

REFERENCE TITLE: juvenile court disposition; commitment findings

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

## **SB 1306**

Introduced by  
Senators Quezada: Terán; Representatives Andrade, Hernandez M

AN ACT

AMENDING SECTION 8-341, ARIZONA REVISED STATUTES; RELATING TO JUVENILE  
COURT DISPOSITION AND COMMITMENT

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-341, Arizona Revised Statutes, is amended to  
3 read:

4 8-341. Disposition and commitment; definitions

5 A. After receiving and considering the evidence on the proper  
6 disposition of the case, the court may enter judgment as follows:

7 1. It may award a delinquent juvenile:

8 (a) To the care of the juvenile's parents, subject to the  
9 supervision of a probation department.

10 (b) To a probation department, subject to any conditions the court  
11 may impose, including a period of incarceration in a juvenile detention  
12 center of not more than one year.

13 (c) To a reputable citizen of good moral character, subject to the  
14 supervision of a probation department.

15 (d) To a private agency or institution, subject to the supervision  
16 of a probation officer.

17 (e) To the department of juvenile corrections.

18 (f) To maternal or paternal relatives, subject to the supervision  
19 of a probation department.

20 (g) To an appropriate official of a foreign country of which the  
21 juvenile is a foreign national who is unaccompanied by a parent or  
22 guardian in this state to remain on unsupervised probation for at least  
23 one year on the condition that the juvenile cooperate with that official.

24 2. It may award an incorrigible child:

25 (a) To the care of the child's parents, subject to the supervision  
26 of a probation department.

27 (b) To the protective supervision of a probation department,  
28 subject to any conditions the court may impose.

29 (c) To a reputable citizen of good moral character, subject to the  
30 supervision of a probation department.

31 (d) To a public or private agency, subject to the supervision of a  
32 probation department.

33 (e) To maternal or paternal relatives, subject to the supervision  
34 of a probation department.

35 B. If a juvenile is placed on probation pursuant to this section,  
36 the period of probation may continue until the juvenile's eighteenth  
37 birthday or until the juvenile's nineteenth birthday if jurisdiction is  
38 retained pursuant to section 8-202, subsection H, except that the term of  
39 probation shall not exceed one year if all of the following apply:

40 1. The juvenile is not charged with a subsequent offense.

41 2. The juvenile has not been found in violation of a condition of  
42 probation.

43 3. The court has not made a determination that it is in the best  
44 interests of the juvenile or the public to require continued supervision.

1 The court shall state by minute entry or written order its reasons for  
2 finding that continued supervision is required.

3 4. The offense for which the juvenile is placed on probation does  
4 not involve a dangerous offense as defined in section 13-105.

5 5. The offense for which the juvenile is placed on probation does  
6 not involve a violation of title 13, chapter 14 or 35.1.

7 6. Restitution ordered pursuant to section 8-344 has been made.

8 C. If a juvenile is adjudicated as a first time felony juvenile  
9 offender, the court shall provide the following written notice to the  
10 juvenile:

11 This is your first felony offense. If you commit  
12 another felony offense and you are fourteen years of age or  
13 older, any of the following could happen to you:

14 1. You could be tried as an adult in adult criminal  
15 court.

16 2. You could be committed to the department of juvenile  
17 corrections.

18 3. You could be placed on juvenile intensive probation,  
19 which could include incarceration in a juvenile detention  
20 center.

21 D. If a juvenile is fourteen years of age or older and is  
22 adjudicated as a repeat felony juvenile offender, unless the court  
23 determines based on the severity of the offense and a risk assessment that  
24 juvenile intensive probation services are not required, the juvenile court  
25 shall place the juvenile on juvenile intensive probation, which may  
26 include incarceration in a juvenile detention center, or may commit the  
27 juvenile to the department of juvenile corrections pursuant to subsection  
28 A, paragraph 1, subdivision (e) of this section.

29 E. If the juvenile is adjudicated as a repeat felony juvenile  
30 offender, the court shall provide the following written notice to the  
31 juvenile:

32 You are now a repeat felony offender. This means:

33 1. You will be tried as an adult in adult criminal  
34 court if you commit another felony offense and you are fifteen  
35 years of age or older.

36 2. You could be tried as an adult in adult criminal  
37 court if you commit another felony offense when you are at  
38 least fourteen years of age.

39 3. You could be incarcerated in the state department of  
40 corrections if you are convicted as an adult in adult criminal  
41 court.

42 F. The failure or inability of the court to provide the notices  
43 required under subsections C and E of this section does not preclude the  
44 use of the prior adjudications for any purpose otherwise allowed.

