

REFERENCE TITLE: juvenile offenders; monetary sanctions; repeal

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1197

Introduced by
Senator Gowan: Representative Hernandez A

AN ACT

AMENDING SECTIONS 8-221 AND 8-234, ARIZONA REVISED STATUTES; REPEALING SECTION 8-241, ARIZONA REVISED STATUTES; AMENDING SECTION 8-243, ARIZONA REVISED STATUTES; REPEALING SECTION 8-243.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 8-243.02, 8-245, 8-246, 8-263, 8-321, 8-322, 8-323 AND 8-341, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-341.02; AMENDING SECTIONS 8-343, 8-344, 8-348 AND 8-349, ARIZONA REVISED STATUTES; REPEALING SECTION 8-418, ARIZONA REVISED STATUTES; AMENDING SECTIONS 8-503.01, 11-537, 11-584, 12-116, 12-116.07, 12-268, 12-1551, 41-191.08, 41-1750 AND 41-2822, ARIZONA REVISED STATUTES; RELATING TO JUVENILE SANCTIONS.

(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; 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 dismissal.

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

44 ~~H.~~ G. Any guardian ad litem or attorney appointed for a juvenile
45 shall meet with the juvenile before the preliminary protective hearing, if

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

6 Sec. 2. Section 8-234, Arizona Revised Statutes, is amended to
7 read:

8 8-234. Treatment, community restitution, restraining and
9 protective orders

10 A. A parent or legal guardian of a person who is under eighteen
11 years of age shall exercise reasonable care, supervision, protection and
12 control over the parent's or legal guardian's minor child.

13 B. On petition of a party or on the court's own motion, the court
14 may make an order directing, restraining or otherwise controlling the
15 conduct of a person if:

16 1. An order or disposition of a delinquent, dependent or
17 incorrigible child has been or is about to be made in a proceeding under
18 this chapter.

19 2. The court finds that such conduct is or may be detrimental or
20 harmful to the child, will tend to defeat the execution of an order or
21 disposition made or to be made or will assist in or is necessary for the
22 rehabilitation of the child.

23 3. Notice of the petition or motion and the grounds for the
24 petition or motion and an opportunity to be heard on the petition or
25 motion have been given to the person against whom the order is directed.

26 C. The court may invoke its contempt powers pursuant to section
27 8-247 to enforce any treatment, counseling, education or other restraining
28 or protective order that applies to:

29 1. The child, the parents or guardian of the child or any other
30 party before the court who is the subject of an order to participate in a
31 counseling, treatment or education program or any other restraining or
32 protective order.

33 2. The legal custodians or agencies, including agency personnel,
34 that are ordered to provide treatment or services to the child, the
35 child's family or any party named in the dispositional order.

36 D. The court may **NOT** order a parent or guardian to pay the cost of
37 any counseling, treatment or education program ordered pursuant to
38 subsection F of this section.

39 E. If the court after notice and hearing finds that a person has
40 failed to exercise reasonable care, supervision, protection and control of
41 a minor pursuant to subsection A of this section or if the court holds a
42 person in contempt for violating an order issued pursuant to this section,
43 the court may immediately take one or more of the following actions:

44 1. Impose a fine of not more than ~~one thousand dollars~~ **\$1,000**, plus
45 any applicable surcharges and assessments.

1 2. Impose a term of incarceration in jail for a period of not more
2 than thirty days.

3 3. Order the parents or guardian of the child to perform community
4 restitution with the child.

5 F. If the court finds that the best interests of the child would be
6 served by participation in a diversion program, in lieu of taking any
7 action pursuant to subsection C of this section, the court may order the
8 parent or guardian of a child to participate in a diversion program,
9 approved by the supreme court, that requires the parent or guardian to
10 perform community restitution or to attend and successfully complete a
11 program of counseling, treatment or education. If the terms and
12 conditions of the diversion order are successfully completed, the court
13 shall dismiss its finding against the parents. If the court finds that
14 the terms and conditions of the diversion order were not successfully
15 completed it may take one or more of the actions specified in subsection B
16 of this section.

17 G. Before a hearing that may result in incarceration for a person
18 who is alleged to have violated a court order under this section, the
19 court shall advise the person that the person has the right to be
20 represented by counsel and that the court may appoint counsel if the court
21 finds that the person is indigent.

22 H. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT
23 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR
24 FROM COVERING AN EXPENSE THAT IS RELATED TO THE CHILD'S TREATMENT OR CARE.

25 Sec. 3. Repeal

26 Section 8-241, Arizona Revised Statutes, is repealed.

27 Sec. 4. Section 8-243, Arizona Revised Statutes, is amended to
28 read:

29 8-243. Expenses of child services; parent liability
30 prohibited

31 A. The supreme court shall administer the activities, including
32 providing the cost of services, for children who are referred to the
33 juvenile court as incorrigible or delinquent and who are placed in foster
34 care other than in a state institution or who require shelter care or
35 treatment. If the juvenile court places a referred child in foster care
36 or orders a referred child to participate in treatment or an education
37 program or if a probation officer requires a child to comply with a
38 program pursuant to section 8-321, subsection F, the juvenile court ~~shall~~
39 ~~inquire into the ability of the child or the child's parent~~ MAY NOT ORDER
40 THE CHILD OR THE CHILD'S PARENT OR GUARDIAN to bear the charge or expense
41 of the foster care, treatment, education program or program required
42 pursuant to section 8-321, subsection F. ~~If the court is satisfied that~~
43 ~~the child or the child's parent can bear the charge or expense or any~~
44 ~~portion of the charge or expense, the juvenile court may fix the amount of~~
45 ~~the payment and shall direct the child or parent to pay the amount monthly~~

1 ~~to the clerk of the court until the child is discharged from foster care,~~
 2 ~~treatment, an education program or a program required pursuant to section~~
 3 ~~8-321, subsection F. The clerk of the court shall transmit monies~~
 4 ~~collected monthly to the supreme court for deposit in the juvenile~~
 5 ~~probation services fund to reimburse the cost of services incurred under~~
 6 ~~sections 8-321 and 8-322. Monies collected for this purpose are exempt~~
 7 ~~from section 41-2421, subsection C.~~

8 B. If the juvenile court awards or commits a child to the
 9 department of juvenile corrections or other state department or
 10 institution, the juvenile court ~~shall inquire into the ability of the~~
 11 ~~child, the child's estate, parent or guardian or the person who has~~
 12 ~~custody of the child~~ MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR
 13 GUARDIAN to bear the charge, expense and maintenance, including the
 14 medical, dental and mental health care of the child while the child is
 15 committed to the custody of the department of juvenile corrections or
 16 other public or private institution or agency, or private person or
 17 persons. ~~If the court is satisfied that the child, the child's estate,~~
 18 ~~parent or guardian or the person who has custody of the child can bear the~~
 19 ~~charges, expense and maintenance or any portion of them, the juvenile~~
 20 ~~court shall fix the amount thereof and direct that the child, the child's~~
 21 ~~estate, parent or guardian or the person who has custody of the child pay~~
 22 ~~the amount monthly to the department of juvenile corrections or other~~
 23 ~~public or private institution or agency, or private person or persons to~~
 24 ~~which the child is awarded or committed. The department of juvenile~~
 25 ~~corrections or other public or private institution or agency or private~~
 26 ~~person or persons shall acknowledge the receipt of the monies. The~~
 27 ~~department of juvenile corrections shall retain and utilize the money it~~
 28 ~~receives to fund work restitution programs for juveniles. Except as~~
 29 ~~provided in section 8-243.01, other state institutions or agencies shall~~
 30 ~~deposit, pursuant to sections 35-146 and 35-147, the money in the state~~
 31 ~~general fund. The juvenile court shall transmit a copy of its orders~~
 32 ~~concerning payment along with its order of commitment.~~

33 C. If the juvenile court awards or commits a child to a juvenile
 34 detention facility, the juvenile court ~~shall inquire into the ability of~~
 35 ~~the child, the child's estate, parent or guardian or the person who has~~
 36 ~~custody of the child~~ MAY NOT ORDER THE CHILD OR THE CHILD'S PARENT OR
 37 GUARDIAN to bear the charge, expense and maintenance, including food,
 38 clothing, shelter and supervision of the child while the child is detained
 39 in a juvenile detention facility. ~~If the juvenile court is satisfied that~~
 40 ~~the child, the child's estate, parent or guardian or the person who has~~
 41 ~~custody of the child can bear the charges, expense and maintenance or any~~
 42 ~~portion of them, the juvenile court may fix the amount of the payment and~~
 43 ~~direct that the child, the child's estate, parent or guardian or the~~
 44 ~~person who has custody of the child pay the amount monthly to the juvenile~~
 45 ~~court. The assessment is collectible as a civil judgment. The juvenile~~

1 ~~court shall acknowledge the receipt of the monies and shall transmit the~~
2 ~~monies monthly to the county treasurer for deposit in the county general~~
3 ~~fund. The juvenile court shall transmit a copy of its orders concerning~~
4 ~~payment along with its order of commitment.~~

5 ~~D. Subsection C of this section does not apply to foster parents~~
6 ~~and group homes.~~

7 ~~E. If the juvenile was adopted or placed in permanent guardianship~~
8 ~~after the juvenile was determined by the court to be a dependent child,~~
9 ~~the juvenile court shall consider the totality of the child's~~
10 ~~circumstances and the nature of the dependency. The juvenile court may~~
11 ~~waive all or part of the charges, expense and maintenance prescribed by~~
12 ~~this section if the juvenile court determines extenuating circumstances~~
13 ~~exist.~~

14 D. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT
15 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR
16 FROM COVERING AN EXPENSE THAT IS RELATED TO THE CHILD'S TREATMENT OR CARE.

17 Sec. 5. Repeal

18 Section 8-243.01, Arizona Revised Statutes, is repealed.

19 Sec. 6. Section 8-243.02, Arizona Revised Statutes, is amended to
20 read:

21 8-243.02. Assignment of right to support; priority

22 A. The right to support of a child receiving foster care
23 maintenance payments pursuant to 42 United States Code sections 670
24 through 676 is assigned to this state by operation of law. The agency in
25 this state administering the provisions of 42 United States Code sections
26 651 through 665 shall take all steps necessary to enforce the assigned
27 rights to support.

28 B. This state's assigned right to support has priority over the
29 claims of all support claimants until the amounts due this state are
30 satisfied.

31 ~~C. This section does not prohibit a court from entering a parental~~
32 ~~assessment order pursuant to section 8-241 or 8-243.~~

33 Sec. 7. Section 8-245, Arizona Revised Statutes, is amended to
34 read:

35 8-245. Physical and mental care

36 A. When a child under the jurisdiction of the juvenile court
37 appears to be in need of medical or surgical care, the juvenile court may
38 order the parent, guardian or custodian to provide treatment for the child
39 in a hospital or otherwise. If the parent, guardian or custodian fails to
40 provide the care as ordered, the juvenile court may enter an order
41 therefor, and the expense, when approved by the juvenile court, shall be a
42 county charge. ~~The juvenile court may adjudge that the person required by~~
43 ~~law to support the child pay part or all of the expenses of treatment in~~
44 ~~accordance with section 8-243. THE COURT MAY NOT ORDER A CHILD OR THE~~

1 PARENT OR GUARDIAN OF A CHILD WHO IS IN RESIDENTIAL PLACEMENT AS A TERM OF
2 PROBATION, DETENTION OR INCARCERATION TO PAY FOR TREATMENT EXPENSES.

3 B. A county with a population of more than one million persons
4 shall pay claims approved by the county from a facility or provider for
5 medical or surgical care to a child that is a county charge pursuant to
6 subsection A of this section, unless otherwise provided by an
7 intergovernmental agreement, as follows:

8 1. For inpatient and outpatient hospital services, the county shall
9 reimburse at a level that does not exceed the reimbursement methodology
10 established pursuant to section 36-2903.01, subsection G.

11 2. For health and medical services, the county shall reimburse at a
12 level that does not exceed the capped fee-for-service schedule that is
13 adopted by the Arizona health care cost containment system administration
14 pursuant to title 36, chapter 29, article 1 and that is in effect at the
15 time the services are delivered.

16 C. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT
17 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR
18 FROM COVERING AN EXPENSE RELATED TO THE CHILD'S TREATMENT OR CARE.

19 Sec. 8. Section 8-246, Arizona Revised Statutes, is amended to
20 read:

21 8-246. Jurisdiction; length of commitment; placement;
22 assessment; definition

23 A. When jurisdiction of a juvenile has been acquired by the
24 juvenile court, the juvenile shall continue under the jurisdiction of the
25 juvenile court until the juvenile attains eighteen years of age or, if the
26 juvenile court has retained jurisdiction over the person pursuant to
27 section 8-202, subsection H, nineteen years of age, unless sooner
28 discharged pursuant to law. From the time of commitment to the department
29 of juvenile corrections, a juvenile shall be subject to the control of the
30 department of juvenile corrections until the juvenile's discharge pursuant
31 to section 41-2820.

32 B. Except pursuant to section 8-341, subsection ~~I~~ I and section
33 8-344, and unless the court has retained jurisdiction over the person
34 pursuant to section 8-202, subsection H:

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

37 2. Commitment to the department of juvenile corrections shall be
38 until the juvenile attains eighteen years of age unless sooner discharged
39 by the department of juvenile corrections.

40 C. The supreme court in cooperation with the department of juvenile
41 corrections and other state agencies shall develop a common risk needs
42 assessment instrument to be used for each juvenile who is adjudicated
43 delinquent in the juvenile court. The juvenile court shall update the
44 risk needs assessment on each subsequent adjudication, and the court shall
45 use the risk needs assessment to determine the appropriate disposition of

1 the juvenile. The supreme court in cooperation with the department of
2 juvenile corrections shall develop guidelines to be used by juvenile court
3 judges in determining those juveniles who should be committed to the
4 department of juvenile corrections.

