STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

May 16, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on May 16, 2018:

HB 2088 pupils; concussions; parental notification (Carter)
HB 2197 health professionals; workforce data (Carter)
HB 2209 internet protocol; corporation commission (Grantham)
HB 2212 firearm possession; peace officers; definition (Thorpe)
HB 2235 dental therapy; regulation; licensure (Thorpe)
HB 2253 schools; exchange teachers; employment duration (Carter)
HB 2307 scrap vehicles; sales (Campbell)
HB 2310 underground storage tanks; reimbursement claims (Bowers)
HB 2324 community health workers; voluntary certification (Carter)
HB 2356 juvenile court; jurisdiction; age (Bowers)
HB 2383 HOV lanes; emergency vehicles (Clodfelter)
HB 2384 unlawful flight; vehicle impoundment (Clodfelter)
HB 2414 state employee health plan; incentives (Kern)
HB 2416 appropriation; study; prime contracting classification (Cobb)
HB 2422 personal delivery devices (Townsend)
HB 2455 commercial vehicles definition; driver licenses (Cook)
HB 2510 auto dealers; task force; fund (John)

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HB 2520 schools; reading requirement (Coleman)
HB 2522 traffic violations; penalties (Syms)
HB 2526 career technical education districts (Clodfelter)
HB 2527 ticket surcharge; public safety equipment (Clodfelter)
HB 2529 assisted living; referrals; disclosure (Campbell)
HB 2532 occupational regulation; municipalities; counties; hearings (Payne)
HB 2534 teachers; certification requirements (Carter)
HB 2538 U.S. House vacancy; special election (Coleman)
HB 2564 court fees; EORP; state contribution (Livingston)
HB 2589 department of gaming omnibus (Cook)
HB 2596 property taxes; procedures; abatement (Toma)
HB 2648 ballot measures; paid circulator definition (Leach)
HB 2649 public meetings; recordings; posting; definition (Grantham)
HB 2650 commercial license; defensive driving school (Toma)
HB 2651 landlord tenant; security deposits (Toma)
HB 2652 electric bicycles; definition; use (Allen, J.)
HB 2653 expenditure limitation; waiver of penalties (Cobb)
HB 2654 illegal substances education; partnership (Thorpe)
HB 2655 real estate licenses; online classes (Mosley)
HB 2656 electronic wills and trusts (Leach)
HB 2657 interscholastic activities; health dangers; information (Carter)
SB 1039 appropriation; Arizona water protection fund (Griffin)
SB 1140 certificates of authority; video service (Griffin)
SB 1167 merit council; law enforcement qualifications (Griffin)
SB 1181 corporation commission; railway safety inspectors (Griffin)
SB 1245 appropriation; SNAP; benefit match; produce (Brophy McGee)
SB 1254 school district consolidation (Allen, S.)
SB 1271 construction liability; apportionment; study (Fann)
SB 1273 administrative proceedings; rules; contested cases (Petersen)
SB 1293 department of revenue; administrative efficiency (Farnsworth, D.)
SB 1296 government communications; emergency response interpreters (Bowie)
SB 1398 unemployment; return-to-work program; suitable work (Smith)
SB 1409 TPT; prime contracting; alteration; replacement (Fann)
SB 1476 county sheriff; reentry planning; appropriation (Gray)
SB 1478 employer contributions; EORP (Fann)
SB 1496 prisoners; drug sentences; out-of-custody treatment (Smith)
SB 1498 AZPOST; membership; training; AMBER alert (Smith)

SB 1504 developmental disability rates; appropriation (Smith)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 301

HOUSE BILL 2356

AN ACT

AMENDING SECTIONS 8-202, 8-204, 8-246, 8-272, 8-273, 8-305, 8-341, 8-341.01, 8-342, 8-344, 8-371, 41-1750, 41-2801, 41-2804.01, 41-2815 AND 41-2820, ARIZONA REVISED STATUTES; RELATING TO THE JUVENILE COURT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 8-202, Arizona Revised Statutes, is amended to read:

8-202. Jurisdiction of juvenile court

A. The juvenile court has original jurisdiction over all delinquency proceedings brought under the authority of this title.

B. The juvenile court has exclusive original jurisdiction over all proceedings brought under the authority of this title except for delinquency proceedings.

C. The juvenile court may consolidate any matter, except that the juvenile court shall not consolidate any of the following:

1. A criminal proceeding that is filed in another division of superior court and that involves a child who is subject to the jurisdiction of the juvenile court.

2. A delinquency proceeding with any other proceeding that does not involve delinquency, unless the juvenile delinquency adjudication proceeding is not heard at the same time or in the same hearing as a nondelinquency proceeding.

D. The juvenile court has jurisdiction of proceedings to:

1. Obtain judicial consent to the marriage, employment or enlistment in the armed services of a child, if consent is required by law.

2. In an action in which parental rights are terminated pursuant to chapter 4, article 5 or 11 of this title, change the name of a minor child who is the subject of the action. If the minor child who is the subject of the action is twelve years of age or older, the court shall consider the wishes of the child with respect to the name change.

E. The juvenile court has jurisdiction over both civil traffic violations and offenses listed in section 8-323, subsection B that are committed within the county by persons who are under eighteen years of age unless the presiding judge of the county declines jurisdiction of these cases. The presiding judge of the county may decline jurisdiction of civil traffic violations committed within the county by juveniles if the presiding judge finds that the declination would promote the more efficient use of limited judicial and law enforcement resources located within the county. If the presiding judge declines jurisdiction, juvenile civil traffic violations shall be processed, heard and disposed of in the same manner and with the same penalties as adult civil traffic violations.

F. The orders of the juvenile court under the authority of this chapter or chapter 3 or 4 of this title take precedence over any order of any other court of this state except the court of appeals and the supreme court to the extent that they are inconsistent with orders of other courts.

G. Except as ~~otherwise~~ provided ~~by law~~ IN SUBSECTION H OF THIS SECTION, jurisdiction of a child that is obtained by the juvenile court in a proceeding under this chapter or chapter 3 or 4 of this title shall be retained by it, for the purposes of implementing the orders made and filed in that proceeding, until the child becomes eighteen years of age, unless terminated by order of the court before the child's eighteenth birthday.

H. IF THE STATE FILES A NOTICE OF INTENT TO RETAIN JURISDICTION WHEN PROCEEDINGS ARE COMMENCED PURSUANT TO SECTION 8-301, PARAGRAPH 1 OR 2, THE COURT SHALL RETAIN JURISDICTION OVER A JUVENILE WHO IS AT LEAST SEVENTEEN YEARS OF AGE AND WHO HAS BEEN ADJUDICATED A DELINQUENT JUVENILE UNTIL THE JUVENILE REACHES NINETEEN YEARS OF AGE, UNLESS BEFORE THE JUVENILE'S NINETEENTH BIRTHDAY EITHER:

1. JURISDICTION IS TERMINATED BY ORDER OF THE COURT.

2. THE JUVENILE IS DISCHARGED FROM THE JURISDICTION OF THE DEPARTMENT OF JUVENILE CORRECTIONS PURSUANT TO SECTION 41-2820.

