

## Justice Court Revenue Survey Updates for fiscal year 2017

(52<sup>nd</sup> Legislature – Second Regular Session)

The following table includes updates to the revenue survey for fiscal year 2017.

Bill Number, <del>Effective Date</del>	Description	Section, Line Number
<b>HB2103, CH 94</b> <i>EFF: 8/6/16</i>	<b>Domestic Violence Services Fund</b> Domestic Violence <u>Shelter</u> Fund is renamed Domestic Violence <u>Services</u> Fund. ZDVSF	Section 1, Line AB
<b>SB1256, CH 352</b> <i>EFF: 8/6/16</i>	<b>Technical Registration Fund</b> Removes the \$15 Drug Lab (ZTECH) fee on drug offenses. Any remaining fees collected should now be allocated to the State General Fund.	Section 1, Line X State Treasurer

Additional information regarding the bills can be found at  
<http://www.azcourts.gov/legislativeupdate/Home.aspx>.

Information regarding the automation impact of these bills can be found at  
<http://www.azcourts.gov/courtservices/AutomationServicesUnit.aspx>.

Please contact us if you have additional questions.

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602-452-3584

## JUSTICE COURT REVENUE SURVEY INSTRUCTIONS

### SECTION 1 DISTRIBUTION FROM FINES, SANCTIONS, MONETARY ASSESSMENTS, FORFEITURES

Report all fines, sanctions, monetary assessments, and forfeitures collected by your court in the appropriate revenue distribution categories described below.

Report actual collection amounts before FTG - the Fill the Gap Set Aside is reported separately between Sections 3 and 4. Line items with an asterisk (\*) will not be included in the FTG calculation.

- (A) DRUG/GANG ENFORCEMENT ACCOUNT: for violations of A.R.S. 13-34xx<sup>1</sup> (drug offenses), collected pursuant to A.R. S. 13-811 (C). (ZDECJ)
- (B) COMMUNITY PUNISHMENT PROGRAM: a judge may order an additional fine against an adult or juvenile offender for violations of A.R.S. 13-34xx (drug offenses). The minimum fine amounts are \$ 1,000 and \$2,000 for a first and second or subsequent offense, respectively and collected pursuant to A.R. S. 13821.(ZCPP)
- (C) HIGHWAY USER REVENUE FUND: for violations of A.R.S. 28-1099, 28-1100, 28-5437, and 28-5438(G) (excess carrier weight), minus the \$10 court fee if applicable, collected pursuant to A.R.S. 28-1101. The \$10 court fee is reported on line (T), "COUNTY GENERAL FUND". Also includes 80% of the fine for violations of A.R.S. 28-2533(C). The remaining 20% of the fine for violations of A.R.S. 28-2533(C) is remitted to the citing law enforcement agency and is reported on line (V). (ZHRF1, ZHRF3)
- (D) WILDLIFE THEFT PREVENTION FUND: for violations of A.R.S. 17-xxx (fish and game offenses), collected pursuant to A.R.S. 17-313(A). (ZGF)
- (E) ARSON DETECTION REWARD FUND: for violations of A.R.S. 13-17xx (arson), collected pursuant to A.R.S. 41-2167(D)1, 2.(ZADRF)
- (F) REGISTRAR OF CONTRACTORS: for violations of A.R.S. 32-11xx (license violations) collected pursuant to A.R.S. 32-1166(B). (ZRCA)

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<sup>1</sup> Throughout this document "xx" has been used to denote placeholders where multiple violations could apply.

