

Senate Engrossed

juveniles; adjudication; disposition; probation

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1073

AN ACT

AMENDING SECTIONS 8-221, 8-246, 8-305, 8-322, 8-349, 8-350, 8-351, 8-352, 8-353, 8-354 AND 8-355, ARIZONA REVISED STATUTES; REPEALING SECTION 8-356, ARIZONA REVISED STATUTES; AMENDING SECTION 13-3967, ARIZONA REVISED STATUTES; RELATING TO JUVENILES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-221, Arizona Revised Statutes, is amended to
3 read:

4 8-221. Counsel right of juvenile, parent or guardian;
5 appointment; reimbursement; guardian ad litem

6 A. The court shall appoint an attorney for a child in all
7 delinquency **PROCEEDINGS THAT COMMENCE WITH A PETITION OR THAT MAY INVOLVE**
8 **DETENTION**, dependency **PROCEEDINGS** or termination of parental rights
9 proceedings that are conducted pursuant to this title. The court shall
10 appoint the attorney before the first hearing. The attorney shall
11 represent the child at all stages of the proceedings and, in a dependency
12 proceeding, through **permanency DISMISSAL**.

13 B. If a **juvenile**, parent or guardian is found to be indigent and
14 entitled to counsel, the juvenile court shall appoint an attorney to
15 represent the person or persons unless the person knowingly, intelligently
16 and voluntarily waives counsel.

17 C. Before any court appearance that may result in
18 institutionalization or mental health hospitalization of a juvenile, the
19 court shall appoint counsel for the juvenile if counsel has not been
20 previously appointed or retained by or for the juvenile.

21 D. The county board of supervisors may fix a reasonable sum to be
22 paid by the county for the services of an appointed attorney.

23 E. If the court finds that the parent or guardian of a juvenile has
24 sufficient financial resources to reimburse, at least in part, the costs
25 of the services of an attorney appointed pursuant to this section, the
26 court shall order the parent or guardian to pay to the appointed attorney
27 or the county, through the clerk of the court, an amount that the parent
28 or guardian is able to pay without incurring substantial hardship to the
29 family. Failure to obey an order under this subsection is not grounds for
30 contempt or grounds for withdrawal by the appointed attorney. An order
31 under this section may be enforced in the manner of a civil judgment.

32 F. In a county where there is a public defender, the public
33 defender may act as attorney in either:

34 1. A delinquency or incorrigibility proceeding when requested by
35 the juvenile court.

36 2. Any other juvenile proceeding that is conducted pursuant to this
37 title if the board of supervisors authorizes the appointment of the public
38 defender.

39 G. In all juvenile court proceedings in which the dependency
40 petition includes an allegation that the juvenile is abused or neglected,
41 the court may appoint a guardian ad litem to protect the juvenile's best
42 interests. This guardian ad litem shall be an attorney. The guardian ad
43 litem is not the child's attorney.

1 H. Any guardian ad litem or attorney appointed for a juvenile shall
2 meet with the juvenile before the preliminary protective hearing, if
3 possible, or within fourteen days after the preliminary protective
4 hearing. The guardian ad litem or attorney appointed for the juvenile
5 also shall meet with the juvenile before all substantive hearings. On a
6 showing of extraordinary circumstances, the judge may modify this
7 requirement for any substantive hearing.

8 Sec. 2. Section 8-246, Arizona Revised Statutes, is amended to
9 read:

10 8-246. Jurisdiction; length of commitment; placement;
11 assessment; definition

12 A. When jurisdiction of a juvenile has been acquired by the
13 juvenile court, the juvenile shall continue under the jurisdiction of the
14 juvenile court until the juvenile attains eighteen years of age or, if the
15 juvenile court has retained jurisdiction over the person pursuant to
16 section 8-202, subsection H, nineteen years of age, unless sooner
17 discharged pursuant to law. From the time of commitment to the department
18 of juvenile corrections, a juvenile shall be subject to the control of the
19 department of juvenile corrections until the juvenile's discharge pursuant
20 to section 41-2820.

21 B. Except pursuant to section 8-341, subsection N and section
22 8-344, and unless the court has retained jurisdiction over the person
23 pursuant to section 8-202, subsection H:

24 1. The awarding of a juvenile shall not extend beyond the
25 juvenile's eighteenth birthday.

26 2. Commitment to the department of juvenile corrections shall be
27 until the juvenile attains eighteen years of age unless sooner discharged
28 by the department of juvenile corrections.

29 C. The supreme court in cooperation with the department of juvenile
30 corrections and other state agencies shall develop a common risk needs
31 assessment instrument to be used for each juvenile who is ~~referred to~~
32 ~~ADJUDICATED DELINQUENT IN~~ the juvenile court. The juvenile court shall
33 update the risk needs assessment on each subsequent ~~referral of the~~
34 ~~juvenile to the juvenile court~~ ADJUDICATION, and the court shall use the
35 risk needs assessment to determine the appropriate disposition of the
36 juvenile. The supreme court in cooperation with the department of
37 juvenile corrections shall develop guidelines to be used by juvenile court
38 judges in determining those juveniles who should be committed to the
39 department of juvenile corrections.