~~H.~~ I. Persons who are under eighteen years of age shall be prosecuted in the same manner as adults if either:

1. The juvenile court transfers jurisdiction pursuant to section 8-327.

2. The juvenile is charged as an adult with an offense listed in section 13-501.

Sec. 2. Section 8-204, Arizona Revised Statutes, is amended to read:

8-204. <u>Termination of appointment; hearing; notice; annual report</u>

A. The director of juvenile court services shall serve at the pleasure of the presiding judge of the juvenile court.

B. In counties which have adopted or hereafter adopt a limited county employee merit system pursuant to title 11, chapter 2, article 10 or a judicial merit system, ~~all employees of the juvenile court~~ JUVENILE PROBATION OFFICERS, JUVENILE SURVEILLANCE OFFICERS AND JUVENILE DETENTION OFFICERS other than the director AND DEPUTY DIRECTOR of juvenile court services shall be included in such county merit system or judicial merit system and entitled to the same privileges and protections provided in such merit system for other county employees or court employees. DEPUTY DIRECTORS AND ALL OTHER EMPLOYEES OF THE JUVENILE COURT MAY BE INCLUDED IN THE COUNTY MERIT SYSTEM OR JUDICIAL MERIT SYSTEM AT THE DISCRETION OF THE PRESIDING JUDGE OF THE SUPERIOR COURT IN EACH COUNTY.

~~C. In counties without a county employee merit system the employment of a juvenile probation officer, who has served in such position for more than two years, shall not be terminated involuntarily unless written notice of the cause for termination is given to the juvenile probation officer. Such juvenile probation officer may within three days after such notice request that the presiding judge of the juvenile court review the termination, and the presiding judge of the~~

~~juvenile court shall within ten days after such request for review hear the matter, and the juvenile probation officer shall be permitted to present evidence on his own behalf at such hearing. The presiding judge of the juvenile court shall either affirm or withdraw the termination notice, and his decision shall be final and not appealable.~~

C. THE DIRECTOR OF JUVENILE COURT SERVICES, IN ADDITION TO ALL OTHER DUTIES, MUST SUBMIT AN ANNUAL REPORT TO THE PRESIDING JUDGE OF THE SUPERIOR COURT AND THE LEGISLATURE THAT INCLUDES THE NUMBER OF JUVENILES THAT THE COURT HAS RETAINED JURISDICTION OVER PURSUANT TO SECTION 8-202, SUBSECTION H. THE DIRECTOR SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

Sec. 3. Section 8-246, Arizona Revised Statutes, is amended to read:

8-246. Jurisdiction; length of commitment; placement; assessment; definition

A. When jurisdiction of a juvenile has been acquired by the juvenile court, the juvenile shall continue under the jurisdiction of the juvenile court until the juvenile attains eighteen years of age OR, IF THE JUVENILE COURT HAS RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H, NINETEEN YEARS OF AGE, unless sooner discharged pursuant to law. From the time of commitment to the department of juvenile corrections, a juvenile shall be subject to the control of the department of juvenile corrections until the juvenile's ~~absolute~~ discharge ~~or until expiration of the commitment on the juvenile's eighteenth birthday~~ PURSUANT TO SECTION 41-2820.

B. Except pursuant to section 8-341, subsection N and section 8-344, AND UNLESS THE COURT HAS RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H:

1. The awarding of a juvenile shall not extend beyond the juvenile's eighteenth birthday.~~, and~~

2. Commitment to the department of juvenile corrections shall be until the juvenile attains eighteen years of age unless sooner discharged by the department of juvenile corrections.

C. The supreme court in cooperation with the department of juvenile corrections and other state agencies shall develop a common risk needs assessment instrument to be used for each juvenile who is referred to the juvenile court. The juvenile court shall update the risk needs assessment on each subsequent referral of the juvenile to the juvenile court, and the court shall use the risk needs assessment to determine the appropriate disposition of the juvenile. The supreme court in cooperation with the department of juvenile corrections shall develop guidelines to be used by juvenile court judges in determining those juveniles who should be committed to the department of juvenile corrections.

D. FOR THE PURPOSES OF THIS SECTION, "JUVENILE" INCLUDES A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS RETAINED

JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H, UNDER NINETEEN YEARS OF AGE.

Sec. 4. Section 8-272, Arizona Revised Statutes, is amended to read:

8-272. Psychiatric acute care services; outpatient and inpatient assessments; definition

A. If a child exhibits behavior that indicates the child may suffer from a mental disorder or is a danger to self or others, an entity may request that the child receive an outpatient assessment or inpatient assessment.

B. A psychologist, psychiatrist or physician shall conduct an outpatient assessment at a time and place that is convenient for the psychologist, psychiatrist or physician and the child. At the conclusion of the outpatient assessment, the psychologist, psychiatrist or physician shall recommend that the child be either:

1. Provided with outpatient treatment services.

2. Admitted to a psychiatric acute care facility for inpatient assessment or inpatient psychiatric acute care services.

3. Provided with residential treatment services.

4. Discharged to the entity without further psychological or psychiatric services because the child does not suffer from a mental disorder, is not a danger to self or others or is not a child with a persistent or acute disability or grave disability.

C. A psychologist, psychiatrist or physician shall conduct an inpatient assessment within seventy-two hours after a child is admitted to an inpatient assessment facility, excluding weekends and holidays. At the conclusion of the inpatient assessment, the psychologist, psychiatrist or physician shall recommend that the child be either:

1. Admitted to a psychiatric acute care facility for inpatient psychiatric acute care services.

2. Discharged to an entity and provided with outpatient treatment services.

3. Provided with residential treatment services.

4. Discharged to the entity without further psychological or psychiatric services because the child does not suffer from a mental disorder, is not a danger to self or others or is not a child with a persistent or acute disability or grave disability.

D. Within twenty-four hours after a child is admitted for an inpatient assessment, excluding weekends and holidays, the entity shall file a motion for approval of admission for inpatient assessment with the juvenile court. The motion shall include all of the following:

1. The name and address of the inpatient assessment facility.

2. The name of the psychologist, psychiatrist or physician who is likely to perform the inpatient assessment.

3. The date and time the child was admitted to the inpatient assessment facility.

4. A short statement explaining why the child needs an inpatient assessment.

E. An entity that files a motion under subsection D of this section shall provide a copy of the motion to all of the parties and their attorneys. The court shall rule on the motion without response from any party, except that any party may request a hearing to review the child's admission for an inpatient assessment. If the court grants a hearing, the court shall set the hearing on an accelerated basis.

F. If the psychologist, psychiatrist or physician who performed the outpatient assessment or inpatient assessment of the child recommends that the child receive inpatient acute care psychiatric services, the entity may file a motion for inpatient psychiatric acute care services with the juvenile court. If the psychologist, psychiatrist or physician makes this recommendation after conducting an inpatient assessment, the entity shall file the motion for inpatient psychiatric acute care services within twenty-four hours after the completion of the inpatient assessment, excluding weekends and holidays. The motion shall include all of the following:

1. A copy of the written report of the results of the inpatient assessment or outpatient assessment, including:

(a) The reason why inpatient psychiatric acute care services are in the child's best interests.

(b) The reason why inpatient psychiatric acute care services are the least restrictive available treatment.

(c) A diagnosis of the child's condition that requires inpatient psychiatric acute care services.

(d) The estimated length of time that the child will require inpatient psychiatric acute care services.

2. A written statement from the medical director of the proposed inpatient psychiatric acute care facility or the medical director's designee that the facility's services are appropriate to meet the child's mental health needs.

G. As soon as practicable after the filing of a motion under subsection D or F of this section, the court shall appoint an attorney for the child if an attorney has not been previously appointed. The court may also appoint a guardian ad litem for the child.

