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**Jane Dee Hull
Secretary of State**

CHAPTER 172

SENATE BILL 1164

AN ACT

AMENDING SECTIONS 8-290.28 AND 41-2401, ARIZONA REVISED STATUTES; REPEALING SECTION 41-191.06, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1995, CHAPTER 178, SECTION 28 AND LAWS 1995, CHAPTER 197, SECTION 4; AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 41-191.06 AND SECTION 41-191.08; MAKING AN APPROPRIATION; RELATING TO VICTIMS' RIGHTS IMPLEMENTATION.

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

2 Section 1. Section 8-290.28, Arizona Revised Statutes, is amended to
3 read:

4 8-290.28. Implementation fee

5 Beginning July 1, 1995, for all juveniles adjudicated delinquent for
6 offenses involving a victim, including those who are adjusted pursuant to
7 section 8-230.01, the juvenile probation officer shall assess the parent of
8 a delinquent a fee of fifteen dollars unless, after determining the inability
9 of the parent to pay the fee, the juvenile probation officer assesses a
10 lesser amount. Monies assessed pursuant to this section shall be paid to the
11 clerk of the superior court. ON THE LAST DAY OF EACH MONTH the clerk of the
12 superior court shall transmit all monies collected from this assessment to
13 the state treasurer. ON OR BEFORE THE TENTH DAY OF EACH MONTH THE STATE
14 TREASURER SHALL ~~for~~ deposit THE MONIES in the victims' rights implementation
15 revolving fund established by section ~~41-191.06~~ 41-191.08.

16 Sec. 2. Repeal

17 The following are repealed:

18 1. Section 41-191.06, Arizona Revised Statutes, as amended by Laws
19 1995, chapter 178, section 28.

1 2. Section 41-191.06, Arizona Revised Statutes, as amended by Laws
2 1995, chapter 197, section 4.

3 Sec. 3. Title 41, chapter 1, article 5, Arizona Revised Statutes, is
4 amended by adding a new section 41-191.06 and section 41-191.08, to read:

5 41-191.06. Victims' rights implementation assistance program

6 A. A VICTIMS' RIGHTS IMPLEMENTATION ASSISTANCE PROGRAM IS ESTABLISHED
7 IN THE CRIMINAL DIVISION OF THE ATTORNEY GENERAL'S OFFICE. THE PROGRAM SHALL
8 ESTABLISH AND ADMINISTER AN ANNUAL PLAN FOR ASSISTING STATE AND LOCAL
9 ENTITIES IN COMPLYING WITH VICTIMS' RIGHTS PURSUANT TO TITLE 8, CHAPTER 2,
10 ARTICLE 7 AND TITLE 13, CHAPTER 40. THE PLAN SHALL PROVIDE FOR THE
11 DISBURSEMENT OF VICTIMS' RIGHTS IMPLEMENTATION REVOLVING FUND MONIES AND FOR
12 OTHER FORMS OF ASSISTANCE THAT FURTHER UNIFORMITY, EFFICIENCY AND COMPLIANCE
13 BY STATE AND LOCAL ENTITIES THAT ARE RESPONSIBLE FOR ENSURING CRIME VICTIMS'
14 ACCESS TO JUSTICE.

15 B. THE ATTORNEY GENERAL SHALL ADOPT GUIDELINES THAT PRESCRIBE
16 PERFORMANCE STANDARDS FOR STATE AND LOCAL ENTITIES THAT PROVIDE VICTIMS'
17 SERVICES AND ASSISTANCE. THE ATTORNEY GENERAL MAY EMPLOY ADMINISTRATIVE AND
18 OTHER PERSONNEL THAT THE ATTORNEY GENERAL DEEMS NECESSARY TO ADMINISTER THE
19 VICTIMS' RIGHTS IMPLEMENTATION ASSISTANCE PROGRAM AND TO MONITOR THE
20 PERFORMANCE OF STATE AND LOCAL ENTITIES THAT PROVIDE VICTIMS' SERVICES AND
21 ASSISTANCE.