40 D. For the purposes of this section, "juvenile" includes a person
41 who is under eighteen years of age or, if the juvenile court has retained
42 jurisdiction over the person pursuant to section 8-202, subsection H,
43 under nineteen years of age.

1 Sec. 3. Section 8-305, Arizona Revised Statutes, is amended to
2 read:

3 8-305. Detention center; jail; separate custody; definition

4 A. The county board of supervisors or the county jail district, if
5 authorized pursuant to title 48, chapter 25, shall maintain a detention
6 center that is separate and apart from a jail or lockup in which adults
7 are confined and where juveniles who are alleged to be delinquent or
8 children who are incorrigible and within the provisions of this article
9 shall be detained when necessary before or after a hearing or as a
10 condition of probation. A juvenile who is charged with an offense that is
11 ~~not a dangerous offense and that is~~ listed in section 13-501 may be
12 detained in a juvenile detention center if the **COURT ORDERS THE** detention
13 ~~is ordered by the court~~. The board may enter agreements with public or
14 private entities to acquire land for, build, purchase, lease-purchase,
15 lease or expand a detention center required by this section.

16 B. The board of supervisors or the county jail district, if
17 authorized pursuant to title 48, chapter 25, may provide for the detention
18 of juveniles who are accused or convicted of a criminal offense in a jail
19 or lockup in which adults are confined. A juvenile who is confined in a
20 jail or lockup in which adults are confined shall be kept in a physically
21 separate section from any adult who is charged with or convicted of a
22 criminal offense, and no sight or sound contact between the juvenile and
23 any charged or convicted adult is ~~permitted~~ **ALLOWED**, except to the extent
24 authorized under federal laws or regulations.

25 C. A juvenile, pending a juvenile hearing, shall not be confined
26 with adults charged with or convicted of a crime, except that:

27 1. A juvenile who is accused of a criminal offense or who is
28 alleged to be delinquent may be securely detained in such location for up
29 to six hours until transportation to a juvenile detention center can be
30 arranged if the juvenile is kept in a physically separate section from any
31 adult who is charged with or convicted of a crime and no sight or sound
32 contact between the juvenile and any charged or convicted adult is
33 ~~permitted~~ **ALLOWED**, except to the extent authorized under federal laws or
34 regulations.

35 2. A juvenile who is transferred as provided in section 8-327 to
36 the criminal division of the superior court may be securely detained if
37 the juvenile is kept in a physically separate section from any adult
38 charged with or convicted of a crime, and no sight or sound contact with
39 any charged or convicted adult is ~~permitted~~ **ALLOWED**, except to the extent
40 authorized under federal laws or regulations.

41 3. A juvenile who is arrested for an offense listed in section
42 13-501 may be detained in a juvenile detention center until formally
43 charged as an adult **IF THE COURT ORDERS THE DETENTION**. After a juvenile
44 has been formally charged as an adult the juvenile may be either of the
45 following:

1 (a) Detained in a juvenile detention center ~~if the offense is not a~~
2 ~~dangerous offense and the detention is ordered by the court.~~

3 (b) Securely detained in an adult facility if the juvenile is
4 detained separately from any adult charged with or convicted of a crime,
5 except to the extent authorized under federal laws or regulations.

6 D. In determining whether to order that a juvenile who is charged
7 with an offense that is ~~not a dangerous offense and that is~~ listed in
8 section 13-501 be detained in a juvenile detention center or an adult
9 facility pursuant to subsection A or subsection C, paragraph 3,
10 subdivision (a) of this section, the court shall consider all of the
11 following:

12 1. The best interests of both the juvenile charged as an adult and
13 the other juveniles detained in the juvenile detention center.

14 ~~2. The severity of the charges against the juvenile charged as an~~
15 ~~adult.~~

16 2. THE JUVENILE'S AGE.

17 3. THE JUVENILE'S PHYSICAL AND MENTAL MATURITY.

18 4. THE JUVENILE'S PRESENT MENTAL STATE, INCLUDING WHETHER THE
19 JUVENILE PRESENTS AN IMMINENT RISK OF HARM TO THE JUVENILE.

20 5. THE NATURE AND CIRCUMSTANCES OF THE ALLEGED OFFENSE.

21 6. THE JUVENILE'S HISTORY OF PRIOR DELINQUENT ACTS.

22 7. THE RELATIVE ABILITY OF THE AVAILABLE ADULT AND JUVENILE
23 DETENTION FACILITIES TO MEET THE SPECIFIC NEEDS OF THE JUVENILE AND TO
24 PROTECT THE SAFETY OF THE PUBLIC AS WELL AS OTHER DETAINED JUVENILES.

25 ~~8.~~ 8. The existing programs and facilities for juveniles at both
26 the juvenile detention center and the adult facility.

27 ~~9.~~ 9. Any other factor relevant to the determination of where to
28 detain the juvenile.