H. If a motion is filed pursuant to subsection F of this section, the court shall hold a hearing on the motion within seventy-two hours after the motion is filed, excluding weekends and holidays. If the child has been admitted for an inpatient assessment, the child may remain at the inpatient assessment facility until the court rules on the motion.

I. If a child is admitted for an inpatient assessment and an entity fails to file a motion pursuant to and within the time limit prescribed in

subsection F of this section, the child shall be discharged from the inpatient assessment facility.

J. If the court approves the admission of the child for inpatient psychiatric acute care services, the court shall find by clear and convincing evidence that both:

1. The child is suffering from a mental disorder or is a danger to self or others and requires inpatient psychiatric acute care services.

2. Available alternatives to inpatient psychiatric acute care services were considered, but that inpatient psychiatric acute care services are the least restrictive available alternative.

K. The court shall review the child's continuing need for inpatient psychiatric acute care services at least every sixty days after the date of the treatment order. The inpatient psychiatric acute care facility shall submit a progress report to the court at least five days before the review and shall provide copies of the progress report to all of the parties, including the child's attorney and guardian ad litem. On its own motion or on the motion of a party, the court may hold a hearing on the child's continuing need for inpatient psychiatric acute care services. If requested by the child, the court shall hold a hearing unless the court has held a review hearing within sixty days before the child's request. If requested by the child, the court may hold a hearing at any time for good cause shown. The progress report shall make recommendations and shall include at least the following:

1. The nature of the treatment provided, including any medications and the child's current diagnosis.

2. The child's need for continued inpatient psychiatric acute care services, including the estimated length of the services.

3. A projected discharge date.

4. The level of care required by the child and the potential placement options that are available to the child on discharge.

5. A statement from the medical director of the inpatient psychiatric acute care facility or the medical director's designee as to whether inpatient psychiatric acute care services are necessary to meet the child's mental health needs and whether the facility that is providing the inpatient psychiatric acute care services to the child is the least restrictive available alternative.

L. If a child is transferred from an inpatient psychiatric acute care facility to another inpatient psychiatric acute care facility, no new inpatient assessment or outpatient assessment is required. Unless the court orders otherwise due to an emergency, an entity shall file a notice of transfer with the juvenile court at least five days before the transfer of the child. The notice shall include all of the following:

1. The name and address of the facility to which the child is being transferred and the date of the transfer.

2. A statement from the medical director of the receiving inpatient psychiatric acute care facility or the medical director's designee that the receiving facility is an appropriate facility to meet the child's mental health needs and that it is the least restrictive available alternative.

3. A statement that the entity has contacted the child's attorney or guardian ad litem and whether the child or the child's attorney or guardian ad litem opposes the transfer.

M. Any party may request a hearing to review the transfer of a child to another inpatient psychiatric acute care facility pursuant to subsection L of this section.

N. Within fifteen days after a child is discharged, the inpatient psychiatric acute care facility shall prepare a discharge summary. Within twenty days after a child is discharged, an entity shall file a notice of discharge with the juvenile court. The notice shall include:

1. A statement of the child's current placement.

2. A statement of the mental health services that are being provided to the child and the child's family.

3. A copy of the discharge summary that is prepared by a mental health professional.

O. When possible, the child's attorney shall communicate with the child within twenty-four hours after a motion is filed pursuant to subsection D or F of this section, excluding weekends and holidays. The child's attorney shall discuss treatment recommendations and shall advise the child of the child's right to request a hearing. The child's attorney or designee shall attend all court hearings related to the child's inpatient assessment or inpatient psychiatric acute care services and shall be prepared to report to the court the child's position on any recommended assessments or treatment. The child may attend any hearing unless the court finds by a preponderance of the evidence that allowing the child to attend would not be in the child's best interests.

P. If the child is a dually adjudicated child, the entity that requests an order for inpatient psychiatric acute care services shall notify any other entity of all notices, motions, hearings or other proceedings related to the provision of inpatient psychiatric acute care services. Any entity may attend and participate in all hearings or other proceedings relating to the provision of inpatient psychiatric acute care services to a dually adjudicated child.

Q. Section 8-273 applies if residential treatment services are recommended after an inpatient assessment or outpatient assessment or any inpatient psychiatric acute care treatment. Section 8-341.01 applies if a child who is adjudicated delinquent or incorrigible and who is subject to the jurisdiction of the juvenile court requires residential treatment services. Section 41-2815 applies if a child who is committed to the

department of juvenile corrections requires residential treatment services.

R. Information and records that are obtained or created in the course of any assessment, examination or treatment are subject to the confidentiality requirements of section 36-509, except that information and records may be provided to the department of juvenile corrections pursuant to section 8-341.

S. For the purposes of this section, "child" means a person who is under eighteen years of age OR, IF THE JUVENILE COURT HAS RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H, UNDER NINETEEN YEARS OF AGE and who is either:

1. Found to be dependent or temporarily subject to court jurisdiction pending an adjudication of a dependency petition.

2. In the temporary custody of the department pursuant to section 8-821.

3. Detained in a juvenile court detention facility.

4. Committed to the department of juvenile corrections.

5. FOUND TO BE DELINQUENT AND SUBJECT TO PROBATION SUPERVISION.

Sec. 5. Section 8-273, Arizona Revised Statutes, is amended to read:

8-273. Residential treatment services; definition

A. If a child exhibits behavior that indicates the child may suffer from a mental disorder or if it is recommended as a result of an outpatient assessment or inpatient assessment pursuant to section 8-272 that a child receive residential treatment services, an entity may file a motion requesting that the juvenile court order a child to receive residential treatment services. If the motion states that all parties, including counsel for the child, have been contacted and are in agreement, the court is not required to set a hearing on the motion.

B. A motion for residential treatment services shall be supported by a written psychological, psychiatric or medical assessment recommending residential treatment services. The court may waive the written assessment on a finding of good cause. The written assessment shall include at least the following:

1. The reason why residential treatment services are in the child's best interests.

2. The reason why residential treatment services are the least restrictive treatment available.

3. The reason why the child's behavioral, psychological, social or mental health needs require residential treatment services.

4. The estimated length of time that the child will require residential treatment services.

C. A motion for residential treatment services shall be supported by a written statement from the medical or clinical director of the

residential treatment facility or the director's designee that the facility's services are appropriate to meet the child's needs.

D. As soon as practicable after an entity files a motion under subsection A of this section, the court shall appoint an attorney for the child if an attorney has not been previously appointed. The court may also appoint a guardian ad litem for the child.

E. The child's attorney shall discuss the treatment recommendations with the child. The child's attorney or designee shall attend all court hearings related to the child's placement in a residential treatment facility and shall be prepared to report to the court on the child's position regarding any recommendations or requests related to the provision of residential treatment services. The child may appear at any hearing, unless the court finds by a preponderance of the evidence that allowing the child to attend the hearing would not be in the child's best interests.

F. If the court orders a child to receive residential treatment services, the court shall find by clear and convincing evidence that both:

1. The child requires residential treatment services to address the child's behavioral, psychological, social or mental health needs.

2. Available alternatives to residential treatment services were considered, but that residential treatment services are the least restrictive available alternative.

