

REFERENCE TITLE: juvenile dependency; state aid; appropriation

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2044

Introduced by
Representative Biasiucci

AN ACT

AMENDING SECTION 41-2409, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2410; APPROPRIATING MONIES; RELATING TO JUVENILE DEPENDENCY PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2409, Arizona Revised Statutes, is amended to
3 read:

4 41-2409. State aid; administration; report

5 A. The Arizona criminal justice commission shall administer the
6 state aid to county attorneys fund established by section 11-539. ~~By~~ **ON**
7 **OR BEFORE** September 1 of each year, the commission shall distribute monies
8 in the fund to each county according to the following composite index
9 formula:

10 1. The ~~three year~~ **THREE-YEAR** average of the total felony filings in
11 the superior court in the county, divided by the statewide ~~three year~~
12 **THREE-YEAR** average of the total felony filings in the superior court.

13 2. The county population, as adopted by the ~~department of economic~~
14 ~~security~~ **OFFICE OF ECONOMIC OPPORTUNITY**, divided by the statewide
15 population, as adopted by the ~~department of economic security~~ **OFFICE OF**
16 **ECONOMIC OPPORTUNITY**.

17 3. The sum of paragraphs 1 and 2 **OF THIS SUBSECTION** divided by two
18 equals the composite index.

19 4. The composite index for each county shall be used as the
20 multiplier against the total funds appropriated from the state general
21 fund and other monies distributed to the fund pursuant to section 41-2421.

22 B. The board of supervisors in each county shall separately account
23 for the monies transmitted pursuant to subsection A of this section and
24 may expend these monies only for the purposes specified in section
25 11-539. The county treasurer shall invest these monies and interest
26 earned shall be expended only for the purposes specified in section
27 11-539.

28 C. The Arizona criminal justice commission shall administer the
29 state aid to indigent defense fund established by section 11-588. By
30 September 1 of each fiscal year, the commission shall distribute monies in
31 the fund to each county according to the following composite index
32 formula:

33 1. The ~~three year~~ **THREE-YEAR** average of the total felony filings in
34 the superior court in the county divided by the statewide ~~three year~~
35 **THREE-YEAR** average of the total felony filings in the superior court.

36 2. The county population, as adopted by the ~~department of economic~~
37 ~~security~~ **OFFICE OF ECONOMIC OPPORTUNITY**, divided by the statewide
38 population, as adopted by the ~~department of economic security~~ **OFFICE OF**
39 **ECONOMIC OPPORTUNITY**.

40 3. The sum of paragraphs 1 and 2 **OF THIS SUBSECTION** divided by two
41 equals the composite index.

42 4. The composite index for each county shall be used as the
43 multiplier against the total funds appropriated from the state general
44 fund and other monies distributed to the fund pursuant to section 41-2421.

1 D. The board of supervisors shall separately account for the monies
2 transmitted pursuant to subsection C of this section and may expend these
3 monies only for the purposes specified in section 11-588. The county
4 treasurer shall invest these monies and interest earned shall be expended
5 only for the purposes specified in section 11-588.

6 E. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ADMINISTER THE
7 STATE AID FOR JUVENILE DEPENDENCY PROCEEDINGS FUND ESTABLISHED BY SECTION
8 41-2410. ON OR BEFORE SEPTEMBER 1 OF EACH FISCAL YEAR, THE ARIZONA
9 CRIMINAL JUSTICE COMMISSION SHALL DISTRIBUTE MONIES IN THE FUND TO EACH
10 ELIGIBLE COUNTY IN WHICH THE THREE-YEAR AVERAGE OF THE TOTAL JUVENILE
11 DEPENDENCY CASE FILINGS IN THE SUPERIOR COURT IN THE COUNTY EXCEEDS THE
12 THREE-YEAR AVERAGE JUVENILE DEPENDENCY CASE FILINGS IN THE SUPERIOR COURT
13 OF THE COUNTY FOR FISCAL YEARS 2012-2013, 2013-2014 AND 2014-2015 BASED ON
14 THE PROPORTIONAL SHARE OF THE INCREASE IN PETITIONS FOR EACH COUNTY.

15 F. THE BOARD OF SUPERVISORS SHALL SEPARATELY ACCOUNT FOR THE MONIES
16 DISTRIBUTED PURSUANT TO SUBSECTION E OF THIS SECTION AND MAY SPEND THESE
17 MONIES ONLY FOR THE PURPOSES SPECIFIED IN SECTION 41-2410. THE COUNTY
18 TREASURER SHALL INVEST THESE MONIES AND INTEREST EARNED SHALL BE SPENT
19 ONLY FOR THE PURPOSES SPECIFIED IN SECTION 41-2410.

20 ~~E. G. By January 8, 2001 and by~~ ON OR BEFORE January 8 each year
21 ~~thereafter~~, the commission shall report to each county board of
22 supervisors, the governor, the legislature, the joint legislative budget
23 committee, the chief justice of the supreme court and the attorney general
24 on the expenditure of the monies in the state aid to county attorneys fund
25 and the state aid to indigent defense fund for the prior fiscal year and
26 on the progress made in achieving the goal of improved criminal case
27 processing.

28 Sec. 2. Title 41, chapter 21, article 1, Arizona Revised Statutes,
29 is amended by adding section 41-2410, to read:

30 41-2410. State aid for juvenile dependency proceedings fund;
31 exemption

32 A. THE STATE AID FOR JUVENILE DEPENDENCY PROCEEDINGS FUND IS
33 ESTABLISHED CONSISTING OF LEGISLATIVE APPROPRIATIONS. MONIES IN THE FUND
34 SHALL BE USED TO PROVIDE STATE AID TO COUNTY PUBLIC DEFENDERS, LEGAL
35 DEFENDERS AND CONTRACT INDIGENT DEFENSE COUNSEL FOR THE PROCESSING OF
36 JUVENILE DEPENDENCY CASES.

37 B. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ADMINISTER THE
38 FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE COMMISSION
39 SHALL DISTRIBUTE MONIES IN THE FUND TO EACH COUNTY PURSUANT TO SECTION
40 41-2409, SUBSECTION E.

41 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION
42 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

43 D. ON NOTICE FROM THE COMMISSION, THE STATE TREASURER SHALL INVEST
44 AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES
45 EARNED FROM INVESTMENTS SHALL BE CREDITED TO THE FUND.

1 Sec. 3. Appropriation; state aid for juvenile dependency
2 proceedings fund; exemption

3 A. The sum of \$2,000,000 is appropriated from the state general
4 fund in fiscal year 2022-2023 to the state aid for juvenile dependency
5 proceedings fund established by section 41-2410, Arizona Revised Statutes,
6 as added by this act.

7 B. The appropriation made in subsection A of this section is exempt
8 from the provisions of section 35-190, Arizona Revised Statutes, relating
9 to lapsing of appropriations.