TO RESTORE THE RIGHT TO POSSESS A**  
18 **FIREARM.**

19 **Section 3.** Section 8-348, Arizona revised statutes, is amended to read:

20 **8-348. Setting aside adjudication; application; release from disabilities; exceptions**

21 **A.** Except as provided in subsection I of this section, a person who is at least eighteen years of  
22 age, who has been adjudicated delinquent or incorrigible and who has fulfilled the conditions  
23 of probation ~~and discharge ordered by the court~~ or who ~~is~~ **HAS BEEN** discharged from the  
24 department of juvenile corrections pursuant to section 41-2820 on successful completion of  
25 the individual treatment plan may apply to the juvenile court to set aside the adjudication.  
26 The court shall inform the person of this right in writing at the time of the disposition of the  
27 case.

28 **B.** The person or the person's attorney, probation officer or parole officer may apply to set  
29 aside the adjudication. The clerk of the court may not charge a filing fee for an application to  
30 set aside an adjudication. The clerk shall transmit a copy of the application to the county  
31 attorney in the county where the referral was made.

1 C. The court may consider the following factors when determining whether to set aside an  
2 adjudication:

- 3 1. The nature and circumstances of the offense on which the adjudication is based.
- 4 2. Whether the person has been convicted of a felony offense.
- 5 3. Whether the person has any pending criminal charges.
- 6 4. The victim's input.
- 7 5. Any other factor that is relevant to the application.

8 D. Except as provided in subsection F of this section, if the court grants the application, the  
9 court shall set aside the adjudication, dismiss the petition and order that the person be  
10 released from all penalties and disabilities resulting from the adjudication except those  
11 imposed by the department of transportation pursuant to section 28-3304, 28-3306, 28-3307,  
12 28-3308 or 28-3319.

13 E. On a showing of good cause, the court may modify any monetary obligation ~~that is owed by~~  
14 ~~the person~~ **IMPOSED BY THE COURT** except for victim restitution.

15 F. If the court grants an application, any remaining unpaid monetary obligation continues to be  
16 owed and is subject to the remedies included in sections 8-344 and 8-345 until the monetary  
17 obligation is paid.

18 G. If the court denies an application, the court shall state its reasons for the denial in writing.

19 H. If a victim has made a request for post adjudication notice, the victim has the right to be  
20 present and heard at any hearing on the application. The state shall provide the victim with  
21 notice of the application and of the rights provided to the victim in this section.

22 I. This section does not apply to a person who was adjudicated delinquent for any of the  
23 following:

- 24 1. A dangerous offense as defined in section 13-105.
- 25 ~~2. An offense for which there has been a finding of sexual motivation pursuant to section 13-~~  
26 ~~118.~~
- 27 ~~3~~ 2. An offense in violation of title 13, chapter 14.
- 28 ~~4~~ 3. An offense in violation of section 28-1381, 28-1382, or 28-1383 if the offense can be alleged  
29 as a prior violation pursuant to title 28, chapter 4.
- 30 ~~5~~ 4. An offense for which the person has not paid in full the victim restitution ordered by the  
31 court.

1 Sec. 4. Section 8-349, Arizona revised statutes, is amended to read:

2 **8-349. Destruction of juvenile records; electronic research records; definition**

3 A. A person who is at least eighteen years of age and who has been adjudicated delinquent or  
4 incorrigible may apply for destruction of the person's juvenile court and department of juvenile  
5 corrections records if the records involve an adjudication for an offense other than an offense  
6 listed in section 13-501, subsection A or B or title 28, chapter 4.

7 B. The person shall attest to all of the following in the application:

8 1. The person is at least eighteen years of age.

9 2. The person has not been convicted of a felony offense or adjudicated delinquent for an offense  
10 that would be an offense listed in section 13-501, subsection A or B or title 28, chapter 4.

11 3. A criminal charge is not pending.

12 4. The person has completed all of the terms and conditions of court-ordered probation or been  
13 discharged from the department of juvenile corrections pursuant to section 41-2820 on  
14 successful completion of the individual treatment plan.