G. The court shall review the child's continuing need for residential treatment services at least every sixty days from the date of the treatment order. The residential treatment facility shall submit a progress report to the court at least five days before the review and shall provide copies of its report to all of the parties, including the child's attorney and guardian ad litem. The progress report shall include the recommendations of the child's treatment facility and shall include at least the following:

1. The nature of the treatment provided, including any medications and the child's current diagnosis.

2. The child's need for continued residential treatment services, including the estimated length of the services.

3. A projected discharge date.

4. The level of care required by the child and the potential placement options that are available to the child on discharge.

5. A statement from the medical or clinical director of the residential treatment services facility or the director's designee as to whether residential treatment services are necessary to meet the child's needs and whether the facility that is providing the residential treatment services to the child is the least restrictive available alternative.

H. On its own motion or on the motion of a party, the court may schedule a hearing concerning the child's continuing need for residential treatment services. If requested by the child, the court shall schedule a

hearing unless the court has held a review hearing within sixty days before the child's request. If requested by the child, the court may hold a hearing at any time for good cause shown.

I. If the child is a dually adjudicated child, the entity that requests an order for residential treatment services shall notify any other entity of all notices, motions, hearings or other proceedings related to the provision of residential treatment services. Any entity may attend and participate in all hearings or other proceedings relating to the provision of residential treatment services to a dually adjudicated child.

J. Information or records that are obtained or created pursuant to any assessment, examination or treatment are subject to the confidentiality requirements of section 36-509, except that information and records may be provided to the department of juvenile corrections pursuant to section 8-341.

K. This section does not apply to a child who is either:

1. Committed to the department of juvenile corrections. Section 41-2815 applies if a child who is committed to the department of juvenile corrections requires residential treatment services.

2. Adjudicated delinquent or incorrigible and who is subject to the jurisdiction of the juvenile court. Section 8-341.01 applies if a child who is adjudicated delinquent or incorrigible and who is subject to the jurisdiction of the juvenile court requires residential treatment services.

L. For the purposes of this section, "child" means a person who is under eighteen years of age OR, IF THE JUVENILE COURT HAS RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H, UNDER NINETEEN YEARS OF AGE and who is either:

1. Found to be dependent or temporarily subject to court jurisdiction pending an adjudication of a dependency petition.

2. In the temporary custody of the department pursuant to section 8-821.

Sec. 6. Section 8-305, Arizona Revised Statutes, is amended to read:

8-305. <u>Detention center; jail; separate custody; definitions</u>

A. The county board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, shall maintain a detention center that is separate and apart from a jail or lockup in which adults are confined and where juveniles who are alleged to be delinquent or children who are incorrigible and within the provisions of this article shall be detained when necessary before or after a hearing or as a condition of probation. A juvenile who is charged with an offense that is not a dangerous offense and that is listed in section 13-501 may be detained in a juvenile detention center if the detention is ordered by the court. The board may enter agreements with public or private entities to

acquire land for, build, purchase, lease-purchase, lease or expand a detention center required by this section.

B. The board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, may provide for the detention of juveniles who are accused or convicted of a criminal offense in a jail or lockup in which adults are confined. A juvenile who is confined in a jail or lockup in which adults are confined shall be kept in a physically separate section from any adult who is charged with or convicted of a criminal offense, and no sight or sound contact between the juvenile and any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.

C. A juvenile, pending a juvenile hearing, shall not be confined with adults charged with or convicted of a crime, except that:

1. A juvenile who is accused of a criminal offense or who is alleged to be delinquent may be securely detained in such location for up to six hours until transportation to a juvenile detention center can be arranged if the juvenile is kept in a physically separate section from any adult who is charged with or convicted of a crime and no sight or sound contact between the juvenile and any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.

2. A juvenile who is transferred as provided in section 8-327 to the criminal division of the superior court may be securely detained if the juvenile is kept in a physically separate section from any adult charged with or convicted of a crime, and no sight or sound contact with any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.

3. A juvenile who is arrested for an offense listed in section 13-501 may be detained in a juvenile detention center until formally charged as an adult. After a juvenile has been formally charged as an adult the juvenile may be either of the following:

(a) Detained in a juvenile detention center if the offense is not a dangerous offense and the detention is ordered by the court.

(b) Securely detained in an adult facility if the juvenile is detained separately from any adult charged with or convicted of a crime, except to the extent authorized under federal laws or regulations.

D. In determining whether to order that a juvenile who is charged with an offense that is not a dangerous offense and that is listed in section 13-501 be detained in a juvenile detention center or an adult facility pursuant to subsection A or subsection C, paragraph 3, subdivision (a) of this section, the court shall consider all of the following:

1. The best interests of both the juvenile charged as an adult and the other juveniles detained in the juvenile detention center.

2. The severity of the charges against the juvenile charged as an adult.

3. The existing programs and facilities for juveniles at both the juvenile detention center and the adult facility.

4. Any other factor relevant to the determination of where to detain the juvenile.

E. A child who is alleged to be delinquent or who is alleged to be incorrigible shall not be securely detained in a jail or lockup in which adults charged with or convicted of a crime are detained. A child may be nonsecurely detained if necessary to obtain the child's name, age, residence or other identifying information for up to six hours until arrangements for transportation to any shelter care facility, home or other appropriate place can be made. A child who is nonsecurely detained shall be detained separately from any adult charged with or convicted of a crime, and no sight or sound contact with any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.

F. Any detained juvenile or child who, by the juvenile's or child's conduct, endangers or evidences that the juvenile or child may endanger the safety of other detained children shall not be allowed to intermingle with any other juvenile or child in the detention center.

G. Pursuant to section 8-322, the county board of supervisors, the county jail district board of directors or the administrative office of the courts on behalf of the juvenile court may enter into an agreement with public or private entities to provide the detention centers required by subsection A of this section.

H. For the purposes of this section: ~~,~~

1. "Dangerous offense" has the same meaning prescribed in section 13-105.

2. "JUVENILE" INCLUDES A PERSON WHO IS UNDER THE JURISDICTION OF THE JUVENILE COURT PURSUANT TO SECTION 8-202, SUBSECTION H.

Sec. 7. Section 8-341, Arizona Revised Statutes, is amended to read:

8-341. <u>Disposition and commitment; definitions</u>

A. After receiving and considering the evidence on the proper disposition of the case, the court may enter judgment as follows:

1. It may award a delinquent juvenile:

(a) To the care of the juvenile's parents, subject to the supervision of a probation department.

(b) To a probation department, subject to any conditions the court may impose, including a period of incarceration in a juvenile detention center of not more than one year.

(c) To a reputable citizen of good moral character, subject to the supervision of a probation department.

(d) To a private agency or institution, subject to the supervision of a probation officer.

(e) To the department of juvenile corrections.

(f) To maternal or paternal relatives, subject to the supervision of a probation department.

(g) To an appropriate official of a foreign country of which the juvenile is a foreign national who is unaccompanied by a parent or guardian in this state to remain on unsupervised probation for at least one year on the condition that the juvenile cooperate with that official.

2. It may award an incorrigible child:

(a) To the care of the child's parents, subject to the supervision of a probation department.

(b) To the protective supervision of a probation department, subject to any conditions the court may impose.

(c) To a reputable citizen of good moral character, subject to the supervision of a probation department.

(d) To a public or private agency, subject to the supervision of a probation department.

(e) To maternal or paternal relatives, subject to the supervision of a probation department.

