Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 17

SENATE BILL 1478

AN ACT

AMENDING SECTIONS 8-342, 35-142.01 AND 41-2801, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 26, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-2832 AND 41-2833; REPEALING LAWS 2012, CHAPTER 302, SECTION 27 AND LAWS 2014, CHAPTER 12, SECTION 10; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 8-342, Arizona Revised Statutes, is amended to read:

8-342. Commitment of child; medical examination

~~A. A child under the age of eight years shall not be committed to the department of juvenile corrections nor shall a dependent or incorrigible child be awarded to the department of juvenile corrections.~~

A. A CHILD WHO IS ANY OF THE FOLLOWING SHALL NOT BE COMMITTED OR AWARDED TO THE DEPARTMENT OF JUVENILE CORRECTIONS:

1. ADJUDICATED DELINQUENT FOR AN OFFENSE THAT IS NOT A FELONY UNLESS THE CHILD HAS BEEN PREVIOUSLY ADJUDICATED DELINQUENT FOR AN OFFENSE THAT IS A FELONY OR IS SERIOUSLY MENTALLY ILL.

2. UNDER FOURTEEN YEARS OF AGE.

3. A DEPENDENT OR INCORRIGIBLE CHILD.

B. Before commitment to the department of juvenile corrections, every child shall be given a medical examination. If it is determined that any contagious or infectious disease is present, the child shall not be committed to the department of juvenile corrections, but the juvenile court shall order that the child be given the necessary medical treatment at the county hospital or other medical facility. When the child is discharged by competent medical authority, the juvenile court may order the child's commitment to the department of juvenile corrections. In any case copies of records, examinations and evaluations shall be made of the findings of the medical examination and of any subsequent treatment and discharge, which copies shall accompany the child's commitment papers.

Sec. 2. Section 35-142.01, Arizona Revised Statutes, is amended to read:

35-142.01. Reimbursement of appropriated funds; receipt and deposit; prohibition; inmate health care services; notice

A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this section, when monies are appropriated to a budget unit for a specific program or purpose that is subject to reimbursement in whole or in part from federal monies or any other source, and that is so noted in the appropriation bill, the budget unit, ~~upon~~ ON receipt of such reimbursement, shall deposit the monies, pursuant to sections 35-146 and 35-147, in the state general fund or the fund from which the appropriation was originally made. If the reimbursement is not noted in the appropriation bill, it may be credited to the account out of which the expenditure was incurred if the director of the budget unit determines that reimbursement within the fiscal year is necessary for operation of the budget unit and was not specifically considered and rejected by the legislature at the time of appropriating monies to the budget unit. The director of the budget unit shall notify the joint legislative budget committee, the governor's office of strategic planning and budgeting

and the state comptroller in writing of determinations made pursuant to this section.

B. When monies are appropriated to the Arizona health care cost containment system administration or the department of health services and the specific program or purpose for which the monies are appropriated is subject to reimbursement for reconciliation payments from or penalties against program contractors or health plans, the department or administration, on receipt of such reimbursement, shall deposit the monies, pursuant to sections 35-146 and 35-147, in the state general fund or the fund from which the appropriation was originally made. The Arizona health care cost containment system administration and the department of health services are prohibited from allowing reconciliation payments from or penalties against program contractors or health plans to be credited against future payments to the program contractor or health plan.

C. NOTWITHSTANDING SECTION 35-190, THE STATE DEPARTMENT OF CORRECTIONS MAY CREDIT AGAINST PAYMENTS OWED IN THE CURRENT FISCAL YEAR TO THE DEPARTMENT'S HEALTH CARE CONTRACTOR THE AMOUNT OF STATE AND FEDERAL MONIES PAID BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION FOR HEALTH CARE SERVICES ON BEHALF OF MEDICAID-ELIGIBLE INMATES REGARDLESS OF THE DATES OF SERVICE. ON OR BEFORE JULY 1 OF EACH YEAR, THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS SHALL NOTIFY THE DIRECTORS OF THE JOINT LEGISLATIVE BUDGET COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING OF THE AMOUNT OF CREDITS AGAINST PAYMENTS FOR THE PREVIOUS FISCAL YEAR.