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

9 Sec. 9. Section 8-263, Arizona Revised Statutes, is amended to
10 read:

11 8-263. Order for counseling; administration

12 A. In addition to or ~~prior to~~ BEFORE entering a judgment pursuant
13 to article 4 of this chapter, the court may order parents or guardians of
14 a child referred to the court and ~~such~~ THE child to attend family
15 counseling programs administered by the court pursuant to this article.

16 B. The COURT SHALL DETERMINE THE frequency of attendance at the
17 counseling sessions provided for in subsection A OF THIS SECTION, THE
18 times and locations ~~thereof OF THE COUNSELING SESSIONS~~ and THE areas of
19 counseling to be emphasized ~~shall be as determined by the court~~. The
20 court may employ personnel and delegate to public and private agencies
21 execution of the family counseling programs. Payment for services
22 necessary to carry out the provisions of this section shall be a county
23 charge to the matching funds as provided in this article.

24 ~~C. The juvenile division of the superior court shall inquire into~~
25 ~~the ability of the minor, his estate or parent, guardian or person who has~~
26 ~~custody of such minor to bear the charge or expense of conducting~~
27 ~~counseling sessions provided for by this article. If the court is~~
28 ~~satisfied that the minor, his estate or parent, guardian or person who has~~
29 ~~custody of such minor can bear such charge or expense, the court may fix~~
30 ~~the amount thereof and direct that the minor, his estate or parent,~~
31 ~~guardian or person who has custody of such minor pay such amount to the~~
32 ~~clerk of the court on terms directed by the court. The clerk of the court~~
33 ~~shall acknowledge receipt of the money received to the person paying same.~~
34 ~~The clerk of the court shall transmit such money to the state treasurer~~
35 ~~for deposit in the state general fund.~~

36 C. THE COURT MAY NOT ORDER A CHILD OR THE CHILD'S PARENT OR
37 GUARDIAN TO PAY FOR THE COST OF COUNSELING SESSIONS OR OTHER SERVICES THAT
38 ARE AUTHORIZED BY THIS SECTION.

39 D. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT
40 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR
41 FROM COVERING A COST THAT IS RELATED TO THE CHILD'S TREATMENT OR CARE.

1 Sec. 10. Section 8-321, Arizona Revised Statutes, is amended to
2 read:

3 8-321. Referrals; diversions; conditions; community based
4 alternative programs

5 A. Except as provided in subsection B of this section, before a
6 petition is filed or an admission or adjudication hearing is held, the
7 county attorney may divert the prosecution of a juvenile who is accused of
8 committing a delinquent act or a child who is accused of committing an
9 incorrigible act to a community based alternative program or to a
10 diversion program administered by the juvenile court.

11 B. A juvenile is not eligible for diversion if any of the following
12 applies:

13 1. The juvenile committed a dangerous offense as defined in section
14 13-105.

15 2. The juvenile is a chronic felony offender as defined in section
16 13-501.

17 3. The juvenile committed an offense that is listed in section
18 13-501.

19 4. The juvenile is alleged to have committed a violation of section
20 28-1381, 28-1382 or 28-1383.

21 5. The juvenile is alleged to have committed an offense involving
22 the purchase, possession or consumption of spirituous liquor or a
23 violation of title 13, chapter 34 and the juvenile has previously
24 participated in a community based alternative program or a diversion
25 program administered by the juvenile court at least two times within
26 twenty-four months before the date of the commission of the alleged
27 offense.

28 C. Except as provided in section 8-323, the county attorney has
29 sole discretion to decide whether to divert or defer prosecution of a
30 juvenile offender. The county attorney may designate the offenses that
31 shall be retained by the juvenile court for diversion or that shall be
32 referred directly to a community based alternative program that is
33 authorized by the county attorney.

34 D. The county attorney or the juvenile court in cooperation with
35 the county attorney may establish community based alternative programs.

36 E. Except for offenses that the county attorney designates as
37 eligible for diversion or referral to a community based alternative
38 program, on receipt of a referral alleging the commission of an offense,
39 the juvenile probation officer shall submit the referral to the county
40 attorney to determine if a petition should be filed.

41 F. If the county attorney diverts the prosecution of a juvenile to
42 the juvenile court, the juvenile probation officer shall conduct a
43 personal interview with the alleged juvenile offender. At least one of
44 the juvenile's parents or guardians shall attend the interview. The
45 probation officer may waive the requirement for the attendance of the

1 parent or guardian for good cause. If the juvenile acknowledges
2 responsibility for the delinquent or incorrigible act, the juvenile
3 probation officer shall require that the juvenile comply with one or more
4 of the following conditions:

5 1. Participation in unpaid community restitution work.

6 2. Participation in a counseling program that is approved by the
7 court and that is designed to strengthen family relationships and to
8 prevent repetitive juvenile delinquency.

9 3. Participation in an education program that is approved by the
10 court and that has as its goal the prevention of further delinquent
11 behavior.

12 4. Participation in an education program that is approved by the
13 court and that is designed to deal with ancillary problems experienced by
14 the juvenile, such as alcohol or drug abuse.

15 5. Participation in a nonresidential program of rehabilitation or
16 supervision that is offered by the court or offered by a community youth
17 serving agency and approved by the court.

18 6. Payment of restitution to the victim of the delinquent act.

19 7. Payment of a monetary assessment THAT MAY BE SATISFIED THROUGH
20 COMMUNITY RESTITUTION. THE COURT SHALL CREDIT ANY COMMUNITY RESTITUTION
21 PERFORMED AT A RATE THAT IS EQUAL TO THE MINIMUM WAGE PRESCRIBED BY
22 SECTION 23-363, SUBSECTIONS A AND B, ROUNDED UP TO THE NEAREST DOLLAR.

23 G. If the juvenile successfully complies with the conditions set
24 forth by the probation officer, the county attorney shall not file a
25 petition in juvenile court and the program's resolution shall not be used
26 against the juvenile in any further proceeding and is not an adjudication
27 of incorrigibility or delinquency. The resolution of the program is not a
28 conviction of crime, does not impose any civil disabilities ordinarily
29 resulting from a conviction and does not disqualify the juvenile in any
30 civil service application or appointment.

31 H. In order to participate in a community based alternative program
32 the juvenile who is referred to a program shall admit responsibility for
33 the essential elements of the accusation and shall cooperate with the
34 program in all of its proceedings.

35 I. All of the following apply to each community based alternative
36 program that is established pursuant to this section:

37 1. The juvenile's participation is voluntary.

38 2. The victim's participation is voluntary.

39 3. The community based alternative program shall ensure that the
40 victim, the juvenile's parent or guardian and any other persons who are
41 directly affected by an offense have the right to participate.

42 4. The participants shall agree to the consequences imposed on the
43 juvenile or the juvenile's parent or guardian.

44 5. The meetings and records shall be open to the public.

1 J. After holding a meeting the participants in the community based
2 alternative program may agree on any legally reasonable consequences that
3 the participants determine are necessary to fully and fairly resolve the
4 matter except confinement OR MONETARY SANCTIONS OR FINES THAT EXCEED \$250.

5 K. The participants shall determine consequences within thirty days
6 after referral to the community based alternative program, and the
7 juvenile shall complete the consequences within ninety days after the
8 matter is referred to the community based alternative program. The county
9 attorney or the juvenile probation officer may extend the time in which to
10 complete the consequences for good cause. If the community based
11 alternative program involves a school, the deadlines for determination and
12 completion of consequences shall be thirty and ninety school days,
13 respectively.

14 L. The community based alternative program, the juvenile, the
15 juvenile's parent or guardian and the victim may sign a written contract
16 in which the parties agree to the program's resolution of the matter and
17 in which the juvenile's parent or guardian agrees to ensure that the
18 juvenile complies with the contract. ~~The contract may provide that the
19 parent or guardian shall post a bond payable to this state to secure the
20 performance of any consequence imposed on the juvenile pursuant to
21 subsection J of this section.~~

22 M. If the juvenile successfully completes the consequences, the
23 county attorney shall not file a petition in juvenile court and the
24 program's resolution shall not be used against the juvenile in any further
25 proceeding and is not an adjudication of incorrigibility or delinquency.
26 The resolution of the program is not a conviction of crime, does not
27 impose any civil disabilities ordinarily resulting from a conviction and
28 does not disqualify the juvenile in any civil service application or
29 appointment.

30 N. ~~The county attorney or juvenile court shall assess the parent of
31 a juvenile who is diverted pursuant to subsection A of this section a fee
32 of fifty dollars unless, after determining the inability of the parent to
33 pay the fee, the county attorney or juvenile court assesses a lesser
34 amount. If the juvenile was adopted or placed in permanent guardianship
35 after the juvenile was determined by the court to be a dependent child,
36 the county attorney or juvenile court shall consider the totality of the
37 child's circumstances and the nature of the dependency. The county
38 attorney or juvenile court may waive all or part of the fee prescribed by
39 this subsection if the county attorney or juvenile court determines
40 extenuating circumstances exist. All monies assessed pursuant to this
41 subsection shall be used for the administration and support of community
42 based alternative programs or juvenile court diversion programs. Any
43 amount greater than forty dollars of the fee assessed pursuant to this
44 subsection shall only be used to supplement monies currently used for the
45 salaries of juvenile probation and surveillance officers and for support~~

1 ~~of programs and services of the superior court juvenile probation~~
2 ~~departments. The clerk of the superior court shall pay all monies~~
3 ~~collected from this assessment to the county treasurer for deposit in the~~
4 ~~juvenile probation fund, to be utilized as provided in section 12-268, and~~
5 ~~the county attorney shall pay all monies collected from this assessment~~
6 ~~into the county attorney juvenile diversion fund established by section~~
7 ~~11-537~~ MAY NOT ASSESS OR REQUIRE THE JUVENILE OR THE JUVENILE'S PARENT OR
8 GUARDIAN TO PAY A FEE OR THE COST FOR A COMMUNITY BASED ALTERNATIVE
9 PROGRAM OR DIVERSION PROGRAM THAT IS AUTHORIZED BY THIS SECTION.

10 O. The supreme court shall annually establish an average cost per
11 juvenile for providing diversion services in each county, based on the
12 monies appropriated for diversion pursuant to section 8-322, excluding the
13 cost of juvenile intake services provided by the juvenile court, and the
14 number of juveniles diverted the previous year. On the county attorney's
15 certification to the supreme court of the number of juveniles diverted to
16 a county attorney community based alternative program each quarter, the
17 annual average cost per juvenile for each juvenile diverted shall be
18 reimbursed to the county attorney juvenile diversion fund established by
19 section 11-537 out of monies appropriated to the supreme court for
20 diversion programs.

21 P. If the juvenile does not acknowledge responsibility for the
22 offense, or fails to comply with the consequences set by the community
23 based alternative program, the case shall be submitted to the county
24 attorney for review. THE PAYMENT OF A MONETARY ASSESSMENT MAY NOT BE USED
25 AS A CONDITION FOR THE JUVENILE TO COMPLY WITH THE CONSEQUENCES SET BY THE
26 COMMUNITY BASED ALTERNATIVE PROGRAM.

27 Q. After reviewing a referral, if the county attorney declines
28 prosecution, the county attorney may return the case to the juvenile
29 probation department for further action as provided in subsection F of
30 this section.

31 R. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT
32 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR
33 FROM COVERING AN EXPENSE THAT IS RELATED TO THE JUVENILE'S TREATMENT OR
34 CARE.

35 Sec. 11. Section 8-322, Arizona Revised Statutes, is amended to
36 read:

37 8-322. Juvenile probation services fund; program and contract
38 requirements

39 A. The juvenile probation services fund is established. The
40 supreme court shall administer the fund. Monies in the juvenile probation
41 services fund are exempt from the provisions of section 35-190 relating to
42 lapsing of appropriations.

43 B. The supreme court shall allocate monies in the fund or
44 appropriated to the superior court's juvenile probation services fund line
45 based on its determination of the need for and probable effectiveness of

1 each plan submitted pursuant to this article. The supreme court shall
2 require that the presiding juvenile court judge submit in accordance with
3 rules of the supreme court a plan for the expenditure of monies that are
4 allocated to the juvenile court pursuant to this section. The supreme
5 court may reject a plan or a modification of a plan that is submitted
6 pursuant to this subsection.

7 C. Monies in the fund shall be used to fund programs, the
8 participation in which a juvenile probation officer or community based
9 alternative program administered by the juvenile court has required as a
10 condition of diversion pursuant to section 8-321. Monies shall also be
11 used to fund programs to reduce the number of repetitive juvenile
12 offenders and to provide services for juveniles who are on probation,
13 including treatment, testing, independent living programs and residential,
14 foster and shelter care, and for children who are referred to the juvenile
15 court for incorrigibility or delinquency offenses. Monies may be used to
16 provide the cost of care for persons who are under twenty-one years of age
17 and who were placed in an independent living program or in foster care
18 before eighteen years of age, who voluntarily remain in care and who are
19 currently enrolled in and regularly attending any high school or
20 certificate of equivalency program. Pursuant to section 8-341, subsection
21 ~~I~~, monies may also be used to provide services for persons who are
22 under twenty-one years of age and who voluntarily participate in
23 treatment. Except pursuant to section 8-341, subsection ~~I~~, the cost of
24 care shall not be continued for a person who has received a high school
25 diploma or certificate of equivalency. The supreme court shall approve
26 these services. The juvenile court may develop and staff such programs,
27 or the supreme court may enter into the purchase of service contracts with
28 community youth serving agencies.

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

33 E. Monies in the fund may be used to obtain, operate and maintain a
34 state-approved case management system that serves persons placed on
35 probation or juveniles referred to the juvenile court.

36 F. All monies that are distributed or expended from the fund shall
37 be used to supplement, not supplant, funding to the juvenile court by the
38 county.