B. If a juvenile is placed on probation pursuant to this section, the period of probation may continue until the juvenile's eighteenth birthday OR UNTIL THE JUVENILE'S NINETEENTH BIRTHDAY IF JURISDICTION IS RETAINED PURSUANT TO SECTION 8-202, SUBSECTION H, except that the term of probation shall not exceed one year if all of the following apply:

1. The juvenile is not charged with a subsequent offense.

2. The juvenile has not been found in violation of a condition of probation.

3. The court has not made a determination that it is in the best interests of the juvenile or the public to require continued supervision. The court shall state by minute entry or written order its reasons for finding that continued supervision is required.

4. The offense for which the juvenile is placed on probation does not involve a dangerous offense as defined in section 13-105.

5. The offense for which the juvenile is placed on probation does not involve a violation of title 13, chapter 14 or 35.1.

6. Restitution ordered pursuant to section 8-344 has been made.

7. The juvenile's parents have not requested that the court continue the juvenile's probation for more than one year.

C. If a juvenile is adjudicated as a first time felony juvenile offender, the court shall provide the following written notice to the juvenile:

> You have been adjudicated a first time felony juvenile offender. You are now on notice that if you are adjudicated of another offense that would be a felony offense if committed

by an adult and if you commit the other offense when you are fourteen years of age or older, you will be placed on juvenile intensive probation, which may include home arrest and electronic monitoring, or you may be placed on juvenile intensive probation and may be incarcerated for a period of time in a juvenile detention center, or you may be committed to the department of juvenile corrections or you may be prosecuted as an adult. If you are convicted as an adult of a felony offense and you commit any other offense, you will be prosecuted as an adult.

D. If a juvenile is fourteen years of age or older and is adjudicated as a repeat felony juvenile offender, the juvenile court shall place the juvenile on juvenile intensive probation, which may include home arrest and electronic monitoring, may place the juvenile on juvenile intensive probation, which may include incarceration for a period of time in a juvenile detention center, or may commit the juvenile to the department of juvenile corrections pursuant to subsection A, paragraph 1, subdivision (e) of this section for a significant period of time.

E. If the juvenile is adjudicated as a repeat felony juvenile offender, the court shall provide the following written notice to the juvenile:

You have been adjudicated a repeat felony juvenile offender. You are now on notice that if you are arrested for another offense that would be a felony offense if committed by an adult and if you commit the other offense when you are fifteen years of age or older, you will be tried as an adult in the criminal division of the superior court. If you commit the other offense when you are fourteen years of age or older, you may be tried as an adult in the criminal division of the superior court. If you are convicted as an adult, you will be sentenced to a term of incarceration. If you are convicted as an adult of a felony offense and you commit any other offense, you will be prosecuted as an adult.

F. The failure or inability of the court to provide the notices required under subsections C and E of this section does not preclude the use of the prior adjudications for any purpose otherwise permitted.

G. Except as provided in subsection S of this section, after considering the nature of the offense and the age, physical and mental condition and earning capacity of the juvenile, the court shall order the juvenile to pay a reasonable monetary assessment if the court determines that an assessment is in aid of rehabilitation. If the director of the department of juvenile corrections determines that enforcement of an order for monetary assessment as a term and condition of conditional liberty is not cost-effective, the director may require the youth to perform an

equivalent amount of community restitution in lieu of the payment ordered as a condition of conditional liberty.

H. If a child is adjudicated incorrigible, the court may impose a monetary assessment on the child of not more than one hundred fifty dollars.

I. A juvenile who is charged with unlawful purchase, possession or consumption of spirituous liquor is subject to section 8-323. The monetary assessment for a conviction of unlawful purchase, possession or consumption of spirituous liquor by a juvenile shall not exceed five hundred dollars. The court of competent jurisdiction may order a monetary assessment or equivalent community restitution.

J. The court shall require the monetary assessment imposed under subsection G or H of this section on a juvenile who is not committed to the department of juvenile corrections to be satisfied in one or both of the following forms:

1. Monetary reimbursement by the juvenile in a lump sum or installment payments through the clerk of the superior court for appropriate distribution.

2. A program of work, not in conflict with regular schooling, to repair damage to the victim's property, to provide community restitution or to provide the juvenile with a job for wages. The court order for restitution or monetary assessment shall specify, according to the dispositional program, the amount of reimbursement and the portion of wages of either existing or provided work that is to be credited toward satisfaction of the restitution or assessment, or the nature of the work to be performed and the number of hours to be spent working. The number of hours to be spent working shall be set by the court based on the severity of the offense but shall not be less than sixteen hours.

K. If a juvenile is committed to the department of juvenile corrections, the court shall specify the amount of the monetary assessment imposed pursuant to subsection G or H of this section.

L. After considering the length of stay guidelines developed pursuant to section 41-2816, subsection C, the court may set forth in the order of commitment the minimum period during which the juvenile shall remain in secure care while in the custody of the department of juvenile corrections. When the court awards a juvenile to the department of juvenile corrections or an institution or agency, it shall transmit with the order of commitment copies of a diagnostic psychological evaluation and educational assessment if one has been administered, copies of the case report, all other psychological and medical reports, restitution orders, any request for postadjudication notice that has been submitted by a victim and any other documents or records pertaining to the case requested by the department of juvenile corrections or an institution or agency. The department shall not release a juvenile from secure care before the juvenile completes the length of stay determined by the court

in the commitment order unless the county attorney in the county from which the juvenile was committed requests the committing court to reduce the length of stay. The department may temporarily escort the juvenile from secure care pursuant to section 41-2804, may release the juvenile from secure care without a further court order after the juvenile completes the length of stay determined by the court or may retain the juvenile in secure care for any period subsequent to the completion of the length of stay in accordance with the law.

M. Written notice of the release of any juvenile pursuant to subsection L of this section shall be made to any victim requesting notice, the juvenile court that committed the juvenile and the county attorney of the county from which the juvenile was committed.

N. Notwithstanding any law to the contrary, if a person is under the supervision of the court as an adjudicated delinquent juvenile at the time the person reaches eighteen years of age, treatment services may be provided until the person reaches twenty-one years of age if the court, the person and the state agree to the provision of the treatment and a motion to transfer the person pursuant to section 8-327 has not been filed or has been withdrawn. The court may terminate the provision of treatment services after the person reaches eighteen years of age if the court determines that any of the following applies:

1. The person is not progressing toward treatment goals.

2. The person terminates treatment.

3. The person commits a new offense after reaching eighteen years of age.

4. Continued treatment is not required or is not in the best interests of the state or the person.

O. On the request of a victim of an act that may have involved significant exposure as defined in section 13-1415 or that if committed by an adult would be a sexual offense, the prosecuting attorney shall petition the adjudicating court to require that the juvenile be tested for the presence of the human immunodeficiency virus. If the victim is a minor the prosecuting attorney shall file this petition at the request of the victim's parent or guardian. If the act committed against a victim is an act that if committed by an adult would be a sexual offense or the court determines that sufficient evidence exists to indicate that significant exposure occurred, it shall order the department of juvenile corrections or the department of health services to test the juvenile pursuant to section 13-1415. Notwithstanding any law to the contrary, the department of juvenile corrections and the department of health services shall release the test results only to the victim, the delinquent juvenile, the delinquent juvenile's parent or guardian and a minor victim's parent or guardian and shall counsel them regarding the meaning and health implications of the results.

