

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
IMPLEMENTING ELECTRONIC) Administrative Order
MONITORING PURSUANT TO) No. 2009 - 86
A.R.S. § 13-902(G))
)
)
_____)

In the First Regular Session of the Forty-Ninth Legislature (2009), the Legislature passed SB 1011 modifying A.R.S. § 13-902(G), which was signed by the governor on July 13, 2009.

A.R.S. § 13-902(G) provides that “After conviction of a dangerous crime against children as defined in § 13-705, if a term of probation is imposed, the person is required to register pursuant to § 13-3821 and the person is classified as a level three offender pursuant to §§ 13-3825 and 13-3826, the court shall require global position system or electronic 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 § 12-267, subsection A, paragraph 3. This subsection does not preclude global position system or electronic monitoring of any other person who is serving a term of probation.”

The Arizona Superior Court, through its adult probation department in each county, is responsible for providing supervision services to adults sentenced to probation in the State of Arizona.

To implement this new law, it is necessary to establish an approval process for the adult probation departments to meet in order to utilize electronic monitoring devices for an offender convicted of a dangerous crime against children as defined in § 13-705, if a term of probation is imposed, the person is required to register pursuant to § 13-3821 and the person is classified as a level three offender pursuant to §§ 13-3825 and 13-3826.

Electronic monitoring requires procurement of vendors and equipment, provision of officer training, and development of policies and procedures governing electronic monitoring. As a consequence, it is necessary to establish statewide criteria to meet before obtaining authorization from the Administrative Director, Administrative Office of the Courts, (Administrative Director) to implement electronic monitoring. The option of imposing electronic monitoring shall not be exercised until procurement of vendors and equipment, provision of officer training, and development of policies and procedures are in place, and the Administrative Director has approved the plan and request submitted by the presiding judge.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,
IT IS ORDERED that the Administrative Director shall adopt such approval process that is

necessary to implement electronic monitoring and approve a plan and request from each presiding judge of the superior court that meets the established criteria.

Dated this 26th day of August, 2009.

REBECCA WHITE BERCH
Chief Justice