

FILED
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NOEL K. DESSAINT
CLERK SUPREME COURT
By [Signature]

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHING GUIDELINES) Administrative Order
FOR PROGRAMS TO REDUCE) No. 97-57
OUTSTANDING CIVIL) (Rescinding Administrative
TRAFFIC PENALTIES) Order 91-32)
_____)

Pursuant to A.R.S. § 28-1601, the Supreme Court shall adopt rules of procedure for programs aimed at reducing the amount of outstanding civil traffic penalties and surcharges. Administrative Order No. 91-32, entered October 31, 1991, Adopting Guidelines for Programs to Reduce Outstanding Civil Traffic Sanctions, requires revision to clarify program guidelines.

IT IS ORDERED that the attached revised Guidelines for Programs to Reduce Outstanding Civil Traffic Penalties be approved and replace those adopted by Administrative Order No. 91-32; and

IT IS FURTHER ORDERED that this Administrative Order shall be effective upon entry and that Administrative Order No. 91-32 be rescinded.

Dated this 14th day of November, 1997.

THOMAS A. ZLAKET
Chief Justice

GUIDELINES FOR PROGRAMS TO REDUCE OUTSTANDING CIVIL TRAFFIC PENALTIES

I. PROGRAM GUIDELINES

The presiding judge of any court may periodically conduct a program for the purpose of reducing the amount of outstanding civil penalties and surcharges with the prior approval of the Supreme Court.

A. Programs must meet all the following criteria:

1. The purpose of the proposed program is to reduce outstanding civil traffic penalties and surcharges which are at least twelve months delinquent.
2. The proposed program may reduce the outstanding amounts due from individuals by up to 50 percent, provided that all categories of receivables due (fines, penalties, sanctions and surcharges) are reduced proportionally. Time payment fees imposed pursuant to A.R.S. § 12-116 may not be reduced or waived.
3. The proposed program applies exclusively to penalties and surcharges resulting from civil traffic violations.

B. Proposed programs meeting the criteria above must include the following program elements:

1. A defined beginning and ending date with a project duration not to exceed 60 days.
2. A statement of if or when the proposing court last conducted a similar program. Such programs should be conducted no more than once every five years.
3. A defined schedule of which violations/violators will be eligible for the program.
 - a. A time frame of delinquent accounts eligible for the program. Amounts due must be at least 12 months delinquent, however, courts may set even more restrictive time limits (24 months delinquent, or more).
 - b. The program should specifically note that penalties and surcharges outstanding as a result of a violation of A.R.S. § 28-1381 (DUI) or other criminal or traffic offense statute, are not eligible for the program.

4. A defined schedule of how penalties and surcharges will be reduced. The schedule must include:
 - a. The amount of reduction.
 - b. The criteria which determine the amount of the reduction and how the reduction will be applied consistently across all eligible violations.
 - c. Procedures violators will follow to receive reductions.
5. Procedures which will be used to notify violators eligible to participate in the program.
6. The proposing court's plan to handle increased workload which results from the program in terms of court staff, judges and space.
7. The proposing court's plan to measure the results of the program including the program's measurable goals and objectives. Suggested measurements include:
 - a. Outstanding accounts receivable covered by the program and due at its beginning.
 - b. Planned percentage reduction of outstanding accounts receivable resulting from the program.
 - c. Actual percentage reduction of outstanding accounts receivable resulting from the program.
 - d. Number of cases with delinquent accounts receivable covered by the program and due at the program's beginning.
 - e. Planned percentage reduction in cases with delinquent accounts receivable resulting from the program.
 - f. Actual percentage reduction in cases with delinquent accounts receivable resulting from the program.
 - g. Estimated cost of the program in excess of normal operating costs.
 - h. Actual cost of the program in excess of normal operating costs.
 - i. Cost per dollar collected based on total actual program costs divided by total collections resulting from the program.

8. Plans for increased enforcement effort, for those cases/penalties not closed/paid during program and expected results. (Use the measurements used in #7 above.)
9. Plans for the involvement of other agencies or departments such as the police department, prosecutor and public defender in the program. A statement of impact on other agencies and what contacts or plans have been made with them.
10. Any other relevant details.

II. APPROVAL PROCEDURES

In order to facilitate the approval process, courts are encouraged to discuss their program plans with the Administrative Office of the Courts (AOC), Director of Court Services prior to preparing their proposal. A written narrative program proposal addressing all program elements should be submitted 60 days prior to the anticipated start date of the program to the Director of Court Services. Proposals must be submitted by the presiding judge of the proposing court and signed by both the presiding judge of the court and of the county.

Recommendations for program approval will be sent by the Director of Court Services to the AOC Administrative Director for final approval. The court will be notified promptly of program approval or the need for additional information. Failure to provide complete information may result in delays.

III. REPORTING PROCEDURES

Within 30 days of program completion, the court shall forward an "end-of-project report" to the Director of Court Services which includes a narrative description of the program implementation and statistical measures of the program's achievement of its goals and objectives.