29 E. THE DIRECTOR OF JUVENILE COURT SERVICES IN THE COUNTY IN WHICH
30 THE JUVENILE IS DETAINED MAY FILE A MOTION IN THE JUVENILE'S CRIMINAL CASE
31 THAT REQUESTS A JUVENILE WHO IS CHARGED WITH AN OFFENSE LISTED IN SECTION
32 13-501 BE TRANSFERRED TO AN ADULT FACILITY BASED ON THE JUVENILE'S CONDUCT
33 WHILE IN DETENTION. ON THE DIRECTOR'S REQUEST FOR THE JUVENILE'S
34 TRANSFER, THE COURT SHALL HOLD A HEARING TO CONSIDER THE TRANSFER. AT THE
35 HEARING, THE COURT SHALL CONSIDER ALL OF THE FACTORS LISTED IN SUBSECTION
36 D OF THIS SECTION.

37 ~~F.~~ F. A child who is alleged to be delinquent or who is alleged to
38 be incorrigible shall not be securely detained in a jail or lockup in
39 which adults charged with or convicted of a crime are detained. A child
40 may be nonsecurely detained if necessary to obtain the child's name, age,
41 residence or other identifying information for up to six hours until
42 arrangements for transportation to any shelter care facility, home or
43 other appropriate place can be made. A child who is nonsecurely detained
44 shall be detained separately from any adult charged with or convicted of a
45 crime, and no sight or sound contact with any charged or convicted adult

1 is permitted, except to the extent authorized under federal laws or
2 regulations.

3 ~~F.~~ G. Any detained juvenile or child who, by the juvenile's or
4 child's conduct, endangers or evidences that the juvenile or child may
5 endanger the safety of other detained children shall not be allowed to
6 intermingle with any other juvenile or child in the detention center.

7 ~~G.~~ H. Pursuant to section 8-322, the county board of supervisors,
8 the county jail district board of directors or the administrative office
9 of the courts on behalf of the juvenile court may enter into an agreement
10 with public or private entities to provide the detention centers required
11 by subsection A of this section.

12 ~~H.~~ I. For the purposes of this section, ~~—~~

13 ~~1. "Dangerous offense" has the same meaning prescribed in section~~
14 ~~13-105.~~

15 ~~2.~~ "juvenile" includes a person who is under the jurisdiction of
16 the juvenile court pursuant to section 8-202, subsection H.

17 Sec. 4. Section 8-322, Arizona Revised Statutes, is amended to
18 read:

19 ~~8-322.~~ Juvenile probation services fund; program and contract
20 requirements

21 A. The juvenile probation services fund is established. The
22 supreme court shall administer the fund. Monies in the juvenile probation
23 services fund are exempt from the provisions of section 35-190 relating to
24 lapsing of appropriations.

25 B. The supreme court shall allocate monies in the fund or
26 appropriated to the superior court's juvenile probation services fund line
27 based on its determination of the need for and probable effectiveness of
28 each plan submitted pursuant to this article. The supreme court shall
29 require that the presiding juvenile court judge submit in accordance with
30 rules of the supreme court a plan for the expenditure of monies that are
31 allocated to the juvenile court pursuant to this section. The supreme
32 court may reject a plan or a modification of a plan that is submitted
33 pursuant to this subsection.

34 C. Monies **IN THE FUND** shall be used to fund programs, the
35 participation in which a juvenile probation officer or community based
36 alternative program administered by the juvenile court has required as a
37 condition of diversion pursuant to section 8-321. Monies shall also be
38 used to fund programs to reduce the number of repetitive juvenile
39 offenders and to provide services for juveniles who are on probation,
40 including treatment, testing, independent living programs and residential,
41 foster and shelter care, and for children who are referred to the juvenile
42 court for incorrigibility or delinquency offenses. Monies may be used to
43 provide the cost of care for persons who are under twenty-one years of age
44 and who were placed in an independent living program or in foster care
45 before eighteen years of age, who voluntarily remain in care and who are

1 currently enrolled in and regularly attending any high school or
2 certificate of equivalency program. Pursuant to section 8-341, subsection
3 N, monies may also be used to provide services for persons who are under
4 twenty-one years of age and who voluntarily participate in treatment.
5 Except pursuant to section 8-341, subsection N, the cost of care shall not
6 be continued for a person who has received a high school diploma or
7 certificate of equivalency. ~~THE SUPREME COURT SHALL APPROVE~~ these
8 services ~~shall be approved by the supreme court.~~ The juvenile court may
9 develop and staff such programs, or the supreme court may enter into the
10 purchase of service contracts with community youth serving agencies.

11 D. The administrative office of the courts may use monies
12 appropriated to the fund for the purchase of detention facilities, to
13 expand existing detention centers or to contract with private and public
14 entities to expand or operate secure care facilities.

15 E. MONIES IN THE FUND MAY BE USED TO OBTAIN, OPERATE AND MAINTAIN A
16 STATE-APPROVED CASE MANAGEMENT SYSTEM THAT SERVES PERSONS PLACED ON
17 PROBATION OR JUVENILES REFERRED TO THE JUVENILE COURT.

18 ~~F.~~ F. All monies that are distributed or expended from the fund
19 shall be used to supplement, not supplant, funding to the juvenile court
20 by the county.

