

2017-01: Sentencing; fines; fees; probation

Modifies requirements of various court ordered financial obligations, increases judicial discretion with respect to sentencing of misdemeanants, permits debt removal from court accounting systems under specified circumstances, and provides for changes in the calculation of imprisonment terms due to pre-trial incarceration.

Section 1. §12-116.01. Surcharges; fund deposits

Repeals language permitting a judge to waive all or part of a civil penalty, fine, forfeiture and surcharge in certain instances. New language is added in §13-827 providing for authority for the court to mitigate financial assessments, including mandatory penalties and fines.

Section 2. §12-116.02. Additional surcharges; fund deposits

Repeals language permitting a judge to waive all or part of a civil penalty, fine, forfeiture and surcharge in certain instances. New language is added in §13-827 providing for authority for the court to mitigate financial assessments, including mandatory penalties and fines.

Section 3. § 12-137. Removal of debts from superior court accounting system

Permits the superior court to order the removal all or part of any debt due to the court as the result of a misdemeanor or felony conviction from the court's accounting system if 20 years has elapsed from the date the fine resulting in the debt and the court:

- Notifies the prosecutor and the defendant and victim, if their whereabouts are known and waits thirty days for the either party or the victim to file an objection. The court must consider any objection in determining whether to remove the debt, and
- Makes reasonable attempts to collect the debt, including billing the debtor at least four times, and
- Submits the debt for collection to a collection agency licensed pursuant to Title 32, Chapter 9 and waits at least one year while the agency attempts collection, and
- Notifies the Department of Revenue of the debt pursuant to section §42-1122, and
- Notifies the county treasurer.

Section 4. §13-603. Authorized disposition of offenders

Permits the court to order a defendant charged with a misdemeanor to perform community restitution or complete an education or treatment program. Additional requirements for each are outlined in new sections 13-825 and 13-826, respectively.

Section 5. §13-712. Calculation of terms of imprisonment.

Permits the court to credit time spent in custody against a term of imprisonment if the defendant is released from custody pending trial on one offense but remains in custody due to not being released on another case.

Section 6. §13-805. Jurisdiction

Reduces the annual interest that accrues on a criminal restitution order for restitution owed for monetary obligations other than victim restitution from 10% to 4%. Allows the court to waive all or part of the interest upon agreement of the state, victim and defendant.

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Section 7. §13-824. Community restitution in lieu of fines, fees, surcharges, assessments or incarceration costs

Adds civil penalties and surcharges to the list of financial obligations for which a court may order community restitution in lieu of payment after a finding that the defendant is unable to pay all or part of a fine. Expands the program to superior court.

Section 8. §13-825. Misdemeanors; community restitution

Requires the court to order a definite period of time for a defendant ordered to perform community restitution if convicted of a misdemeanor.

Section 9. §13-826. Misdemeanors; court ordered treatment

A court may order a period of education or treatment for a person convicted of a misdemeanor not to exceed the period of probation permitted under law. Any treatment program selected will be determined by the court or the defendant's probation officer.

Section 10. §13-827. Civil penalties or fines; community restitution; waiver

Permits a judge to mitigate a civil penalty, fine, surcharge, fee, forfeiture, assessment or incarceration cost if the payment would cause a hardship on the person convicted or adjudicated or on the person's immediate family. A judge may also waive all or part of mandatory community restitution due to the medical condition of the defendant. If a portion of the civil penalty, fine, forfeiture, surcharge, fee, assessment or incarceration cost is waived or suspended, the amount assessed must be divided according to the proportion that the civil penalty, fine, surcharge, fee, forfeiture, assessment and incarceration cost represent to the total amount due.

Section 11. §13-918. Employment; distribution of wages

Modifies conditions of intensive probation with respect to the distribution of a person's wages. Removes the requirement that a person's entire paycheck be paid into an account established by the chief adult probation officer; rather, the person's probation officer will monitor the person's payments to insure restitution, probation fees, fines and other court ordered obligations are secured. Repeals language allowing for the distribution of any balance of the monies in the person's account.

