House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 69

HOUSE BILL 2260

AN ACT

AMENDING SECTION 12-113, ARIZONA REVISED STATUTES; AMENDING SECTION 12-116, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 193, SECTION 93; AMENDING SECTION 12-116, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 193, SECTION 94; AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-119.03; AMENDING LAWS 2000, CHAPTER 193, SECTION 598, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 2 AND LAWS 2002, CHAPTER 291, SECTION 17; AMENDING LAWS 2000, CHAPTER 193, SECTION 599, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 3 AND LAWS 2002, CHAPTER 291, SECTION 18; RELATING TO THE SUPREME COURT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

STATE OF HOUSE ARIZONA

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

Section 1. Section 12-113, Arizona Revised Statutes, is amended to read:

12-113. Judicial collection enhancement fund; purpose; administration; report; definition

A. A judicial collection enhancement fund is established consisting of monies received from:

1. The time payment fee established in section 12-116.

2. The surcharge paid by a person attending a court ordered diversion program pursuant to section 12-114.

3. Monies deposited in the fund pursuant to section 12-114.01, section 12-119.01, subsection B, paragraph 1, section 12-120.31, subsection D, paragraph 1, section 12-284.03, subsection A, paragraph 7, section 22-281, subsection C, paragraph 1 and section 22-404, subsection C, paragraph 1.

4. Electronic filing and access fees collected pursuant to sections 12-119.02 and 12-120.31.

B. Courts wishing to receive monies from the judicial collection enhancement fund shall submit a plan to the supreme court. Subject to legislative appropriation, the fund monies shall be used according to plans approved by the supreme court to train court personnel, improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, including restitution, child support, fines and civil penalties, to improve court automation, to improve case processing or the administration of justice and for probation services.

C. The supreme court shall administer the fund and may expend monies in the fund, subject to legislative appropriation, for local, regional or statewide projects. The supreme court may directly provide or contract for services consistent with the purposes of the fund. Monies from the fund shall supplement monies already provided to local courts for purposes consistent with the purposes of the fund.

~~D. The supreme court shall submit annually to the legislature and to the governor a report detailing the amount of monies collected and expended and the progress made in improving the ability of the courts to collect monies.~~

D. BY JANUARY 8 OF EACH YEAR, THE SUPREME COURT SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE, FOR THE PRIOR FISCAL YEAR, THE TOTAL MONIES COLLECTED, THE AMOUNT SPENT AND FOR WHAT PURPOSES, INCLUDING AN EXACT EXPLANATION OF FUNDS DEFINED AS ADMINISTRATION OF THE FUND, THE AMOUNT REMAINING IN THE FUND AND THE NUMBER OF EMPLOYEES WHO ARE PAID FROM THE FUND AND THEIR JOB DESCRIPTIONS. THE REPORT SHALL ALSO DETAIL THE PROGRESS MADE IN IMPROVING THE ABILITY OF THE COURTS TO COLLECT MONIES.

E. On notice from the supreme court, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

F. After the court determines the amount due, the court shall transmit to the county treasurer each month the fees collected pursuant to section 12-116, except that municipal courts shall transmit to the city treasurer each month the fees so collected.

G. The county or city treasurer shall transmit to the state treasurer on or before the fifteenth day of each month the fees collected pursuant to subsection F of this section for deposit in the judicial collection enhancement fund.

H. For the purposes of this article, "court authorized diversion program" means a program in which an individual WHO IS charged with a civil or criminal traffic offense or any other criminal offense is not prosecuted for the offense on the successful completion of an authorized diversion program. Successful completion of a defensive driving school program resulting in dismissal of a civil or criminal traffic offense is considered a court authorized diversion program under this section.

Sec. 2. Section 12-116, Arizona Revised Statutes, as amended by Laws 2000, chapter 193, section 93, is amended to read:

12-116. Time payment fee

A. In addition to any other assessment authorized by law, a fee of twenty dollars shall be assessed on each person who pays a court ordered penalty, fine~~,~~ or sanction on a time payment basis, including parking penalties, restitution and juvenile monetary assessments. A time payment basis shall be any penalty, fine~~,~~ or sanction not paid in full on the date the court imposed the fine, penalty or sanction. Notwithstanding any other law, the time payment fee shall be collected first after restitution. A judge may not waive or suspend a time payment fee.

B. Eleven dollars of the time payment fee shall be deposited, pursuant to sections 35-146 and 35-147, in the judicial collection enhancement fund established by section 12-113. Two dollars of the time payment fee shall be deposited, pursuant to sections 35-146 and 35-147, in the judicial collection enhancement fund and shall be allocated by the supreme court to the county public defender training fund established by section 12-117. Seven dollars of the time payment fee shall be kept by the court imposing the fee to be ~~utilized~~ USED by the court to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice. FOR AMOUNTS OVER AN AMOUNT DETERMINED BY THE SUPREME COURT, the court shall submit a plan to the supreme court which must be approved by the supreme court prior to the court expending such monies. IF THE PROPOSED PROJECT WAS DESCRIBED IN THE INFORMATION TECHNOLOGY STRATEGIC PLAN SUBMITTED BY THE COURT AND APPROVED BY THE SUPREME COURT, INCLUDING THE PROPOSED BUDGET FOR THE PROJECT, THE PROJECT MAY PROCEED WITHOUT FURTHER APPROVAL OF THE SUPREME COURT. IN THE CASE OF THE SUPERIOR COURT, THE PRESIDING JUDGE AND CLERK OF THE SUPERIOR COURT MUST AGREE ON THE PROJECT OR IT SHALL BE SUBMITTED TO AND APPROVED BY THE SUPREME COURT.

