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FILED

Jane Dee Hull
Secretary of State

CHAPTER 350

HOUSE BILL 2056

AN ACT

AMENDING SECTIONS 12-116.01, 13-811 AND 41-2401, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-821; RELATING TO PENALTY ASSESSMENTS AND FINES.

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

Section 1. Section 12-116.01, Arizona Revised Statutes, is amended to read:

12-116.01. Assessments; fund deposits

A. ~~Beginning January 1, 1994,~~ In addition to any other penalty assessment provided by law, a penalty assessment shall be levied in an amount of ~~forty-six~~ FORTY-SEVEN per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil sanction imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, ~~or~~ for any local ordinance relating to the stopping, standing or operation of a vehicle, or for a violation of the game and fish statutes.

B. ~~Beginning January 1, 1994,~~ If any deposit of bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the assessment prescribed in this section for forfeited bail or bond or deposit. If bail, bond or deposit is forfeited, the court shall transmit the amount of the assessment pursuant to subsection E of this section. If bail, bond or deposit is returned, the assessment made pursuant to this article shall also be returned.

C. ~~Beginning January 1, 1994,~~ After addition of the penalty assessment, the courts may round the total amount due to the nearest one-quarter dollar.

D. ~~Beginning January 1, 1994,~~ The judge may waive all or part of the civil sanction, fine, forfeiture and penalty assessment, except for mandatory civil sanctions and fines, the payment of which would work a hardship on the persons convicted or adjudicated or on their immediate families. If a fine or civil sanction is mandatory, the judge may waive only all or part of the penalty assessments prescribed by subsection A of this section and section 12-116.02. If a fine or civil sanction is not mandatory and if a portion of the civil sanction, fine, forfeiture and penalty assessment is waived or suspended, the amount assessed must be divided according to the proportion that the civil sanction, fine, bail or bond and the penalty assessment represent of the total amount due.

E. ~~Beginning January 1, 1994,~~ **After a determination by the court of the amount due, the court shall transmit, on the last day of each month, the assessments collected pursuant to subsections A and B of this section and a** remittance report of the fines, civil sanctions and assessments collected pursuant to subsections A and B of this section to the county treasurer, except that municipal courts shall transmit the assessments and the remittance report of the fines, civil sanctions and assessments to the city treasurer.

F. ~~Beginning January 1, 1994,~~ The appropriate authorities specified in subsection E of this section shall transmit the ~~forty-six~~ FORTY-SEVEN per cent penalty assessment PRESCRIBED IN SUBSECTION A OF THIS SECTION and the remittance report as required in subsection E of this section to the state treasurer on or before the tenth day of each month for deposit in the criminal justice enhancement fund established in section 41-2401.

G. ~~Beginning January 1, 1994,~~ Partial payments of the amount due shall be transmitted as prescribed in subsections E and F of this section and shall be divided according to the proportion that the civil sanction, fine, bail or bond and the penalty assessment represent of the total amount due.

Sec 2. Section 13-811, Arizona Revised Statutes, is amended to read:

13-811. Disposition of fines

A. Except as provided in subsections B and C of this section, all fines collected in any court, except ~~police~~ MUNICIPAL courts, shall be paid to the county treasurer of the county in which the court is held. All fines collected in the superior court for violation of a city or town ordinance shall be paid to the county treasurer.

B. Except as provided in subsection C of this section, all fines or costs collected in any court for offenses indicted by a state grand jury or for other offenses prosecuted by the attorney general shall be paid to the anti-racketeering revolving fund established in section 13-2314.01.

C. EXCEPT AS PROVIDED IN SECTION 13-821, all fines collected in any court for offenses included in chapter 34 of this title and prosecuted by a city prosecutor, a county attorney or the attorney general shall be paid to the drug AND GANG enforcement account of the criminal justice enhancement fund established in section 41-2402.

Sec. 3. Title 13, chapter 8, Arizona Revised Statutes, is amended by adding section 13-821, to read:

13-821. Fines for drug offenses

A. IN ADDITION TO ANY OTHER FINE OR RESTITUTION, IF A PERSON IS CONVICTED OF OR ADJUDICATED DELINQUENT FOR A VIOLATION OF CHAPTER 34 OF THIS TITLE, THE COURT MAY ORDER THE PERSON TO PAY A FINE IN ONE OF THE FOLLOWING AMOUNTS:

1. FOR A FIRST OFFENSE, AT LEAST ONE THOUSAND DOLLARS.

2. FOR A SECOND OR SUBSEQUENT OFFENSE, AT LEAST TWO THOUSAND DOLLARS.

B. **THE COURT MAY SUSPEND THE IMPOSITION OF A FINE PURSUANT TO THIS SECTION IF THE PERSON AGREES TO ENTER A RESIDENTIAL DRUG REHABILITATION PROGRAM APPROVED BY THE COURT AND TO PAY FOR ALL OR A PART OF THE COSTS** ASSOCIATED WITH THE REHABILITATION PROGRAM. ON SUCCESSFULLY COMPLETING THE PROGRAM, THE PERSON MAY APPLY TO THE COURT FOR A REDUCTION IN THE AMOUNT OF THE FINE IMPOSED PURSUANT TO THIS SECTION. IF THE PERSON ESTABLISHES TO THE SATISFACTION OF THE COURT THAT THE PERSON SUCCESSFULLY COMPLETED THE PROGRAM, THE COURT MAY REDUCE THE FINE BY THE AMOUNT THE PERSON PAID TO PARTICIPATE IN THE REHABILITATION PROGRAM. IF THE PERSON FAILS TO COMPLETE THE PROGRAM, THE COURT SHALL ENFORCE THE COLLECTION OF THE ENTIRE FINE THAT WAS IMPOSED PURSUANT TO SUBSECTION A.

C. THE COURT SHALL TRANSMIT THE MONIES COLLECTED PURSUANT TO THIS SECTION TO THE SUPREME COURT FOR THE PURPOSE OF PROVIDING DRUG TREATMENT SERVICES TO ADULT PROBATIONERS THROUGH THE COMMUNITY PUNISHMENT PROGRAM ESTABLISHED IN TITLE 12, CHAPTER 2, ARTICLE 11.

Sec. 4. Section 41-2401, Arizona Revised Statutes, is amended to read:

41-2401. Criminal justice enhancement fund

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

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

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

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

1. ~~Six and six-tenths~~ 6.46 per cent in the Arizona automated fingerprint identification system fund established pursuant to section 41-2414.

2. ~~One and sixty-five hundredths~~ 1.61 per cent to the department of juvenile corrections for the treatment and rehabilitation of youth who have committed drug-related offenses.

3. ~~Seventeen~~ 16.64 per cent in the peace officers' training fund established pursuant to section 41-1825.

4. ~~Three and one-tenth~~ 3.03 per cent in the prosecuting attorneys' advisory council training fund established pursuant to section 41-1830.03.

5. ~~Nine and fifty-five hundredths~~ 9.35 per cent to the supreme court for the purpose of reducing juvenile crime.

6. ~~Eight and three-quarters~~ 8.56 per cent to the department of public safety. Fifteen per cent of the monies shall be allocated for deposit in the Arizona deoxyribonucleic acid identification system fund established pursuant to section 41-2419. Eighty-five per cent of the monies shall be allocated to state and local law enforcement authorities for the following purposes:

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

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

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

7. ~~Nine and fifty-five hundredths~~ 9.35 per cent to the department of law for allocation to county attorneys for the purpose of enhancing prosecutorial efforts.

8. ~~Six and fifteen hundredths~~ 6.02 per cent to the supreme court for the purpose of enhancing the ability of the courts to process criminal and delinquency cases. Notwithstanding section 12-143, subsection A, the salary of superior court judges pro tempore who are appointed for the purposes provided in this paragraph shall, and the salary of other superior court judges pro tempore who are appointed pursuant to section 12-141 for the purposes provided in this paragraph may, be paid in full by the monies received pursuant to this paragraph.

9. ~~Eleven and ninety-five hundredths~~ 11.70 per cent to the state department of corrections for allocation to county sheriffs for the purpose

of enhancing county jail facilities and operations, including county jails under the jurisdiction of county jail districts.

10. ~~One and six-tenths~~ 1.57 per cent to the Arizona criminal justice commission.

11. ~~Nine and two-tenths~~ 9.00 per cent to the state general fund.

12. ~~Two and thirty-five hundredths~~ 2.30 per cent in the crime laboratory assessment fund established pursuant to section 41-2415.

13. ~~Seven and eighty-five hundredths~~ 7.68 per cent in the victims' rights implementation revolving fund established pursuant to section 41-191.06.

14. ~~Four and seven-tenths~~ 4.60 per cent in the victim compensation fund established pursuant to section 41-2407.

15. 2.13 PER CENT TO THE SUPREME COURT FOR THE PURPOSE OF PROVIDING DRUG TREATMENT SERVICES TO ADULT PROBATIONERS THROUGH THE COMMUNITY PUNISHMENT PROGRAM ESTABLISHED IN TITLE 12, CHAPTER 2, ARTICLE 11.

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

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

Sec. 5. Delayed effective dates

A. Section 12-116.01, Arizona Revised Statutes, as amended by this act, is effective from and after August 31, 1996.

B. Section 41-2401, Arizona Revised Statutes, as amended by this act, is effective from and after February 28, 1997.

APPROVED BY THE GOVERNOR MAY 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 1996