Section 12. §13-924. Probation; earned time credit; applicability

Removes the requirement that a probationer be current on the payment of monetary obligations (however, must be current on restitution) in order to receive earned time credit

Section 13. §22-126. Removal of debts from justice of the peace court accounting system

Permits a justice of the peace court to order removal of all or part of any debt due to the court as the result of a misdemeanor or felony conviction from the court's accounting system if 20 years has elapsed from the date the fine resulting in the debt and the court:

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- Notifies the prosecutor and the defendant and the victim, if their whereabouts are known and waits thirty days for the either party or the victim to file an objection. The court shall consider any objection in determining whether to remove the debt, and
- Makes reasonable attempts to collect the debt, including billing the debtor at least four times, and
- Submits the debt for collection to a collection agency licensed pursuant to Title 32, Chapter 9 and waits at least one year while the agency attempts collection, and
- notifies the Department of Revenue of the debt pursuant to section §42-1122, and
- Notifies the county treasurer.

Section 14. §22-430. Removal of debts from municipal court accounting system

Permits the municipal court to removal of all or part of any debt due to the court as the result of a misdemeanor or felony conviction from the court's accounting system if 20 years has elapsed from the date the fine resulting in the debt and the court:

- Notifies the prosecutor and the defendant and the victim, if their whereabouts are known and waits thirty days for the either party or the victim to file an objection. The court shall consider any objection in determining whether to remove the debt, and
- Makes reasonable attempts to collect the debt, including billing the debtor at least four times, and
- Submits the debt for collection to a collection agency licensed pursuant to Title 32, Chapter 9 and waits at least one year while the agency attempts collection, and
- Notifies the Department of Revenue of the debt pursuant to section §42-1122, and
- §Notifies the city treasurer.

Section 15. §28-1389. Waiver of fine, surcharge of assessment

Repeals the statute prohibiting waiver of a fine, a portion of the surcharge or assessment on a DUI.

Section 16. Delayed Effective Date

Provides a delayed effective date of January 1, 2018

11/1/16

2017-02: Driving; violations; restricted license; penalties

Authorizes specified restrictions be placed on a person's driving privileges in lieu of suspension for certain traffic offenses, reclassifies certain offenses to civil traffic violations. Removes requirement a vehicle driven by a person driving on a suspended license be impounded.

Section 1. §28-603. Driver license or permit; restrictions

Defines the scope of the restriction placed on a person's driver license as a result of a conviction leaving the scene of an accident, aggressive driving or racing on a highway. Restrictions may include any or all of the following requirements that the person may only drive:

1. Between the person's residence and place of employment during specified periods of time while at employment.
2. Between the person's residence or place of employment and the person's school according to the person's employment or education schedule.
3. Between the person's residence, place of employment or school and the office of a health care professional as defined in section 32-3201.
4. Between the person's residence, place of employment or school and a screening, education or treatment facility for scheduled appointments.
5. Between the person's residence, place of employment or school and the office of the person's probation officer for scheduled appointments.
6. Between the person's residence, place of employment or school and a certified ignition interlock device service facility.
7. Transporting a dependent person who is living with the person, between the person's residence and the dependent person's employment, school or medical appointment.

Section 2. §28-662. Accidents involving damage to vehicle; failure to stop; classification; driver license suspension; alcohol or other drug screening

Adds the authority for the court to restrict a person's driver license upon conviction for leaving the scene of a damage accident. Current law only provides for suspension of privileges.

Section 3. §28-693, Reckless driving to permit suspended license

Adds the authority for the court to restrict a person's driver license upon conviction for reckless driving. Current law only provides for suspension of privileges.

Section 4. §28-695. Aggressive driving; violation; classification; definition

Adds the authority for the court to restrict a person's driver license upon conviction for aggressive driving. Current law only provides for suspension of privileges.

Section 5. §28-708. Racing on highways; classification; exception; definitions

Adds the authority for the court to direct the Department of Transportation to restrict a person's driver license for racing on the highway. Current law only provides for suspension of privileges.

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Section 6. §28-857. School bus signs; overtaking and passing school bus; violation; driver license suspension; civil penalty

Adds the authority for the court to direct the Department of Transportation to restrict a person's driver license for a school bus violation. Current law only provides for suspension of privileges.

Section 7. §28-1387. Prior convictions; alcohol or other drug screening, education and treatment; license suspension; supervised probation; civil liability; procedures

Conforms the restricted license provisions of the statute to other restricted license provisions in the code.

