

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 5-103:)	<u>No. 2008- 35</u>
ENHANCED COLLECTIONS)	
_____)	

The above captioned provision having come before the Arizona Judicial Council on March 27, 2008, and having been approved and recommended for adoption,

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

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 9th day of April, 2008.

RUTH V. McGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 5: Court Operations

Chapter 1: Funding

Section 5-103: Enhanced Collections

A. Purpose. A.R.S. § 41-2421 provides in pertinent part:

A. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the supreme court and the court of appeals for the payment of filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures shall be deposited, pursuant to sections 35-146 and 35-147, and allocated pursuant to the formula in subsection B of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection C, or for child support, restitution or exonerated bonds.

* * *

C. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the superior court, including the clerk of the court and the justice courts in each county for the payment of filing fees, including clerk fees, diversion fees, adult and juvenile probation fees, juvenile monetary assessments, fines, penalties, surcharges, sanctions and forfeitures, shall be transmitted to the county treasurer for allocation pursuant to subsections E, F, G and H of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection C or for child support, restitution or exonerated bonds.

D. The supreme court shall adopt guidelines regarding the collection of revenues pursuant to subsections A and C.

Courts shall segregate the five per cent “set aside” amount as required by this section and deposit the funds as provided in A.R.S. § 41-2421.

B. Included Fees. Courts shall apply the five per cent “set aside” provided in A.R.S. § 41-2421(A) and (C) to the following amounts collected:

1. Filing fees (fees designated as “filing fees” in A.R.S. § 12-284 and other statutes or ordinances, and all other state and local fees collected at the time of filing);
2. Clerk fees (fees shown in A.R.S. § 12-284 and all other federal, state and local fees collected for clerks’ services);
3. Lengthy trial fund fee (A.R.S. § 12-115);
4. Document storage and retrieval fee (A.R.S. § 12-284.01);

5. Diversion fees (A.R.S. § 28-3396 and other fees collected when a case is diverted from adjudication);
6. Adult probation fees (A.R.S. §§ 13-901, 13-914, 31-466, and 31-467.06);
7. Juvenile probation fees (A.R.S. § 8-418);
8. Juvenile monetary assessments (A.R.S. § 8-341);
9. Fines, penalties and sanctions (monetary amounts assessed upon conviction pursuant to statute or ordinance);
10. Surcharges (A.R.S. §§ 12-114, 12-114.01, 12-116.01, 12-116.02, 12-284(C) and other penalties or charges assessed in addition to or as a percentage of the underlying fine, sanction, diversion or filing fee); and
11. Forfeitures (bond or bail that is forfeited for failure to appear, default, or in lieu of a fine or other penalty, not including real or personal property).

C. Excluded Fees. Courts shall not apply the five per cent “set aside” to the following amounts collected:

1. Clean elections fund surcharge (A.R.S. § 41-2421);
2. Child support (A.R.S. § 41-2421);
3. Restitution (A.R.S. § 41-2421);
4. Exonerated bonds (A.R.S. § 41-2421);
5. Foster care treatment and education monies (A.R.S. § 8-243);
6. FARE fees as provided by Supreme Court Administrative Order No. 2003-126;
7. Time payment fees (A.R.S. § 12-116); and
8. Costs assessed to the defendant for services not provided by the court, including:
 - a. Public defender (A.R.S. §§ 11-584 and 8-221) and prosecutor services;
 - b. Jail confinement;
 - c. Constable and other process serving services;
 - d. Laboratory services;

- e. Electronic monitoring services;
- f. Attorney services;
- g. Treatment provider services;
- h. Banking services, and
- i. Extradition services.