15 5. All restitution is paid in full.

16 6. The person is not under the jurisdiction of the juvenile court or the department of juvenile  
17 corrections.

18 7. The person is not currently required to register pursuant to section 13-3821.

19 8. The person has either paid all monetary obligations in full or has requested the court to modify  
20 the outstanding monetary obligations pursuant to subsection K of this section.

21 C. The juvenile court may order the destruction of records under subsection A of this section if  
22 the court finds all of the following:

23 1. The person is at least eighteen years of age.

24 2. The person has not been convicted of a felony offense.

25 3. A criminal charge is not pending.

26 4. The person was not adjudicated for an offense listed in section 13-501, subsection A or B or  
27 title 28, chapter 4.

28 5. The person successfully completed the terms and conditions of probation or was discharged  
29 from the department of juvenile corrections pursuant to section 41-2820 on successful  
30 completion of the individual treatment plan.

31 6. All restitution is paid in full.

1 7. All monetary obligations are either paid in full or have been modified pursuant to subsection  
2 K of this section.

3 8. The person is not under the jurisdiction of the juvenile court or the department of juvenile  
4 corrections.

5 9. The person is not currently required to register pursuant to section 13-3821.

6 D. A person who is not eligible to have the person's records destroyed pursuant to subsection A  
7 of this section may apply to have the person's juvenile court and department of juvenile  
8 corrections records destroyed pursuant to subsection E of this section. The person shall attest to  
9 all of the following in an application:

10 1. The person is at least twenty-five years of age.

11 2. The person has not been convicted of a felony offense.

12 3. A criminal charge is not pending.

13 4. All restitution is paid in full.

14 5. The person has either paid all monetary obligations in full or has requested the court to modify  
15 the outstanding monetary obligations pursuant to subsection K of this section.

16 6. The person is not currently required to register pursuant to section 13-3821.

17 E. The juvenile court may order the destruction of records if the court finds that all of the  
18 following apply to a person who files an application pursuant to subsection D of this section:

19 1. The person is at least twenty-five years of age.

20 2. The person has not been convicted of a felony offense.

21 3. A criminal charge is not pending.

22 4. All restitution is paid in full.

23 5. All monetary obligations are either paid in full or have been modified pursuant to subsection  
24 K of this section.

25 6. The person is not currently required to register pursuant to section 13-3821.

26 7. The destruction of the records would further the rehabilitative process of the applicant.

27 F. The juvenile court and the department of juvenile corrections may store any records for  
28 research purposes.

29 G. At the juvenile's disposition hearing, the court shall inform the juvenile, in writing, of the right  
30 to the destruction of the juvenile's court and department of juvenile corrections records.

31 H. The clerk of the court may not charge a filing fee for the application to destroy juvenile records.

1 I. The clerk of the court shall transmit a copy of an application submitted pursuant to this section  
2 to the county attorney in the county in which the referral was made.

3 J. The county attorney may file an objection to an application that is submitted pursuant to this  
4 section for the destruction of records.

5 K. On a showing of good cause, the court may modify any monetary obligation **IMPOSED BY THE**  
6 **COURT** except for victim restitution.

7 L. The juvenile court, the clerk of the superior court and the juvenile probation department, on  
8 notification by the probation department, shall destroy the records that concern a referral or  
9 citation that did not result in further action or that resulted in a successful completion of  
10 diversion within ninety days after the person who was the subject of the referral or citation  
11 reaches eighteen years of age. The probation department shall send a copy of the notice to the  
12 department of public safety central state repository.

13 M. Within six months after receiving a notification from the superior court that a person's juvenile  
14 delinquency or incorrigibility records were destroyed, the department of child safety shall  
15 destroy all court, juvenile probation and department of juvenile corrections records that are in  
16 the department of child safety's possession and that were produced in the delinquency or  
17 incorrigibility matter.

18 **N. THE CLERK OF THE COURT MUST NOTIFY THE DEPARTMENT OF PUBLIC SAFETY IF A PERSON'S**  
19 **RECORD IS DESTROYED.**

20 ~~N~~ O. For the purposes of this section, "successfully" means, in the discretion of the court, the  
21 person satisfied the conditions of probation.

