

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AMENDING ARIZONA CODE OF)
JUDICIAL ADMINISTRATION §§ 6-105:)
POWERS AND DUTIES OF OFFICERS;)
6-201: STANDARD PROBATION; 6-202:)
ADULT INTENSIVE PROBATION; 6-204:)
INTERSTATE COMPACT PROBATION;)
6-301: JUVENILE STANDARD)
PROBATION; 6-302: JUVENILE)
INTENSIVE PROBATION)
SUPERVISION)
_____)

Administrative Order
No. 2007- 86
(Affecting Administrative
Orders Nos. 2006-13, 2005-82,
2005-83, 2005-84, 2006-100,
2006-101)

On January 1, 2008, the enactment of A.R.S. § 23-212 will directly impact the probation programs in the State of Arizona. A.R.S. § 23-212 places sanctions on Arizona employers who knowingly employ undocumented alien workers. In order to act consistently with A.R.S. § 23-212 and federal law, any probation requirement concerning employment must be limited to those who are legally authorized to work in the United States. To implement this policy, the Arizona Judicial Council (AJC) approved amendments to the above-captioned Arizona Code of Judicial Administration (ACJA) sections. Also, Protocols are necessary to effect changes in probation department practices.

ACJA § 6-105 also includes a technical change required by SB 1268, i.e., “Monitor the payment of restitution.”

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

IT IS ORDERED that Arizona Code of Judicial Administration §§ 6-105, 6-201, 6-202, 6-204, 6-301 and 6-302 are amended as indicated on the attached document. All other provisions of these sections as amended, remain unchanged and in effect.

IT IS FURTHER ORDERED that the effective date of these amendments shall be January 1, 2008.

IT IS FURTHER ORDERED that the Administrative Director shall adopt such Protocols as are necessary to implement statewide standards regarding confirming legal employment eligibility for foreign born probationers.

Dated this 29th day of November, 2007.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

§ 6-105: Powers and Duties of Officers is amended as follows:

Subsection (E)(2)(h):

h. Monitor the payment of restitution.

Subsection (E)(3)(j):

j. Assist those juveniles authorized to work in the United States who are seeking employment and closely monitor employment of probationers.

§ 6-201: Standard Probation is amended as follows:

Subsection (K)(3)(b):

b. Employment verification as necessary or employment search verification once per week, if probationer is authorized to work in the United States;

Subsection (K)(4)(b):

b. Employment verification as necessary or employment search verification ~~weekly~~ once per week, if probationer is authorized to work in the United States;

Subsection (K)(5)(b):

b. Employment verification as necessary or employment search verification ~~weekly~~ once per week, if probationer is authorized to work in the United States;

§ 6-202: Adult Intensive Probation is amended as follows:

Subsection (H)(5)(h – j):

h. Performance of community restitution hours; ~~and~~

i. The offender's legal eligibility to work in the United States; and

j. Any other factors determined appropriate to the ends of justice and the safety of the community.

§ 6-204: Interstate Compact Probation is amended as follows:

Subsection (P)(3)(b):

- b. Employment verification as necessary or employment search verification once per week, if probationer is authorized to work in the United States;

Subsection (P)(4):

- ~~34~~. The medium probation supervision level shall include:

Subsection (P)(4)(b):

- b. Employment verification as necessary or employment search verification ~~weekly~~ once per week, if probationer is authorized to work in the United States;

Subsection (P)(5):

- ~~45~~. The minimum probation supervision level shall include:

Subsection (P)(5)(b):

- b. Employment verification as necessary or employment search verification ~~weekly~~ once per week, if probationer is authorized to work in the United States;

Subsection (P)(6):

- ~~56~~. Waiver of Minimum Supervision Requirements.

§ 6-301: Juvenile Standard Probation is amended as follows:

Subsection (K)(3):

3. Employment contact and verification if necessary, and

Subsection (L)(3)(c):

- c. Employment contact and verification as necessary, if probationer is authorized to work in the United States,

§ 6-302: Juvenile Intensive Probation Supervision is amended as follows:

Subsection (M)(2)(c)(1):

- (1) Assisting juveniles seeking employment and closely monitoring employment of juveniles if the juveniles are authorized to work in the United States;