Sec. 3. Section 12-116, Arizona Revised Statutes, as amended by Laws 2000, chapter 193, section 94, is amended to read:

12-116. Time payment fee

A. In addition to any other assessment authorized by law, a fee of twelve dollars shall be assessed on each person who pays a court ordered penalty, fine~~,~~ or sanction on a time payment basis, including parking penalties, restitution and juvenile monetary assessments. A time payment basis shall be any penalty, fine~~,~~ or sanction not paid in full on the date the court imposed the fine, penalty or sanction. Notwithstanding any other law, the time payment fee shall be collected first after restitution. A judge may not waive or suspend a time payment fee.

B. Seven dollars of the time payment fee shall be deposited, pursuant to sections 35-146 and 35-147, in the judicial collection enhancement fund established by section 12-113. Two dollars of the time payment fee shall be deposited, pursuant to sections 35-146 and 35-147, in the judicial collection enhancement fund and shall be allocated by the supreme court to the county public defender training fund established by section 12-117. Three dollars of the time payment fee shall be kept by the court imposing the fee to be ~~utilized~~ USED by the court to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice. FOR AMOUNTS OVER AN AMOUNT DETERMINED BY THE SUPREME COURT, the court shall submit a plan to the supreme court which must be approved by the supreme court prior to the court expending such monies. IF THE PROPOSED PROJECT WAS DESCRIBED IN THE INFORMATION TECHNOLOGY STRATEGIC PLAN SUBMITTED BY THE COURT AND APPROVED BY THE SUPREME COURT, INCLUDING THE PROPOSED BUDGET FOR THE PROJECT, THE PROJECT MAY PROCEED WITHOUT FURTHER APPROVAL OF THE SUPREME COURT. IN THE CASE OF THE SUPERIOR COURT, THE PRESIDING JUDGE AND CLERK OF THE SUPERIOR COURT MUST AGREE ON THE PROJECT OR IT SHALL BE SUBMITTED TO AND APPROVED BY THE SUPREME COURT.

Sec. 4. Title 12, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 12-119.03, to read:

12-119.03. Performance audit; administrative office of the courts

THE AUDITOR GENERAL SHALL CONDUCT A PERFORMANCE AUDIT AS DEFINED IN SECTION 41-1278 OF THE ADMINISTRATIVE OFFICE OF THE COURTS. THE AUDITOR GENERAL SHALL LIMIT THE PERFORMANCE AUDIT TO THE ADMINISTRATION AND OPERATION OF THE SUPREME COURT AND TO THOSE PROGRAMS AND FUNDS THAT ARE ADMINISTERED BY THE SUPREME COURT. THE AUDITOR GENERAL SHALL SUBMIT COPIES OF THE PERFORMANCE AUDIT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRPERSONS OF THE SENATE JUDICIARY COMMITTEE AND THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE OR THEIR SUCCESSOR COMMITTEES.

1 Sec. 5. Laws 2000, chapter 193, section 598, as amended by Laws 2001,
2 chapter 8, section 2 and Laws 2002, chapter 291, section 17, is amended to
3 read:
4 Sec. 598. Effective date
5 A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1999,
6 chapter 175, section 6, ~~and~~ Laws 2000, chapter 193, section 94 AND THIS ACT
7 is effective from and after December 31, 2009.
8 B. Section 42-1201, Arizona Revised Statutes, as amended by Laws 1999,
9 chapter 250, section 7 and this act is effective from and after December 31,
10 2000.
11 C. Section 49-203, Arizona Revised Statutes, as amended by Laws 1999,
12 chapter 26, section 5 and this act is effective from and after December 31,
13 2000.
14 D. Section 49-361, Arizona Revised Statutes, as amended by Laws 1999,
15 chapter 26, section 17 and this act is effective from and after December 31,
16 2000.
17 Sec. 6. Laws 2000, chapter 193, section 599, as amended by Laws 2001,
18 chapter 8, section 3 and Laws 2002, chapter 291, section 18, is amended to
19 read:
20 Sec. 599. Delayed repeal
21 A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1997,
22 chapter 79, section 7, ~~and~~ Laws 2000, chapter 193, section 93 AND THIS ACT
23 is repealed from and after December 31, 2009.
24 B. Section 42-1201, Arizona Revised Statutes, as amended by Laws 1998,
25 chapter 1, section 144 and this act is repealed from and after December 31,
26 2000.
27 C. Section 49-203, Arizona Revised Statutes, as amended by Laws 1996,
28 chapter 194, section 5, chapter 351, section 39 and this act is repealed from
29 and after December 31, 2000.

APPROVED BY THE GOVERNOR APRIL 8, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2004.

Passed the House March 11, 2004

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 1, 2004,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Bennett
President of the Senate

Charmin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2004,

at 2:40 o'clock p. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 8 day of

April, 2004,

at 4:40 o'clock P. M.

[signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of April, 2004,

at 10:45 o'clock A M.

Janice K. Brewer
Secretary of State

H.B. 2260