P. If a juvenile has been adjudicated delinquent for an offense that if committed by an adult would be an offense listed in section 41-1750, subsection C, the court shall provide the department of public safety Arizona automated fingerprint identification system established in section 41-2411 with the juvenile's ten-print fingerprints, personal identification data and other pertinent information. If a juvenile has been committed to the department of juvenile corrections the department shall provide the fingerprints and information required by this subsection to the Arizona automated fingerprint identification system. If the juvenile's fingerprints and information have been previously submitted to the Arizona automated fingerprint identification system the information is not required to be resubmitted.

Q. Access to fingerprint records submitted pursuant to subsection P of this section shall be limited to the administration of criminal justice as defined in section 41-1750. Dissemination of fingerprint information shall be limited to the name of the juvenile, juvenile case number, date of adjudication and court of adjudication.

R. If a juvenile is adjudicated delinquent for an offense that if committed by an adult would be a misdemeanor, the court may prohibit the juvenile from carrying or possessing a firearm while the juvenile is under the jurisdiction of the department of juvenile corrections or the juvenile court.

S. If a juvenile is adjudicated delinquent for a violation of section 13-1602, subsection A, paragraph 5, the court shall order the juvenile to pay a fine of at least three hundred dollars but not more than one thousand dollars. Any restitution ordered shall be paid in accordance with section 13-809, subsection A. The court may order the juvenile to perform community restitution in lieu of the payment for all or part of the fine if it is in the best interests of the juvenile. The amount of community restitution shall be equivalent to the amount of the fine by crediting any service performed at a rate of ten dollars per hour. If the juvenile is convicted of a second or subsequent violation of section 13-1602, subsection A, paragraph 5 and is ordered to perform community restitution, the court may order the parent or guardian of the juvenile to assist the juvenile in the performance of the community restitution if both of the following apply:

1. The parent or guardian had knowledge that the juvenile intended to engage in or was engaging in the conduct that gave rise to the violation.

2. The parent or guardian knowingly provided the juvenile with the means to engage in the conduct that gave rise to the violation.

T. If a juvenile is adjudicated delinquent for an offense involving the purchase, possession or consumption of spirituous liquor or a violation of title 13, chapter 34 and is placed on juvenile probation, the

1 court may order the juvenile to submit to random drug and alcohol testing
2 at least two times per week as a condition of probation.
3 U. A juvenile who is adjudicated delinquent for an offense
4 involving the purchase, possession or consumption of spirituous liquor or
5 a violation of title 13, chapter 34, who is placed on juvenile probation
6 and who is found to have consumed any spirituous liquor or to have used
7 any drug listed in section 13-3401 while on probation is in violation of
8 the juvenile's probation. If a juvenile commits a third or subsequent
9 violation of a condition of probation as prescribed by this subsection,
10 the juvenile shall be brought before the juvenile court and, if the
11 allegations are proven, the court shall either revoke probation and hold a
12 disposition hearing pursuant to this section or select additional
13 conditions of probation as it deems necessary, including detention, global
14 position system monitoring, additional alcohol or drug treatment,
15 community restitution, additional drug or alcohol testing or a monetary
16 assessment.
17 V. IF JURISDICTION OF THE JUVENILE COURT IS RETAINED PURSUANT TO
18 SECTION 8-202, SUBSECTION H, THE COURT SHALL ORDER CONTINUED PROBATION
19 SUPERVISION AND TREATMENT SERVICES UNTIL A CHILD WHO HAS BEEN ADJUDICATED
20 A DELINQUENT JUVENILE REACHES NINETEEN YEARS OF AGE OR UNTIL OTHERWISE
21 TERMINATED BY THE COURT. THE COURT MAY TERMINATE CONTINUED PROBATION
22 SUPERVISION OR TREATMENT SERVICES BEFORE THE CHILD'S NINETEENTH BIRTHDAY
23 IF THE COURT DETERMINES THAT CONTINUED PROBATION SUPERVISION OR TREATMENT
24 IS NOT REQUIRED OR IS NOT IN THE BEST INTERESTS OF THE JUVENILE OR THE
25 STATE OR THE JUVENILE COMMITS A CRIMINAL OFFENSE AFTER REACHING EIGHTEEN
26 YEARS OF AGE.
27 ~~V.~~ W. For the purposes of this section:
28 1. "First time felony juvenile offender" means a juvenile who is
29 adjudicated delinquent for an offense that would be a felony offense if
30 committed by an adult.
31 2. "Repeat felony juvenile offender" means a juvenile to whom both
32 of the following apply:
33 (a) Is adjudicated delinquent for an offense that would be a felony
34 offense if committed by an adult.
35 (b) Previously has been adjudicated a first time felony juvenile
36 offender.
37 3. "Sexual offense" means oral sexual contact, sexual contact or
38 sexual intercourse as defined in section 13-1401.
39 Sec. 8. Section 8-341.01, Arizona Revised Statutes, is amended to
40 read:
41 8-341.01. Residential treatment services; definition
42 A. If at a disposition hearing or a subsequent hearing the court
43 orders a delinquent juvenile or incorrigible child to receive residential
44 treatment services, other than psychiatric acute care services as defined
45 in section 8-271, the placement must be supported by a written

psychological, psychiatric or medical evaluation recommending residential treatment services. The court may waive the written evaluation for good cause shown.

B. If the court orders a child to receive residential treatment services, the court shall find by clear and convincing evidence that both:

1. The child requires residential treatment services to address the child's behavioral, psychological, social or mental health needs.

2. Available alternatives to residential treatment services were considered, but that residential treatment services are the least restrictive alternative.

C. The court shall review the child's continuing need for residential treatment services at least every sixty days after the date of the treatment order. The residential treatment facility shall submit a progress report to the court at least five days before the review and shall provide copies of its report to all parties, including the child's attorney and guardian ad litem. The progress report shall include the recommendations of the child's treatment facility and shall include at least the following:

1. The nature of the treatment provided, including any medications and the child's current diagnosis.

2. The child's need for continued residential treatment services, including the estimated length of the services.

3. A projected discharge date.

4. The level of care required by the child and the potential placement options that are available to the child on discharge.

5. A statement from the medical or clinical director of the residential treatment services facility or the director's designee as to whether residential treatment services are necessary to meet the child's needs and whether the facility that is providing the residential treatment services to the child is the least restrictive available alternative.

D. On its own motion or the motion of a party, the court may hold an expedited hearing to review the continued placement of the child in residential treatment.

E. If the child is also found to be dependent or is temporarily subject to court jurisdiction pending an adjudication of a dependency petition, the probation department shall notify the department of child safety that placement of the child for residential treatment services is being recommended. The department shall receive copies of any reports relating to the child's placement for residential treatment services. The department may attend and participate in all hearings and any other proceedings relating to the placement or continued placement for residential treatment services.

F. FOR THE PURPOSES OF THIS SECTION, "CHILD" OR "JUVENILE" INCLUDES A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS

RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H, UNDER NINETEEN YEARS OF AGE.

Sec. 9. Section 8-342, Arizona Revised Statutes, is amended to read:

8-342. Commitment of child; medical examination; definition

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 unless the child is adjudicated delinquent and is not excluded under paragraph 1 or 2 of this subsection.

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.

C. If the child is a dependent child and is committed or awarded to the department of juvenile corrections, the foster care review board shall review the child's case as required by section 8-515.03.

D. FOR THE PURPOSES OF THIS SECTION, "CHILD" INCLUDES A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H, UNDER NINETEEN YEARS OF AGE.

