

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 6-209:)	<u>No. 2009 - 75</u>
ADULT PROBATION SERVICES TO)	
LIMITED JURISDICTION COURTS)	
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The above captioned provision having come before the Arizona Judicial Council on June 17, 2009, and having been approved and recommended for adoption,

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

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 8th day of July, 2009.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-209: Adult Probation Services to Limited Jurisdiction Courts

A. Definitions. In this section the following definitions apply:

“Administrative director” means both the administrative director of the Administrative Office of the Courts and the director’s designee.

“AOC” means Arizona Supreme Court, Administrative Office of the Courts.

“Court” means the superior court.

“Limited jurisdiction court” means any justice of the peace, city municipal court, magistrate or police court within the State of Arizona.

“Standardized assessment” means the state-approved tool to determine the offender’s needs related to criminogenic behavior and propensity to re-offend.

“Standardized reassessment” means the state-approved tool designed to measure changes in the offender’s needs related to criminogenic behavior and propensity to re-offend.

B. Applicability. Pursuant to Az. Const. Art. 6, § 3 and A.R.S. §§ 12-251 and 13-901, the following procedures are adopted to govern the placement of persons on supervised probation by a court of limited jurisdiction.

C. Purpose. To define what probation services are provided by the court to limited jurisdiction courts and to define funding sources for those services.

D. Eligibility. A.R.S. § 12-251(A) provides:

“ . . . Presentence investigations and probation services may be provided to the justice courts in each county for persons who are convicted of violating § 28-1381 or 28-1382 or title 13, chapter 14, 35.1 or 36 and who are placed on supervised probation by the court. Presentence investigations and supervised probation services may be provided by a county probation office to a municipal court through an intergovernmental agreement entered into by the respective county and municipality. On approval of the presiding judge and in accordance with policies and procedures developed by the supreme court, the presiding judge of the superior court may direct that presentence investigations and supervised probation services be provided for other persons if a risk of violence exists or if it would be in the best interest of justice . . . ”

E. Agreements. Courts providing probation services to limited jurisdiction courts shall have a written agreement specifying services provided and the costs charged for those services. Probation departments providing presentence investigations or supervised probation services to offenders sentenced in a court of limited jurisdiction shall identify how those services are funded, and if funded from a source other than the state, shall exclude those cases from the monthly statistical reports provided to the AOC, either through paper or automated submission.

F. Supervision Services.

1. A court of limited jurisdiction, when placing an individual on supervised probation with a court probation department, shall do so using the Uniform Conditions of Supervised Probation document as outlined in ACJA § 6-207.
2. Court probation departments providing supervision services to limited jurisdiction courts shall supervise those offenders in accordance with ACJA § 6-201 or ACJA § 6-201.01.
3. Probation departments shall administer a standardized assessment and reassessment if required in all cases where the court of limited jurisdiction has ordered a presentence investigation. Probation departments shall use the standardized assessment for the purposes specified in ACJA § 6-201(J)(4)(a) or ACJA § 6-201.01(J)(5)(a). In addition, the standardized assessment shall be used to:
 - a. offer a sentencing recommendation to the court,
 - b. recommend conditions of probation, and
 - c. identify treatment or other intervention needs.

G. Monthly Probation Service Fee.

1. A.R.S. § 13-901(A) provides:

. . . When granting probation to an adult the court, as a condition of probation, shall assess a monthly fee of not less than sixty-five dollars unless, after determining the inability of the probationer to pay the fee, the court assesses a lesser fee. In justice and municipal courts the fee shall only be assessed when the person is placed on supervised probation. For persons placed on probation in the superior court, the fee shall be paid to the clerk of the superior court and the clerk of the court shall pay all monies collected from this fee to the county treasurer for deposit in the adult probation services fund established by § 12-267. For persons placed on supervised probation in the justice court, the fee shall be paid to the justice court and the justice court shall transmit all of the monies to the county treasurer for deposit in the adult probation services fund established by § 12-267. For persons placed on supervised probation in the

municipal court, the fee shall be paid to the municipal court. The municipal court shall transmit all of the monies to the city treasurer who shall transmit the monies to the county treasurer for deposit in the adult probation services fund established by § 12-267. Any amount assessed pursuant to this subsection shall be used to supplement monies used for the salaries of adult probation and surveillance officers and for support of programs and services of the superior court adult probation departments.

2. Expenditure of probation service fees collected from probationers sentenced in a court of limited jurisdiction shall conform to the requirements outlined in ACJA § 6-206.

H. Length of Supervision. The length of supervision of a person sentenced in a court of limited jurisdiction shall be in accordance with A.R.S. § 13-902 which provides:

A. Unless terminated sooner, probation may continue for the following periods:

...

5. For a class 1 misdemeanor, three years.

6. For a class 2 misdemeanor, two years.

7. For a class 3 misdemeanor, one year.

B. Notwithstanding subsection A of this section, unless terminated sooner, probation may continue for the following periods:

1. For a violation of § 28-1381 or 28-1382, five years.

2. For a violation of § 28-1383, ten years.

C. When the court has required, as a condition of probation, that the defendant make restitution for any economic loss related to the defendant's offense and that condition has not been satisfied, the court at any time before the termination or expiration of probation may extend the period within the following limits:

...

2. For a misdemeanor, not more than two years.

D. Notwithstanding any other provision of law, justice courts and municipal courts may impose the probation periods specified in subsection A, paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section. . . .

I. Program Plan and Financial Management.

1. Program plan and financial management shall conform to the requirements outlined in ACJA § 6-201(F)(1-18) or ACJA § 6-201.01(F)(1-18).

2. AOC shall adopt administrative practices and procedures and prepare additional written materials setting forth various techniques, practices, and procedures as may be necessary and expedient for the AOC's administration of supervision services to limited jurisdiction courts. Such written materials shall be distributed to appropriate limited jurisdiction judges and probation personnel as required.
3. The probation department providing supervision services to offenders convicted in a limited jurisdiction court of violations specified in A.R.S. § 12-251(A) shall maintain case data statistics as required by the AOC.