

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHING AND CHARGING A) Administrative Order
FEE TO EACH LOCAL PROBATION) No. 2008 - 73
FEES ACCOUNT TO COVER THE)
COST OF GLOBAL POSITION)
SYSTEM MONITORING DEVICES)
_____)

Administrative Order No 2006-90 requires the Administrative Director of the Courts to adopt Policies and Procedures that are necessary to implement a statewide Global Position System (GPS) monitoring program.

On June 27, 2007, the Administrative Director adopted the Policies and Procedures for Statewide Global Position System Monitoring Program through Administrative Directive No. 2007-02.

A.R.S. §12-267(G) provides that “the administrative office of the courts shall periodically charge each local probation fees account an amount established annually by the supreme court to cover a proportional share of the cost of monitoring devices required pursuant to section 13-902, subsection G, consistent with guidelines established to implement section 13-902, subsection G”.

A.R.S. §13-902(G) provides that “after conviction of a dangerous crime against children as defined in section 13-604.01, if a term of probation is imposed, the court shall require global position system monitoring for the duration of the term of probation. The court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to section 12-267, subsection A, paragraph 3”.

A.R.S. §12-267(G) requires the administrative office of the courts to periodically charge each probation fees account an amount established annually by the supreme court. In order to implement A.R.S. §12-267(G) and A.R.S. §13-902(G), the court shall annually establish an amount to cover a proportional share of the cost of monitoring devices.

A.R.S. §12-113 establishes the Judicial Collection Enhancement Fund (JCEF). JCEF is a revenue fund consisting of fees for various court services and surcharges on penalty assessments.

A.R.S. §12-114.01 establishes the probation surcharge revenues that are deposited in the Judicial Collection Enhancement Fund (JCEF) pursuant to A.R.S. §12-114.01(B). This revenue has been identified as the source to subsidize the cost of the GPS monitoring devices for the adult probation departments subject to the availability of funds.

A.R.S. §12-269(C), provides that Maricopa County shall levy a probation surcharge.

A.R.S. §12-269(D) provides that Maricopa County's probation surcharge shall be deposited in the adult probation services fund.

The general fund appropriation received for the GPS program is only sufficient to cover the cost of the monitoring analysts at the current level of staffing.

Therefore, on September 12, 2008, the Arizona Supreme Court met to establish the amount required by A.R.S. §12-267(G). The court determined that the Administrative Office of the Courts (AOC) will charge one hundred percent (100%) of the cost of the GPS monitoring devices to the probation fees account of the fifteen adult probation departments on a quarterly basis. The AOC will retain on behalf of the adult probation departments contributing to the JCEF probation surcharge revenues a subsidy of up to fifty percent (50%) of the cost described above. Maricopa County does not contribute to the JCEF probation surcharge revenues pursuant to A.R.S. §12-269 (C) and (D). Maricopa County may choose to use the probation surcharge levied pursuant to A.R.S. §12-269(C) to subsidize the cost of the monitoring devices.

Based on the foregoing, the amount established is one hundred percent (100%) of the cost of the GPS monitoring devices for all counties.

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

IT IS ORDERED that the Administrative Director of the Courts shall adopt guidelines that are necessary to charge all local probation fees accounts one hundred percent of the cost of the GPS monitoring devices.

IT IS FURTHER ORDERED that the Administrative Director of the Courts shall retain on behalf of the adult probation departments contributing to the state JCEF probation surcharge revenues a subsidy of up to fifty percent of the monitoring devices cost. This subsidy shall apply to all local probation departments contributing to the probation surcharge revenues and is subject to the availability of JCEF probation surcharge revenue funds.

IT IS FURTHER ORDERED that each local probation department shall cover the cost of monitoring devices from the adult probation fees account.

Dated this 12th day of September, 2008.

RUTH V. MCGREGOR
Chief Justice