

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	<u>No. 2010 - 45</u>
§ 6-207: UNIFORM CONDITIONS OF)	(Affecting Administrative Order
SUPERVISED PROBATION)	No. 2007-95)
_____)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on March 25, 2010, and having been approved and recommended for adoption,

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 as adopted, remain unchanged and in effect.

IT IS FURTHER ORDERED that the implementation of the requirements of this code section shall be completed no later than January 1, 2011, to allow courts sufficient time to prepare and print the new forms without unnecessary expense.

Dated this 14th day of April, 2010.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-207: Uniform Conditions of Supervised Probation

Sections A and B – No changes

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. ~~The uniform conditions of supervised probation form may be used when a court sentences a probationer to unsupervised probation.~~

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 ~~26~~ 22, or attached in a separate document.
 - b. Probation departments ~~A limited jurisdiction court~~ shall duplicate forms that include, at a minimum, conditions 1 through ~~15~~ 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 ~~15~~ 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

PID#: _____

OFFENSE(S): _____

The Court is ~~ordered~~ 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)
- CONTINUING Reinstating** the defendant on probation for a period of _____ year(s) month(s)
 days lifetime
 for a modified term
 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 2

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:
 Intensive Probation Sex Offender Gang
 Domestic Violence Drug Court
 Mental Health DUI Court/Program
- 22. _____

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 _____

THE DEFENDANT SHALL: (Conditions Checked Also Apply)

- ~~1. Obey all laws.~~
- ~~2. Not knowingly associate with any person engaged in criminal activity or who has a criminal record without the prior written approval of the APD.~~
- ~~3. 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.~~
- ~~4. Reside at an address approved by the APD, provide safe access, and obtain prior approval before changing residence.~~
- ~~5. Submit to search and seizure of your person or property by the APD without a search warrant.~~
- ~~6. Not possess or control any firearms, ammunition, or prohibited weapons as defined in A.R.S. § 13-3101.~~
- ~~7. Not possess or use illegal drugs, toxic vapors, or controlled substances, or use or possess any prescription drugs without a valid prescription.~~
- ~~8. Report any law enforcement contact to the APD within 72 (or _____) hours.~~
- ~~9. Submit to drug and alcohol testing as directed by the APD and/or court.~~
- ~~10. Participate and cooperate in any program of counseling or assistance as directed by the APD and/or court.~~
- ~~11. Seek, obtain and maintain employment, if legally permitted to do so, and/or attend school as directed by the APD and advise of any change.~~
- ~~12. Not leave the state (county) without prior permission of the APD.~~
- ~~13. Sign and submit any release, authorization, or consent required for the APD/court to exchange protected healthcare information related to the conditions of probation.~~
- ~~14. Provide a sample for DNA testing if required by law.~~
- ~~15. Comply with any written directive of the APD to enforce compliance with the conditions of probation.~~
- ~~16. Abide by the Judgment and Orders of Restitution, Fines and Fees in this case.~~

UNIFORM CONDITIONS OF SUPERVISED PROBATION PAGE 2 OF 2

STATE OF ARIZONA _____ COUNTY/DIVISION: _____ / _____

VS. _____ CR: _____

- 17. Not consume or drink any substance containing alcohol.
- 18. Not have any contact with the victim(s) whatsoever, unless approved in writing by the APD.
- 19. Complete _____ hours of approved community restitution at a minimum rate of _____ hours per month beginning upon sentencing or as directed in writing by the APD.
- 20. Not remain in or return to the United States illegally if deported or processed through voluntary departure.
- 21. Be incarcerated in the county jail for _____ days month(s), beginning ____/____/____ with credit for _____ days served, not to be released until ____/____/____. Report to the APD within 72 (or _____) hours of release from jail. Comply with all program rules.
 - Be screened for or shall participate in Work Furlough.
 - Eligible for Work Release.
- 22. Register as a Sex Offender if required by law.
- 23. Be permitted to apply for Interstate Compact supervision in the state of _____.
Do not proceed until reporting instructions are received and the APD issues a written travel permit.
- 24. Participate and cooperate in any counseling or assistance as directed by the APD pertaining to:
 - Substance Abuse _____ Mental Health _____

- ABE/GED
 - Domestic Violence
 - Cognitive Skills
 - Anger Management
 - Budgeting/Financial
 - Parenting
 - Sex Offender
 - _____
25. Abide by the attached special conditions of probation:
- Intensive Probation
 - Domestic Violence
 - Mental Health
 - Sex Offender
 - Drug Court
 - DUI Court
 - Gang
 - _____

26. _____
