

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 269

# **HOUSE BILL 2556**

AN ACT

AMENDING SECTION 13-805, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL RESTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-805, Arizona Revised Statutes, is amended to  
3 read:

4 13-805. Jurisdiction

5 A. The trial court shall retain jurisdiction of the case for purposes  
6 of ORDERING, modifying AND ENFORCING the manner in which court-ordered  
7 payments are made until paid in full or until the defendant's sentence  
8 expires.

9 B. AT THE TIME THE DEFENDANT IS ORDERED TO PAY RESTITUTION BY THE  
10 SUPERIOR COURT, THE COURT MAY ENTER A CRIMINAL RESTITUTION ORDER IN FAVOR OF  
11 EACH PERSON WHO IS ENTITLED TO RESTITUTION FOR THE UNPAID BALANCE OF ANY  
12 RESTITUTION ORDER. A CRIMINAL RESTITUTION ORDER DOES NOT AFFECT ANY OTHER  
13 MONETARY OBLIGATION IMPOSED ON THE DEFENDANT PURSUANT TO LAW.

14 C. At the time the defendant completes the defendant's period of  
15 probation or the defendant's sentence or the defendant absconds from  
16 probation or the defendant's sentence, the court shall enter both:

17 1. A criminal restitution order in favor of the state for the unpaid  
18 balance, if any, of any fines, costs, incarceration costs, fees, surcharges  
19 or assessments imposed.

20 2. A criminal restitution order in favor of each person entitled to  
21 restitution for the unpaid balance of any restitution ordered, IF A CRIMINAL  
22 RESTITUTION ORDER IS NOT ISSUED PURSUANT TO SUBSECTION B OF THIS SECTION.

23 ~~B.~~ D. The clerk of the court shall notify each person who is entitled  
24 to restitution of the criminal restitution order.

25 ~~G.~~ E. A criminal restitution order may be recorded and ~~enforced~~ IS  
26 ENFORCEABLE as any civil judgment, except that a criminal restitution order  
27 does not require renewal pursuant to section 12-1611 or 12-1612. Enforcement  
28 of a criminal restitution order by any person who is entitled to restitution  
29 or by the state includes the collection of interest that accrues at a rate of  
30 ten per cent per annum. A criminal restitution order does not expire until  
31 paid in full.

32 F. ALL MONIES PAID PURSUANT TO A CRIMINAL RESTITUTION ORDER ENTERED BY  
33 THE SUPERIOR COURT SHALL BE PAID TO THE CLERK OF THE SUPERIOR COURT.

34 G. MONIES RECEIVED AS A RESULT OF A CRIMINAL RESTITUTION ORDER ENTERED  
35 PURSUANT TO THIS SECTION SHALL BE DISTRIBUTED IN THE FOLLOWING ORDER OF  
36 PRIORITY:

37 1. RESTITUTION ORDERED THAT IS REDUCED TO A CRIMINAL RESTITUTION  
38 ORDER.

39 2. ASSOCIATED INTEREST.

40 H. THE INTEREST ACCRUED PURSUANT TO SUBSECTION E OF THIS SECTION DOES  
41 NOT APPLY TO FEES IMPOSED FOR COLLECTION OF THE COURT ORDERED PAYMENTS.

42 ~~D.~~ I. A criminal restitution order is a criminal penalty for the  
43 purposes of a federal bankruptcy involving the defendant.

1           Sec. 2. Applicability

2           Section 13-805, subsection G, Arizona Revised Statutes, as amended by  
3 this act applies to all unpaid criminal restitution orders in effect on the  
4 effective date of this act.

5           Sec. 3. Effective date

6           Section 13-805, Arizona Revised Statutes, as amended by this act, is  
7 effective from and after March 31, 2013.

APPROVED BY THE GOVERNOR APRIL 17, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2012.

Passed the House February 29, 2012

Passed the Senate April 5, 2012

by the following vote: 54 Ayes,

by the following vote: 29 Ayes,

0 Nays, 5 Not Voting  
*1 vacant*

0 Nays, 1 Not Voting

*[Signature]*  
Speaker of the House

*[Signature]*  
President of the Senate

*[Signature]*  
Chief Clerk of the House

*[Signature]*  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

~~This Bill received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor~~

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

~~This Bill received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary of State~~

H.B. 2556

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 11, 2012,

by the following vote: 57 Ayes,

0 Nays, 2 Not Voting  
1 vacant

[Signature]  
Speaker of the House  
Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
11<sup>th</sup> day of April, 2012,

at 2:50 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 17<sup>th</sup> day of

April, 2012,

at 11:12 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2556

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 17<sup>th</sup> day of April, 2012

at 3:36 o'clock  M.

[Signature]  
Secretary of State