1 G. Except as provided in subsection S of this section, after  
2 considering the nature of the offense and the age, physical and mental  
3 condition and earning capacity of the juvenile, the court shall order the  
4 juvenile to pay a reasonable monetary assessment if the court determines  
5 that an assessment is in aid of rehabilitation. If the director of the  
6 department of juvenile corrections determines that enforcement of an order  
7 for monetary assessment as a term and condition of conditional liberty is  
8 not cost-effective, the director may require the youth to perform an  
9 equivalent amount of community restitution in lieu of the payment ordered  
10 as a condition of conditional liberty.

11 H. If a child is adjudicated incorrigible, the court may impose a  
12 monetary assessment on the child of not more than \$150.

13 I. A juvenile who is charged with unlawful purchase, possession or  
14 consumption of spirituous liquor is subject to section 8-323. The  
15 monetary assessment for a conviction of unlawful purchase, possession or  
16 consumption of spirituous liquor by a juvenile shall not exceed \$500. The  
17 court of competent jurisdiction may order a monetary assessment or  
18 equivalent community restitution.

19 J. The court shall require the monetary assessment imposed under  
20 subsection G or H of this section on a juvenile who is not committed to  
21 the department of juvenile corrections to be satisfied in one or both of  
22 the following forms:

23 1. Monetary reimbursement by the juvenile in a lump sum or  
24 installment payments through the clerk of the superior court for  
25 appropriate distribution.

26 2. A program of work, not in conflict with regular schooling, to  
27 repair damage to the victim's property, to provide community restitution  
28 or to provide the juvenile with a job for wages. The court order for  
29 restitution or monetary assessment shall specify, according to the  
30 dispositional program, the amount of reimbursement and the portion of  
31 wages of either existing or provided work that is to be credited toward  
32 satisfaction of the restitution or assessment, or the nature of the work  
33 to be performed and the number of hours to be spent working. The number  
34 of hours to be spent working shall be set by the court based on the  
35 severity of the offense but shall not be less than sixteen hours.

36 K. BEFORE COMMITTING A JUVENILE TO THE DEPARTMENT OF JUVENILE  
37 CORRECTIONS OR A PRIVATE INSTITUTION OR AGENCY, THE COURT MUST FIND THAT  
38 NO OTHER ADJUDICATION ALTERNATIVE IS BETTER THAN COMMITMENT AND INCLUDE  
39 THE REASONS FOR THIS FINDING IN THE COURT'S MINUTE ENTRY OR WRITTEN ORDER.  
40 If a juvenile is committed to the department of juvenile corrections, the  
41 court shall specify the amount of the monetary assessment imposed pursuant  
42 to subsection G or H of this section.

43 L. After considering the length of stay guidelines developed  
44 pursuant to section 41-2816, subsection C, the court may set forth in the  
45 order of commitment the minimum period during which the juvenile shall

1 remain in secure care while in the custody of the department of juvenile  
2 corrections. When the court awards a juvenile to the department of  
3 juvenile corrections or an institution or agency, it shall transmit with  
4 the order of commitment copies of a diagnostic psychological evaluation  
5 and educational assessment if one has been administered, copies of the  
6 case report, all other psychological and medical reports, restitution  
7 orders, any request for postadjudication notice that has been submitted by  
8 a victim and any other documents or records pertaining to the case  
9 requested by the department of juvenile corrections or an institution or  
10 agency. The department shall not release a juvenile from secure care  
11 before the juvenile completes the length of stay determined by the court  
12 in the commitment order unless the county attorney in the county from  
13 which the juvenile was committed requests the committing court to reduce  
14 the length of stay. The department may temporarily escort the juvenile  
15 from secure care pursuant to section 41-2804, may release the juvenile  
16 from secure care without a further court order after the juvenile  
17 completes the length of stay determined by the court or may retain the  
18 juvenile in secure care for any period subsequent to the completion of the  
19 length of stay in accordance with the law.

20 M. Written notice of the release of any juvenile pursuant to  
21 subsection L of this section shall be made to any victim requesting  
22 notice, the juvenile court that committed the juvenile and the county  
23 attorney of the county from which the juvenile was committed.

24 N. Notwithstanding any law to the contrary, if a person is under  
25 the supervision of the court as an adjudicated delinquent juvenile at the  
26 time the person reaches eighteen years of age, treatment services may be  
27 provided until the person reaches twenty-one years of age if the court,  
28 the person and the state agree to the provision of the treatment and a  
29 motion to transfer the person pursuant to section 8-327 has not been filed  
30 or has been withdrawn. The court may terminate the provision of treatment  
31 services after the person reaches eighteen years of age if the court  
32 determines that any of the following applies:

- 33 1. The person is not progressing toward treatment goals.
- 34 2. The person terminates treatment.
- 35 3. The person commits a new offense after reaching eighteen years  
36 of age.
- 37 4. Continued treatment is not required or is not in the best  
38 interests of the state or the person.