9/2/19  
9:18 am

1 § 8-341 Disposition and commitment; definitions

2 A. After receiving and considering the evidence on the proper disposition of the case, the court may  
3 enter judgment as follows:

4 1. It may award a delinquent juvenile:

5 (a) To the care of the juvenile's parents, subject to the supervision of a probation department.

6 (b) To a probation department, subject to any conditions the court may impose, including a period of  
7 incarceration in a juvenile detention center of not more than one year.

8 (c) To a reputable citizen of good moral character, subject to the supervision of a probation  
9 department.

10 (d) To a private agency or institution, subject to the supervision of a probation officer.

11 (e) To the department of juvenile corrections.

12 (f) To maternal or paternal relatives, subject to the supervision of a probation department.

13 (g) To an appropriate official of a foreign country of which the juvenile is a foreign national who is  
14 unaccompanied by a parent or guardian in this state to remain on unsupervised probation for at least  
15 one year on the condition that the juvenile cooperate with that official.

16 2. It may award an incorrigible child:

17 (a) To the care of the child's parents, subject to the supervision of a probation department.

18 (b) To the protective supervision of a probation department, subject to any conditions the court may  
19 impose.

20 (c) To a reputable citizen of good moral character, subject to the supervision of a probation  
21 department.

22 (d) To a public or private agency, subject to the supervision of a probation department.

23 (e) To maternal or paternal relatives, subject to the supervision of a probation department.

24 B. If a juvenile is placed on probation pursuant to this section, the period of probation may continue  
25 until the juvenile's eighteenth birthday or until the juvenile's nineteenth birthday if jurisdiction is  
26 retained pursuant to § 8-202, subsection H, except that the term of probation shall not exceed one  
27 year if all of the following apply:

28 1. The juvenile is not charged with a subsequent offense.

29 2. The juvenile has not been found in violation of a condition of probation.

1 3. The court has not made a determination that it is in the best interests of the juvenile or the public to  
2 require continued supervision. The court shall state by minute entry or written order its reasons for  
3 finding that continued supervision is required.

4 4. The offense for which the juvenile is placed on probation does not involve a dangerous offense as  
5 defined in § 13-105.

6 5. The offense for which the juvenile is placed on probation does not involve a violation of title 13,  
7 chapter 14 or 35.1.<sup>1</sup>

8 6. Restitution ordered pursuant to § 8-344 has been made.

9 ~~7. The juvenile's parents have not requested that the court continue the juvenile's probation for more  
10 than one year.~~

11 ~~C. If a juvenile is adjudicated as a first time felony juvenile offender, the court shall provide the  
12 following written notice to the juvenile:~~

13 ~~You have been adjudicated a first time felony juvenile offender. You are now on notice that if you are  
14 adjudicated of another offense that would be a felony offense if committed by an adult and if you  
15 commit the other offense when you are fourteen years of age or older, you will MAY be placed on  
16 juvenile intensive probation, which may include home arrest and electronic monitoring, or you may  
17 be placed on juvenile intensive probation and may be incarcerated for a period of time in a juvenile  
18 detention center, or you may be committed to the department of juvenile corrections or you may be  
19 prosecuted as an adult. If you are convicted as an adult of a felony offense and you commit any other  
20 offense, you will be prosecuted as an adult.~~

21 ~~D~~ C. If a juvenile is fourteen years of age or older and is adjudicated as a repeat felony juvenile  
22 offender, the juvenile court shall place the juvenile on juvenile intensive probation, which may include  
23 ~~home arrest, and electronic monitoring, may place the juvenile on juvenile intensive probation, which  
24 may include incarceration for a period of time~~ in a juvenile detention center, **UNLESS THE COURT FINDS  
25 BASED ON THE SEVERITY OF THE OFFENSE AND A RISK ASSESSMENT THAT INTENSIVE PROBATION  
26 SERVICES ARE NOT REQUIRED,** or **THE COURT** may commit the juvenile to the department of juvenile  
27 corrections pursuant to subsection A, paragraph 1, subdivision (e) of this section ~~for a significant period  
28 of time.~~