21 ~~F.~~ G. The supreme court shall contract for a periodic evaluation
22 to determine if the provisions of this article reduce the number of
23 repetitive juvenile offenders. The supreme court shall send a copy of the
24 evaluation to the speaker of the house of representatives, the president
25 of the senate and the governor.

26 ~~G.~~ H. A contract that is entered into between the supreme court or
27 the county attorney and any contract provider to provide services pursuant
28 to section 8-321 or this section to juveniles shall provide that, as a
29 condition of employment, personnel who are employed by any contract
30 provider, whether paid or not, and who are required or allowed to provide
31 services directly to juveniles shall have valid fingerprint clearance
32 cards issued pursuant to title 41, chapter 12, article 3.1 or shall apply
33 for a fingerprint clearance card within seven working days of employment.

34 ~~H.~~ I. The contractor shall assume the costs of fingerprint checks
35 and may charge these costs to its fingerprinted personnel.

36 ~~I.~~ J. A service contract or license with any contract provider
37 that involves the employment of persons who have contact with juveniles
38 shall provide that the contract or license may be canceled or terminated
39 immediately if a person certifies pursuant to subsections ~~L and~~ M AND N of
40 this section that the person is awaiting trial on or has been convicted of
41 any of the offenses listed in subsections ~~L and~~ M AND N of this section in
42 this state or of acts committed in another jurisdiction that would be
43 offenses in this state or if the person does not possess or is denied
44 issuance of a valid fingerprint clearance card.

1 ~~J~~. K. A contract provider may avoid cancellation or termination of
2 the contract or license under subsection ~~I~~ J of this section if a person
3 who does not possess or has been denied issuance of a valid fingerprint
4 clearance card or who certifies pursuant to subsections ~~I~~ and M AND N of
5 this section that the person has been convicted of or is awaiting trial on
6 any of the offenses listed in section 41-1758.03, subsection B is
7 immediately prohibited from employment or service with the licensee or
8 contract provider in any capacity requiring or allowing contact with
9 juveniles.

10 ~~K~~. L. A contract provider may avoid cancellation or termination of
11 the contract or license under subsection ~~I~~ J of this section if a person
12 who does not possess or has been denied issuance of a valid fingerprint
13 clearance card or who certifies pursuant to subsections ~~I~~ and M AND N of
14 this section that the person has been convicted of or is awaiting trial on
15 any of the offenses listed in section 41-1758.03, subsection C is
16 immediately prohibited from employment or service with the licensee or
17 contract provider in any capacity requiring or allowing the person to
18 provide direct services to juveniles unless the person is granted a good
19 cause exception pursuant to section 41-619.55.

20 ~~L~~. M. Personnel who are employed by any contract provider, whether
21 paid or not, and who are required or allowed to provide services directly
22 to juveniles shall certify on forms provided by the contracting agency and
23 notarized whether they are awaiting trial on or have ever been convicted
24 of any of the criminal offenses listed in section 41-1758.03, subsections
25 B and C in this state or similar offenses in another state or
26 jurisdiction.

27 ~~M~~. N. Personnel who are employed by any contract provider, whether
28 paid or not, and who are required or allowed to provide services directly
29 to juveniles shall certify on forms provided by the contracting agency and
30 notarized whether they have ever committed any act of sexual abuse of a
31 child, including sexual exploitation and commercial sexual exploitation,
32 or any act of child abuse.

33 ~~N~~. O. Federally recognized Indian tribes or military bases may
34 submit and the supreme court shall accept certifications that state that
35 personnel who are employed or who will be employed during the contract
36 term and who provide services directly to juveniles have not been
37 convicted of, have not admitted committing or are not awaiting trial on
38 any offense under subsection ~~L~~ M of this section.

39 ~~O~~. P. Adult clients of a contract provider who are receiving
40 treatment services are exempt from the requirements of this section,
41 unless they provide services directly to juveniles without supervision.

42 ~~P~~. Q. Volunteers who provide services to juveniles under the
43 direct visual supervision of the contractor's or licensee's employees are
44 exempt from the fingerprinting requirements of this section.

1 ~~R~~. R. The contracting agency shall notify the department of public
2 safety if the contracting agency receives credible evidence that a person
3 who possesses a valid fingerprint clearance card either:

4 1. Is arrested for or charged with an offense listed in section
5 41-1758.03, subsection B.

6 2. Falsified information on the form required by subsection ~~L~~ M of
7 this section.

8 Sec. 5. Section 8-349, Arizona Revised Statutes, is amended to
9 read:

10 8-349. Destruction of juvenile records; electronic research
11 records; definition

12 A. A person who is at least eighteen years of age and who has been
13 adjudicated delinquent or incorrigible may apply for destruction of the
14 person's juvenile court and department of juvenile corrections records if
15 the records involve an adjudication for an offense other than an offense
16 listed in section 13-501, subsection A or B or title 28, chapter 4.

17 B. The person shall attest to all of the following in the
18 application:

19 1. The person is at least eighteen years of age.

20 2. The person has not been convicted of a felony offense or
21 adjudicated delinquent for an offense that would be an offense listed in
22 section 13-501, subsection A or B or title 28, chapter 4.

23 3. A criminal charge is not pending.