39 G. The supreme court shall contract for a periodic evaluation to
40 determine if the provisions of this article reduce the number of
41 repetitive juvenile offenders. The supreme court shall send a copy of the
42 evaluation to the speaker of the house of representatives, the president
43 of the senate and the governor.

44 H. A contract that is entered into between the supreme court or the
45 county attorney and any contract provider to provide services pursuant to

1 section 8-321 or this section to juveniles shall provide that, as a
2 condition of employment, personnel who are employed by any contract
3 provider, whether paid or not, and who are required or allowed to provide
4 services directly to juveniles shall have valid fingerprint clearance
5 cards issued pursuant to title 41, chapter 12, article 3.1 or shall apply
6 for a fingerprint clearance card within seven working days of employment.

7 I. The contractor shall assume the costs of fingerprint checks and
8 may charge these costs to its fingerprinted personnel.

9 J. A service contract or license with any contract provider that
10 involves the employment of persons who have contact with juveniles shall
11 provide that the contract or license may be canceled or terminated
12 immediately if a person certifies pursuant to subsections M and N of this
13 section that the person is awaiting trial on or has been convicted of any
14 of the offenses listed in subsections M and N of this section in this
15 state or of acts committed in another jurisdiction that would be offenses
16 in this state or if the person does not possess or is denied issuance of a
17 valid fingerprint clearance card.

18 K. A contract provider may avoid cancellation or termination of the
19 contract or license under subsection J of this section if a person who
20 does not possess or has been denied issuance of a valid fingerprint
21 clearance card or who certifies pursuant to subsections M and N of this
22 section that the person has been convicted of or is awaiting trial on any
23 of the offenses listed in section 41-1758.03, subsection B is immediately
24 prohibited from employment or service with the licensee or contract
25 provider in any capacity requiring or allowing contact with juveniles.

26 L. A contract provider may avoid cancellation or termination of the
27 contract or license under subsection J of this section if a person who
28 does not possess or has been denied issuance of a valid fingerprint
29 clearance card or who certifies pursuant to subsections M and N of this
30 section that the person has been convicted of or is awaiting trial on any
31 of the offenses listed in section 41-1758.03, subsection C is immediately
32 prohibited from employment or service with the licensee or contract
33 provider in any capacity requiring or allowing the person to provide
34 direct services to juveniles unless the person is granted a good cause
35 exception pursuant to section 41-619.55.

36 M. Personnel who are employed by any contract provider, whether
37 paid or not, and who are required or allowed to provide services directly
38 to juveniles shall certify on forms provided by the contracting agency and
39 notarized whether they are awaiting trial on or have ever been convicted
40 of any of the criminal offenses listed in section 41-1758.03, subsections
41 B and C in this state or similar offenses in another state or
42 jurisdiction.

43 N. Personnel who are employed by any contract provider, whether
44 paid or not, and who are required or allowed to provide services directly
45 to juveniles shall certify on forms provided by the contracting agency and

1 notarized whether they have ever committed any act of sexual abuse of a
2 child, including sexual exploitation and commercial sexual exploitation,
3 or any act of child abuse.

4 O. Federally recognized Indian tribes or military bases may submit
5 and the supreme court shall accept certifications that state that
6 personnel who are employed or who will be employed during the contract
7 term and who provide services directly to juveniles have not been
8 convicted of, have not admitted committing or are not awaiting trial on
9 any offense under subsection M of this section.

10 P. Adult clients of a contract provider who are receiving treatment
11 services are exempt from the requirements of this section, unless they
12 provide services directly to juveniles without supervision.

13 Q. Volunteers who provide services to juveniles under the direct
14 visual supervision of the contractor's or licensee's employees are exempt
15 from the fingerprinting requirements of this section.

16 R. The contracting agency shall notify the department of public
17 safety if the contracting agency receives credible evidence that a person
18 who possesses a valid fingerprint clearance card either:

19 1. Is arrested for or charged with an offense listed in section
20 41-1758.03, subsection B.

21 2. Falsified information on the form required by subsection M of
22 this section.

23 Sec. 12. Section 8-323, Arizona Revised Statutes, is amended to
24 read:

25 8-323. Juvenile hearing officer; appointment; term;
26 compensation; hearings; required attendance;
27 contempt

28 A. The judge of the juvenile court, or in counties having more than
29 one judge of the juvenile court, the presiding judge of the juvenile
30 court, may appoint one or more persons of suitable experience who may be
31 magistrates or justices of the peace to serve as juvenile hearing officers
32 on a full-time or part-time basis. The county board of supervisors shall
33 approve the appointment of justices of the peace as juvenile hearing
34 officers. The local governing body shall approve the appointment of
35 municipal judges as juvenile hearing officers. The juvenile hearing
36 officer serves at the pleasure of the appointing judge. The appointing
37 judge, with the approval of the board of supervisors, shall determine
38 whether any compensation shall be paid to a juvenile hearing officer who
39 is not otherwise employed by a public agency or holding another public
40 office and shall establish the amounts and rates of the compensation.

41 B. Subject to the orders of the juvenile court a juvenile hearing
42 officer may hear and determine juvenile pretrial detention hearings and
43 may process, adjudicate and dispose of all cases that are not classified
44 as felonies and in which a juvenile who is under eighteen years of age on

1 the date of the alleged offense is charged with violating any law relating
2 to the following:

- 3 1. Any provision of title 28 not declared to be a felony.
- 4 2. The purchase, possession or consumption of spirituous liquor by
5 a juvenile.
- 6 3. Boating or game and fish.
- 7 4. Curfew.
- 8 5. Truancy.
- 9 6. The damage or disfigurement of property by graffiti or the
10 purchase or possession of materials with the intent to use the materials
11 for graffiti.
- 12 7. The purchase or possession of tobacco.
- 13 8. Any city, town or political subdivision ordinance.
- 14 9. Interference with judicial proceedings involving disobeying or
15 resisting the lawful order, process or other mandate of a juvenile hearing
16 officer or failure to appear related to any offense in this section.
- 17 10. A civil violation involving the possession and personal use of
18 marijuana, marijuana products and marijuana paraphernalia.

19 C. A hearing before the juvenile hearing officer or a hearing
20 before a commissioner or a judge of the juvenile court in which the
21 juvenile is charged with any offense set forth in this section may be
22 conducted on an exact legible copy of a written notice to appear,
23 including a uniform Arizona traffic ticket and complaint form, that
24 states, at a minimum, the name and address of the juvenile, the offense
25 charged and the time and place the juvenile shall appear in court.

26 D. The juvenile hearing officer, commissioner or judge of the
27 superior court shall not dispose of a petition or citation for any offense
28 under this section unless the parent, guardian or custodian of the
29 juvenile appears in court with the juvenile at the time of disposition of
30 the charge. On a showing of good cause that the parent, guardian or
31 custodian cannot appear on the date and time set by the court, the court
32 may waive the requirement that the parent, guardian or custodian
33 appear. The court shall state on the record the reasons for waiving the
34 requirement that the parent, guardian or custodian appear. At the time
35 the court issues an order to appear or other order pursuant to this
36 section, the court shall inform the juvenile that failure to appear or
37 failure to comply with an order will result in suspension of the
38 juvenile's driver license or privilege to drive. If the juvenile fails to
39 appear pursuant to a citation or an order to appear properly issued under
40 this section or if on disposition fails to comply with any court order,
41 the juvenile hearing officer shall order the department of transportation
42 to suspend the juvenile's driver license or privilege to drive or shall
43 direct the department of transportation to refuse to issue, renew or
44 restore the juvenile's driver license or privilege to drive until the

1 juvenile reaches eighteen years of age or appears in court as directed or
2 complies with the court's order.

3 E. If a parent, guardian or custodian fails to appear with the
4 juvenile, and good cause for the failure to appear is not found as
5 provided in subsection D of this section, the court shall issue an order
6 to show cause to the parent, guardian or custodian as to why that person
7 shall not be held in contempt.

8 F. Except as otherwise provided by law, on an admission by the
9 juvenile of a violation charged pursuant to this section, or after a
10 hearing, on the finding that the juvenile committed the violation, the
11 juvenile hearing officer, commissioner or judge of the superior court may
12 do one or more of the following:

13 1. Place the juvenile on probation, except that a city magistrate
14 or justice of the peace may only place the juvenile on unsupervised
15 probation.

16 2. Transfer the citation to the juvenile court for all further
17 proceedings.

18 3. Suspend the driving privileges of the juvenile, or restrict the
19 juvenile's driving privileges for a period of not to exceed one hundred
20 eighty days.

21 4. Order the juvenile to attend a traffic school or a counseling or
22 education program approved by the presiding judge of the juvenile court or
23 the supreme court.

24 5. Order the juvenile to pay the monetary assessment or penalty
25 that is applicable to the offense. Except as provided in section 8-341,
26 subsection ~~S~~ N, the monetary assessment or penalty shall not exceed ~~five~~
27 ~~hundred dollars plus lawful surcharges and assessments~~ \$500 payable to the
28 public agency processing the violation. If no monetary assessment or
29 penalty is specified for the offense, the juvenile hearing officer,
30 commissioner or judge of the superior court may order the juvenile to pay
31 not more than ~~one hundred fifty dollars plus lawful surcharges and~~
32 ~~assessments~~ \$150 payable to the public agency processing the violation.

33 6. In lieu of ~~or in addition to~~ a monetary assessment or penalty,
34 order the juvenile to perform a program of work that does not conflict
35 with the juvenile's regular schooling and employment, to repair the
36 victim's property or to provide community restitution.

37 7. If the juvenile hearing officer, commissioner or judge of the
38 superior court determines that the person charged is eighteen or more
39 years of age, transfer the matter to the appropriate criminal court having
40 jurisdiction.

41 8. If the juvenile violated any truancy laws, require the juvenile
42 and the juvenile's parents or guardians to participate in a specialized
43 program consisting of counseling, supervision and education under the
44 terms and conditions the juvenile hearing officer, commissioner or judge
45 of the superior court orders.

1 9. Order the juvenile and one or both of the juvenile's custodial
2 parents to pay restitution to any person who suffered an economic loss as
3 the result of the juvenile's conduct. The juvenile hearing officer,
4 commissioner or judge of the superior court shall not consider the ability
5 of the juvenile's parents to pay restitution before making a restitution
6 order. If the juvenile hearing officer, commissioner or judge of the
7 superior court orders one or both of the juvenile's custodial parents to
8 pay restitution, the amount of the order shall not exceed the liability
9 limit established pursuant to section 12-661.

10 10. Impose sanctions authorized by section 8-343.

11 11. Reprimand the juvenile and take no further action.

12 12. NOTWITHSTANDING PARAGRAPH 5 OF THIS SUBSECTION, IF THE JUVENILE
13 COMMITTED A VIOLATION INCLUDED IN TITLE 28 THAT IS NOT DECLARED TO BE A
14 FELONY, ORDER THE JUVENILE TO PAY LAWFUL SURCHARGES, FINES, CIVIL
15 PENALTIES AND ASSESSMENTS.

16 G. A record of the proceedings before a juvenile hearing officer
17 may be made by a court reporter, videotape or audiotape or any other
18 method approved by the supreme court that accurately reproduces what
19 occurred at the proceeding.

20 H. Within five days after receiving the citation, the juvenile
21 hearing officer shall notify the juvenile court that the juvenile has been
22 charged with an offense by citation and shall indicate the listed charges.
23 The juvenile hearing officer shall retain jurisdiction of the case until
24 all orders made under this section have been fully complied with. Within
25 five days after disposition, the juvenile hearing officer shall transmit a
26 copy of the citation with the findings and disposition of the court noted
27 on the copy to the juvenile court for record keeping purposes. If
28 appropriate, the juvenile hearing officer shall transmit a copy of the
29 citation to the department of transportation. If on disposition the
30 juvenile fails to comply with any court order, the juvenile hearing
31 officer, in the manner provided by subsection D of this section, may
32 impose any of the sanctions prescribed in subsection F of this section.

33 I. Subject to an appeal pursuant to section 8-325 all orders of the
34 juvenile hearing officer shall be effective immediately.

35 J. A city or town attorney or prosecutor shall act on behalf of the
36 state in matters that are heard in a municipal court by a juvenile hearing
37 officer pursuant to this section. In these matters and on approval of the
38 county attorney, with notice to the presiding judge of the juvenile court,
39 the city or town attorney or the prosecutor may establish diversion
40 programs for offenses other than offenses involving either:

41 1. A violation of section 28-1381, 28-1382 or 28-1383.

42 2. The purchase, possession or consumption of spirituous liquor or
43 misdemeanor violations under title 13, chapter 34 if the juvenile has
44 previously participated in a diversion program established pursuant to

1 this subsection at least two times within twenty-four months before the
2 date of the commission of the current offense.

3 Sec. 13. Section 8-341, Arizona Revised Statutes, is amended to
4 read:

5 8-341. Disposition and commitment; definitions

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

8 1. It may award a delinquent juvenile:

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

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

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

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

18 (e) To the department of juvenile corrections.

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

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

25 2. It may award an incorrigible child:

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

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

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

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

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

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

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

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

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

1 THE COURT MAY NOT USE THE JUVENILE'S FAILURE TO PAY FEES, COSTS OR FINES
2 AS A REASON TO CONTINUE SUPERVISION. The court shall state by minute
3 entry or written order its reasons for finding that continued supervision
4 is required.

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

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

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

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

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

16 1. You could be tried as an adult in adult criminal
17 court.

18 2. You could be committed to the department of juvenile
19 corrections.

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~1. Monetary reimbursement by the juvenile in a lump sum or
27 installment payments through the clerk of the superior court for
28 appropriate distribution.~~

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

39 ~~K. If a juvenile is committed to the department of juvenile
40 corrections, the court shall specify the amount of the monetary assessment
41 imposed pursuant to subsection G or H of this section.~~

42 ~~L. G. After considering the length of stay guidelines developed
43 pursuant to section 41-2816, subsection C, the court may set forth in the
44 order of commitment the minimum period during which the juvenile shall
45 remain in secure care while in the custody of the department of juvenile~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 ~~V.~~ **Q.** For the purposes of this section:

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

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

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

29 (b) Previously has been adjudicated a first time felony juvenile
30 offender.