29 ~~E. If the juvenile is adjudicated as a repeat felony juvenile offender, the court shall provide the  
30 following written notice to the juvenile:~~

~~1 You have been adjudicated a repeat felony juvenile offender. You are now on notice that if you are  
2 arrested for another offense that would be a felony offense if committed by an adult and if you  
3 commit the other offense when you are fifteen years of age or older, you will be tried as an adult in  
4 the criminal division of the superior court. If you commit the other offense when you are fourteen  
5 years of age or older, you may be tried as an adult in the criminal division of the superior court. If you  
6 are convicted as an adult, you will be sentenced to a term of incarceration. If you are convicted as an  
7 adult of a felony offense and you commit any other offense, you will be prosecuted as an adult.~~

~~8 F. The failure or inability of the court to provide the notices required under subsections C and E of this  
9 section does not preclude the use of the prior adjudications for any purpose otherwise permitted.~~

10 ~~G~~ D. Except as provided in subsection S of this section, after considering the nature of the offense and  
11 the age, physical and mental condition and earning capacity of the juvenile, the court shall order the  
12 juvenile to pay a reasonable monetary assessment if the court determines that an assessment is in aid  
13 of rehabilitation. If the director of the department of juvenile corrections determines that enforcement  
14 of an order for monetary assessment as a term and condition of conditional liberty is not cost-  
15 effective, the director may require the youth to perform an equivalent amount of community  
16 restitution in lieu of the payment ordered as a condition of conditional liberty.

17 ~~H~~ E. If a child is adjudicated incorrigible, the court may impose a monetary assessment on the child of  
18 not more than one hundred fifty dollars.

19 ~~I~~ F. A juvenile who is charged with unlawful purchase, possession or consumption of spirituous liquor is  
20 subject to § 8-323. The monetary assessment for a conviction of unlawful purchase, possession or  
21 consumption of spirituous liquor by a juvenile shall not exceed five hundred dollars. The court of  
22 competent jurisdiction may order a monetary assessment or equivalent community restitution.

23 ~~J~~ G. The court shall require the monetary assessment imposed under subsection G or H of this section  
24 on a juvenile who is not committed to the department of juvenile corrections to be satisfied in one or  
25 both of the following forms:

26 1. Monetary reimbursement by the juvenile in a lump sum or installment payments through the clerk  
27 of the superior court for appropriate distribution.

28 2. A program of work, not in conflict with regular schooling, to repair damage to the victim's property,  
29 to provide community restitution or to provide the juvenile with a job for wages. The court order for  
30 restitution or monetary assessment shall specify, according to the dispositional program, the amount

1 of reimbursement and the portion of wages of either existing or provided work that is to be credited  
2 toward satisfaction of the restitution or assessment, or the nature of the work to be performed and  
3 the number of hours to be spent working. The number of hours to be spent working shall be set by the  
4 court based on the severity of the offense but shall not be less than sixteen hours.

5 ~~K~~ H. If a juvenile is committed to the department of juvenile corrections, the court shall specify the  
6 amount of the monetary assessment imposed pursuant to subsection G or H of this section.

7 ~~L~~ I. After considering the length of stay guidelines developed pursuant to § 41-2816, subsection C, the  
8 court may set forth in the order of commitment the minimum period during which the juvenile shall  
9 remain in secure care while in the custody of the department of juvenile corrections. When the court  
10 awards a juvenile to the department of juvenile corrections or an institution or agency, it shall transmit  
11 with the order of commitment copies of a diagnostic psychological evaluation and educational  
12 assessment if one has been administered, copies of the case report, all other psychological and medical  
13 reports, restitution orders, any request for postadjudication notice that has been submitted by a victim  
14 and any other documents or records pertaining to the case requested by the department of juvenile  
15 corrections or an institution or agency. The department shall not release a juvenile from secure care  
16 before the juvenile completes the length of stay determined by the court in the commitment order  
17 unless the county attorney in the county from which the juvenile was committed requests the  
18 committing court to reduce the length of stay. The department may temporarily escort the juvenile  
19 from secure care pursuant to § 41-2804, may release the juvenile from secure care without a further  
20 court order after the juvenile completes the length of stay determined by the court or may retain the  
21 juvenile in secure care for any period subsequent to the completion of the length of stay in accordance  
22 with the law.