Sec. 10. Section 8-344, Arizona Revised Statutes, is amended to read:

8-344. Restitution payments

A. If a juvenile is adjudicated delinquent, the court, after considering the nature of the offense and the age, physical and mental condition and earning capacity of the juvenile, shall order the juvenile to make full or partial restitution to the victim of the offense for which the juvenile was adjudicated delinquent or to the estate of the victim if the victim has died. The juvenile shall make restitution payments to the clerk of the court for disbursement to the victim or estate of the victim.

B. The court shall notify the victim or estate of the victim of the dispositional hearing. The court may consider a verified statement from the victim or estate of the victim concerning damages for lost wages,

reasonable damages for injury to or loss of property and actual expenses of medical treatment for personal injury, excluding pain and suffering.

C. In ordering restitution pursuant to subsection A of this section, the court may order one or both of the juvenile's custodial parents to make restitution to the victim of the offense for which the juvenile was adjudicated delinquent or to the estate of the victim if the victim has died. The court shall determine the amount of restitution ordered pursuant to this subsection, except that the amount shall not exceed the liability limit established pursuant to section 12-661. The court may order a parent or juvenile who is ordered to pay restitution to satisfy the order in a lump sum or installment payments to the clerk of the court for disbursement to the victim or estate of the victim. If the court orders the juvenile's parents to make restitution pursuant to this subsection, the court shall order the juvenile to make either full or partial restitution, regardless of the juvenile's insufficient earning capacity. The court shall not consider the ability of the juvenile's parents to pay restitution before making a restitution order.

D. The juvenile court shall retain jurisdiction of the case after the juvenile attains eighteen years of age for the purpose of modifying the manner in which court ordered payments are to be made. After a juvenile attains eighteen years of age OR IF THE COURT RETAINS JURISDICTION OVER THE JUVENILE PURSUANT TO SECTION 8-202, SUBSECTION H ON TERMINATION OF THE JUVENILE'S PROBATION, the juvenile court shall enter the following:

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

2. A juvenile restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered pursuant to this section.

E. The clerk of the court shall send a copy of the juvenile restitution order to each person who is entitled to restitution.

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

G. A juvenile restitution order is a criminal penalty for the purposes of a federal bankruptcy involving the juvenile.

Sec. 11. Section 8-371, Arizona Revised Statutes, is amended to read:

8-371. Educational rehabilitation; definitions

A. Juveniles who are subject to the supervision of a probation officer pursuant to an order of the juvenile court, or who are otherwise eligible for absolute discharge or conditional liberty from the department of juvenile corrections in accordance with section 41-2816, shall, as a condition of probation or liberty, be required to do one of the following:

1. Attend school in order to obtain vocational training or to achieve an appropriate educational level as prescribed in consultation with the school the juvenile attends by the juvenile's probation officer or by the department of juvenile corrections. If the juvenile fails to attend school regularly, maintain appropriate school behavior, or make satisfactory progress as determined in consultation with the school by the probation officer or department of juvenile corrections as specified in subsection C of this section and the juvenile does not meet the requirements of paragraph 2 of this subsection:

(a) If the juvenile court retains jurisdiction, the juvenile court shall take appropriate action to enforce, modify or revoke its order granting probation.

(b) If the department of juvenile corrections retains jurisdiction, the department shall act to enforce, modify or revoke its order granting conditional liberty.

2. Attend an on-the-job training program or secure and maintain employment. If the juvenile fails to attend the program or maintain employment and does not meet the requirements of paragraph 1 of this subsection:

(a) If the juvenile court retains jurisdiction, the juvenile court shall take appropriate action to enforce, modify or revoke its order granting probation.

(b) If the department of juvenile corrections retains jurisdiction, the department shall act to enforce, modify or revoke its order granting conditional liberty.

B. Subsection A of this section does not apply to juveniles who pass the general educational development test or earn a high school diploma. Subsection A, paragraph 2 of this section does not apply to a juvenile required to attend school under section 15-802.

C. If the juvenile chooses to meet the requirements of subsection A of this section by attending a public school:

1. If the juvenile had previously been expelled from school, prior to readmission of that juvenile to the school, school officials shall meet with the appropriate juvenile court probation officer or department of juvenile corrections case manager and assist in developing conditions of probation or conditional liberty that will provide specific guidelines for behavior and consequences for misbehavior at school as well as educational

objectives that must be achieved. If the juvenile is under the jurisdiction of the juvenile court, the court shall review the conditions of probation for the juvenile and may continue the expulsion or return the child to school under the agreed conditions. If the juvenile is under the jurisdiction of the department of juvenile corrections, the department shall review the terms of conditional liberty for the juvenile and may continue the expulsion or return the child to school under the agreed conditions. The governing board may expel the juvenile for subsequent actions as provided in title 15, chapter 8, article 3.

2. The juvenile shall ~~upon~~ ON release be screened by the school to which the juvenile is admitted for possible disabilities as provided in section 15-761, paragraph 2 and, if the screening so indicates, be referred for evaluation for possible placement in a special education program.

D. The school district of residence and the juvenile court or the department of juvenile corrections may establish education, counseling or other programs in order to improve the behavior and educational performance of juveniles covered by this section.

E. FOR THE PURPOSES OF THIS SECTION, "CHILD" OR "JUVENILE" INCLUDES A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE OR, IF THE JUVENILE COURT HAS RETAINED JURISDICTION OVER THE PERSON PURSUANT TO SECTION 8-202, SUBSECTION H, UNDER NINETEEN YEARS OF AGE.

Sec. 12. Section 41-1750, Arizona Revised Statutes, is amended to read:

41-1750. Central state repository; department of public safety; duties; funds; accounts; definitions

A. The department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The department shall:

1. Procure from all criminal justice agencies in this state accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence as defined in section 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

2. Collect information concerning the number and nature of offenses known to have been committed in this state and of the legal steps taken in connection with these offenses, such other information that is useful in the study of crime and in the administration of criminal justice and all other information deemed necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.

3. Collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.

4. Cooperate with the central state repositories in other states and with the appropriate agency of the federal government in the exchange of information pertinent to violators of the law.

5. Ensure the rapid exchange of information concerning the commission of crime and the detection of violators of the law among the criminal justice agencies of other states and of the federal government.

6. Furnish assistance to peace officers throughout this state in crime scene investigation for the detection of latent fingerprints and in the comparison of latent fingerprints.

7. Conduct periodic operational audits of the central state repository and of a representative sample of other agencies that contribute records to or receive criminal justice information from the central state repository or through the Arizona criminal justice information system.

8. Establish and enforce the necessary physical and system safeguards to ensure that the criminal justice information maintained and disseminated by the central state repository or through the Arizona criminal justice information system is appropriately protected from unauthorized inquiry, modification, destruction or dissemination as required by this section.

9. Aid and encourage coordination and cooperation among criminal justice agencies through the statewide and interstate exchange of criminal justice information.

10. Provide training and proficiency testing on the use of criminal justice information to agencies receiving information from the central state repository or through the Arizona criminal justice information system.

11. Operate and maintain the Arizona automated fingerprint identification system established by section 41-2411.

12. Provide criminal history record information to the fingerprinting division for the purpose of screening applicants for fingerprint clearance cards.

B. The director may establish guidelines for the submission and retention of criminal justice information as deemed useful for the study or prevention of crime and for the administration of criminal justice.