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

33 Sec. 14. Title 8, chapter 3, article 3, Arizona Revised Statutes,
34 is amended by adding section 8-341.02, to read:

35 8-341.02. Prohibited fees, fines and costs

36 A. THE COURT MAY NOT ORDER A JUVENILE WHO IS UNDER THE JURISDICTION
37 OF THE JUVENILE COURT OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY EITHER
38 OF THE FOLLOWING:

39 1. A FEE THAT IS ASSOCIATED WITH COURT SERVICES OR PROBATION.

40 2. A FINE OR MONETARY SANCTION THAT IS NOT SPECIFICALLY REQUIRED BY
41 THE OFFENSE OR CITATION.

42 B. NOTWITHSTANDING ANY OTHER LAW, THIS SECTION DOES NOT PREVENT A
43 JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN FROM PAYING A FINE IN LIEU
44 OF PERFORMING COMMUNITY RESTITUTION IF THE COURT PROVIDES THAT OPTION.

1 Sec. 15. Section 8-343, Arizona Revised Statutes, is amended to
2 read:

3 8-343. Disposition of offenses involving driving or in actual
4 physical control of a motor vehicle while under the
5 influence of intoxicating liquor or drugs

6 A. A juvenile who is adjudicated delinquent for a violation of
7 section 28-1381 shall be detained for a period of not less than ten
8 consecutive days in a juvenile detention center as a condition of
9 probation, except that the judge may suspend all ten days of the sentence
10 if the juvenile completes alcohol or other drug screening pursuant to
11 subsection L of this section.

12 B. A juvenile who within a period of eighty-four months is
13 adjudicated delinquent for a violation of section 28-1381 and who has
14 previously been adjudicated for a violation of section 28-1381, 28-1382 or
15 28-1383 or an act in another state, a court of the United States or a
16 tribal court that if committed in this state would be a violation of
17 section 28-1381, 28-1382 or 28-1383 shall be detained for a period of not
18 less than ninety days in a juvenile detention center as a condition of
19 probation, except that the judge may suspend all but thirty consecutive
20 days of the sentence if the juvenile completes alcohol or other drug
21 screening pursuant to subsection L of this section.

22 C. A juvenile who is adjudicated delinquent for a violation of
23 section 28-1382, subsection A, paragraph 1 shall be detained for a period
24 of not less than thirty consecutive days in a juvenile detention center as
25 a condition of probation, except that the judge may suspend all but ten
26 consecutive days of the sentence if the juvenile completes alcohol or
27 other drug screening pursuant to subsection L of this section. A juvenile
28 who is adjudicated delinquent for a violation of section 28-1382,
29 subsection A, paragraph 2 shall be detained for a period of not less than
30 forty-five consecutive days in a juvenile detention center as a condition
31 of probation, except that the judge may suspend all but fifteen
32 consecutive days of the sentence if the juvenile completes alcohol or
33 other drug screening pursuant to subsection L of this section.

34 D. If within a period of eighty-four months a juvenile is
35 adjudicated delinquent for a violation of section 28-1382 and has
36 previously been adjudicated for a violation of section 28-1381, 28-1382 or
37 28-1383 or an act in another state, a court of the United States or a
38 tribal court that if committed in this state would be a violation of
39 section 28-1381, 28-1382 or 28-1383, the juvenile:

40 1. Shall be detained for a period of not less than one hundred
41 twenty days in a juvenile detention center as a condition of probation if
42 the juvenile is adjudicated delinquent for a violation of section 28-1382,
43 subsection A, paragraph 1, except that the judge may suspend all but sixty
44 consecutive days of the sentence if the juvenile completes alcohol or
45 other drug screening pursuant to subsection L of this section.

1 2. Shall be detained for a period of not less than one hundred
2 eighty days in a juvenile detention center as a condition of probation if
3 the juvenile is adjudicated delinquent for a violation of section 28-1382,
4 subsection A, paragraph 2, except that the judge may suspend all but
5 ninety consecutive days of the sentence if the juvenile completes alcohol
6 or other drug screening pursuant to subsection L of this section.

7 E. A juvenile who is adjudicated delinquent for a violation of
8 section 28-1383 shall be detained for a period of not less than four
9 months in a juvenile detention center or the department of juvenile
10 corrections as a condition of probation if the juvenile is adjudicated
11 delinquent under either of the following:

12 1. Section 28-1383, subsection A, paragraph 1.

13 2. Section 28-1383, subsection A, paragraph 2 and within an
14 ~~eighty-four month~~ EIGHTY-FOUR-MONTH period has been adjudicated delinquent
15 for two prior violations of section 28-1381, 28-1382 or 28-1383, or any
16 combination of those sections, or acts in another jurisdiction that if
17 committed in this state would be a violation of section 28-1381, 28-1382
18 or 28-1383.

19 F. A juvenile who is adjudicated delinquent under section 28-1383,
20 subsection A, paragraph 2 and who within an eighty-four month period has
21 been adjudicated delinquent for three or more prior violations of section
22 28-1381, 28-1382 or 28-1383, or any combination of those sections, or acts
23 in another jurisdiction that if committed in this state would be a
24 violation of section 28-1381, 28-1382 or 28-1383 shall be detained for a
25 period of not less than eight months in a juvenile detention center or the
26 department of juvenile corrections as a condition of probation.

27 G. A juvenile who is adjudicated delinquent under section 28-1383,
28 subsection A, paragraph 3, subdivision (a) shall serve at least the
29 minimum term of detention required pursuant to subsection A or B of this
30 section.

31 H. A juvenile who is adjudicated delinquent under section 28-1383,
32 subsection A, paragraph 3, subdivision (b) shall serve at least the
33 minimum term of detention required pursuant to subsection C or D of this
34 section.

35 I. Notwithstanding subsection E or F of this section, at the time
36 of sentencing, the judge may suspend all but two months of the sentence if
37 the juvenile completes alcohol or other drug screening pursuant to
38 subsection L of this section.

39 J. If a juvenile is adjudicated delinquent for a violation of
40 section 28-1381, 28-1382 or 28-1383, the court shall order the juvenile to
41 pay ~~at least two hundred fifty dollars but~~ not more than ~~five hundred~~
42 ~~dollars~~ \$250 plus any applicable surcharges and assessments to the public
43 agency processing the violation or the court may order the juvenile to
44 perform ~~at least eighty~~ NOT MORE THAN TWENTY hours of community
45 restitution under the supervision of the court.

1 K. The dates of the commission of the offense shall be the
2 determining factor in applying the eighty-four month provision of
3 subsection B, D, E or F of this section, irrespective of the sequence in
4 which the offenses were committed. A second violation for which a
5 conviction occurs as provided in this section shall not include a
6 conviction for an offense arising out of the same series of acts.

7 L. In addition to any other penalties prescribed by law, if a
8 juvenile is adjudicated delinquent for a violation of section 28-1381,
9 28-1382 or 28-1383, the court shall order the juvenile to complete alcohol
10 or other drug screening that is provided by a facility approved by the
11 department of health services or a probation department. If the court
12 determines that the juvenile requires further alcohol or other drug
13 education or treatment, the juvenile may be required pursuant to court
14 order to obtain education or treatment under the court's supervision from
15 an approved facility. The court may review an education or treatment
16 determination at the request of the state or the defendant or on the
17 court's initiative. ~~The juvenile shall pay the costs of the screening,
18 education or treatment unless the court waives part or all of the costs.
19 The court may order the parent or guardian of the juvenile to pay part or
20 all of the costs of the screening, education or treatment.~~ THE COURT MAY
21 NOT ORDER THE JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN TO PAY THE
22 COSTS OF THE SCREENING, EDUCATION OR TREATMENT.

23 M. The court ~~shall~~ MAY NOT order a juvenile or the ~~parents~~ PARENT
24 OR GUARDIAN of a juvenile who is sentenced to a term of detention to
25 reimburse the county that is responsible for the costs of the juvenile's
26 detention. ~~for those detention costs. The court may determine the amount
27 of detention costs to be paid based on the following factors:~~

- 28 ~~1. The per diem per juvenile cost of detention incurred by the
29 county that detains the juvenile.~~
30 ~~2. The ability of the juvenile or the parents of the juvenile to
31 pay part or all of the detention costs.~~

32 N. THIS SECTION DOES NOT PREVENT A HEALTH INSURER THAT IS SUBJECT
33 TO TITLE 20 OR AN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CONTRACTOR
34 FROM COVERING THE EXPENSE OF THE JUVENILE'S SCREENING, EDUCATION OR
35 TREATMENT.

36 Sec. 16. Section 8-344, Arizona Revised Statutes, is amended to
37 read:

38 8-344. Restitution payments

39 A. If a juvenile is adjudicated delinquent, the court, after
40 considering the nature of the offense and the age, physical and mental
41 condition and earning capacity of the juvenile, shall order the juvenile
42 to make full or partial restitution to the victim of the offense for which
43 the juvenile was adjudicated delinquent or to the estate of the victim if
44 the victim has died. The juvenile shall make restitution payments to the
45 clerk of the court for disbursement to the victim or estate of the victim.

1 B. The court shall notify the victim or estate of the victim of the
2 dispositional hearing. The court may consider a verified statement from
3 the victim or estate of the victim concerning damages for lost wages,
4 reasonable damages for injury to or loss of property and actual expenses
5 of medical treatment for personal injury, excluding pain and suffering.

6 C. In ordering restitution pursuant to subsection A of this
7 section, the court may order one or both of the juvenile's custodial
8 parents to make restitution to the victim of the offense for which the
9 juvenile was adjudicated delinquent or to the estate of the victim if the
10 victim has died. The court shall determine the amount of restitution
11 ordered pursuant to this subsection, except that the amount shall not
12 exceed the liability limit established pursuant to section 12-661. The
13 court may order a parent or juvenile who is ordered to pay restitution to
14 satisfy the order in a lump sum or installment payments to the clerk of
15 the court for disbursement to the victim or estate of the victim. If the
16 court orders the juvenile's parents to make restitution pursuant to this
17 subsection, the court shall order the juvenile to make either full or
18 partial restitution, regardless of the juvenile's insufficient earning
19 capacity. The court shall not consider the ability of the juvenile's
20 parents to pay restitution before making a restitution order.

21 D. The juvenile court shall retain jurisdiction of the case after
22 the juvenile attains eighteen years of age for the purpose of modifying
23 the manner in which court ordered payments are to be made. After a
24 juvenile attains eighteen years of age or if the court retains
25 jurisdiction over the juvenile pursuant to section 8-202, subsection H on
26 termination of the juvenile's probation, the juvenile court shall enter
27 ~~the following:~~

28 ~~1. A juvenile restitution order in favor of the state for the~~
29 ~~unpaid balance, if any, of any costs, fees, surcharges or monetary~~
30 ~~assessments imposed.~~

31 ~~2.~~ a juvenile restitution order in favor of each person entitled to
32 restitution for the unpaid balance of any restitution ordered pursuant to
33 this section.

34 E. The clerk of the court shall send a copy of the juvenile
35 restitution order to each person who is entitled to restitution.

36 F. A juvenile restitution order may be recorded and enforced as any
37 civil judgment, except that a juvenile restitution order does not require
38 renewal pursuant to section 12-1611 or 12-1612. A juvenile restitution
39 order does not expire until paid in full. Enforcement of a juvenile
40 restitution order by any person who is entitled to restitution or by the
41 state includes the collection of interest, which accrues at a rate of ten
42 percent per annum.

43 G. A juvenile restitution order is a criminal penalty for the
44 purposes of a federal bankruptcy involving the juvenile.

1 Sec. 17. Section 8-348, Arizona Revised Statutes, is amended to
2 read:

3 8-348. Setting aside adjudication; application; release from
4 disabilities; exceptions

5 A. Except as provided in subsection I of this section, a person who
6 is at least eighteen years of age, who has been adjudicated delinquent or
7 incorrigible and who has fulfilled the conditions of probation or who is
8 discharged from the department of juvenile corrections pursuant to section
9 41-2820 on successful completion of the individual treatment plan may
10 apply to the juvenile court to set aside the adjudication. The court
11 shall inform the person of this right in writing at the time of the
12 disposition of the case.

13 B. The person or the person's attorney, probation officer or parole
14 officer may apply to set aside the adjudication. The clerk of the court
15 may not charge a filing fee for an application to set aside an
16 adjudication. The clerk shall transmit a copy of the application to the
17 county attorney in the county where the referral was made.

18 C. The court may consider the following factors when determining
19 whether to set aside an adjudication:

- 20 1. The nature and circumstances of the offense on which the
21 adjudication is based.
22 2. Whether the person has been convicted of a felony offense.
23 3. Whether the person has any pending criminal charges.
24 4. The victim's input.
25 5. Any other factor that is relevant to the application.

26 D. Except as provided in subsection F of this section, if the court
27 grants the application, the court shall set aside the adjudication,
28 dismiss the petition and order that the person be released from all
29 penalties and disabilities resulting from the adjudication except those
30 imposed by the department of transportation pursuant to section 28-3304,
31 28-3306, 28-3307, 28-3308 or 28-3319.

32 E. On a showing of good cause, the court may modify any monetary
33 obligation that is imposed by the court except for victim restitution.

34 F. If the court grants an application, any remaining unpaid
35 ~~monetary obligation~~ VICTIM RESTITUTION continues to be owed and is subject
36 to the remedies included in sections 8-344 and 8-345 until the ~~monetary~~
37 ~~obligation~~ VICTIM RESTITUTION is paid.

38 G. If the court denies an application, the court shall state its
39 reasons for the denial in writing.

40 H. If a victim has made a request for postadjudication notice, the
41 victim has the right to be present and heard at any hearing on the
42 application. The state shall provide the victim with notice of the
43 application and of the rights provided to the victim in this section.