- (G) PROTECTED NATIVE PLANT FUND/STATE GENERAL FUND: for violations of A.R.S. 3-9xx (agriculture and horticulture), collected pursuant to A.R.S. 3-913(C). (ZANP)
- (H) DANGEROUS PLANTS, PESTS AND DISEASES FUND: for violations A.R.S. 3-20x and 3-21x, collected pursuant to A.R.S. 3-214.01. (ZDPP)
- (I) LIVESTOCK ACCOUNT: for violations of A.R.S. 3-12xx through 3-17xx (livestock), collected pursuant to A.R.S. 3-1210. (ZLA)
- (J) CHILD PASSENGER RESTRAINT FUND: \$50 civil penalty for violations of A.R.S. 28-907 (child passenger restraint), collected pursuant to A.R.S. 28-907(C). (ZCPRF)
- (K) WATER QUALITY ASSURANCE FUND: for violations of A.R.S. 49-262 and 49-263 (discharging) prior to 7/20/1996, collected pursuant to A.R.S. 49-262(E) and 49-263(G). (ZWQAF)
- (L) DUI ABATEMENT FUND: Additional \$250 assessment on conviction of A.R.S. 28-1382 (Extreme DUI). Fund is established by A.R.S. 28-1304A. (ZDUIA)
- (M) EXTRA DUI ASSESSMENT: State General Fund, Additional \$500-\$1500 assessment for violations of A.R.S. 5-395.01, 5-396, 5-397, 28-1381, 28-1382, 28-8282, 28-8287. The amount assessed is based on whether the conviction is of a 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> or subsequent offense. (Effective Date: 8/12/2005)(ZGFUDU)
- (N) PRISON CONSTRUCTION AND OPERATIONS FUND: for violations of A.R.S. 5-395.01, 5-395.03, 5-396, 5-397, 28-1381, 28-1382, 28-8282, 28-8287. Collected pursuant to A.R.S. 41-1651. (ZPCOF)
- (O) PUBLIC SAFETY EQUIPMENT FUND: fund is established consisting of monies deposited in the fund pursuant to sections 5-395.01, 5-396, 5-397, 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287 and 28-8288. Collected pursuant to ARS 41-1723, Effective 9/26/08 (ZPSEF)
- (P) DPS PHOTO ENFORCEMENT FUND: the photo enforcement fund is established consisting of monies received from citations or notices of violation issued pursuant to A.R.S. 41-1722, Effective 9/26/08. (ZSPBF)
- (Q) ARIZONA CLEAN AIR FUND: for violations of A.R.S. 28-737(A) and A.R.S. 28-2416(G) collected pursuant to A.R.S. 41-1516. Effective July 18, 2000. (ZACAF)

- (R) STATE HIGHWAY FUND: For violations of A.R.S.28-710(B). Fund receives one-half of the special assessment. The assessment amount is the same amount as fine [A.R.S. 28-710(D)2; Established by A.R.S. 28-6991, A.R.S. 28-6993(F)]. (ZSHWY)
- (S) STATE HIGHWAY WORK ZONE SAFETY FUND: For violations of A.R.S. 28-710(B).Fund receives one-half of the special assessment. The assessment amount is same amount as fine [A.R.S. 28-710(D)1]. Established by A.R.S. 28710(C). (ZSHWZ)
- (T) COUNTY GENERAL FUND: for offenses not specified in (A) - (S), collected pursuant to A.R.S.13-811(A). This includes all fines for violations of county ordinances collected by Justice Courts and the \$10 court fee noted in (C) ["HIGHWAY USER REVENUE FUND"].(ZFINE,ZFORF,ZHRF2,ZASZ, ZFIF, ZFTPS,ZCAA2)
- (U) SUSPENDED/DISPLAY LICENSE PLATE: for violations of A.R.S. 28-4139 (A) (ZSLPC, ZSLPD, ZSLPS)
- (V) REGISTRATION VIOLATIONS, CITING AGENCY RECEIVES 20% OF THE FINES: (City Police, DPS, Sheriff's Office) A.R.S. 28-2533(C) (ZHRFC, ZHRFD, ZHRFS)
- (W) \*INCARCERATION/JAIL ASSESSMENT: Pursuant to A.R.S. 28-1444, A.R.S. 13-804.01, Local Ordinance (ZJF)
- (X) STATE TREASURER: State General Fund (ZSTAT, ZBULK, ZCAA1, ZHTVA, ZLEAB, ZTECH)
- (Y) PARKING VIOLATIONS: Local Ordinance, A.R.S. Title 28
- (Z) \$13 ADDITIONAL ASSESSMENT – CRIMINAL AND CIVIL TRAFFIC: Assessment Effective 7/20/11 per SB1398, Chapter 308 – Fines; Criminal & Civil Traffic; Assessment Effective 7/20/2011. \$8 allocated to State Treasurer, \$1 to County Treasurer and \$4 to Citing Agency. A.R.S. 12-116-04(B)(C)(D)
- (AA) [~~REPEALED, now allocated to State General Fund, Sec. 1 Line X] TECHNICAL REGISTRATION FUND—\$15 Additional Assessment on a violation of any Title 13, Chapter 34 (Drug) Offense. Assessment Effective August 2, 2012 per SB1438, Chapter 327. A.R.S. § 12-116.08. (ZTECH) Effective 8/6/2016~~
- (AB) DOMESTIC VIOLENCE SERVICES FUND: \$50 assessment for family offenses, harassment and stalking collected pursuant to A.R.S 12-116.01 effective 07/20/11. Fund established by A.R.S 36-3002. (ZDVSF)