23 ~~M~~ J. Written notice of the release of any juvenile pursuant to subsection L of this section shall be made  
24 to any victim requesting notice, the juvenile court that committed the juvenile and the county attorney  
25 of the county from which the juvenile was committed.

26 ~~N~~ K. Notwithstanding any law to the contrary, if a person is under the supervision of the court as an  
27 adjudicated delinquent juvenile at the time the person reaches eighteen years of age, treatment  
28 services may be provided until the person reaches twenty-one years of age if the court, the person and  
29 the state agree to the provision of the treatment and a motion to transfer the person pursuant to § 8-  
30 327 has not been filed or has been withdrawn. The court may terminate the provision of treatment

1 services after the person reaches eighteen years of age if the court determines that any of the  
2 following applies:

- 3 1. The person is not progressing toward treatment goals.
- 4 2. The person terminates treatment.
- 5 3. The person commits a new offense after reaching eighteen years of age.
- 6 4. Continued treatment is not required or is not in the best interests of the state or the person.

7 **L.** On the request of a victim of an act that may have involved significant exposure as defined in § 13-  
8 1415 or that if committed by an adult would be a sexual offense, the prosecuting attorney shall  
9 petition the adjudicating court to require that the juvenile be tested for the presence of the human  
10 immunodeficiency virus. If the victim is a minor the prosecuting attorney shall file this petition at the  
11 request of the victim's parent or guardian. If the act committed against a victim is an act that if  
12 committed by an adult would be a sexual offense or the court determines that sufficient evidence  
13 exists to indicate that significant exposure occurred, it shall order the department of juvenile  
14 corrections or the department of health services to test the juvenile pursuant to § 13-1415.  
15 Notwithstanding any law to the contrary, the department of juvenile corrections and the department  
16 of health services shall release the test results only to the victim, the delinquent juvenile, the  
17 delinquent juvenile's parent or guardian and a minor victim's parent or guardian and shall counsel  
18 them regarding the meaning and health implications of the results.

19 **P M.** If a juvenile has been adjudicated delinquent for an offense that if committed by an adult would  
20 be an offense listed in § 41-1750, subsection C, the court shall provide the department of public safety  
21 Arizona automated fingerprint identification system established in § 41-2411 with the juvenile's ten-  
22 print fingerprints, personal identification data and other pertinent information. If a juvenile has been  
23 committed to the department of juvenile corrections the department shall provide the fingerprints and  
24 information required by this subsection to the Arizona automated fingerprint identification system. If  
25 the juvenile's fingerprints and information have been previously submitted to the Arizona automated  
26 fingerprint identification system the information is not required to be resubmitted.

27 **N.** Access to fingerprint records submitted pursuant to subsection P of this section shall be limited to  
28 the administration of criminal justice as defined in § 41-1750. Dissemination of fingerprint information  
29 shall be limited to the name of the juvenile, juvenile case number, date of adjudication and court of  
30 adjudication.

1 ~~R~~ O. If a juvenile is adjudicated delinquent for an offense that if committed by an adult would be a  
2 misdemeanor, the court may prohibit the juvenile from carrying or possessing a firearm while the  
3 juvenile is under the jurisdiction of the department of juvenile corrections or the juvenile court.