44 I. This section does not apply to a person who was adjudicated
45 delinquent for any of the following:

1 5. The person successfully completed the terms and conditions of
2 probation or was discharged from the department of juvenile corrections
3 pursuant to section 41-2820 on successful completion of the individual
4 treatment plan.

5 6. All restitution is paid in full.

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

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

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

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

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

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

19 3. A criminal charge is not pending.

20 4. All restitution is paid in full.

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

24 6. The person is not currently required to register pursuant to
25 section 13-3821.

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

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

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

31 3. A criminal charge is not pending.

32 4. All restitution is paid in full.

33 5. All ~~monetary obligations~~ FINES are either paid in full or have
34 been modified pursuant to subsection K of this section.

35 6. The person is not currently required to register pursuant to
36 section 13-3821.

37 7. The destruction of the records would further the rehabilitative
38 process of the applicant.

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

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

44 H. The clerk of the court may not charge a filing fee for the
45 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 ~~obligations~~ FINE imposed by the court except for victim restitution.

8 L. THE JUVENILE COURT MAY NOT CONSIDER OUTSTANDING FEES,
9 ASSESSMENTS AND SURCHARGES WHEN DETERMINING WHETHER TO DESTROY THE
10 JUVENILE'S COURT AND DEPARTMENT OF JUVENILE CORRECTIONS' RECORDS.

11 ~~L.~~ M. The juvenile court, the clerk of the superior court and the
12 juvenile probation department, either on order of the juvenile court after
13 the person files an application with the court or on notification by the
14 probation department, shall destroy the records that concern a referral or
15 citation that did not result in an adjudication. Records that are
16 eligible for destruction pursuant to this subsection shall be destroyed
17 within ninety days after the person who was the subject of the referral or
18 citation reaches eighteen years of age or when destruction is ordered by
19 the court. The probation department shall send a copy of the notice to
20 the department of public safety central state repository.

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

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

29 ~~O.~~ P. For the purposes of this section, "successfully" means, in
30 the discretion of the court, the person satisfied the conditions of
31 probation.

32 Sec. 19. Repeal

33 Section ~~8-418~~, Arizona Revised Statutes, is repealed.

34 Sec. 20. Section 8-503.01, Arizona Revised Statutes, is amended to
35 read:

36 ~~8-503.01.~~ Children and family services training program fund:
37 purposes; status report; exemption from lapsing

38 A. The division shall establish a children and family services
39 training program fund consisting of monies received pursuant to ~~sections~~
40 ~~8-243.01 and~~ SECTION 8-807. Subject to legislative appropriation, the
41 fund monies shall be used to ~~enhance the collection of monies owed the~~
42 ~~department pursuant to section 8-243 and to~~ administer a children and
43 family services training program for the training of child safety workers,
44 public employees in related program services and employees of child
45 welfare agencies and community treatment programs that, in the judgment of

1 the director of the department, would benefit from staff training. The
2 department shall not use fund monies to pay any portion of training
3 program staff salaries and training program staff expenses. The
4 department shall use monies ~~collected under section 8-807~~ only to
5 reimburse the department for the labor, editing and copying charges
6 related to that section.

7 B. The director shall include in the annual report a status report
8 on and an evaluation of the children and family services training program.

9 C. Ninety ~~per cent~~ PERCENT of the monies collected under this
10 section shall be deposited in the children and family services training
11 program fund, not more than ten ~~per cent~~ PERCENT of which shall be used to
12 enhance the collection of monies owed the department pursuant to section
13 8-243. The remaining ten ~~per cent~~ PERCENT of the monies collected shall
14 be deposited in the state general fund.

15 Sec. 21. Section 11-537, Arizona Revised Statutes, is amended to
16 read:

17 11-537. County attorney juvenile diversion fund

18 A. The county attorney juvenile diversion fund is established
19 consisting of ~~diversion fees that are collected pursuant to section 8-321,~~
20 ~~subsection N for community based alternative programs administered by the~~
21 ~~county attorney and that are deposited in the fund. The fund may also~~
22 ~~consist of~~ the following:

- 23 1. County general fund appropriations.
- 24 2. Federal monies that are appropriated for community based
25 alternative programs.
- 26 3. Quarterly reimbursements from the supreme court pursuant to
27 section 8-321, subsection 0 for juveniles participating in county attorney
28 community based alternative programs.
- 29 4. Grants, gifts, devises and donations from any public or private
30 source.

31 B. The county board of supervisors may apply to the internal
32 revenue service for a ruling that donations to the fund are tax
33 deductible.

34 C. The monies shall be used at the discretion of the county
35 attorney for administering county community based alternative programs
36 that are established pursuant to section 8-321.

37 Sec. 22. Section 11-584, Arizona Revised Statutes, is amended to
38 read:

39 11-584. Public defender; duties; reimbursement

40 A. The public defender, on order of the court, shall defend, advise
41 and counsel any person who is entitled to counsel as a matter of law and
42 who is not financially able to employ counsel in the following proceedings
43 and circumstances:

- 44 1. Offenses triable in the superior court or justice courts at all
45 stages of the proceedings, including the preliminary examination.

1 2. Extradition hearings.

2 3. Mental disorder hearings only if appointed by the court under
3 title 36, chapter 5.

4 4. Involuntary commitment hearings held pursuant to title 36,
5 chapter 18, only if appointed by the court.

6 5. Involuntary commitment hearings held pursuant to title 36,
7 chapter 37, if appointed by the court as provided in section 36-3704,
8 subsection C and the board of supervisors has advised the presiding judge
9 of the county that the public defender is authorized to accept these
10 appointments.

11 6. Juvenile delinquency and incorrigibility proceedings only if
12 appointed by the court under section 8-221.

13 7. Appeals to a higher court or courts.

14 8. All juvenile proceedings other than delinquency and
15 incorrigibility proceedings under paragraph 6 of this subsection,
16 including serving as a guardian ad litem, if appointed by the court
17 pursuant to section 8-221 and the board of supervisors has advised the
18 presiding judge of the county that the public defender is authorized to
19 accept these appointments.

20 9. All mental health hearings regarding release recommendations
21 that are held in the superior court pursuant to title 13, chapter 38,
22 article 14 and the board of supervisors has advised the presiding judge of
23 the superior court in the county that the public defender is authorized to
24 accept these appointments.

25 10. As attorneys in any other proceeding or circumstance in which a
26 party is entitled to counsel as a matter of law if the court appoints the
27 public defender and the board of supervisors has advised the presiding
28 judge of the county that the public defender is authorized to accept these
29 appointments as specified.

30 B. The public defender shall perform the following duties:

31 1. Keep a record of all services rendered by the public defender in
32 that capacity and file with the board of supervisors an annual report of
33 those services.

34 2. By December 1 of each year, file with the presiding judge of the
35 superior court, the chief probation officer and the board of supervisors
36 an annual report on the average cost of defending a felony case.

37 C. Although the services of the public defender or court appointed
38 counsel shall be without expense to the defendant, the juvenile, a parent
39 or any other party, the court may make the following assessments:

40 1. Order an indigent administrative assessment of not more than
41 \$25.

42 ~~2. Order an administrative assessment fee of not more than \$25 to~~
43 ~~be paid by the juvenile or the juvenile's parent or guardian.~~

44 ~~3.~~ 2. Require that the defendant, including a defendant who is
45 placed on probation, ~~a juvenile, a parent~~ or any other party who is

1 appointed counsel under subsection A of this section repay to the county a
2 reasonable amount to reimburse the county for the cost of the person's
3 legal services. ~~Reimbursement for legal services in a delinquency,
4 dependency or termination proceeding shall be ordered pursuant to section
5 8-221.~~ Reimbursement for legal services in a guardianship or
6 conservatorship proceeding shall be ordered pursuant to section 14-5414.
7 **THE COURT MAY NOT ORDER A JUVENILE OR THE JUVENILE'S PARENT OR GUARDIAN TO
8 PAY ADMINISTRATIVE ASSESSMENTS OR REIMBURSE THE COST OF LEGAL SERVICES.**

9 D. In determining the amount and method of payment the court shall
10 take into account the financial resources of the defendant and the nature
11 of the burden that the payment will impose.

12 E. Assessments collected pursuant to subsection C of this section
13 shall be paid into the county general fund in the account designed for use
14 solely by the public defender and court appointed counsel to defray the
15 costs of public defenders and court appointed counsel. The assessments
16 shall supplement, not supplant, funding provided by counties for public
17 defense, legal defense and contract indigent defense counsel in each
18 county.

19 Sec. 23. Section 12-116, Arizona Revised Statutes, is amended to
20 read:

21 **12-116. Time payment fee**

22 A. In addition to any other assessment authorized by law, a fee of
23 ~~twenty dollars~~ **\$20** shall be assessed on each person who pays a court
24 ordered penalty, fine or sanction on a time payment basis, including
25 parking penalties, ~~AND restitution and juvenile monetary assessments.~~
26 **THE FEE MAY NOT BE ASSESSED ON A PENALTY, FINE OR SANCTION THAT IS ORDERED
27 BY THE COURT PURSUANT TO TITLE 8.** A time payment basis shall be any
28 penalty, fine or sanction not paid in full on the date the court imposed
29 the fine, penalty or sanction. Notwithstanding any other law, the time
30 payment fee shall be collected first after restitution. A judge may not
31 waive or suspend a time payment fee.

32 B. ~~Eleven dollars~~ **\$11** of the time payment fee shall be deposited,
33 pursuant to sections 35-146 and 35-147, in the judicial collection
34 enhancement fund established by section 12-113. ~~Two dollars~~ **\$2** of the
35 time payment fee shall be deposited, pursuant to sections 35-146 and
36 35-147, in the judicial collection enhancement fund and shall be allocated
37 by the supreme court to the public defender training fund established by
38 section 12-117. ~~Seven dollars~~ **\$7** of the time payment fee shall be kept by
39 the court imposing the fee to be used by the court to improve, maintain
40 and enhance the ability to collect and manage monies assessed or received
41 by the courts, to improve court automation and to improve case processing
42 or the administration of justice. For amounts over an amount determined
43 by the supreme court, the court shall submit a plan to the supreme court
44 that must be approved by the supreme court before the court spends such
45 monies. If the proposed project was described in the information

1 technology strategic plan submitted by the court and approved by the
2 supreme court, including the proposed budget for the project, the project
3 may proceed without further approval of the supreme court. In the case of
4 the superior court, the presiding judge and clerk of the superior court
5 must agree on the project or it shall be submitted to and approved by the
6 supreme court.

7 Sec. 24. Section 12-116.07, Arizona Revised Statutes, is amended to
8 read:

9 12-116.07. Assessments for dangerous crimes against children
10 and sexual assault

11 A. In addition to any other assessment or restitution, if a person
12 is convicted of ~~or adjudicated delinquent for~~ a dangerous crime against
13 children as defined in section 13-705 or sexual assault, the court shall
14 order the person to pay an assessment of ~~five hundred dollars~~ \$500. The
15 assessment shall not be waived and is not subject to a surcharge.

16 B. The court shall transmit the monies collected pursuant to this
17 section to the county treasurer for the purpose of defraying the cost of
18 investigations pursuant to section 13-1414.

19 Sec. 25. Section 12-268, Arizona Revised Statutes, is amended to
20 read:

21 12-268. Juvenile probation fund; use

22 A. The board of supervisors shall designate a chief fiscal officer
23 who shall establish and administer a juvenile probation fund consisting
24 of:

- 25 1. County general fund appropriations for juvenile probation.
- 26 2. Court information cost monies received pursuant to section
27 8-134, subsection L.

28 3. State appropriations for juvenile probation, except monies in
29 the juvenile probation services fund established by section 8-322 and
30 except monies in the court appointed special advocate fund established by
31 section 8-524, but including:

32 (a) Monies for juvenile probation officers authorized by section
33 8-203.

34 (b) Monies for state aid for juvenile probation services authorized
35 by this article.

36 (c) Monies for family counseling services established by title 8,
37 chapter 2, article 5.

38 (d) Monies for juvenile intensive probation services established by
39 title 8, chapter 3, article 4.

40 ~~4. Probation fees collected pursuant to section 8-321, subsection N~~
41 ~~for community based alternative programs or diversion programs~~
42 ~~administered by the juvenile court.~~

43 ~~5. Probation fees collected pursuant to section 8-341.~~

44 ~~6.~~ 4. Federal monies provided for juvenile probation services.

45 ~~7.~~ 5. Juvenile probation monies from any other source.

1 B. The chief fiscal officer shall establish and maintain separate
2 accounts in the fund showing receipts and expenditures of monies from each
3 source listed in subsection A of this section. The presiding juvenile
4 judge of the superior court shall annually present to the board of
5 supervisors for approval a detailed expenditure plan for the juvenile
6 probation services fund accounts. Any modifications to the expenditure
7 plan affecting state appropriations shall be made in accordance with the
8 rules and procedures established by the supreme court. Any modifications
9 to the expenditure plan affecting county appropriated funds shall be made
10 in accordance with the policies established by the county. The chief
11 fiscal officer shall disburse monies from the fund accounts only at the
12 direction of the presiding juvenile judge of the superior court. The
13 chief fiscal officer, on or before August 31 of each year for the
14 preceding fiscal year, shall submit an annual report to the supreme court
15 showing the total amount of receipts and expenditures in each account of
16 the juvenile probation services fund.

17 C. The state monies in the juvenile probation services fund shall
18 be used in accordance with guidelines established by the supreme court or
19 the granting authority.

20 D. State monies expended from the juvenile probation services fund
21 shall be used to supplement, not supplant, county appropriations for the
22 superior court juvenile probation department.

23 E. County monies in the juvenile probation services fund shall be
24 used in accordance with the fiscal policies and procedures established by
25 the board of supervisors.

