Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 238

HOUSE BILL 2204

AN ACT

AMENDING SECTIONS 13-805 AND 13-809, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL RESTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

13-805. Jurisdiction

A. The trial court shall retain jurisdiction of the case for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the defendant's sentence expires.

B. At the time the defendant is ordered to pay restitution by the ~~superior~~ court, the court may enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. A criminal restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

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

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

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered, if a criminal restitution order is not issued pursuant to subsection B of this section.

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

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

F. All monies paid pursuant to a criminal restitution order entered by the superior court shall be paid to the clerk of the superior court.

G. Monies received as a result of a criminal restitution order entered pursuant to this section shall be distributed in the following order of priority:

1. Restitution ordered that is reduced to a criminal restitution order.

2. Associated interest.

H. The interest accrued pursuant to subsection E of this section does not apply to fees imposed for collection of the court ordered payments.

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

Sec. 2. Section 13-809, Arizona Revised Statutes, is amended to read:

13-809. Priority of payments; application to traffic offenses; orders to reimburse public monies

A. If a defendant is sentenced to pay a fine or incarceration costs, payment and enforcement of restitution take priority over payment to the state.

B. Section 13-804 does not apply to traffic offenses, except for a violation of section 28-661, 28-662, 28-693, 28-1381, 28-1382 or 28-1383 or any local ordinance relating to the same subject matter of such sections.

C. The court may impose an additional fine on sentencing for any offense to require that the defendant reimburse the law enforcement agency for any public monies paid to any person.

APPROVED BY THE GOVERNOR APRIL 9, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2015.

Passed the House March 3, 20 15

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate April 2, 20 15

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

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. 2204

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 2, 20 15,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Speaker of the House

Jim Drake

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of April, 20 15,

at 9:13 o'clock A. M.

Secretary to the Governor

Approved this 9th day of

April, 20 15,

at 11:49 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10th day of April, 20 15,

at 8:15 o'clock A. M.

Michele Reagan

Secretary of State

H.B. 2204