

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION § 6-206:)	<u>No. 2011 - 120</u>
ADULT PROBATION SERVICES FUND,)	(Affecting Administrative
PROBATION FEES ACCOUNT)	Order No. <u>2009-55</u>)
_____)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 28, 2011, and having been approved and recommended for adoption,

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

IT IS ORDERED that Arizona Code of Judicial Administration § 6-206 is amended as indicated on the attached document. All other provisions of § 6-206, as originally adopted, remain unchanged and in effect.

Dated this 28th day of November, 2011.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-206: Adult Probation Services Fund, Probation Fees Account

Sections A through E – No changes

F. Expenditure Guidelines.

1. At least 60% of the expenditures from the probation fees account during the fiscal year, excluding amounts provided in (F)(7) and (F)(8), shall be used to pay probation employee salaries and employee related benefits.
2. The presiding judge may request an expenditure less than 60% and shall submit to the administrative director a written request for authority to waive the expenditure guidelines. The written request shall include an explanation of the circumstances surrounding the need to waive the expenditure guidelines and the current balance of the probation fees account. If granted, the authority to waive the expenditure guidelines is valid for one fiscal year.
3. The chief fiscal officer of the county shall not use the probation fees account for any indirect costs that may be incurred by the county for administering the probation fees account. Indirect costs include, but are not limited to, costs for services such as accounting, payroll, data processing, purchasing, personnel, and building use incurred by the county to administer these monies.
4. A.R.S. § 12-267(D) provides: “State monies expended from the adult probation services fund shall be used to supplement, not supplant, county appropriations for the superior court adult probation department.”
5. A.R.S. § 12-267(E) provides: “Monies in the adult probation services fund shall be used to pay the annual assessment on member states of the interstate compact for the supervision of adult offenders established in section 31-467, article X, subsection B.”
6. A.R.S. § 12-267(F) provides: “County monies in the adult probation services fund shall be used in accordance with the fiscal policies and procedures established by the board of supervisors.”
7. A.R.S. § 12-267(G) provides:

The administrative office of the courts shall periodically charge each local probation fees account an amount established annually by the supreme court to cover a proportional share of the cost of monitoring devices

required pursuant to section 13-902, subsection G consistent with guidelines established to implement section 13-902, subsection G.

8. A.R.S. § 12-267(H) provides:

The administrative office of the courts shall charge annually the local probation fees account of each county an amount that is established annually by the administrative office of the courts to reflect each county's portion of the superior court risk management premium that is allocated to the judiciary.

9. ~~A.R.S. § 12-267(A)(2)(e) provides:~~

~~Monies received pursuant to section 12-270 that each county shall use for the following:~~

~~(i) Increasing the availability of substance abuse treatment programs for probationers.~~

~~(ii) Increasing the availability of risk reduction programs and interventions for probationers.~~

~~(iii) Grants to nonprofit victim services organizations to partner with the probation department and the court to assist victims and increase the amount of restitution collected from probationers.~~

G. Assessment Guidelines.

1. The probation department shall have a written policy addressing requirements of probation officers and their duty to:

a. Recommend the imposition of probation service fees, pursuant to A.R.S. § 13-901. A recommended start date for payment shall be included.

b. Monitor the payment of probation services fees, including responsibilities in addressing arrearages and submitting petitions to the court recommending suspension of probation service fees when:

(1) A probationer has absconded, a warrant and petition to revoke has been issued, and the probation term has been tolled,

(2) A probationer is incarcerated for more than 30 days

2. Probation service fees shall only be assessed for each month a probationer is on probation for one or more days. The probation department shall ensure the terms and conditions of probation identify a monthly probation service fee amount with a specified date for when

payment is to commence. If the monthly fee is not specified, the assigned probation officer shall submit a petition to modify to the court recommending an appropriate monthly fee, pursuant to A.R.S. § 13-901(A).