26 Sec. 26. Section 12-1551, Arizona Revised Statutes, is amended to
27 read:

28 12-1551. Issuance of writ of execution; limitation; renewal;
29 death of judgment debtor; applicability

30 A. The party in whose favor a judgment is given, at any time within
31 ten years after entry of the judgment and within ten years after any
32 renewal of the judgment either by affidavit or by an action brought on it,
33 may have a writ of execution or other process issued for its enforcement.

34 B. An execution or other process shall not be issued on a judgment
35 after the expiration of ten years from the date of its entry unless the
36 judgment is renewed by affidavit or process pursuant to section 12-1612 or
37 an action is brought on it within ten years after the date of the entry of
38 the judgment or of its renewal.

39 C. The court shall not issue a writ of execution after the death of
40 the judgment debtor unless it is for the recovery of real or personal
41 property or enforcement of a lien.

42 D. This section applies to:

43 1. All judgments that were entered on or after August 3, 2013.

44 2. All judgments that were entered on or before August 2, 2013 and
45 that were renewed on or before August 2, 2018, except that a writ of

1 execution or other process may not be issued for a judgment entered on or
2 before August 2, 2013 that was not renewed on or before August 2, 2018.

3 E. This section does not apply to:

4 1. Criminal restitution orders entered pursuant to section 13-805.

5 2. Written judgments and orders for child support and spousal
6 maintenance and to associated costs and attorney fees.

7 ~~3. Judgments for supervision fees or expenses associated with the~~
8 ~~care of a juvenile pursuant to section 8-241 or 8-243 and to associated~~
9 ~~costs and attorney fees.~~

10 ~~4.~~ 3. Civil judgments obtained by this state that are either of
11 the following:

12 (a) Entered on or after September 13, 2013.

13 (b) Entered before September 13, 2013 and that were current and
14 collectable under the laws applicable on September 13, 2013.

15 Sec. 27. Section 41-191.08, Arizona Revised Statutes, is amended to
16 read:

17 41-191.08. Victims' rights fund; use; reporting requirements;
18 exemption from lapsing

19 A. The victims' rights fund is established consisting of monies
20 deposited pursuant to ~~sections 8-418 and~~ SECTION 12-116.08 and legislative
21 appropriations. Monies in the fund are subject to legislative
22 appropriation. Monies from state general fund appropriations shall be
23 deposited in the victims' rights fund and are not subject to further
24 appropriation. Monies from state general fund appropriations are
25 available for use on deposit in the victims' rights fund. The attorney
26 general shall administer the fund. The attorney general shall use fund
27 monies for the purpose of operating, improving, maintaining and enhancing
28 the victims' rights program established pursuant to section 41-191.06.

29 B. Each fiscal year the attorney general may spend twelve percent
30 of the total victims' rights fund appropriation and state general fund
31 deposits for the purpose of performing duties mandated by title 13,
32 chapter 40, including the costs of administering the victims' rights
33 program under section 41-191.06.

34 C. Except as provided in subsections D, G and H of this section,
35 each fiscal year the attorney general shall disburse eighty-eight percent
36 of the total victims' rights fund appropriation and state general fund
37 deposits to state and local entities that have previously qualified under
38 this subsection or have demonstrated a history of need and performance
39 according to criteria established by the attorney general. Each entity
40 that qualifies to receive monies pursuant to this subsection shall receive
41 monies in a percentage that is proportional to that entity's percentage of
42 the total fund monies disbursed to all qualifying entities in the prior
43 fiscal year. The attorney general is not a qualifying entity under this
44 subsection.

1 D. Except as provided in subsections G and H of this section, each
2 fiscal year the attorney general may disburse victims' rights fund monies
3 to entities that do not qualify under subsection C of this section, that
4 are financially impacted by title 8, chapter 3, article 7 or title 13,
5 chapter 40 and that submit an implementation plan and funding request to
6 the attorney general pursuant to guidelines adopted by the attorney
7 general. The attorney general shall establish procedures to assess the
8 financial impact on and the need of these entities. The attorney general
9 shall disburse monies based on the information that is derived from the
10 assessment. On an annual basis, as new or additional entities receive
11 monies pursuant to this subsection, the attorney general shall
12 proportionally adjust the percentage share disbursed to each entity
13 pursuant to subsection C of this section.

14 E. Monies in the victims' rights fund shall be used to supplement,
15 not supplant, monies that would otherwise be made available to state and
16 local entities for funding victims' rights services and assistance.

17 F. Each entity that receives funding pursuant to this section shall
18 submit an annual report to the attorney general that identifies all
19 sources and amounts of monies that are spent for the purposes of
20 implementing and complying with victims' rights. The report shall detail:

21 1. The expenditure of the monies that are awarded under the
22 victims' rights program pursuant to section 41-191.06.

23 2. The number of instances in which the entity performed mandated
24 victims' rights duties or services.

25 3. The level of victim satisfaction with the services.

26 G. Each fiscal year the attorney general shall review and evaluate
27 the entities that receive funding pursuant to this section. The attorney
28 general may adjust funding levels, redistribute monies or deny continued
29 funding to an entity that fails to effectively implement or comply with
30 victims' rights mandates.

31 H. Supplemental fund monies appropriated to the attorney general to
32 expand victims' rights training and to expand the reporting of victims'
33 feedback on services provided shall be expended according to a plan and
34 procedures adopted by the attorney general. The attorney general shall
35 spend the monies appropriated for costs to develop, provide, sponsor or
36 support programs that expand the delivery and improve the quality of
37 mandated services to victims of crime by law enforcement, prosecutorial
38 and correctional agencies and courts.

39 I. The attorney general shall submit an annual report to the
40 governor, the president of the senate and the speaker of the house of
41 representatives that details the status of the victims' rights program
42 under section 41-191.06, the attorney general's compliance with the
43 program, including the level of service, and the expenditure of all monies
44 that are appropriated for the purpose of victims' rights.

1 J. Monies in the victims' rights fund are exempt from the lapsing
2 provisions of section 35-190.

3 Sec. 28. Section 41-1750, Arizona Revised Statutes, is amended to
4 read:

5 41-1750. Central state repository; department of public
6 safety; duties; funds; accounts; definitions

7 A. The department is responsible for the effective operation of the
8 central state repository in order to collect, store and disseminate
9 complete and accurate Arizona criminal history records and related
10 criminal justice information. The department may procure criminal history
11 records and related criminal justice information for violations that are
12 not listed in this section. The department shall:

13 1. Procure from all criminal justice agencies in this state
14 accurate and complete personal identification data, fingerprints, charges,
15 process control numbers and dispositions and such other information as may
16 be pertinent to all persons who have been charged with, arrested for,
17 convicted of or summoned to court as a criminal defendant for any of the
18 following:

19 (a) A felony offense or an offense involving domestic violence as
20 defined in section 13-3601.

21 (b) A violation of title 13, chapter 14 or title 28, chapter 4.

22 (c) An offense listed in:

23 (i) Section 32-2422, subsection A, paragraph 4.

24 (ii) Section 32-2441, ~~subsection A~~, paragraph 4.

25 (iii) Section 32-2612, subsection A, paragraph 4.

26 (iv) Section 32-2622, subsection A, paragraph 4.

27 (v) Section 41-1758.03, subsections B and C.

28 (vi) Section 41-1758.07, subsections B and C.

29 2. Collect information concerning the number and nature of offenses
30 known to have been committed in this state and of the legal steps taken in
31 connection with these offenses, such other information that is useful in
32 the study of crime and in the administration of criminal justice and all
33 other information deemed necessary to operate the statewide uniform crime
34 reporting program and to cooperate with the federal government uniform
35 crime reporting program.

36 3. Collect information concerning criminal offenses that manifest
37 evidence of prejudice based on race, color, religion, national origin,
38 sexual orientation, gender, antisemitism or disability.

39 4. Cooperate with the central state repositories in other states
40 and with the appropriate agency of the federal government in the exchange
41 of information pertinent to violators of the law.

42 5. Ensure the rapid exchange of information concerning the
43 commission of crime and the detection of violators of the law among the
44 criminal justice agencies of other states and of the federal government.

1 6. Furnish assistance to peace officers throughout this state in
2 crime scene investigation for the detection of latent fingerprints and in
3 the comparison of latent fingerprints.

4 7. Conduct periodic operational audits of the central state
5 repository and of a representative sample of other agencies that
6 contribute records to or receive criminal justice information from the
7 central state repository or through the Arizona criminal justice
8 information system.

9 8. Establish and enforce the necessary physical and system
10 safeguards to ensure that the criminal justice information maintained and
11 disseminated by the central state repository or through the Arizona
12 criminal justice information system is appropriately protected from
13 unauthorized inquiry, modification, destruction or dissemination as
14 required by this section.

15 9. Aid and encourage coordination and cooperation among criminal
16 justice agencies through the statewide and interstate exchange of criminal
17 justice information.

18 10. Provide training and proficiency testing on the use of criminal
19 justice information to agencies receiving information from the central
20 state repository or through the Arizona criminal justice information
21 system.

22 11. Operate and maintain the Arizona automated fingerprint
23 identification system established by section 41-2411.

24 12. Provide criminal history record information to the
25 fingerprinting division for the purpose of screening applicants for
26 fingerprint clearance cards.

27 B. The director may establish guidelines for the submission and
28 retention of criminal justice information as deemed useful for the study
29 or prevention of crime and for the administration of criminal justice.

30 C. Criminal justice agencies may provide criminal history records
31 and related criminal justice information for violations that are not
32 listed in this section. The chief officers of criminal justice agencies
33 of this state or its political subdivisions shall provide to the central
34 state repository fingerprints and information concerning personal
35 identification data, descriptions, crimes for which persons are arrested,
36 process control numbers and dispositions and such other information as may
37 be pertinent to all persons who have been charged with, arrested for,
38 convicted of or summoned to court as criminal defendants for any of the
39 following:

40 1. Felony offenses or offenses involving domestic violence as
41 defined in section 13-3601.

42 2. Violations of title 13, chapter 14 or title 28, chapter 4 that
43 have occurred in this state.

44 3. An offense listed in:

45 (a) Section 32-2422, subsection A, paragraph 4.

1 (b) Section 32-2441, ~~subsection A~~, paragraph 4.

2 (c) Section 32-2612, subsection A, paragraph 4.

3 (d) Section 32-2622, subsection A, paragraph 4.

4 (e) Section 41-1758.03, subsections B and C.

5 (f) Section 41-1758.07, subsections B and C.

6 D. The chief officers of law enforcement agencies of this state or
7 its political subdivisions shall provide to the department such
8 information as necessary to operate the statewide uniform crime reporting
9 program and to cooperate with the federal government uniform crime
10 reporting program.

11 E. The chief officers of criminal justice agencies of this state or
12 its political subdivisions shall comply with the training and proficiency
13 testing guidelines as required by the department to comply with the
14 federal national crime information center mandates.

15 F. The chief officers of criminal justice agencies of this state or
16 its political subdivisions also shall provide to the department
17 information concerning crimes that manifest evidence of prejudice based on
18 race, color, religion, national origin, sexual orientation, gender,
19 antisemitism or disability.

20 G. The director shall authorize the exchange of criminal justice
21 information between the central state repository, or through the Arizona
22 criminal justice information system, whether directly or through any
23 intermediary, only as follows:

24 1. With criminal justice agencies of the federal government, Indian
25 tribes, this state or its political subdivisions and other states, on
26 request by the chief officers of such agencies or their designated
27 representatives, specifically for the purposes of the administration of
28 criminal justice and for evaluating the fitness of current and prospective
29 criminal justice employees. The department may conduct periodic state and
30 federal criminal history records checks for the purpose of updating the
31 status of current criminal justice employees or volunteers and may notify
32 the criminal justice agency of the results of the records check. The
33 department is authorized to submit fingerprints to the federal bureau of
34 investigation to be retained for the purpose of being searched by future
35 submissions to the federal bureau of investigation including latent
36 fingerprint searches.

37 2. With any noncriminal justice agency pursuant to a statute,
38 ordinance or executive order that specifically authorizes the noncriminal
39 justice agency to receive criminal history record information for the
40 purpose of evaluating the fitness of current or prospective licensees,
41 employees, contract employees or volunteers, on submission of the
42 subject's fingerprints and the prescribed fee. Each statute, ordinance,
43 or executive order that authorizes noncriminal justice agencies to receive
44 criminal history record information for these purposes shall identify the
45 specific categories of licensees, employees, contract employees or

1 volunteers, and shall require that fingerprints of the specified
2 individuals be submitted in conjunction with such requests for criminal
3 history record information. The department may conduct periodic state and
4 federal criminal history records checks for the purpose of updating the
5 status of current licensees, employees, contract employees or volunteers
6 and may notify the noncriminal justice agency of the results of the
7 records check. The department is authorized to submit fingerprints to the
8 federal bureau of investigation to be retained for the purpose of being
9 searched by future submissions to the federal bureau of investigation
10 including latent fingerprint searches.

11 3. With the board of fingerprinting for the purpose of conducting
12 good cause exceptions pursuant to section 41-619.55 and central registry
13 exceptions pursuant to section 41-619.57.

14 4. With any individual for any lawful purpose on submission of the
15 subject of record's fingerprints and the prescribed fee.

16 5. With the governor, if the governor elects to become actively
17 involved in the investigation of criminal activity or the administration
18 of criminal justice in accordance with the governor's constitutional duty
19 to ensure that the laws are faithfully executed or as needed to carry out
20 the other responsibilities of the governor's office.

21 6. With regional computer centers that maintain authorized
22 computer-to-computer interfaces with the department, that are criminal
23 justice agencies or under the management control of a criminal justice
24 agency and that are established by a statute, ordinance or executive order
25 to provide automated data processing services to criminal justice agencies
26 specifically for the purposes of the administration of criminal justice or
27 evaluating the fitness of regional computer center employees who have
28 access to the Arizona criminal justice information system and the national
29 crime information center system.