24 4. The person has completed all of the terms and conditions of
25 court-ordered probation or been discharged from the department of juvenile
26 corrections pursuant to section 41-2820 on successful completion of the
27 individual treatment plan.

28 5. All restitution is paid in full.

29 6. The person is not under the jurisdiction of the juvenile court
30 or the department of juvenile corrections.

31 7. The person is not currently required to register pursuant to
32 section 13-3821.

33 8. The person has either paid all monetary obligations in full or
34 has requested the court to modify the outstanding monetary obligations
35 pursuant to subsection K of this section.

36 C. The juvenile court may order the destruction of records under
37 subsection A of this section if the court finds all of the following:

38 1. The person is at least eighteen years of age.

39 2. The person has not been convicted of a felony offense.

40 3. A criminal charge is not pending.

41 4. The person was not adjudicated for an offense listed in section
42 13-501, subsection A or B or title 28, chapter 4.

43 5. The person successfully completed the terms and conditions of
44 probation or was discharged from the department of juvenile corrections

1 pursuant to section 41-2820 on successful completion of the individual
2 treatment plan.

3 6. All restitution is paid in full.

4 7. All monetary obligations are either paid in full or have been
5 modified pursuant to subsection K of this section.

6 8. The person is not under the jurisdiction of the juvenile court
7 or the department of juvenile corrections.

8 9. The person is not currently required to register pursuant to
9 section 13-3821.

10 D. A person who is not eligible to have the person's records
11 destroyed pursuant to subsection A of this section may apply to have the
12 person's juvenile court and department of juvenile corrections records
13 destroyed pursuant to subsection E of this section. The person shall
14 attest to all of the following in an application:

15 1. The person is at least twenty-five years of age.

16 2. The person has not been convicted of a felony offense.

17 3. A criminal charge is not pending.

18 4. All restitution is paid in full.

19 5. The person has either paid all monetary obligations in full or
20 has requested the court to modify the outstanding monetary obligations
21 pursuant to subsection K of this section.

22 6. The person is not currently required to register pursuant to
23 section 13-3821.

24 E. The juvenile court may order the destruction of records if the
25 court finds that all of the following apply to a person who files an
26 application pursuant to subsection D of this section:

27 1. The person is at least twenty-five years of age.

28 2. The person has not been convicted of a felony offense.

29 3. A criminal charge is not pending.

30 4. All restitution is paid in full.

31 5. All monetary obligations are either paid in full or have been
32 modified pursuant to subsection K of this section.

33 6. The person is not currently required to register pursuant to
34 section 13-3821.

35 7. The destruction of the records would further the rehabilitative
36 process of the applicant.

37 F. The juvenile court and the department of juvenile corrections
38 may store any records for research purposes.

39 G. At the juvenile's disposition hearing, the court shall inform
40 the juvenile, in writing, of the right to the destruction of the
41 juvenile's court and department of juvenile corrections records.

42 H. The clerk of the court may not charge a filing fee for the
43 application to destroy juvenile records.

1 I. The clerk of the court shall transmit a copy of an application
2 submitted pursuant to this section to the county attorney in the county in
3 which the referral was made.

4 J. The county attorney may file an objection to an application that
5 is submitted pursuant to this section for the destruction of records.

6 K. On a showing of good cause, the court may modify any monetary
7 obligation imposed by the court except for victim restitution.

8 L. The juvenile court, the clerk of the superior court and the
9 juvenile probation department, either on order of the juvenile court after
10 the person files an application with the court or on notification by the
11 probation department, shall destroy the records that concern a referral or
12 citation that did not result in ~~further action, that resulted in a~~
13 ~~successful completion of diversion~~ AN ADJUDICATION. RECORDS THAT ARE
14 ELIGIBLE FOR DESTRUCTION PURSUANT TO THIS SUBSECTION SHALL BE DESTROYED
15 within ninety days after the person who was the subject of the referral or
16 citation reaches eighteen years of age or when destruction is ordered by
17 the court. The probation department shall send a copy of the notice to
18 the department of public safety central state repository.

19 M. Within six months after receiving a notification from the
20 superior court that a person's juvenile delinquency or incorrigibility
21 records were destroyed, the department of child safety shall destroy all
22 court, juvenile probation and department of juvenile corrections records
23 that are in the department of child safety's possession and that were
24 produced in the delinquency or incorrigibility matter.

25 N. The clerk of the court shall notify the department of public
26 safety if a person's record is destroyed pursuant to this section.

27 O. For the purposes of this section, "successfully" means, in the
28 discretion of the court, the person satisfied the conditions of probation.

29 Sec. 6. Section 8-350, Arizona Revised Statutes, is amended to
30 read:

31 8-350. Dangerous offenders; sex offenders; notification to
32 schools; definition

33 A. If a juvenile is adjudicated delinquent for or convicted of a
34 dangerous offense or a violation of section 13-1405, 13-1406, 13-1410 or
35 13-1417 and the juvenile is placed on probation and is ~~attending~~ ENROLLED
36 IN school, the court shall notify the ~~elementary or high~~ school district
37 in which the juvenile ~~resides~~ IS ENROLLED that the juvenile has been
38 adjudicated delinquent or convicted and is on probation. ~~The elementary~~
39 ~~or high school district shall transmit this notice to the school that the~~
40 ~~juvenile attends.~~ IF THE JUVENILE WITHDRAWS FROM THE SCHOOL WHILE ON
41 PROBATION AND ENROLLS IN A DIFFERENT SCHOOL, THE COURT SHALL PROVIDE THE
42 NOTICE PRESCRIBED BY THIS SUBSECTION TO THE NEW SCHOOL IN WHICH THE
43 JUVENILE IS ENROLLED.

