

REFERENCE TITLE: *criminal justice monies; penalty assessments.*

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

# **HB 2133**

Introduced by  
Representative Kavanagh

AN ACT

AMENDING SECTIONS 12-116.09 AND 41-2401, ARIZONA REVISED STATUTES;  
RELATING TO CRIMINAL JUSTICE MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-116.09, Arizona Revised Statutes, is amended  
3 to read:

4 12-116.09. Assessment; victims' rights enforcement

5 A. In addition to any other penalty assessment provided by law, a  
6 penalty assessment shall be levied in an amount of ~~two dollars~~ \$4 on every  
7 fine, penalty and forfeiture imposed and collected by the courts for  
8 criminal offenses and any civil penalty imposed and collected for a civil  
9 traffic violation and fine, penalty or forfeiture for a violation of the  
10 motor vehicle statutes, for any local ordinance relating to the stopping,  
11 standing or operation of a vehicle or for a violation of the game and fish  
12 statutes in title 17. **NOTWITHSTANDING ANY OTHER LAW, THE ASSESSMENT MAY**  
13 **NOT BE WAIVED, SUSPENDED OR DELAYED.**

14 B. The court shall transmit the assessments collected pursuant to  
15 this section and a remittance report of the fines, civil penalties and  
16 assessments collected pursuant to this section to the county treasurer,  
17 except that municipal courts shall transmit the assessments and the  
18 remittance report of the fines, civil penalties and assessments to the  
19 city or town treasurer.

20 C. The city, town or county treasurer shall transmit the  
21 assessments and the remittance report to the state treasurer. The state  
22 treasurer shall deposit the assessments in the victims' rights enforcement  
23 fund established by section 41-1727.

24 Sec. 2. Section 41-2401, Arizona Revised Statutes, is amended to  
25 read:

26 41-2401. Criminal justice enhancement fund; minimum balance  
27 notification

28 A. The criminal justice enhancement fund is established consisting  
29 of monies collected pursuant to section 12-116.01 and monies available  
30 from any other source. The state treasurer shall administer the fund.

31 B. On or before November 1 of each year, each department, agency or  
32 office that receives monies pursuant to this section shall provide to the  
33 Arizona criminal justice commission a report for the preceding fiscal  
34 year. The report shall be in a form prescribed by the Arizona criminal  
35 justice commission. The report shall set forth the sources of all monies  
36 and all expenditures. The report shall not include any identifying  
37 information about specific investigations.

38 C. On or before December 1 of each year, the Arizona criminal  
39 justice commission shall compile all reports into a single comprehensive  
40 report and shall submit a copy of the comprehensive report to the  
41 governor, the president of the senate, the speaker of the house of  
42 representatives and the director of the joint legislative budget  
43 committee.

44 D. On the first day of each month, the state treasurer shall  
45 distribute or deposit:

- 1           1. 19.09 percent in the department of public safety forensics fund  
2 established by section 41-1730.
- 3           2. 1.84 percent to the department of juvenile corrections for the  
4 treatment and rehabilitation of youth who have committed drug-related  
5 offenses.
- 6           3. 18.97 percent in the peace officers' training fund established  
7 by section 41-1825.
- 8           4. 3.45 percent in the prosecuting attorneys' advisory council  
9 training fund established by section 41-1830.03.
- 10          5. 10.66 percent to the supreme court for the purpose of reducing  
11 juvenile crime.
- 12          6. 8.29 percent to the department of public safety for allocation  
13 to state and local law enforcement authorities for the following purposes:  
14           (a) To enhance projects that are designed to prevent residential  
15 and commercial burglaries, to control street crime, including the  
16 activities of criminal street gangs, and to locate missing children.  
17           (b) To provide support to the Arizona automated fingerprint  
18 identification system.  
19           (c) Operational costs of the criminal justice information system.
- 20          7. 10.66 percent to the department of law for allocation to county  
21 attorneys for the purpose of enhancing prosecutorial efforts.
- 22          8. 6.86 percent to the supreme court for the purpose of enhancing  
23 the ability of the courts to process criminal and delinquency cases,  
24 orders of protection, injunctions against harassment and any proceeding  
25 relating to domestic violence matters, for auditing and investigating  
26 persons or entities licensed or certified by the supreme court and for  
27 processing judicial discipline cases. Notwithstanding section 12-143,  
28 subsection A, the salary of superior court judges pro tempore who are  
29 appointed for the purposes provided in this paragraph shall, and the  
30 salary of other superior court judges pro tempore who are appointed  
31 pursuant to section 12-141 for the purposes provided in this paragraph  
32 may, be paid in full by the monies received pursuant to this paragraph.
- 33          9. 13.34 percent to the county sheriffs for the purpose of  
34 enhancing county jail facilities and operations, including county jails  
35 under the jurisdiction of county jail districts.
- 36          10. 1.79 percent to the Arizona criminal justice commission.
- 37          11. 2.62 percent in the department of public safety forensics fund  
38 established by section 41-1730.
- 39          12. 2.43 percent to the supreme court for the purpose of providing  
40 drug treatment services to adult probationers through the community  
41 punishment program established in title 12, chapter 2, article 11.
- 42          E. Monies distributed pursuant to subsection D, paragraphs 3, 4, 7,  
43 9 and 11 of this section constitute a continuing appropriation. Monies  
44 distributed pursuant to subsection D, paragraphs 1, 2, 5, 8, 10 and 12 of  
45 this section are subject to legislative appropriation.

1 F. The portion of the monies for direct operating expenses of the  
2 department of public safety in subsection D, paragraph 6 of this section  
3 is subject to legislative appropriation. The remainder of the monies in  
4 subsection D, paragraph 6 of this section, including the portion for local  
5 law enforcement, is continuously appropriated.

6 G. The allocation of monies pursuant to subsection D, paragraphs 6,  
7 7, 8 and 9 of this section shall be made in accordance with rules adopted  
8 by the Arizona criminal justice commission pursuant to section 41-2405.

9 H. ON OR BEFORE JUNE 30 OF EACH FISCAL YEAR, THE STATE TREASURER  
10 SHALL NOTIFY THE JOINT LEGISLATIVE BUDGET COMMITTEE AND THE GOVERNOR'S  
11 OFFICE OF STRATEGIC PLANNING AND BUDGETING IF LESS THAN \$45,746,935 IS  
12 DEPOSITED IN THE CRIMINAL JUSTICE ENHANCEMENT FUND AND AVAILABLE FOR THE  
13 PURPOSES DESCRIBED IN THIS SECTION FOR THE CURRENT FISCAL YEAR. IN ANY  
14 FISCAL YEAR IN WHICH THE AMOUNT OF MONIES DEPOSITED IN THE FUND PURSUANT  
15 TO SECTION 12-116.01 OR FROM ANY OTHER SOURCE IS LESS THAN \$45,746,935,  
16 THE LEGISLATURE SHALL APPROPRIATE MONIES FROM THE STATE GENERAL FUND IN AN  
17 AMOUNT EQUAL TO THE DIFFERENCE BETWEEN \$45,746,935 AND THE AMOUNT IN THE  
18 FUND.