30 7. With an individual who asserts a belief that criminal history
31 record information relating to the individual is maintained by an agency
32 or in an information system in this state that is subject to this section.
33 On submission of fingerprints, the individual may review this information
34 for the purpose of determining its accuracy and completeness by making
35 application to the agency operating the system. Rules adopted under this
36 section shall include provisions for administrative review and necessary
37 correction of any inaccurate or incomplete information. The review and
38 challenge process authorized by this paragraph is limited to criminal
39 history record information.

40 8. With individuals and agencies pursuant to a specific agreement
41 with a criminal justice agency to provide services required for the
42 administration of criminal justice pursuant to that agreement if the
43 agreement specifically authorizes access to data, limits the use of data
44 to purposes for which given and ensures the security and confidentiality
45 of the data consistent with this section.

1 9. With individuals and agencies for the express purpose of
2 research, evaluative or statistical activities pursuant to an agreement
3 with a criminal justice agency if the agreement specifically authorizes
4 access to data, limits the use of data to research, evaluative or
5 statistical purposes and ensures the confidentiality and security of the
6 data consistent with this section.

7 10. With the auditor general for audit purposes.

8 11. With central state repositories of other states for noncriminal
9 justice purposes for dissemination in accordance with the laws of those
10 states.

11 12. On submission of the fingerprint card, with the department of
12 child safety and a tribal social services agency to provide criminal
13 history record information on prospective adoptive parents for the purpose
14 of conducting the preadoption certification investigation under title 8,
15 chapter 1, article 1 if the department of economic security is conducting
16 the investigation, or with an agency or a person appointed by the court,
17 if the agency or person is conducting the investigation. Information
18 received under this paragraph shall only be used for the purposes of the
19 preadoption certification investigation.

20 13. With the department of child safety, a tribal social services
21 agency and the superior court for the purpose of evaluating the fitness of
22 custodians or prospective custodians of juveniles, including parents,
23 relatives and prospective guardians. Information received under this
24 paragraph shall only be used for the purposes of that evaluation. The
25 information shall be provided on submission of either:

26 (a) The fingerprint card.

27 (b) The name, date of birth and social security number of the
28 person.

29 14. On submission of a fingerprint card, provide criminal history
30 record information to the superior court for the purpose of evaluating the
31 fitness of investigators appointed under section 14-5303 or 14-5407,
32 guardians appointed under section 14-5206 or 14-5304 or conservators
33 appointed under section 14-5401.

34 15. With the supreme court to provide criminal history record
35 information on prospective fiduciaries pursuant to section 14-5651.

36 16. With the department of juvenile corrections to provide criminal
37 history record information pursuant to section 41-2814.

38 17. On submission of the fingerprint card, provide criminal history
39 record information to the Arizona peace officer standards and training
40 board or a board certified law enforcement academy to evaluate the fitness
41 of prospective cadets.

42 18. With the internet sex offender website database established
43 pursuant to section 13-3827.

44 19. With licensees of the United States nuclear regulatory
45 commission for the purpose of determining whether an individual should be

1 granted unescorted access to the protected area of a commercial nuclear
2 generating station on submission of the subject of record's fingerprints
3 and the prescribed fee.

4 20. With the state board of education for the purpose of evaluating
5 the fitness of a certificated educator, an applicant for a teaching or
6 administrative certificate or a noncertificated person as defined in
7 section 15-505 if the state board of education or its employees or agents
8 have reasonable suspicion that the educator or person engaged in conduct
9 that would be a criminal violation of the laws of this state or was
10 involved in immoral or unprofessional conduct or that the applicant
11 engaged in conduct that would warrant disciplinary action if the applicant
12 were certificated at the time of the alleged conduct. The information
13 shall be provided on the submission of either:

14 (a) The fingerprint card.

15 (b) The name, date of birth and social security number of the
16 person.

17 21. With each school district and charter school in this state.
18 The department of education and the state board for charter schools shall
19 provide the department of public safety with a current list of email
20 addresses for each school district and charter school in this state and
21 shall periodically provide the department of public safety with updated
22 email addresses. If the department of public safety is notified that a
23 person who is required to have a fingerprint clearance card to be employed
24 by or to engage in volunteer activities at a school district or charter
25 school has been arrested for or convicted of an offense listed in section
26 41-1758.03, subsection B or has been arrested for or convicted of an
27 offense that amounts to unprofessional conduct under section 15-550, the
28 department of public safety shall notify each school district and charter
29 school in this state that the person's fingerprint clearance card has been
30 suspended or revoked.

31 22. With a tribal social services agency and the department of
32 child safety as provided by law, which currently is the Adam Walsh child
33 protection and safety act of 2006 (42 United States Code section 16961),
34 for the purposes of investigating or responding to reports of child abuse,
35 neglect or exploitation. Information received pursuant to this paragraph
36 from the national crime information center, the interstate identification
37 index and the Arizona criminal justice information system network shall
38 only be used for the purposes of investigating or responding as prescribed
39 in this paragraph. The information shall be provided on submission to the
40 department of public safety of either:

41 (a) The fingerprints of the person being investigated.

42 (b) The name, date of birth and social security number of the
43 person.

44 23. With a nonprofit organization that interacts with children or
45 vulnerable adults for the lawful purpose of evaluating the fitness of all

1 current and prospective employees, contractors and volunteers of the
2 organization. The criminal history record information shall be provided
3 on submission of the applicant fingerprint card and the prescribed fee.

4 24. With the superior court for the purpose of determining an
5 individual's eligibility for substance abuse and treatment courts in a
6 family or juvenile case.

7 25. With the governor to provide criminal history record
8 information on prospective gubernatorial nominees, appointees and
9 employees as provided by law.

10 H. The director shall adopt rules necessary to execute this
11 section.

12 I. The director, in the manner prescribed by law, shall remove and
13 destroy records that the director determines are no longer of value in the
14 detection or prevention of crime.

15 J. The director shall establish a fee in an amount necessary to
16 cover the cost of federal noncriminal justice fingerprint processing for
17 criminal history record information checks that are authorized by law for
18 noncriminal justice employment, licensing or other lawful purposes. An
19 additional fee may be charged by the department for state noncriminal
20 justice fingerprint processing. Fees submitted to the department for
21 state noncriminal justice fingerprint processing are not refundable.

22 K. The director shall establish a fee in an amount necessary to
23 cover the cost of processing copies of department reports, eight by ten
24 inch black and white photographs or eight by ten inch color photographs of
25 traffic accident scenes.

26 L. Except as provided in subsection 0 of this section, each agency
27 authorized by this section may charge a fee, in addition to any other fees
28 prescribed by law, in an amount necessary to cover the cost of state and
29 federal noncriminal justice fingerprint processing for criminal history
30 record information checks that are authorized by law for noncriminal
31 justice employment, licensing or other lawful purposes.

32 M. A fingerprint account within the records processing fund is
33 established for the purpose of separately accounting for the collection
34 and payment of fees for noncriminal justice fingerprint processing by the
35 department. Monies collected for this purpose shall be credited to the
36 account, and payments by the department to the United States for federal
37 noncriminal justice fingerprint processing shall be charged against the
38 account. Monies in the account not required for payment to the United
39 States shall be used by the department in support of the department's
40 noncriminal justice fingerprint processing duties. At the end of each
41 fiscal year, any balance in the account not required for payment to the
42 United States or to support the department's noncriminal justice
43 fingerprint processing duties reverts to the state general fund.

44 N. A records processing fund is established for the purpose of
45 separately accounting for the collection and payment of fees for

1 department reports and photographs of traffic accident scenes processed by
2 the department. Monies collected for this purpose shall be credited to
3 the fund and shall be used by the department in support of functions
4 related to providing copies of department reports and photographs. At the
5 end of each fiscal year, any balance in the fund not required for support
6 of the functions related to providing copies of department reports and
7 photographs reverts to the state general fund.

8 0. The department of child safety may pay from appropriated monies
9 the cost of federal fingerprint processing or federal criminal history
10 record information checks that are authorized by law for employees and
11 volunteers of the department, guardians pursuant to section 8-453,
12 subsection A, paragraph 6, the licensing of foster parents or the
13 certification of adoptive parents.

14 P. The director shall adopt rules that provide for:

15 1. The collection and disposition of fees pursuant to this section.

16 2. The refusal of service to those agencies that are delinquent in
17 paying these fees.

18 Q. The director shall ensure that the following limitations are
19 observed regarding dissemination of criminal justice information obtained
20 from the central state repository or through the Arizona criminal justice
21 information system:

22 1. Any criminal justice agency that obtains criminal justice
23 information from the central state repository or through the Arizona
24 criminal justice information system assumes responsibility for the
25 security of the information and shall not secondarily disseminate this
26 information to any individual or agency not authorized to receive this
27 information directly from the central state repository or originating
28 agency.

29 2. Dissemination to an authorized agency or individual may be
30 accomplished by a criminal justice agency only if the dissemination is for
31 criminal justice purposes in connection with the prescribed duties of the
32 agency and not in violation of this section.

33 3. Criminal history record information disseminated to noncriminal
34 justice agencies or to individuals shall be used only for the purposes for
35 which it was given. Secondary dissemination is prohibited unless
36 otherwise authorized by law.

37 4. The existence or nonexistence of criminal history record
38 information shall not be confirmed to any individual or agency not
39 authorized to receive the information itself.

40 5. Criminal history record information to be released for
41 noncriminal justice purposes to agencies of other states shall only be
42 released to the central state repositories of those states for
43 dissemination in accordance with the laws of those states.

1 6. Criminal history record information shall be released to
2 noncriminal justice agencies of the federal government pursuant to the
3 terms of the federal security clearance information act (P.L. 99-169).

4 R. This section and the rules adopted under this section apply to
5 all agencies and individuals collecting, storing or disseminating criminal
6 justice information processed by manual or automated operations if the
7 collection, storage or dissemination is funded in whole or in part with
8 monies made available by the law enforcement assistance administration
9 after July 1, 1973, pursuant to title I of the crime control act of 1973,
10 and to all agencies that interact with or receive criminal justice
11 information from or through the central state repository and through the
12 Arizona criminal justice information system.

13 S. This section does not apply to criminal history record
14 information contained in:

15 1. Posters, arrest warrants, announcements or lists for identifying
16 or apprehending fugitives or wanted persons.

17 2. Original records of entry such as police blotters maintained by
18 criminal justice agencies, compiled chronologically and required by law or
19 long-standing custom to be made public if these records are organized on a
20 chronological basis.

21 3. Transcripts or records of judicial proceedings if released by a
22 court or legislative or administrative proceedings.

23 4. Announcements of executive clemency or pardon.

24 5. Computer databases, other than the Arizona criminal justice
25 information system, that are specifically designed for community
26 notification of an offender's presence in the community pursuant to
27 section 13-3825 or for public informational purposes authorized by section
28 13-3827.

29 T. Nothing in this section prevents a criminal justice agency from
30 disclosing to the public criminal history record information that is
31 reasonably contemporaneous to the event for which an individual is
32 currently within the criminal justice system, including information noted
33 on traffic accident reports concerning citations, blood alcohol tests or
34 arrests made in connection with the traffic accident being investigated.

35 U. In order to ensure that complete and accurate criminal history
36 record information is maintained and disseminated by the central state
37 repository:

38 1. The booking agency shall take legible ten-print fingerprints of
39 all persons who are arrested for offenses listed in subsection C of this
40 section. The booking agency shall obtain a process control number and
41 provide to the person fingerprinted a document that indicates proof of the
42 fingerprinting and that informs the person that the document must be
43 presented to the court.

44 2. Except as provided in paragraph 3 of this subsection, if a
45 person is summoned to court as a result of an indictment or complaint for

1 an offense listed in subsection C of this section, the court shall order
2 the person to appear before the county sheriff and provide legible
3 ten-print fingerprints. The county sheriff shall obtain a process control
4 number and provide a document to the person fingerprinted that indicates
5 proof of the fingerprinting and that informs the person that the document
6 must be presented to the court. For the purposes of this paragraph,
7 "summoned" includes a written promise to appear by the defendant on a
8 uniform traffic ticket and complaint.

9 3. If a person is arrested for a misdemeanor offense listed in
10 subsection C of this section by a city or town law enforcement agency, the
11 person shall appear before the law enforcement agency that arrested the
12 defendant and provide legible ten-print fingerprints. The law enforcement
13 agency shall obtain a process control number and provide a document to the
14 person fingerprinted that indicates proof of the fingerprinting and that
15 informs the person that the document must be presented to the court.

16 4. The mandatory fingerprint compliance form shall contain the
17 following information:

18 (a) Whether ten-print fingerprints have been obtained from the
19 person.

20 (b) Whether a process control number was obtained.

21 (c) The offense or offenses for which the process control number
22 was obtained.

23 (d) Any report number of the arresting authority.

24 (e) Instructions on reporting for ten-print fingerprinting,
25 including available times and locations for reporting for ten-print
26 fingerprinting.

27 (f) Instructions that direct the person to provide the form to the
28 court at the person's next court appearance.

29 5. Within ten days after a person is fingerprinted, the arresting
30 authority or agency that took the fingerprints shall forward the
31 fingerprints to the department in the manner or form required by the
32 department.

33 6. On the issuance of a summons for a defendant who is charged with
34 an offense listed in subsection C of this section, the summons shall
35 direct the defendant to provide ten-print fingerprints to the appropriate
36 law enforcement agency.

37 7. At the initial appearance or on the arraignment of a summoned
38 defendant who is charged with an offense listed in subsection C of this
39 section, if the person does not present a completed mandatory fingerprint
40 compliance form to the court or if the court has not received the process
41 control number, the court shall order that within twenty calendar days the
42 defendant be ten-print fingerprinted at a designated time and place by the
43 appropriate law enforcement agency.

