

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION §5-102:)	Administrative Order
JUDICIAL COLLECTION)	<u>No. 2004-93</u>
ENHANCEMENT)	(Affecting Administrative
_____)	Order 2001-81)

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 14, 2004 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 §5-102 is amended as indicated on the attached document. All other provisions of §5-102, as originally adopted, remain unchanged and in effect.

Dated this 10th day of November, 2004.

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 1: Funding
Section 5-102: Judicial Collection Enhancement

A. Definitions.

“LOCAL JCEF” MEANS LOCALLY RETAINED MONIES COLLECTED PURSUANT TO A.R.S. §§ 12-116(B), 12-284.03(B), 22-281(D) AND 22-404(D)

“STATE JCEF” MEANS MONIES DEPOSITED IN THE FUND PURSUANT TO A.R.S. § 12-113(A)(1-3).

B. Purpose. The Judicial Collection Enhancement Fund is established in A.R.S. § 12-113 et seq. to improve the administration of justice by enhancing the enforcement of court orders. State and local JCEF funds shall be used to train court personnel, improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts including restitution, child support, fines and civil penalties; and to improve court automation projects likely to improve case processing or the administration of justice.

C. Administration.

1. The administrative office shall oversee JCEF. The administrative director, or designee, shall establish timetables, policies, procedures, forms and reports necessary to administer the program ~~and govern the use of local and state JCEF monies.~~
2. The administrative director ~~may~~ SHALL prepare fiscal projections and create a budget based on those projections ~~for~~ AND MAKE ALLOCATION RECOMMENDATIONS TO THE ARIZONA JUDICIAL COUNCIL (AJC). ~~for the purpose of administering.~~
3. THE AJC SHALL REVIEW AND MAY APPROVE THE ADMINISTRATIVE DIRECTOR’S ALLOCATION RECOMMENDATIONS OF STATE JCEF PURSUANT TO A.R.S. § 12-113(C).
4. The administrative director shall ~~allocate and~~ expend projected funds ~~pursuant to A.R.S. § 12-113(C)~~ each fiscal year for administration and ~~authorized~~ projects ACCORDING TO THE ALLOCATION RECOMMENDATIONS APPROVED BY THE AJC.
5. The administrative director ~~is authorized to~~ MAY monitor court compliance with collection and submission of JCEF surcharges and fees.
6. The administrative director may audit court compliance with the approved project plan, with its signed funding agreement or any other circumstances requiring such action.
7. The administrative director shall submit an annual report BY JANUARY 8TH OF EACH YEAR to the legislature and the governor PURSUANT to A.R.S. § 12-113(D) detailing

the money collected and expended and progress made in improving the ability of courts to collect monies. ~~The administrative director shall submit the report by January 31 8 of each year.~~

8. The administrative director may conduct seminars and educational sessions and provide assistance to judges, court staff, and other public agencies regarding the purpose and operation of JCEF programs.

D. General Provisions for STATE JCEF Funding.

1. Courts shall submit an application FOR STATE JCEF PROJECTS to the administrative office on forms provided by the administrative office AND IN COMPLIANCE WITH ~~the administrative office shall develop and distribute~~ procedures and schedules for submission of applications.
2. THE COMMISSION ON TECHNOLOGY (COT) SHALL REVIEW AND MAY APPROVE REQUESTS FOR TECHNOLOGY PROJECTS TO BE FUNDED WITH STATE JCEF MONIES.
3. THE ADMINISTRATIVE DIRECTOR SHALL REVIEW AND MAY APPROVE ALL REQUESTS FOR NON-COURT TECHNOLOGY STATE JCEF PROJECTS IN ACCORDANCE WITH AJC'S APPROVED ALLOCATION PLAN.
4. Courts shall sign funding agreements prepared by the administrative office in order to receive state JCEF ~~grants~~ MONIES.
- ~~5. JCEF funds typically cover a one year period, however, the administrative office may award on a multi year basis. Courts shall follow JCEF program guidelines and meet project objectives as stated in their application to receive continued funding following the first year award.~~
5. A court shall deposit all state JCEF GRANT MONIES ~~funds~~ received FROM THE ADMINISTRATIVE OFFICE to an account with the city or county treasurer. A court or its funding authority shall account for state JCEF separately from other funds.
- ~~6. A court or its funding authority shall account for local JCEF separately from other funds.~~
6. A court or its funding authority shall account for interest earned on state JCEF GRANT AWARDS separately AND ~~A court~~ shall request authorization AND APPROVAL FROM THE ADMINISTRATIVE OFFICE to use SPEND interest earned ~~and cannot spend this money without written approval from the administrative office.~~ The court shall revert the interest if the administrative office does not grant permission.