Sec. 3. Section 41-2801, Arizona Revised Statutes, is amended to read:

41-2801. Definitions

In this chapter, unless the context otherwise requires:

1. "Committed youth" or "youth" means a person who is ~~eight~~ FOURTEEN years of age or older but who has not yet attained the age of eighteen years and who has been committed according to law to the department of juvenile corrections for supervision, rehabilitation, treatment and education.

2. "Department" means the department of juvenile corrections.

3. "Director" means the director of the department of juvenile corrections.

4. "Educational system" means the state educational system for committed youth.

5. "Secure care" means confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

Sec. 4. Title 41, chapter 26, article 1, Arizona Revised Statutes, is amended by adding sections 41-2832 and 41-2833, to read:

41-2832. County contributions for committed youth in secure care facilities; county payments; excluded costs

A. THE DEPARTMENT SHALL ANNUALLY ASSESS A COMMITTED YOUTH CONFINEMENT COST SHARING FEE TO EACH COUNTY.

B. EACH COUNTY SHALL PAY THE MONIES OWED WITHIN THIRTY DAYS AFTER A REQUEST BY THE DEPARTMENT. IF A COUNTY DOES NOT MAKE THE PAYMENT, THE DIRECTOR SHALL NOTIFY THE STATE TREASURER OF THE AMOUNT OWED AND THE STATE TREASURER SHALL WITHHOLD THE AMOUNT, INCLUDING ANY ADDITIONAL INTEREST AS PROVIDED IN SECTION 42-1123, FROM ANY TRANSACTION PRIVILEGE TAX REVENUES THAT WOULD OTHERWISE BE DISTRIBUTED TO THE COUNTY. THE STATE TREASURER SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE WITHHOLDINGS IN THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND ESTABLISHED BY SECTION 41-2833. THE DEPARTMENT SHALL DEPOSIT THE MONIES RECEIVED FROM A COUNTY IN THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND ESTABLISHED BY SECTION 41-2833.

C. COUNTY CONTRIBUTIONS MADE PURSUANT TO THIS SECTION ARE EXCLUDED FROM THE COUNTY EXPENDITURE LIMITATIONS.

D. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY MEET THE COST SHARING REQUIREMENTS OF THIS SECTION FROM ANY SOURCE OF COUNTY REVENUE DESIGNATED BY THE COUNTY, INCLUDING MONIES OF ANY COUNTYWIDE SPECIAL TAXING JURISDICTION IN WHICH THE BOARD OF SUPERVISORS SERVES AS THE BOARD OF DIRECTORS.

41-2833. Department of juvenile corrections local cost sharing fund; use

A. THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND IS ESTABLISHED CONSISTING OF MONIES COLLECTED AND DEPOSITED PURSUANT TO SECTION 41-2832. THE DEPARTMENT SHALL ADMINISTER THE FUND.

B. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE TO BE USED FOR THE OPERATING COSTS OF THE DEPARTMENT.

Sec. 5. Repeal

A. Laws 2012, chapter 302, section 27 is repealed.

B. Laws 2014, chapter 12, section 10 is repealed.

Sec. 6. State department of corrections; budget structure

Notwithstanding any other law, the state department of corrections shall report actual fiscal year 2014-2015, estimated fiscal year 2015-2016 and requested fiscal year 2016-2017 expenditures in the same structure and detail as the prior fiscal year when the department submits the fiscal year 2016-2017 budget request pursuant to section 35-113, Arizona Revised Statutes. The information submitted for each line item shall contain as much detail as submitted in previous years for prior line items.

Sec. 7. Department of public safety; highway monies; limitation

Notwithstanding section 28-6537, Arizona Revised Statutes, the statutory caps and transfers of Arizona highway user revenue fund monies available to fund department of public safety highway patrol costs are suspended for fiscal year 2015-2016.