44 8. If the defendant fails to present a completed mandatory
45 fingerprint compliance form or if the court has not received the process

1 control number, the court, on its own motion, may remand the defendant
2 into custody for ten-print fingerprinting. If otherwise eligible for
3 release, the defendant shall be released from custody after being
4 ten-print fingerprinted.

5 9. In every criminal case in which the defendant is incarcerated or
6 fingerprinted as a result of the charge, an originating law enforcement
7 agency or prosecutor, within forty days of the disposition, shall advise
8 the central state repository of all dispositions concerning the
9 termination of criminal proceedings against an individual arrested for an
10 offense specified in subsection C of this section. This information shall
11 be submitted on a form or in a manner required by the department.

12 10. Dispositions resulting from formal proceedings in a court
13 having jurisdiction in a criminal action against an individual who is
14 arrested for an offense specified in subsection C of this section or
15 section 8-341, subsection ~~V~~ Q, paragraph 3 shall be reported to the
16 central state repository within forty days of the date of the disposition.
17 This information shall be submitted on a form or in a manner specified by
18 rules approved by the supreme court.

19 11. The state department of corrections or the department of
20 juvenile corrections, within forty days, shall advise the central state
21 repository that it has assumed supervision of a person convicted of an
22 offense specified in subsection C of this section or section 8-341,
23 subsection ~~V~~ Q, paragraph 3. The state department of corrections or the
24 department of juvenile corrections shall also report dispositions that
25 occur thereafter to the central state repository within forty days of the
26 date of the dispositions. This information shall be submitted on a form
27 or in a manner required by the department of public safety.

28 12. Each criminal justice agency shall query the central state
29 repository before dissemination of any criminal history record information
30 to ensure the completeness of the information. Inquiries shall be made
31 before any dissemination except in those cases in which time is of the
32 essence and the repository is technically incapable of responding within
33 the necessary time period. If time is of the essence, the inquiry shall
34 still be made and the response shall be provided as soon as possible.

35 V. The director shall adopt rules specifying that any agency that
36 collects, stores or disseminates criminal justice information that is
37 subject to this section shall establish effective security measures to
38 protect the information from unauthorized access, disclosure, modification
39 or dissemination. The rules shall include reasonable safeguards to
40 protect the affected information systems from fire, flood, wind, theft,
41 sabotage or other natural or man-made hazards or disasters.

42 W. The department shall make available to agencies that contribute
43 to, or receive criminal justice information from, the central state
44 repository or through the Arizona criminal justice information system a

1 continuing training program in the proper methods for collecting, storing
2 and disseminating information in compliance with this section.

3 X. Nothing in this section creates a cause of action or a right to
4 bring an action including an action based on discrimination due to sexual
5 orientation.

6 Y. The definition prescribed in subsection Z, paragraph 3 of this
7 section does not diminish or infringe on any rights protected under the
8 first amendment to the United States constitution or the Arizona
9 constitution.

10 Z. For the purposes of this section:

11 1. "Administration of criminal justice" means performance of the
12 detection, apprehension, detention, pretrial release, posttrial release,
13 prosecution, adjudication, correctional supervision or rehabilitation of
14 criminal offenders. Administration of criminal justice includes
15 enforcement of criminal traffic offenses and civil traffic violations,
16 including parking violations, when performed by a criminal justice agency.
17 Administration of criminal justice also includes criminal identification
18 activities and the collection, storage and dissemination of criminal
19 history record information.

20 2. "Administrative records" means records that contain adequate and
21 proper documentation of the organization, functions, policies, decisions,
22 procedures and essential transactions of the agency and that are designed
23 to furnish information to protect the rights of this state and of persons
24 directly affected by the agency's activities.

25 3. "Antisemitism" includes the definition of antisemitism that was
26 adopted by the international holocaust remembrance alliance on May 26,
27 2016 and that has been adopted by the United States department of state,
28 including the contemporary examples of antisemitism identified in the
29 adopted definition.

30 4. "Arizona criminal justice information system" or "system" means
31 the statewide information system managed by the director for the
32 collection, processing, preservation, dissemination and exchange of
33 criminal justice information and includes the electronic equipment,
34 facilities, procedures and agreements necessary to exchange this
35 information.

36 5. "Booking agency" means the county sheriff or, if a person is
37 booked into a municipal jail, the municipal law enforcement agency.

38 6. "Central state repository" means the central location within the
39 department for the collection, storage and dissemination of Arizona
40 criminal history records and related criminal justice information.

41 7. "Criminal history record information" and "criminal history
42 record" means information that is collected by criminal justice agencies
43 on individuals and that consists of identifiable descriptions and
44 notations of arrests, detentions, indictments and other formal criminal
45 charges, and any disposition arising from those actions, sentencing,

1 formal correctional supervisory action and release. Criminal history
2 record information and criminal history record do not include
3 identification information to the extent that the information does not
4 indicate involvement of the individual in the criminal justice system or
5 information relating to juveniles unless they have been adjudicated as
6 adults.

7 8. "Criminal justice agency" means either:

8 (a) A court at any governmental level with criminal or equivalent
9 jurisdiction, including courts of any foreign sovereignty duly recognized
10 by the federal government.

11 (b) A government agency or subunit of a government agency that is
12 specifically authorized to perform as its principal function the
13 administration of criminal justice pursuant to a statute, ordinance or
14 executive order and that allocates more than fifty percent of its annual
15 budget to the administration of criminal justice. This subdivision
16 includes agencies of any foreign sovereignty duly recognized by the
17 federal government.

18 9. "Criminal justice information" means information that is
19 collected by criminal justice agencies and that is needed for the
20 performance of their legally authorized and required functions, such as
21 criminal history record information, citation information, stolen property
22 information, traffic accident reports, wanted persons information and
23 system network log searches. Criminal justice information does not
24 include the administrative records of a criminal justice agency.

25 10. "Disposition" means information disclosing that a decision has
26 been made not to bring criminal charges or that criminal proceedings have
27 been concluded or information relating to sentencing, correctional
28 supervision, release from correctional supervision, the outcome of an
29 appellate review of criminal proceedings or executive clemency.

30 11. "Dissemination" means the written, oral or electronic
31 communication or transfer of criminal justice information to individuals
32 and agencies other than the criminal justice agency that maintains the
33 information. Dissemination includes the act of confirming the existence
34 or nonexistence of criminal justice information.

35 12. "Management control":

36 (a) Means the authority to set and enforce:

37 (i) Priorities regarding development and operation of criminal
38 justice information systems and programs.

39 (ii) Standards for the selection, supervision and termination of
40 personnel involved in the development of criminal justice information
41 systems and programs and in the collection, maintenance, analysis and
42 dissemination of criminal justice information.

43 (iii) Policies governing the operation of computers, circuits and
44 telecommunications terminals used to process criminal justice information

1 to the extent that the equipment is used to process, store or transmit
2 criminal justice information.

3 (b) Includes the supervision of equipment, systems design,
4 programming and operating procedures necessary for the development and
5 implementation of automated criminal justice information systems.

6 13. "Process control number" means the Arizona automated
7 fingerprint identification system number that attaches to each arrest
8 event at the time of fingerprinting and that is assigned to the arrest
9 fingerprint card, disposition form and other pertinent documents.

10 14. "Secondary dissemination" means the dissemination of criminal
11 justice information from an individual or agency that originally obtained
12 the information from the central state repository or through the Arizona
13 criminal justice information system to another individual or agency.

14 15. "Sexual orientation" means consensual homosexuality or
15 heterosexuality.

16 16. "Subject of record" means the person who is the primary subject
17 of a criminal justice record.

18 Sec. 29. Section 41-2822, Arizona Revised Statutes, is amended to
19 read:

20 41-2822. Committed youth work program

21 A. The director shall establish a committed youth work program for
22 youths in secure care facilities and on conditional liberty to ensure
23 that:

24 1. All committed youths in a secure care facility receive work
25 assignments commensurate and compatible with the condition and limitations
26 of the youth's physical and mental health.

27 2. Committed youths on conditional liberty, as a condition of
28 liberty, may receive work assignments. All work assignments shall be
29 commensurate and compatible with the condition and limitations of the
30 youth's physical and mental health.

31 3. No committed youth in a secure care facility or on conditional
32 liberty participates in a work assignment that threatens the safety and
33 security of the public, a secure care facility or the committed youth.

34 B. A committed youth may be exempted from the work requirement if
35 the staff determines that the exemption is necessary for the health,
36 safety or treatment of the youth. The director or the director's
37 authorized designee shall review and approve each exemption of a committed
38 youth from engaging in the work requirements of this section.

39 C. Notwithstanding title 23, chapter 2, article 3 relating to youth
40 employment, each youth who is under commitment to the department, who is
41 confined in a secure care facility under the department's jurisdiction and
42 who is not regularly attending and making satisfactory progress in
43 educational classes shall engage in work for at least forty hours a week
44 unless exempted pursuant to subsection B of this section.

1 D. Each committed youth who is engaged in productive work while
2 under the jurisdiction of the department may receive such compensation for
3 the youth's work as the director determines. The compensation shall be in
4 accordance with a graduated schedule based on quality and quantity of work
5 performed and skill required for its performance.

6 E. The compensation of committed youths shall be paid directly by
7 an outside entity or ~~out of monies received pursuant to section 8-243 or~~
8 monies appropriated by the legislature or by the department with monies
9 from the department of juvenile corrections restitution fund established
10 by section 41-2826.

11 F. A minimum of two-thirds of any compensation earned pursuant to
12 this section by a committed youth in a secure care facility shall be paid
13 to the clerk of the superior court to satisfy any juvenile court
14 restitution order made pursuant to section 8-344. While a youth is on
15 conditional liberty, the department shall determine the amount of wages to
16 be credited to restitution.

17 ~~G. If a committed youth in a secure care facility is not subject to~~
18 ~~a restitution order but is subject to a monetary assessment by the court~~
19 ~~pursuant to section 8-341, subsection G or H, a minimum of two-thirds of~~
20 ~~any compensation earned shall be paid to the clerk of the superior court~~
21 ~~to satisfy the monetary assessment. While a youth is on conditional~~
22 ~~liberty the department shall determine the amount of wages to be credited~~
23 ~~to a monetary assessment.~~

24 ~~H. If a committed youth in a secure care facility is not subject to~~
25 ~~a restitution order or a monetary assessment, two-thirds of any~~
26 ~~compensation earned pursuant to this section shall be used to defer the~~
27 ~~costs of room and board for maintaining the committed youth at the secure~~
28 ~~care facility.~~

29 ~~i.~~ G. The department shall require the payment of ~~court ordered~~
30 COURT-ORDERED restitution, monetary reimbursements or assessments as a
31 term of conditional liberty.

32 ~~j.~~ H. With the approval of the juvenile court and the victim,
33 community restitution hours may be substituted for monetary restitution or
34 monetary assessments at a rate deemed reasonable by the department.

35 ~~k.~~ I. The department may enter into contracts with this state, any
36 political subdivision of this state or private entities in order to
37 provide employment or vocational educational experience.

38 Sec. 30. Outstanding debt; forgiveness; administrative court
39 procedures

40 A. Notwithstanding any other law, the unpaid outstanding balance of
41 any fee, cost, surcharge or monetary assessment that was imposed on a
42 juvenile or the juvenile's parent or guardian before the effective date of
43 this act pursuant to sections 8-221, 8-234, 8-243, 8-245, 8-263, 8-321,
44 8-323, 8-341, 8-343, 8-344, 11-584, 12-116 and 12-116.07, Arizona Revised
45 Statutes, as amended by this act, and sections 8-241 and 8-418, Arizona

1 Revised Statutes, as repealed by this act, are eligible to be vacated.
2 Collection enforcement measures may not be initiated on eligible unpaid
3 balances after the effective date of this act.

4 B. Notwithstanding any other law, all unsatisfied civil judgments,
5 or portions of judgments, that were entered before the effective date of
6 this act for an unpaid fee, cost, surcharge or monetary assessment that
7 was imposed on a juvenile or the juvenile's parent or guardian pursuant to
8 sections 8-221, 8-234, 8-243, 8-245, 8-263, 8-321, 8-323, 8-341, 8-343,
9 8-344, 11-584, 12-116 and 12-116.07, Arizona Revised Statutes, as amended
10 by this act, and sections 8-241 and 8-418, Arizona Revised Statutes, as
11 repealed by this act, are eligible to be deemed null and void and, for all
12 legal purposes, vacated.

13 C. Within six months after the effective date of this act, the
14 administrative office of the courts, in consultation with state and
15 municipal agencies, must develop and implement clear and accessible
16 procedures for an individual to request a court to vacate an eligible
17 unpaid balance and unsatisfied civil judgment. The court must grant a
18 request to vacate an eligible unpaid balance and unsatisfied civil
19 judgment within sixty days after the request is filed with the court.

20 D. Notwithstanding subsection C of this section, the court may
21 automatically vacate any eligible unpaid balance and unsatisfied civil
22 judgment by judicial discretion without requiring the juvenile or
23 juvenile's parents or guardians to make a request.

24 E. If the court has referred the unpaid outstanding balance to a
25 private collection agency and that balance has been vacated pursuant to
26 subsection C or D of this section, the court must promptly inform the
27 agency that the balance is void and not collectable.

28 F. Within six months after the effective date of this act, the
29 supreme court must make a reasonable effort to notify any individual who
30 may be eligible that the individual may request the court to vacate any
31 unpaid balance and unsatisfied civil judgment that were imposed by the
32 juvenile court. At a minimum, the notification must be posted in a
33 conspicuous place on the court's website and may include public service
34 announcements or other notifications.

35 G. The clerk of the court must notify the county recorder of all
36 applicable vacated civil judgments.

37 H. On or before December 31, 2025, the supreme court must report to
38 the legislature, by county, the number of unpaid balances and unsatisfied
39 civil judgments vacated and discharged or partially vacated by judicial
40 discretion or by petition, the amount of the balances vacated and the
41 number of orders vacated automatically or by request pursuant to this
42 section.