22 41-191.08. Victims' rights implementation revolving fund; use;
23 exemption from lapsing

24 A. A VICTIMS' RIGHTS IMPLEMENTATION REVOLVING FUND IS ESTABLISHED
25 CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTIONS 8-290.28 AND 41-2401,
26 SUBSECTION D, PARAGRAPH 13 AND LEGISLATIVE APPROPRIATIONS. MONIES IN THE
27 FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE ATTORNEY GENERAL SHALL
28 ADMINISTER THE FUND. THE ATTORNEY GENERAL SHALL USE FUND MONIES FOR THE
29 PURPOSE OF OPERATING, IMPROVING, MAINTAINING AND ENHANCING IMPLEMENTATION
30 ASSISTANCE TO STATE AND LOCAL ENTITIES PURSUANT TO SECTION 41-191.06.

31 B. BEGINNING FISCAL YEAR 1997-1998 THE ATTORNEY GENERAL MAY SPEND
32 FIFTEEN PER CENT OF THE MONIES DEPOSITED PURSUANT TO SECTION 41-2401,
33 SUBSECTION D, PARAGRAPH 13 AND TWO PER CENT OF THE MONIES DEPOSITED PURSUANT
34 TO SECTION 8-290.28 AND APPROPRIATED MONIES FOR THE PURPOSE OF PERFORMING
35 DUTIES MANDATED BY TITLE 13, CHAPTER 40, INCLUDING THE COSTS OF ADMINISTERING
36 THE VICTIMS' RIGHTS IMPLEMENTATION ASSISTANCE PROGRAM UNDER SECTION
37 41-191.06.

38 C. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, THE ATTORNEY
39 GENERAL SHALL DISBURSE EACH FISCAL YEAR, BEGINNING FISCAL YEAR 1997-1998,
40 EIGHTY-FIVE PER CENT OF THE MONIES DEPOSITED PURSUANT TO SECTION 41-2401,
41 SUBSECTION D, PARAGRAPH 13 TO STATE AND LOCAL ENTITIES THAT RECEIVED VICTIMS'
42 RIGHTS IMPLEMENTATION REVOLVING FUND MONIES IN FISCAL YEAR 1995-1996 AND
43 RECEIVED FUND MONIES IN AT LEAST THREE FISCAL YEARS BEGINNING FISCAL YEAR
44 1992-1993 AND ENDING FISCAL YEAR 1995-1996. EACH ENTITY THAT QUALIFIES TO

1 RECEIVE MONIES PURSUANT TO THIS SUBSECTION SHALL BE DISBURSED MONIES IN A
2 PERCENTAGE THAT IS PROPORTIONAL TO THAT ENTITY'S PERCENTAGE OF THE TOTAL FUND
3 MONIES DISBURSED TO ALL ENTITIES IN FISCAL YEAR 1995-1996. THE ATTORNEY
4 GENERAL IS NOT A QUALIFYING ENTITY UNDER THIS SUBSECTION.

5 D. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, THE ATTORNEY
6 GENERAL SHALL DISBURSE EACH FISCAL YEAR, BEGINNING FISCAL YEAR 1997-1998, THE
7 MONIES DEPOSITED PURSUANT TO SECTION 41-2401, SUBSECTION D, PARAGRAPH 13 TO
8 ENTITIES THAT ARE FINANCIALLY IMPACTED BY TITLE 13, CHAPTER 40 AND THAT
9 SUBMIT AN IMPLEMENTATION PLAN AND FUNDING REQUEST TO THE ATTORNEY GENERAL
10 PURSUANT TO GUIDELINES ADOPTED BY THE ATTORNEY GENERAL. ON AN ANNUAL BASIS,
11 AS NEW OR ADDITIONAL ENTITIES ARE DISBURSED FUNDS PURSUANT TO THIS
12 SUBSECTION, THE ATTORNEY GENERAL SHALL PROPORTIONALLY ADJUST THE PERCENTAGE
13 SHARE DISBURSED TO EACH ENTITY PURSUANT TO SUBSECTION C OF THIS SECTION.