39 O. On the request of a victim of an act that may have involved  
40 significant exposure as defined in section 13-1415 or that if committed by  
41 an adult would be a sexual offense, the prosecuting attorney shall  
42 petition the adjudicating court to require that the juvenile be tested for  
43 the presence of the human immunodeficiency virus. If the victim is a  
44 minor the prosecuting attorney shall file this petition at the request of  
45 the victim's parent or guardian. If the act committed against a victim is

1 an act that if committed by an adult would be a sexual offense or the  
2 court determines that sufficient evidence exists to indicate that  
3 significant exposure occurred, it shall order the department of juvenile  
4 corrections or the department of health services to test the juvenile  
5 pursuant to section 13-1415. Notwithstanding any law to the contrary, the  
6 department of juvenile corrections and the department of health services  
7 shall release the test results only to the victim, the delinquent  
8 juvenile, the delinquent juvenile's parent or guardian and a minor  
9 victim's parent or guardian and shall counsel them regarding the meaning  
10 and health implications of the results.

11 P. If a juvenile has been adjudicated delinquent for an offense  
12 that if committed by an adult would be an offense listed in section  
13 41-1750, subsection C, the court shall provide the department of public  
14 safety Arizona automated fingerprint identification system established in  
15 section 41-2411 with the juvenile's ten-print fingerprints, personal  
16 identification data and other pertinent information. If a juvenile has  
17 been committed to the department of juvenile corrections the department  
18 shall provide the fingerprints and information required by this subsection  
19 to the Arizona automated fingerprint identification system. If the  
20 juvenile's fingerprints and information have been previously submitted to  
21 the Arizona automated fingerprint identification system the information is  
22 not required to be resubmitted.

23 Q. Access to fingerprint records submitted pursuant to subsection P  
24 of this section shall be limited to the administration of criminal justice  
25 as defined in section 41-1750. Dissemination of fingerprint information  
26 shall be limited to the name of the juvenile, juvenile case number, date  
27 of adjudication and court of adjudication.

28 R. If a juvenile is adjudicated delinquent for an offense that if  
29 committed by an adult would be a misdemeanor, the court may prohibit the  
30 juvenile from carrying or possessing a firearm while the juvenile is under  
31 the jurisdiction of the department of juvenile corrections or the juvenile  
32 court.

33 S. If a juvenile is adjudicated delinquent for a violation of  
34 section 13-1602, subsection A, paragraph 5, the court shall order the  
35 juvenile to pay a fine of at least \$300 but not more than \$1,000. Any  
36 restitution ordered shall be paid in accordance with section 13-809,  
37 subsection A. The court may order the juvenile to perform community  
38 restitution in lieu of the payment for all or part of the fine if it is in  
39 the best interests of the juvenile. The court shall credit community  
40 restitution performed at a rate that is equal to the minimum wage  
41 prescribed by section 23-363, subsections A and B, rounded up to the  
42 nearest dollar. If the juvenile is convicted of a second or subsequent  
43 violation of section 13-1602, subsection A, paragraph 5 and is ordered to  
44 perform community restitution, the court may order the parent or guardian

1 of the juvenile to assist the juvenile in the performance of the community  
2 restitution if both of the following apply:

3 1. The parent or guardian had knowledge that the juvenile intended  
4 to engage in or was engaging in the conduct that gave rise to the  
5 violation.

6 2. The parent or guardian knowingly provided the juvenile with the  
7 means to engage in the conduct that gave rise to the violation.

8 T. If a juvenile is adjudicated delinquent for an offense involving  
9 the purchase, possession or consumption of spirituous liquor or a  
10 violation of title 13, chapter 34 and is placed on juvenile probation, the  
11 court may order the juvenile to submit to random drug and alcohol testing  
12 at least two times per week as a condition of probation.

13 U. If jurisdiction of the juvenile court is retained pursuant to  
14 section 8-202, subsection H, the court shall order continued probation  
15 supervision and treatment services until a child who has been adjudicated  
16 a delinquent juvenile reaches nineteen years of age or until otherwise  
17 terminated by the court. The court may terminate continued probation  
18 supervision or treatment services before the child's nineteenth birthday  
19 if the court determines that continued probation supervision or treatment  
20 is not required or is not in the best interests of the juvenile or the  
21 state or the juvenile commits a criminal offense after reaching eighteen  
22 years of age.

23 V. For the purposes of this section:

24 1. "First time felony juvenile offender" means a juvenile who is  
25 adjudicated delinquent for an offense that would be a felony offense if  
26 committed by an adult.

27 2. "Repeat felony juvenile offender" means a juvenile to whom both  
28 of the following apply:

29 (a) Is adjudicated delinquent for an offense that would be a felony  
30 offense if committed by an adult.

31 (b) Previously has been adjudicated a first time felony juvenile  
32 offender.

33 3. "Sexual offense" means oral sexual contact, sexual contact or  
34 sexual intercourse as defined in section 13-1401.