1 B. ~~Elementary or high school districts and local elementary and~~
2 ~~high~~ Schools ~~through the local school district~~ may request from the court
3 the criminal history of individual students to determine if a student has
4 been adjudicated delinquent for or convicted of a dangerous offense or a
5 violation of section 13-1405, 13-1406, 13-1410 or 13-1417.

6 C. The school ~~that~~ **IN WHICH** the juvenile ~~attends~~ **IS ENROLLED** shall
7 make the information it receives pursuant to this section available to
8 teachers, parents, guardians or custodians on request.

9 D. For the purposes of this section, "dangerous offense" has the
10 same meaning prescribed in section 13-105.

11 Sec. 7. Section 8-351, Arizona Revised Statutes, is amended to
12 read:

13 8-351. Definition of juvenile intensive probation

14 In this article, unless the context otherwise requires, "juvenile
15 intensive probation" means a program ~~which~~ **THAT** is established pursuant to
16 this article of highly structured and closely supervised juvenile
17 probation and ~~which~~ **THAT** emphasizes ~~surveillance, treatment, work,~~
18 ~~education and home detention~~ **INDIVIDUALIZED INTERVENTIONS AND SERVICES FOR**
19 **JUVENILES WHO ARE DEEMED APPROPRIATE FOR THE PROGRAM.**

20 Sec. 8. Section 8-352, Arizona Revised Statutes, is amended to
21 read:

22 8-352. Intensive probation; evaluation; criteria; limit;
23 conditions

24 A. A juvenile probation officer shall prepare a disposition summary
25 report for every juvenile who has been adjudicated of a delinquent act or
26 of a technical violation of probation.

27 B. The juvenile probation officer shall evaluate the needs of the
28 juvenile and the juvenile's risk to the community, including the nature of
29 the offense, the delinquent history of the juvenile, the juvenile's
30 history of referrals and adjustments and the recommendation of the
31 juvenile's parents. The juvenile probation officer shall include the
32 recommendation of the juvenile's parents in the disposition summary
33 report. If the nature of the offense and the prior delinquent history of
34 the juvenile indicate that the juvenile should be included in an intensive
35 probation program pursuant to supreme court guidelines for juvenile
36 intensive probation, the juvenile probation officer may recommend to the
37 court that the juvenile be granted intensive probation.

38 C. After reviewing the juvenile's prior record, the facts and
39 circumstances of the current delinquent act or technical violation of
40 probation and the disposition summary report, the court may grant the
41 juvenile a period of intensive probation.

42 D. When granting intensive probation the court shall set forth on
43 the record the factual reasons for using the disposition.

- 1 E. Intensive probation shall be conditioned on the juvenile:
2 1. Participating in one or more of the following, if approved by
3 the court or probation officer, ~~for not less than thirty-two hours each~~
4 ~~week~~ throughout the term of probation:
5 (a) School.
6 (b) A treatment program.
7 (c) Employment.
8 (d) Supervised community restitution work.
9 (e) An activity that improves the juvenile's prosocial skill
10 development, including enhancing the juvenile's relationship with the
11 juvenile's family.
12 2. Paying VICTIM restitution, APPLICABLE MONETARY OBLIGATIONS and
13 probation fees, except that the inability to pay probation fees,
14 APPLICABLE MONETARY OBLIGATIONS or VICTIM restitution does not prohibit
15 participation in the intensive probation program.
16 3. Remaining at a place of residence at all times except to attend
17 school, work or treatment, to perform community restitution or to
18 participate in ~~some~~ PROSOCIAL activity, as specifically allowed ~~in each~~
19 ~~instance~~ by the supervising juvenile probation officer, or if in the
20 direct company of a parent, guardian or custodian, as approved by the
21 juvenile probation officer.
22 4. Allowing administration of drug and alcohol tests as directed by
23 a juvenile probation officer.
24 5. Meeting any other conditions imposed by the court, including
25 electronic monitoring, to meet the needs of the juvenile or to limit the
26 risks to the community.

27 F. Probation fees shall be deposited in the juvenile probation fund
28 established pursuant to section 12-268.

29 Sec. 9. Section 8-353, Arizona Revised Statutes, is amended to
30 read:

31 8-353. Juvenile intensive probation teams; duties; case load
32 limit

33 A. The ~~chief juvenile probation officer or the~~ director of JUVENILE
34 court services in each county, with approval of the presiding juvenile
35 court judge of the superior court, shall appoint juvenile INTENSIVE
36 probation teams ~~consisting~~ THAT MAY CONSIST of THE FOLLOWING:

- 37 1. ONE JUVENILE PROBATION OFFICER.
38 2. Two juvenile probation officers. ~~or~~
39 3. One juvenile probation officer and one surveillance officer. ~~or~~
40 4. One juvenile probation officer and two surveillance officers.