- (AC) VICTIM RIGHTS ENFORCEMENT FUND: \$2 assessment for criminal offenses, all civil traffic offenses and all violations of game and fish statutes. Effective 01/01/15. (ZVREA)
- (AD, AE)\*OTHER DISTRIBUTIONS to be EXCLUDED from Fill the Gap Calculation: for any account not specified, please specify code and describe the account.
- (AF, AG)OTHER DISTRIBUTIONS to be INCLUDED in Fill the Gap Calculation: for any account not specified, please specify code and describe the account
- (AH) SUBTOTAL DISTRIBUTIONS FROM FINES: Subtotal Distributions from Fines, Etc.: Sum of (A) – (AG) above.

## SECTION 2 DISTRIBUTION FROM SURCHARGES

Report all surcharges collected by your court in the appropriate revenue distribution categories described below: (Contact the Court Services Division at 602-452-3358 for a copy of the Surcharge Guide.)

- (A) \*CLEAN ELECTIONS FUND: the 10% assessment on fines, sanctions, and forfeitures, collected pursuant to A.R.S. 16-954(C). Please note that the 10% assessment applies to violations occurring on and after February 17, 1999. (ZCEF)
- (B) \*CLEAN ELECTIONS FUND FROM DPS PHOTO ENFORCEMENT: the 10% assessment on fines, sanctions, and forfeitures, collected pursuant to A.R.S. 411722. Effective 9/26/08. (ZSPCE)
- (C) CRIMINAL JUSTICE ENHANCEMENT FUND: the 46% or 47% assessment on fines, sanctions, and forfeitures, collected pursuant to A.R.S. 12-116.01. Please note that the 47% assessment applies to violations occurring on and after September 1, 1996. (ZCJEF)
- (D) MEDICAL SERVICES ENHANCEMENT FUND: the 11% or 13% assessment on fines, sanctions, and forfeitures, collected pursuant to A.R.S. 12-116.02. Please note that the 13% assessment applies to violations occurring on and after September 1, 1995. (ZMSEF)
- (E) FILL THE GAP SURCHARGE: the 7% assessment collected pursuant to A.R.S. 12-116.01 (B). Please note that the 7% assessment applies to violations occurring on and after September 1, 1999. (ZFTGS)
- (F) PROBATION SURCHARGE: \$10 or \$20 amount “levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty and

forfeiture for a violation of the motor vehicle statutes, for a violation of any local ordinance relating to the stopping, standing or operation of a vehicle (except parking violations), or for violation of the game and fish statutes in Title 17." [12114.01] (\$5 Effective 08/22/2002, \$10 Effective 09/21/2006, \$20 effective in Maricopa County only on 7/1/2008.) (ZPRSU)

(G) DNA STATE 7% SURCHARGE (6% Effective 1/1/2012): Originally a 3% surcharge, and currently, a 7% surcharge "levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty and forfeiture for a violation of the motor vehicle statutes, for a violation of any local ordinance relating to the stopping, standing or operation of a vehicle, or for violation of the game and fish statutes in Title 17." The DNA Surcharge will be reduced to 6% effective 1/1/12. (7% effective 09/19/2007) Funds go to Arizona Deoxyribonucleic Acid Identification System Fund established by 41-2419. (ZDNAS)

(H, I) \*OTHER SURCHARGES to be EXCLUDED from the Fill the Gap Calculation: for any account not specified in (A) - (G). Write the names of those accounts and their amounts on the lines provided.

(J, K) OTHER SURCHARGES to be INCLUDED in the Fill the Gap Calculation: for any account not specified in (A) - (G). Write the names of those accounts and their amounts on the lines provided.

(L) SUBTOTAL DISTRIBUTIONS FROM SURCHARGES: Subtotal distributions from surcharges, (A) – (K) above.