Sec. 8. GIITEM border security and law enforcement subaccount; expenditure plan; review

Notwithstanding section 41-1724, subsection G, Arizona Revised Statutes, before the department of public safety spends any monies appropriated in the general appropriation act for fiscal year 2015-2016 from

the gang and immigration intelligence team enforcement mission border security and law enforcement subaccount established by section 41-1724, Arizona Revised Statutes, the department shall submit the subaccount's entire expenditure plan to the joint legislative budget committee for review.

Sec. 9. Nonsupplanting; suspension; report

Notwithstanding any other law, in fiscal year 2015-2016 the provisions relating to supplanting of state monies pursuant to section 12-102.02, subsection E, section 12-102.03, subsection D, section 12-135, subsection D, section 12-135.01, subsection D, section 12-267, subsection D, section 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised Statutes, are suspended. The Arizona supreme court shall submit a report to the joint legislative budget committee identifying any decrease in county funding related to these suspended provisions, including the reasons for the decrease.

Sec. 10. Attorney general; department of public safety; state aid to indigent defense fund; fiscal year 2015-2016

Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal year 2015-2016:

1. The attorney general may use monies in the state aid to indigent defense fund established by section 11-588, Arizona Revised Statutes, for activities related to capital postconviction prosecution.

2. The department of public safety may use monies in the state aid to indigent defense fund established by section 11-588, Arizona Revised Statutes, for operating expenses.

Sec. 11. State department of corrections; incarceration contracts implementation; fiscal year 2016-2017

A. The state department of corrections shall award a contract or contracts to open up to one thousand beds on July 1, 2016 pursuant to requests for proposals issued by the state department of corrections for up to a total of two thousand medium security prison beds at new or existing contracted bed facilities or expansions of contracted bed facilities in this state under the authority of section 41-1609, Arizona Revised Statutes.

B. The state department of corrections may award a contract or contracts for the remaining male medium security prison beds under the requests for proposals described in subsection A of this section only if specific legislative authorization for the award is provided.

Sec. 12. Legislative intent; 2012 request for proposals; incarceration contracts; cessation of authority

It is the intent of the legislature that the authority granted by Laws 2012, chapter 302, section 27 and Laws 2014, chapter 12, section 10 for the state department of corrections to award a contract or contracts for the remaining one thousand beds with specific legislative authority pursuant to the February 2, 2012 request for proposals for up to two thousand male medium security beds at new or existing private prisons or at expansions of private prisons in this state ceases from and after June 30, 2015.

1 Sec. 13. Legislative intent; county contribution amount for
2 committed youth in secure care facilities
3 It is the intent of the legislature that the amount of the annual
4 committed youth confinement cost sharing fee that the director of the
5 department of juvenile corrections must assess to each county for committed
6 youth in secure care facilities pursuant to section 41-2832, Arizona Revised
7 Statutes, is each county's proportional share of $12,000,000, using
8 population data from the most recent United States decennial census.
9 Sec. 14. Applicability
10 Sections 8-342 and 41-2801, Arizona Revised Statutes, as amended by
11 this act, apply only to a child who is committed to the department of
12 juvenile corrections on or after the effective date of this act.

APPROVED BY THE GOVERNOR MARCH 12, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 12, 2015.

Passed the House March 7, 2015,

by the following vote: 34 Ayes,

25 Nays, 1 Not Voting

Speaker of the House

Jim Drake

Chief Clerk of the House

Passed the Senate March 7, 2015,

by the following vote: 17 Ayes,

12 Nays, 1 Not Voting

President of the Senate

Susan Aceves
Assistant

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of March, 2015,

at 2:44 o'clock P. M.

Secretary to the Governor

Approved this 12th day of

March, 2015,

at 5:48 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12th day of March, 2015,

at 6:01 o'clock P. M.

Secretary of State

S.B. 1478