E. GENERAL PROVISIONS FOR LOCAL JCEF

1. COURTS SHALL SUBMIT AN APPLICATION FOR LOCAL JCEF REQUESTS

EXCEEDING \$2,500 TO THE ADMINISTRATIVE OFFICE ON FORMS PROVIDED BY THE ADMINISTRATIVE OFFICE AND IN COMPLIANCE WITH ADMINISTRATIVE OFFICE PROCEDURES.

2. THE APPLICATION FOR LOCAL JCEF REQUESTS SHALL BE SIGNED BY THE PRESIDING JUDGE OF THE LIMITED JURISDICTION COURT AND THE PRESIDING JUDGE OF THE COUNTY FOR LIMITED JURISDICTION COURT APPLICATIONS.
3. THE APPLICATION FOR LOCAL JCEF REQUESTS SHALL BE SIGNED BY THE CLERK OF THE SUPERIOR COURT AND THE PRESIDING JUDGE OF THE COUNTY FOR SUPERIOR COURT APPLICATIONS. THE SUPERIOR COURT OR CLERK OF SUPERIOR COURT SHALL SUBMIT THE APPLICATION TO THE ADMINISTRATIVE DIRECTOR FOR APPROVAL WHEN THE PRESIDING JUDGE AND CLERK OF THE SUPERIOR COURT DO NOT AGREE ON A PROJECT.
4. COT SHALL REVIEW AND MAY APPROVE LOCAL JCEF COURT TECHNOLOGY PROJECTS EXCEEDING \$250,000.
5. THE ADMINISTRATIVE DIRECTOR SHALL REVIEW AND MAY APPROVE ALL REQUESTS FOR LOCAL JCEF PROJECTS EXCEEDING \$2,500. THE COURT MAY PROCEED WITHOUT APPROVAL OF THE ADMINISTRATIVE DIRECTOR IF THE PROJECT, INCLUDING THE PROPOSED BUDGET, IS DESCRIBED IN THE INFORMATION TECHNOLOGY STRATEGIC PLAN AND IS APPROVED BY COT.
6. THE COURT SHALL RETAIN ALL SPENDING PLANS FOR LOCAL JCEF REQUESTS UNDER \$2,500 WITH EXPENDITURE DOCUMENTATION.
7. THE COURT SHALL ACCOUNT FOR LOCAL JCEF SEPARATELY FROM OTHER FUNDS.
8. THE ADMINISTRATIVE OFFICE MAY AUDIT LOCAL JCEF ACCOUNTS AND EXPENDITURES.

F. GENERAL PROVISIONS FOR JCEF REPORTING. COURTS EXPENDING STATE JCEF MONIES SHALL SUBMIT AN ANNUAL REPORT BY AUGUST 30TH OF EACH YEAR FOR COMPLIANCE WITH A.R.S. § 12-116(B). COURTS SHALL DETAIL ALL GRANT-FUNDED EXPENDITURES AND PROGRESS MADE IN IMPROVING THE COURT'S ABILITY TO COLLECT MONIES DURING THE PRIOR FISCAL YEAR.

E-G. General Provisions for JCEF Receipts.

1. By the fifteenth day of each month following the month in which the money is collected, county and city treasurers shall submit to the state treasurer state JCEF money collected by the superior court, justice of the peace courts and municipal courts.
2. By the fifteenth day of each month following the month in which the money is collected,

the supreme court and court of appeals shall submit to the state treasurer state JCEF money they collected.

3. The court or funding authority shall not use JCEF funds to pay county or city administrative costs for services associated with receipt of those funds. Administrative costs include but are not limited to:
 - Accounting
 - Payroll
 - Data processing
 - Purchasing
 - Personnel
 - Building use
4. The court shall use equipment purchased with JCEF funds solely for the purposes specified in the approved plan unless the administrative office provides written permission.