### **SECTION 3 DISTRIBUTION FROM FEES**

Report all fees collected by your court in the appropriate revenue distribution categories described below:

(A) STATE ALTERNATIVE DISPUTE RESOLUTION FUND: 1.84% of filing, appearance, and clerk fees distributed for counties with over 500,000 population (Maricopa and Pima counties). 2.05% of filing, appearance, and clerk fees distributed for all other counties pursuant to A.R.S. 22-281(C). Established by A.R.S. 12-135. (ZADR)

(B) LOCAL ALTERNATIVE DISPUTE RESOLUTION FEE: A fee for alternative dispute resolution (ADR) services may be established pursuant to A.R.S. 12 134(B) and deposited in a local ADR fund pursuant to A.R.S. 12-135.01. (ZADRC)

**STATE JUDICIAL COLLECTION ENHANCEMENT FUND (A.R.S. 12-113):**

- (C) **FILING FEES:** 14.02% of filing, appearance, and clerk fees distributed for counties with over 500,000 population (Maricopa and Pima counties). 15.58% of filing, appearance, and clerk fees distributed for all other counties pursuant to A.R.S. 22-281(C)1. (ZJCSF)
- (D) **\*TIME PAYMENTS:** \$11 portion submitted to JCEF and \$2 portion submitted to PDTF collected pursuant to A.R.S. 12-116(A). Please note that the \$20 time-payment assessment applies to cases with sentencing dates occurring on or after January 1, 1998. (ZJCS)
- (E) **\*LOCAL JUDICIAL COLLECTION ENHANCEMENT FUND:** Includes the \$7 local portion of the time payment fee, collected pursuant to A.R.S. 12-116(A). Please note that the \$20 time-payment assessment applies to cases with sentencing dates occurring on or after January 1, 1998. (ZJCL)
- (F) **LOCAL JUDICIAL COLLECTION ENHANCEMENT FUND:** 6.13% of filing, appearance, and clerk fees distributed for counties with over 500,000 population (Maricopa and Pima counties). 6.81% of filing, appearance, and clerk fees distributed for all other counties pursuant to ARS 22-281(D), ARS 12-116. (ZJCLF)
- (G) **ELECTED OFFICIALS AND JUDGES RETIREMENT FUND:** 23.79% of filing, appearance, and clerk fees distributed for counties with over 500,000 population (Maricopa and Pima counties). 15.3% of filing, appearance, and clerk fees distributed for all other counties pursuant to A.R.S. 22-281.03. (ZEORF)
- (H) **JUVENILE VICTIM'S RIGHTS FEE:** Up to a \$25 fee to be assessed the parent of a juvenile adjudicated delinquent for offenses involving a victim, based on the ability to pay, and collected pursuant to A.R.S. 8-418 (ZVRIF)
- (I) **ELECTRONIC FILING AND ACCESS FEE:** Pursuant to A.R.S. 22-284 (ZELEC)
- (J) **\*FARE SPECIAL COLLECTIONS FEE:** Fines/Fees and Restitution Enforcement Program (F.A.R.E.) special collections Fee: Supreme Court Administrative Order 2003-126. (ZFAR1)
- (K) **\*FARE DELINQUENCY FEE:** Fines/Fees and Restitution Enforcement Program (F.A.R.E) Delinquency Fee: Supreme Court Administrative Order 2003-126. (ZFAR2)

- (L) \*FARE GENERAL SERVICES FEE: Fines/Fees and Restitution Enforcement Program (F.A.R.E) General Services Fee: Supreme Court Administrative Order 2003-126. (nonAZTEC)
- (M) \*FARE INSTALLMENT PAYMENT PLAN FEE: Fines/Fees and Restitution Enforcement Program (F.A.R.E) Installment Payment Plan Fee-Local Court Option. Supreme Court Administrative Order 2003-126. (non AZTEC)

**COUNTY GENERAL FUND DISTRIBUTIONS FROM:**

- (N) CIVIL FILING/APPEARANCE FEES: 54.22% of filing, appearance, and clerk fees distributed for counties with over 500,000 population (Maricopa and Pima counties). 60.26% of filing, appearance, and clerk fees distributed for all other counties pursuant to ARS 22-281(C). (ZFEE, ZMISC)
- (O) \*INDIGENT DEFENSE FEES: CR RULE 6.7; (C)(D), ARS 11-584(B). (ZPUBZ, ZATT, ZATTO)
- (P) DEFENSIVE DRIVING DIVERSION FEE: Fund established by A.R.S. 28-3398 and collected pursuant to A.R.S. 28-3397. (ZDDS)
- (Q) ALL OTHER COUNTY GENERAL FUND FEES: All other County General Fund fees no specified in (A)-(P) above and not listed below. A.R.S. 22-281(A). (ZEXT,ZJURY,ZLCL, ZOVER,ZMHEX,ZMHIC,ZSSN,ZTATT)
- (R) \*LOCAL PROSECUTION/ATTORNEY FEE: Local Ordinance
- (S) LOCAL COURT ENHANCEMENT/AUTOMATION/TECHNOLOGY/CASE MANAGEMENT/USER FEE: Local Ordinance
- (T) COURT DIVERSION/DEFERRED PROSECUTION FEE:
- (U) \*NON-FARE REVENUE COLLECTION/RECOVERY FEE: Local Ordinance
- (V) DEFAULT/WARRANT FEE:
- (W) ADMINISTRATIVE/SCREENING FEE:
- (X) \*CONSTABLE FEES: and Other Process Serving Services pursuant to A.R.S. 11-445.
- (Y) \*LABORATORY SERVICES:
- (Z) \*ELECTRONIC MONITORING SERVICES:

(AA) \*BANKING SERVICES:

(AB) \*EXTRADITION SERVICES:

(AC) \*TREATMENT PROVIDER SERVICES: (ZIAFF)

(AD) PASSPORT FEES (FEDERAL): authorized by Title 22, Part 51, Subpart 51.22 of the Code of Federal Regulations.

(AE) \*DPS LOCAL PHOTO ENFORCEMENT FEE:

(AF-AG)\*OTHER DISTRIBUTIONS: to be EXCLUDED from the fill the gap calculation: for any account not specified above, please include code and description of account.

(AH-AI)OTHER DISTRIBUTIONS: to be INCLUDED in the fill the gap calculation: for any account not specified above, please include code and description of account.

(AJ) SUBTOTAL DISTRIBUTION FROM FEES: Sum of (A) – (AI) above.

(AK) FILL THE GAP 5% SET ASIDE: The 5% set aside amount will be automatically calculated based on the revenue amounts entered in qualifying line items. **FTG 5% Calculation**= (Section 1 Total (Line AH), Less Lines: W, AD and AE)+(Section 2 Total (Line L), Less lines: A, B, H and D)+(Section 3 Total (Line AJ), Less Lines: D,E, J-M, O, R, U, X-AC, AE, AF, AG)

#### **SECTION 4 DISTRIBUTION FROM OTHER REVENUE**

Report all other revenue collected by your court in the appropriate revenue distribution categories described below:

##### **STATE GENERAL FUND DISTRIBUTIONS FROM:**

(A) ESCHEAT OF UNCLAIMED MONIES: unclaimed monies previously deposited in trust with your court which reverted to the state, pursuant to A.R.S. 12-941(C).

(B) SALE OF UNCLAIMED PROPERTY: monies collected for the state from auctions of unclaimed property held by your court, pursuant to A.R.S. 12-885(B) and 12-945(B).

##### **CITY GENERAL FUND DISTRIBUTIONS FROM:**

(C) ESCHEAT/REVERSION OF UNCLAIMED MONIES: unclaimed monies previously deposited in trust with your court which reverted to the court, pursuant to A.R.S. 12-941(C).

- (D) **SALE OF UNCLAIMED PROPERTY:** monies collected for the court from auctions of unclaimed property held by your court, pursuant to A.R.S. 12-945(B).
- (E-H) **OTHER DISTRIBUTIONS:** for any account not specified in Sections 1 - 3 or in (A) – (D) above.
- (I) **SUBTOTAL REVENUE DISTRIBUTIONS:** Subtotal Revenue Distribution from Distributions, (A) – (H) above.

**GRAND TOTAL OF SECTIONS 1-4**

- (A) **GRAND TOTAL:** Total Revenue Distributions from Section 1-4.

**SECTION 5 TRUST MONIES COLLECTED**

Report all trust monies deposited with your court in the appropriate trust categories described below.

"Trust" monies are funds, defined by A.R.S. 12-286(F), which are held by the court for safekeeping and later distribution.

- (A) **BAIL BONDS:** bail bond monies collected by your court and deposited for later refund or forfeiture. [Monies actually forfeited are reported in Section 1, (T) with other general fund penalty monies.] (ZBND)
- (B) **RESTITUTION PAYMENTS:** restitution monies collected by your court from adult and juvenile offenders for later distribution to injured parties. (ZREST)
- (C-E) **OTHER TRUSTS:** other trust monies defined by A.R.S. 12-286(F) and not specified in (A) & (B) above. (ZOT)
- (F) **TOTAL TRUST MONIES COLLECTED:** the sum of the amounts entered in (A) - (E) above.