4 ~~S~~ P. If a juvenile is adjudicated delinquent for a violation of § 13-1602, subsection A, paragraph 5, the  
5 court shall order the juvenile to pay a fine of at least three hundred dollars but not more than one  
6 thousand dollars. Any restitution ordered shall be paid in accordance with § 13-809, subsection A. The  
7 court may order the juvenile to perform community restitution in lieu of the payment for all or part of  
8 the fine if it is in the best interests of the juvenile. The amount of community restitution shall be  
9 equivalent to the amount of the fine by crediting any service performed at a rate of ten dollars per  
10 hour. If the juvenile is convicted of a second or subsequent violation of § 13-1602, subsection A,  
11 paragraph 5 and is ordered to perform community restitution, the court may order the parent or  
12 guardian of the juvenile to assist the juvenile in the performance of the community restitution if both  
13 of the following apply:

- 14 1. The parent or guardian had knowledge that the juvenile intended to engage in or was engaging in  
15 the conduct that gave rise to the violation.
- 16 2. The parent or guardian knowingly provided the juvenile with the means to engage in the conduct  
17 that gave rise to the violation.

18 ~~F~~ Q. If a juvenile is adjudicated delinquent for an offense involving the purchase, possession or  
19 consumption of spirituous liquor or a violation of title 13, chapter 34<sup>2</sup> and is placed on juvenile  
20 probation, the court may order the juvenile to submit to random drug and alcohol testing at least two  
21 times per week as a condition of probation.

22 ~~U. A juvenile who is adjudicated delinquent for an offense involving the purchase, possession or~~  
23 ~~consumption of spirituous liquor or a violation of title 13, chapter 34, who is placed on juvenile~~  
24 ~~probation and who is found to have consumed any spirituous liquor or to have used any drug listed in §~~  
25 ~~13-3401 while on probation is in violation of the juvenile's probation. If juvenile commits a third or~~  
26 ~~subsequent violation of a condition of probation as prescribed by this subsection, the juvenile shall be~~  
27 ~~brought before the juvenile court. and, if the allegations are proven, the court shall either revoke~~  
28 ~~probation and hold a disposition hearing pursuant to this section or select additional conditions of~~  
29 ~~probation as it deems necessary, including detention, global position system monitoring, additional~~  
30 ~~alcohol or drug treatment, community restitution, additional drug or alcohol testing or a monetary~~

1 ~~assessment.~~

2 ~~¶~~ R. If jurisdiction of the juvenile court is retained pursuant to § 8-202, subsection H, the court shall  
3 order continued probation supervision and treatment services until a child who has been adjudicated a  
4 delinquent juvenile reaches nineteen years of age or until otherwise terminated by the court. The  
5 court may terminate continued probation supervision or treatment services before the child's  
6 nineteenth birthday if the court determines that continued probation supervision or treatment is not  
7 required or is not in the best interests of the juvenile or the state or the juvenile commits a criminal  
8 offense after reaching eighteen years of age.

9 ~~¶~~ S. For the purposes of this section:

10 1. "First time felony juvenile offender" means a juvenile who is adjudicated delinquent for an offense  
11 that would be a felony offense if committed by an adult.

12 2. "Repeat felony juvenile offender" means a juvenile to whom both of the following apply:

13 (a) Is adjudicated delinquent for an offense that would be a felony offense if committed by an adult.

14 (b) Previously has ~~been adjudicated a first time felony juvenile offender~~ HAD A PRIOR AND SEPARATE  
15 ADJUDICATION AND DISPOSITION FOR CONDUCT THAT WOULD CONSTITUTE A HISTORICAL PRIOR  
16 FELONY ADJUDICATION IF THE JUVENILE HAD BEEN TRIED AS AN ADULT.

17 3. "Sexual offense" means oral sexual contact, sexual contact or sexual intercourse as defined in §13-  
18 1401.

9/12/19

5:16 pm

1 **8-202. Jurisdiction of juvenile court**

2 A. The juvenile court has original jurisdiction over all delinquency proceedings brought under the  
3 authority of this title.

4 B. The juvenile court has exclusive original jurisdiction over all proceedings brought under the  
5 authority of this title except for delinquency proceedings.

6 C. The juvenile court may consolidate any matter, except that the juvenile court shall not  
7 consolidate any of the following:

8 1. A criminal proceeding that is filed in another division of superior court and that involves a child  
9 who is subject to the jurisdiction of the juvenile court.