Section 8. 28-1402. Issuance of special ignition interlock restricted driver license; restrictions

Conforms the restricted license provisions of the statute to other restricted license provisions in the code.

Section 9. §28-2322. License plate requirement for nonresident's foreign vehicle

Reclassifies the violation for failure to have current registration on an out of state vehicle from a Class 2 misdemeanor to a civil traffic violation.

Section 10. §28-2328. Violation; classification

The Class 2 misdemeanor penalty for certain traffic violations committed by nonresidents is not applicable if another penalty is prescribed by law in the same article (to permit the change to §28-2322).

Section 11. §28-2532. Registration; violation; civil penalties

Clarification of court's ability to waive the civil penalty. No change in law.

Section 12. § Mandatory suspension; failure to appear

Applies the statute requiring suspension of driving privilege for failure to appear in court after service of a complaint to criminal traffic only. Privilege is suspended until fine, surcharge and assessments are paid or a bond or deposit is forfeited. Civil traffic is covered by §28-1601.

Section 13. §28-3473. Driving violations on a suspended, canceled, revoked or refused license; classification; restricted privilege to drive

The Class 1 misdemeanor classification for driving on a suspended license does not apply in cases where the person's driver license is suspended for failure to appear or failure to pay on a traffic violation. Conforms the restricted license provisions of the statute to other restricted license provisions in the code. (To accomplish this change the statute is split into two).

Section 14. 28-3473.01. Driving on a license suspended for failure to appear or pay a civil traffic violation; restricted privilege to drive; civil penalty

Driving while the privilege to drive is suspended for failure to appear or failure to pay on a traffic violation is reclassified from a Class 1 Misdemeanor to a civil traffic violation. Conforms the restricted license provisions of the statute to other restricted license provisions in the code.

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Section 15. §28-3480. Operation in violation of restriction; classification

Reclassifies the penalty for operating a motor vehicle in violation of the requirement to wear corrective lenses from a Class 2 misdemeanor to a civil traffic violation.

Section 16. §28-3511. Removal and immobilization or impoundment of vehicle; Arizona crime information center database

Removes the requirement that law enforcement immobilize or impound a vehicle if it is determined that the person is driving on a suspended license. Maintains such action should occur if the person's driver license is revoked.

Section 17. §28-4135. Motor vehicle financial responsibility requirement; civil penalties; evidence at hearing

Adds the authority for the court to order the Department of Transportation to restrict a person's driver license if the person is found responsible for a first offense of driving without evidence of financial responsibility. Current law only provides for suspension of privileges. The option to restrict the privilege is not available for a second or subsequent violation within thirty six months.

Section 18: Delayed effective date

Provides a delayed effective date of April 1, 2018

11/1/16

2017-03: Bailable offenses; hearing; schedule

Modifies requirements related to bond hearings in superior court and relabels criminal traffic bond schedules as deposit schedules in limited jurisdiction courts. Excludes cases where serious physical injury occurs.

Section 1. §13-3961. Offenses not bailable; purpose; preconviction; exceptions

Removes procedural requirements for a hearing to determine if a person should be held without bond based upon being a danger to the community (to be addressed by court rule). The filing of a complaint does not add to the strength of the proof or the presumption required by the section to be drawn.

Section 2. §22-314. Preparation of fine schedule; collection; civil deposits

Changes the title of the section. Relabels the bond schedule for criminal traffic cases that the Justice of the Peace is required to prepare in a municipal court to a deposit schedule. The deposit schedule does not apply to cases where serious physical injury is involved.

Section 3. §22-424. Preparation of fine schedule; collection; civil deposits

Changes the title of the section. Relabels the bond schedule for criminal traffic cases that the Justice of the Peace is required to prepare in a municipal court to a deposit schedule. The deposit schedule does not apply to cases where serious physical injury is involved.

11/1/16

2017-04: Competency examination; jurisdiction

Provides for increased jurisdiction for limited jurisdiction courts with respect to competency hearings.

Section 1. §13-4503. Request for competency examination

Allows the presiding judge of the superior court to authorize a justice of the peace court or a municipal court to exercise jurisdiction over competency hearings in that court upon the agreement of both judges. Permits the presiding judge to authorize a justice of the peace court or municipal court to hear a competency case from another limited jurisdiction court with the approval of the presiding judge and both limited jurisdiction court judges.

11/1/16