41 B. A ONE PERSON JUVENILE INTENSIVE PROBATION TEAM SHALL SUPERVISE
42 NOT MORE THAN FIFTEEN JUVENILES AT ONE TIME. A two person JUVENILE
43 intensive probation team shall supervise ~~no~~ NOT more than twenty-five
44 juveniles at one time. A three person JUVENILE INTENSIVE PROBATION team
45 shall supervise ~~no~~ NOT more than forty juveniles at one time.

1 C. The juvenile intensive probation team shall do all of the
2 following:

3 1. Secure and keep a complete identification record of each
4 juvenile supervised by the team and a written statement of the conditions
5 of the probation.

6 2. Exercise close supervision and observation over juveniles who
7 are ordered to participate in the intensive probation program including
8 both of the following:

9 (a) Visual contact with each ~~probationer~~ JUVENILE at least four
10 times per week OR AS OTHERWISE DEEMED APPROPRIATE.

11 (b) ~~Weekly contact~~ ROUTINE CONTACT OR VERIFICATION with the
12 JUVENILE'S school, employer, community restitution agency or treatment
13 program ~~of the probationer~~ AS DEEMED APPROPRIATE.

14 3. Obtain and maintain information concerning the conduct of the
15 juvenile participating in the intensive probation program.

16 ~~4. Request the county attorney to bring a noncompliant probationer~~
17 ~~before the court.~~

18 ~~5. 4. Monitor the payment of restitution and probation fees and~~
19 ~~request the county attorney to bring before the court any probationer who~~
20 ~~fails to pay restitution or probation fees~~ MONETARY OBLIGATIONS IMPOSED BY
21 THE COURT.

22 ~~6. 5. Perform any other responsibilities required by the terms and~~
23 conditions imposed by the court.

24 D. THE JUVENILE INTENSIVE PROBATION TEAM MAY SUPERVISE ADDITIONAL
25 JUVENILES ON PROBATION IF THE DIRECTOR OF JUVENILE COURT SERVICES
26 DETERMINES THAT THE JUVENILES REQUIRE ADDITIONAL SUPERVISION OR POSE A
27 GREATER THAN NORMAL RISK TO THE COMMUNITY AND THE INTENSIVE PROBATION
28 TEAM'S TOTAL CASE LOAD DOES NOT EXCEED THE LIMITS PRESCRIBED IN
29 SUBSECTIONS A AND B OF THIS SECTION.

30 Sec. 10. Section 8-354, Arizona Revised Statutes, is amended to
31 read:

32 8-354. Modification of supervision

33 A. The juvenile probation officer shall periodically examine the
34 needs of each juvenile who is granted intensive probation and the risks of
35 modifying the level of supervision of the juvenile. THE JUVENILE
36 PROBATION OFFICER MAY MODIFY THE JUVENILE'S LEVEL OF INTENSIVE PROBATION.
37 The court may at any time modify the placement or the level of supervision
38 of a juvenile who is granted intensive probation.

39 B. The court may issue a warrant for the arrest of a juvenile who
40 is granted intensive probation. If the juvenile commits an additional
41 offense or violates a condition, the court may revoke intensive probation
42 at any time before the expiration or termination of the period of
43 intensive probation and hold disposition of the juvenile in accordance
44 with section 8-341. If the court finds that a juvenile has committed an
45 additional FELONY offense that ~~is a felony~~ POSED A SERIOUS THREAT TO OR

1 DANGER TO THE COMMUNITY or has violated a condition of intensive probation
2 that poses a serious threat to or danger to the community, the court shall
3 revoke intensive probation and hold disposition of the juvenile pursuant
4 to section 8-341.

5 Sec. 11. Section 8-355, Arizona Revised Statutes, is amended to
6 read:

7 8-355. School; employment; community restitution programs

8 The juvenile intensive probation team shall ensure that each
9 juvenile under its supervision is participating in one or more of the
10 following, if approved by the court or probation officer, ~~for not less~~
11 ~~than thirty-two hours each week~~ throughout the term of intensive
12 probation:

- 13 1. School.
- 14 2. A treatment program.
- 15 3. Employment.
- 16 4. A community restitution program.
- 17 5. An activity that improves the juvenile's prosocial skill
18 development, including enhancing the juvenile's relationship with the
19 juvenile's family.

20 Sec. 12. Repeal

21 Section 8-356, Arizona Revised Statutes, is repealed.

22 Sec. 13. Section 13-3967, Arizona Revised Statutes, is amended to
23 read:

24 13-3967. Release on bailable offenses before trial;
25 definition

26 A. At his appearance before a judicial officer, any person who is
27 charged with a public offense that is bailable as a matter of right shall
28 be ordered released pending trial on his own recognizance or on the
29 execution of bail in an amount specified by the judicial officer.