14 E. THE ATTORNEY GENERAL SHALL ESTABLISH PROCEDURES THAT ARE NECESSARY
15 TO ASSESS THE FINANCIAL IMPACT ON AND THE NEED OF ENTITIES AFFECTED BY TITLE
16 8, CHAPTER 2, ARTICLE 7. BASED ON THE INFORMATION THAT IS DERIVED FROM THE
17 ASSESSMENT, THE ATTORNEY GENERAL SHALL DISBURSE MONIES DEPOSITED PURSUANT TO
18 SECTION 8-290.28 AND APPROPRIATED MONIES AS APPROPRIATE. AN ENTITY THAT IS
19 FINANCIALLY IMPACTED BY THE IMPLEMENTATION OF TITLE 8, CHAPTER 2, ARTICLE 7
20 MAY SUBMIT AN IMPLEMENTATION PLAN AND FUNDING REQUEST TO THE ATTORNEY GENERAL
21 PURSUANT TO GUIDELINES ADOPTED BY THE ATTORNEY GENERAL.

22 F. MONIES IN THE VICTIMS' RIGHTS IMPLEMENTATION REVOLVING FUND SHALL
23 BE USED TO SUPPLEMENT, NOT SUPPLANT, MONIES THAT WOULD OTHERWISE BE MADE
24 AVAILABLE TO STATE AND LOCAL ENTITIES FOR FUNDING VICTIMS' RIGHTS SERVICES
25 AND ASSISTANCE.

26 G. EACH ENTITY THAT RECEIVES FUNDING PURSUANT TO THIS SECTION SHALL
27 SUBMIT AN ANNUAL REPORT TO THE ATTORNEY GENERAL THAT DETAILS THE STATUS OF
28 THE ENTITY'S VICTIMS' RIGHTS IMPLEMENTATION ASSISTANCE PROGRAM, THE
29 EXPENDITURE OF MONIES FOR THE PURPOSES OF IMPLEMENTING VICTIMS' RIGHTS, THE
30 LEVEL OF SERVICE ATTAINED AND THE DEGREE TO WHICH THE ENTITY COMPLIED WITH
31 THE PERFORMANCE STANDARDS ADOPTED BY THE ATTORNEY GENERAL PURSUANT TO SECTION
32 41-191.06.

33 H. EACH FISCAL YEAR THE ATTORNEY GENERAL SHALL REVIEW THE ENTITIES
34 THAT RECEIVE FUNDING PURSUANT TO THIS SECTION. THE ATTORNEY GENERAL MAY
35 ADJUST FUNDING LEVELS OR DENY CONTINUED FUNDING TO AN ENTITY THAT FAILS TO
36 COMPLY WITH THE MINIMUM PERFORMANCE STANDARDS ADOPTED BY THE ATTORNEY GENERAL
37 PURSUANT TO SECTION 41-191.06.

38 I. THE ATTORNEY GENERAL SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR,
39 THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
40 THAT DETAILS THE STATUS OF THE VICTIMS' RIGHTS IMPLEMENTATION ASSISTANCE
41 PROGRAM UNDER SECTION 41-191.06, THE ATTORNEY GENERAL'S COMPLIANCE WITH THE
42 PROGRAM, INCLUDING THE LEVEL OF SERVICE, AND THE EXPENDITURE OF ALL MONIES
43 THAT ARE APPROPRIATED FOR THE PURPOSE OF VICTIMS' RIGHTS IMPLEMENTATION.

1 J. MONIES IN THE VICTIMS' RIGHTS IMPLEMENTATION REVOLVING FUND ARE
2 EXEMPT FROM THE LAPSING PROVISIONS OF SECTION 35-190.

3 Sec. 4. Section 41-2401, Arizona Revised Statutes, is amended to read:
4 41-2401. Criminal justice enhancement fund

5 A. A criminal justice enhancement fund is established in the state
6 treasury consisting of monies collected pursuant to section 12-116.01 and
7 monies available from any other source. The state treasurer shall administer
8 the fund.

9 B. On or before November 1 of each year, each department, agency or
10 office that receives monies pursuant to this section shall provide to the
11 Arizona criminal justice commission a report for the preceding fiscal year.
12 The report shall be in a form prescribed by the Arizona criminal justice
13 commission and reviewed by the director of the joint legislative budget
14 committee. The report shall set forth the sources of all monies and all
15 expenditures. The report shall not include any identifying information about
16 specific investigations.