10 2. A delinquency proceeding with any other proceeding that does not involve delinquency, unless  
11 the juvenile delinquency adjudication proceeding is not heard at the same time or in the same  
12 hearing as a nondelinquency proceeding.

13 D. The juvenile court has jurisdiction of proceedings to:

14 1. Obtain judicial consent to the marriage, employment or enlistment in the armed services of a  
15 child, if consent is required by law.

16 2. In an action in which parental rights are terminated pursuant to chapter 4, article 5 or 11 of  
17 this title, change the name of a minor child who is the subject of the action. If the minor child  
18 who is the subject of the action is twelve years of age or older, the court shall consider the wishes  
19 of the child with respect to the name change.

20 E. The juvenile court has jurisdiction over both civil traffic violations and offenses listed in section  
21 8-323, subsection B that are committed within the county by persons who are under eighteen  
22 years of age unless the presiding judge of the county declines jurisdiction of these cases. The  
23 presiding judge of the county may decline jurisdiction of civil traffic violations committed within  
24 the county by juveniles if the presiding judge finds that the declination would promote the more  
25 efficient use of limited judicial and law enforcement resources located within the county. If the  
26 presiding judge declines jurisdiction, juvenile civil traffic violations shall be processed, heard and  
27 disposed of in the same manner and with the same penalties as adult civil traffic violations.

28 F. The orders of the juvenile court under the authority of this chapter or chapter 3 or 4 of this  
29 title take precedence over any order of any other court of this state except the court of appeals  
30 and the supreme court to the extent that they are inconsistent with orders of other courts.

31 G. Except as provided in subsection H of this section, jurisdiction of a child that is obtained by the  
32 juvenile court in a proceeding under this chapter or chapter 3 or 4 of this title shall be retained  
33 by it, for the purposes of implementing the orders made and filed in that proceeding, until the  
34 child becomes eighteen years of age, unless terminated by order of the court before the child's  
35 eighteenth birthday.

1 H. AT ANY TIME PRIOR TO AN ADJUDICATION HEARING OR A PROCEEDING WHERE THE JUVENILE  
2 IS ADMITTING AN ALLEGATION IN A PETITION ALLEGING THE JUVENILE IS DELINQUENT, the state  
3 files MAY FILE a notice of intent to retain jurisdiction ~~when proceedings are commenced pursuant~~  
4 ~~to section 8-301, paragraph 1 or 2~~, OVER A JUVENILE WHO IS SEVENTEEN YEARS OF AGE. IF THE  
5 STATE FILES A NOTICE OF INTENT TO RETAIN JURISDICTION, the court shall retain jurisdiction over  
6 a THE juvenile ~~who is at least seventeen years of age and who has been adjudicated a delinquent~~  
7 ~~juvenile~~ until the juvenile reaches nineteen years of age, unless before the juvenile's nineteenth  
8 birthday either:

- 9 1. Jurisdiction is terminated by order of the court.
- 10 2. The juvenile is discharged from the jurisdiction of the department of juvenile corrections  
11 pursuant to section 41-2820.

12 I. JURISDICTION OVER THE JUVENILE IS RETAINED PURSUANT TO SUBSECTION H OF THIS SECTION  
13 AT THE TIME THE NOTICE OF INTENT TO RETAIN JURISDICTION IS FILED.

14 ↓ J. Persons who are under eighteen years of age shall be prosecuted in the same manner as adults  
15 if either:

- 16 1. The juvenile court transfers jurisdiction pursuant to section 8-327.
- 17 2. The juvenile is charged as an adult with an offense listed in section 13-501.

18 ↓ K. The juvenile court shall retain jurisdiction after a juvenile's eighteenth birthday for the  
19 purpose of designating an undesignated felony offense as a misdemeanor or felony, including  
20 after an adjudication is set aside pursuant to section 8-348.

21 ✕ L. The juvenile court has jurisdiction to make the initial determination prescribed in section 8-  
22 829 whether the voluntary participation of a qualified young adult in an extended foster care  
23 program pursuant to section 8-521.02 is in the young adult's best interests.

24  
9/16/19  
9:53 am