

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2014 - <u>19</u>
§ 6-201.01: STANDARD PROBATION)	(Affecting Administrative
EVIDENCE BASED PRACTICES)	Order No. 2013-107)
)	

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.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-201.01 is amended as indicated on the attached document. All other provisions of § 6-201.01 as adopted, remain unchanged and in effect.

Dated this 12th day of February, 2014.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-201.01: Standard Probation Evidence Based Practice

A. [No changes]

B. Applicability. AZ. Const. Art. 6, § 3 and A.R.S. § 12-261 authorize the supreme court to administer state funding to aid probation services. The AOC shall administer state aid funding for adult standard probation on behalf of the supreme court. The following requirements are adopted to govern the administration and operation of standard probation supervision. A.R.S. § 13-805(A)(B)(C) provides:

A. The trial court shall retain jurisdiction of the case for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the defendant’s sentence expires.

B. At the time the defendant is ordered to pay restitution by the superior court, the court may enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. A criminal restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

C. At the time the defendant completes the defendant’s period of probation or the defendant’s sentence or the defendant absconds from probation or the defendant’s sentence, the court shall enter both:

{1.} A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

{2.} A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection B of this section.

The provisions of this code section requiring a probation officer to request a criminal restitution order apply to a probationer who moved from the probationer’s primary residence on or after July 20, 2011 without permission of the probation officer.

C. through I. [No changes]

J. Program Operations.

1. through 8. **[No changes]**

9. A.R.S. § 12-253(7) provides that adult probation officers shall “Bring defaulting probationers into court when in the probation officer’s judgment the conduct of the probationer justifies the court to revoke suspension of the sentence.”

- a. Adult probation officers shall make a documented effort to locate a defaulting probationer. If the probationer is not located within 90 days, the supervising probation officers shall file a petition to revoke probation, seek a criminal restitution order pursuant to A.R.S. § 13-805(A~~C~~)(1)(2), for a probationer who is an absconder as defined in A.R.S. § 13-105(1) and request that the court issue a warrant. The supervising probation officer may file the petition to revoke sooner based on the circumstances surrounding the case and the need for community protection.
- b. The probation department's efforts to locate the probationer shall continue until the probationer is apprehended.
- c. When a petition to revoke is filed prior to the expiration of 90 days, the probation officer shall seek a criminal restitution order upon the expiration of 90 days, pursuant to A.R.S. § 13-805(C)(1)(2), for a probationer who is an absconder as defined in A.R.S. § 13-105(1). The probation officer shall ensure any criminal restitution order is for monies not already ordered in a previous criminal restitution order.

10. through 12. [No changes]

K. through L. [No changes]