30 B. In determining the method of release or the amount of bail, the
31 judicial officer, on the basis of available information, shall take into
32 account all of the following:

- 33 1. The views of the victim.
- 34 2. The nature and circumstances of the offense charged.
- 35 3. Whether the accused has a prior arrest or conviction for a
36 serious offense or violent or aggravated felony as defined in section
37 13-706 or an offense in another state that would be a serious offense or
38 violent or aggravated felony as defined in section 13-706 if committed in
39 this state.
- 40 4. Evidence that the accused poses a danger to others in the
41 community.

1 5. The results of a risk or lethality assessment in a domestic
2 violence charge that is presented to the court.

3 6. The weight of evidence against the accused.

4 7. The accused's family ties, employment, financial resources,
5 character and mental condition.

6 8. The results of any drug test submitted to the court.

7 9. Whether the accused is using any substance if its possession or
8 use is illegal pursuant to chapter 34 of this title.

9 10. Whether the accused violated section 13-3407, subsection A,
10 paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01.

11 11. The length of residence in the community.

12 12. The accused's record of arrests and convictions.

13 13. The accused's record of appearance at court proceedings or of
14 flight to avoid prosecution or failure to appear at court proceedings.

15 14. Whether the accused has entered or remained in the United
16 States illegally.

17 15. Whether the accused's residence is in this state, in another
18 state or outside the United States.

19 C. If a judicial officer orders the release of a defendant who is
20 charged with a felony either on his own recognizance or on bail, the
21 judicial officer shall condition the defendant's release on the
22 defendant's good behavior while so released. On a showing of probable
23 cause that the defendant committed any offense during the period of
24 release, a judicial officer may revoke the defendant's release pursuant to
25 section 13-3968.

26 D. After providing notice to the victim pursuant to section
27 13-4406, a judicial officer may impose any of the following conditions on
28 a person who is released on his own recognizance or on bail:

29 1. Place the person in the custody of a designated person or
30 organization agreeing to supervise him.

31 2. Place restrictions on the person's travel, associates or place
32 of abode during the period of release.

33 3. Require the deposit with the clerk of the court of cash or other
34 security, such deposit to be returned on the performance of the conditions
35 of release.

36 4. Prohibit the person from possessing any deadly weapon or
37 engaging in certain described activities or indulging in intoxicating
38 liquors or certain drugs.

39 5. Require the person to report regularly to and remain under the
40 supervision of an officer of the court.

41 6. Impose any other conditions deemed reasonably necessary to
42 assure appearance as required including a condition requiring that the
43 person return to custody after specified hours.

1 E. In addition to any of the conditions a judicial officer may
2 impose pursuant to subsection D of this section, the judicial officer
3 shall impose both of the following conditions on a person who is charged
4 with a felony violation of chapter 14 or 35.1 of this title and who is
5 released on his own recognizance or on bail:

6 1. Electronic monitoring where available.

7 2. A condition prohibiting the person from having any contact with
8 the victim.

9 F. The judicial officer who authorizes the release of the person
10 charged on his own recognizance or on bail shall do all of the following:

11 1. Issue an appropriate order containing statements of the
12 conditions imposed.

13 2. Inform the person of the penalties that apply to any violation
14 of the conditions of release.

15 3. Advise the person that a warrant for his arrest may be issued
16 immediately on any violation of the conditions of release, including the
17 failure to submit to deoxyribonucleic acid testing ordered pursuant to
18 paragraph 4 of this subsection.

19 4. If the person is charged with a felony or misdemeanor offense
20 listed in section 13-610, subsection 0, paragraph 3 and is summoned to
21 appear, order the person to report within five days to the law enforcement
22 agency that arrested the person or to the agency's designee and submit a
23 sufficient sample of buccal cells or other bodily substances for
24 deoxyribonucleic acid testing and extraction. If a person does not comply
25 with an order issued pursuant to this paragraph, the court shall revoke
26 the person's release.

27 G. At any time after providing notice to the victim pursuant to
28 section 13-4406, the judicial officer who orders the release of a person
29 on any condition specified in this section or the court in which a
30 prosecution is pending may amend the order to employ additional or
31 different conditions of release, including either an increase or reduction
32 in the amount of bail. On application, the defendant shall be entitled to
33 have the conditions of release reviewed by the judicial officer who
34 imposed them or by the court in which the prosecution is pending.
35 Reasonable notice of the application shall be given to the county attorney
36 and the victim.

37 H. Any information that is stated or offered in connection with any
38 order pursuant to this section need not conform to the rules pertaining to
39 admissibility of evidence in a court of law.

40 I. This section does not prevent the disposition of any case or
41 class of cases by forfeiture of bail or collateral security if such
42 disposition is authorized by the court.

1 J. A judicial officer who orders the release of a juvenile who IS
2 ENROLLED IN A SCHOOL AND WHO has been transferred to the criminal division
3 of the superior court pursuant to section 8-327 or who has been charged as
4 an adult pursuant to section 13-501 shall notify the appropriate school
5 ~~district~~ on the release of the juvenile from custody.

6 K. For the purposes of this section and section 13-3968, "judicial
7 officer" means any person or court authorized pursuant to the constitution
8 or laws of this state to bail or otherwise release a person before trial
9 or sentencing or pending appeal.