17 C. On or before December 1 of each year, the Arizona criminal justice
18 commission shall compile all reports into a single comprehensive report and
19 submit a copy of the comprehensive report to the governor, the president of
20 the senate, the speaker of the house of representatives and the director of
21 the joint legislative budget committee.

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

24 1. Six and six-tenths per cent in the Arizona automated fingerprint
25 identification system fund established pursuant to section 41-2414.

26 2. One and sixty-five hundredths per cent to the department of
27 juvenile corrections for the treatment and rehabilitation of youth who have
28 committed drug-related offenses.

29 3. Seventeen per cent in the peace officers' training fund established
30 pursuant to section 41-1825.

31 4. Three and one-tenth per cent in the prosecuting attorneys' advisory
32 council training fund established pursuant to section 41-1830.03.

33 5. Nine and fifty-five hundredths per cent to the supreme court for
34 the purpose of reducing juvenile crime.

35 6. Eight and three-quarters per cent to the department of public
36 safety. Fifteen per cent of the monies shall be allocated for deposit in the
37 Arizona deoxyribonucleic acid identification system fund established pursuant
38 to section 41-2419. Eighty-five per cent of the monies shall be allocated
39 to state and local law enforcement authorities for the following purposes:

1 (a) To enhance projects that are designed to prevent residential and
2 commercial burglaries, to control street crime, including the activities of
3 criminal street gangs, and to locate missing children.

4 (b) To provide support to the Arizona automated fingerprint
5 identification system.

6 (c) Operational costs of the criminal justice information system.

7 7. Nine and fifty-five hundredths per cent to the department of law
8 for allocation to county attorneys for the purpose of enhancing prosecutorial
9 efforts.

10 8. Six and fifteen-hundredths per cent to the supreme court for the
11 purpose of enhancing the ability of the courts to process criminal and
12 delinquency cases. Notwithstanding section 12-143, subsection A, the salary
13 of superior court judges pro tempore who are appointed for the purposes
14 provided in this paragraph shall, and the salary of other superior court
15 judges pro tempore who are appointed pursuant to section 12-141 for the
16 purposes provided in this paragraph may, be paid in full by the monies
17 received pursuant to this paragraph.

18 9. Eleven and ninety-five hundredths per cent to the state department
19 of corrections for allocation to county sheriffs for the purpose of enhancing
20 county jail facilities and operations, including county jails under the
21 jurisdiction of county jail districts.

22 10. One and six-tenths per cent to the Arizona criminal justice
23 commission.

24 11. Nine and two-tenths per cent to the state general fund.

25 12. Two and thirty-five hundredths per cent in the crime laboratory
26 assessment fund established pursuant to section 41-2415.

27 13. Seven and eighty-five hundredths per cent in the victims' rights
28 implementation revolving fund established pursuant to section ~~41-191.06~~
29 41-191.08.

30 14. Four and seven-tenths per cent in the victim compensation fund
31 established pursuant to section 41-2407.

32 E. Monies distributed pursuant to subsection D, paragraphs 3 through
33 9, 11, 12 and 14 of this section constitute a continuing appropriation.
34 Monies distributed pursuant to subsection D, paragraphs 1, 2, 10 and 13 of
35 this section are subject to legislative appropriation.

36 F. ~~Beginning January 1, 1994,~~ The allocation of monies pursuant to
37 subsection D, paragraphs 6, 7, 8 and 9 of this section shall be made in
38 accordance with rules adopted by the Arizona criminal justice commission
39 pursuant to section 41-2405.

40 Sec. 5. Appropriation; purpose

41 The sum of \$60,000 is appropriated for expenses incurred in fiscal year
42 1995-1996 and the sum of \$150,000 is appropriated for expenses incurred in
43 fiscal year 1996-1997 from monies deposited pursuant to section 8-290.28,
44 Arizona Revised Statutes, into the victims' rights implementation revolving

1 fund established by section 41-191.08, Arizona Revised Statutes, as amended
2 by this act, to the attorney general for the purposes prescribed in section
3 41-191.08, Arizona Revised Statutes, as amended by this act.

4 Sec. 6. Emergency

5 This act is an emergency measure that is necessary to preserve the
6 public peace, health or safety and is operative immediately as provided by
7 law.

APPROVED BY THE GOVERNOR APRIL 12, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 1996.