

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	<u>No. 2011 - 68</u>
§ 3-401: PRIORITY OF OFFENDER)	(Affecting Administrative
PAYMENTS)	Order No. 2009-24)
_____)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

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

IT IS ORDERED that Arizona Code of Judicial Administration § 3-401 is amended as indicated on the attached document. All other provisions of § 3-401 as adopted, remain unchanged and in effect.

Dated this 15th day of June, 2011.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 3: Superior Court
Chapter 4: Administration
Section 3-401: Priority of Offender Payments

A. through C. [no changes]

D. Application of Payments to Obligations for an Adult Offender. The clerk shall apply payments to the categories and subcategories in the following order:

1. Restitution shall be applied proportionately first to private victims and second to institutional victims, unless specifically ordered differently by the court. Any monies received for each case shall be applied first to any restitution payments in arrears in that case and next to any ordered periodic restitution payment.
2. Pursuant to A.R.S. § 12-116(A), the time payment fees shall be collected next after restitution. Only one time payment fee should be imposed on each count or case in which a time payment plan is approved, even though that plan may include, for example, a fine, a felony assessment, and restitution.
3. Any FARE fees approved by the supreme court, excluding FARE special collections fees, shall be the next priority following the time payment fee.
4. Probation service fees including monthly supervision fees, interstate processing and transfer fees.
5. Reimbursable fees such as attorney fees, (prorated per judge's order if multiple attorney fees are assessed) including indigent defense, public defender fees and prosecutor costs.
6. Fines and surcharges per judge's order including, but not limited to, surcharges as applicable, victim compensation and assistance fund sanctions.
7. The prison construction and operations assessment.
8. The public safety equipment assessment.
9. ~~DUI abatement fee.~~ Any financial obligation not included in subsections (D)(1) - (D)(8) shall be paid after (D)(1) - (D)(8).
10. DUI abatement fee.

E. through F. [no changes]