C. The chief officers of criminal justice agencies of this state or its political subdivisions shall provide to the central state repository fingerprints and information concerning personal identification data, descriptions, crimes for which persons are arrested, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as criminal defendants for felony offenses or offenses

1 involving domestic violence as defined in section 13-3601 or violations of
2 title 13, chapter 14 or title 28, chapter 4 that have occurred in this
3 state.
4 D. The chief officers of law enforcement agencies of this state or
5 its political subdivisions shall provide to the department such
6 information as necessary to operate the statewide uniform crime reporting
7 program and to cooperate with the federal government uniform crime
8 reporting program.
9 E. The chief officers of criminal justice agencies of this state or
10 its political subdivisions shall comply with the training and proficiency
11 testing guidelines as required by the department to comply with the
12 federal national crime information center mandates.
13 F. The chief officers of criminal justice agencies of this state or
14 its political subdivisions also shall provide to the department
15 information concerning crimes that manifest evidence of prejudice based on
16 race, color, religion, national origin, sexual orientation, gender or
17 disability.
18 G. The director shall authorize the exchange of criminal justice
19 information between the central state repository, or through the Arizona
20 criminal justice information system, whether directly or through any
21 intermediary, only as follows:
22 1. With criminal justice agencies of the federal government, Indian
23 tribes, this state or its political subdivisions and other states, on
24 request by the chief officers of such agencies or their designated
25 representatives, specifically for the purposes of the administration of
26 criminal justice and for evaluating the fitness of current and prospective
27 criminal justice employees.
28 2. With any noncriminal justice agency pursuant to a statute,
29 ordinance or executive order that specifically authorizes the noncriminal
30 justice agency to receive criminal history record information for the
31 purpose of evaluating the fitness of current or prospective licensees,
32 employees, contract employees or volunteers, on submission of the
33 subject's fingerprints and the prescribed fee. Each statute, ordinance,
34 or executive order that authorizes noncriminal justice agencies to receive
35 criminal history record information for these purposes shall identify the
36 specific categories of licensees, employees, contract employees or
37 volunteers, and shall require that fingerprints of the specified
38 individuals be submitted in conjunction with such requests for criminal
39 history record information.
40 3. With the board of fingerprinting for the purpose of conducting
41 good cause exceptions pursuant to section 41-619.55 and central registry
42 exceptions pursuant to section 41-619.57.
43 4. With any individual for any lawful purpose on submission of the
44 subject of record's fingerprints and the prescribed fee.

5. With the governor, if the governor elects to become actively involved in the investigation of criminal activity or the administration of criminal justice in accordance with the governor's constitutional duty to ensure that the laws are faithfully executed or as needed to carry out the other responsibilities of the governor's office.

6. With regional computer centers that maintain authorized computer-to-computer interfaces with the department, that are criminal justice agencies or under the management control of a criminal justice agency and that are established by a statute, ordinance or executive order to provide automated data processing services to criminal justice agencies specifically for the purposes of the administration of criminal justice or evaluating the fitness of regional computer center employees who have access to the Arizona criminal justice information system and the national crime information center system.

7. With an individual who asserts a belief that criminal history record information relating to the individual is maintained by an agency or in an information system in this state that is subject to this section. On submission of fingerprints, the individual may review this information for the purpose of determining its accuracy and completeness by making application to the agency operating the system. Rules adopted under this section shall include provisions for administrative review and necessary correction of any inaccurate or incomplete information. The review and challenge process authorized by this paragraph is limited to criminal history record information.

8. With individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement if the agreement specifically authorizes access to data, limits the use of data to purposes for which given and ensures the security and confidentiality of the data consistent with this section.

9. With individuals and agencies for the express purpose of research, evaluative or statistical activities pursuant to an agreement with a criminal justice agency if the agreement specifically authorizes access to data, limits the use of data to research, evaluative or statistical purposes and ensures the confidentiality and security of the data consistent with this section.

10. With the auditor general for audit purposes.

11. With central state repositories of other states for noncriminal justice purposes for dissemination in accordance with the laws of those states.

12. On submission of the fingerprint card, with the department of child safety and a tribal social services agency to provide criminal history record information on prospective adoptive parents for the purpose of conducting the preadoption certification investigation under title 8, chapter 1, article 1 if the department of economic security is conducting

1 the investigation, or with an agency or a person appointed by the court,
2 if the agency or person is conducting the investigation. Information
3 received under this paragraph shall only be used for the purposes of the
4 preadoption certification investigation.
5 13. With the department of child safety, a tribal social services
6 agency and the superior court for the purpose of evaluating the fitness of
7 custodians or prospective custodians of juveniles, including parents,
8 relatives and prospective guardians. Information received under this
9 paragraph shall only be used for the purposes of that evaluation. The
10 information shall be provided on submission of either:
11 (a) The fingerprint card.
12 (b) The name, date of birth and social security number of the
13 person.
14 14. On submission of a fingerprint card, provide criminal history
15 record information to the superior court for the purpose of evaluating the
16 fitness of investigators appointed under section 14-5303 or 14-5407,
17 guardians appointed under section 14-5206 or 14-5304 or conservators
18 appointed under section 14-5401.
19 15. With the supreme court to provide criminal history record
20 information on prospective fiduciaries pursuant to section 14-5651.
21 16. With the department of juvenile corrections to provide criminal
22 history record information pursuant to section 41-2814.
23 17. On submission of the fingerprint card, provide criminal history
24 record information to the Arizona peace officer standards and training
25 board or a board certified law enforcement academy to evaluate the fitness
26 of prospective cadets.
27 18. With the internet sex offender website database established
28 pursuant to section 13-3827.
29 19. With licensees of the United States nuclear regulatory
30 commission for the purpose of determining whether an individual should be
31 granted unescorted access to the protected area of a commercial nuclear
32 generating station on submission of the subject of record's fingerprints
33 and the prescribed fee.
34 20. With the department of education for the purpose of evaluating
35 the fitness of a certificated teacher or administrator or an applicant for
36 a teaching or an administrative certificate provided that the department
37 of education or its employees or agents have reasonable suspicion that the
38 certificated person engaged in conduct that would be a criminal violation
39 of the laws of this state or was involved in immoral or unprofessional
40 conduct or that the applicant engaged in conduct that would warrant
41 disciplinary action if the applicant were certificated at the time of the
42 alleged conduct. The information shall be provided on the submission of
43 either:
44 (a) The fingerprint card.

(b) The name, date of birth and social security number of the person.

21. With each school district and charter school in this state. The state board of education and the state board for charter schools shall provide the department of public safety with a current list of e-mail addresses for each school district and charter school in this state and shall periodically provide the department of public safety with updated e-mail addresses. If the department of public safety is notified that a person who is required to have a fingerprint clearance card to be employed by or to engage in volunteer activities at a school district or charter school has been arrested for or convicted of an offense listed in section 41-1758.03, subsection B or has been arrested for or convicted of an offense that amounts to unprofessional conduct under section 15-550, the department of public safety shall notify each school district and charter school in this state that the person's fingerprint clearance card has been suspended or revoked.

22. With a tribal social services agency and the department of child safety as provided by law, which currently is the Adam Walsh child protection and safety act of 2006 (42 United States Code section 16961), for the purposes of investigating or responding to reports of child abuse, neglect or exploitation. Information received pursuant to this paragraph from the national crime information center, the interstate identification index and the Arizona criminal justice information system network shall only be used for the purposes of investigating or responding as prescribed in this paragraph. The information shall be provided on submission to the department of public safety of either:

(a) The fingerprints of the person being investigated.

(b) The name, date of birth and social security number of the person.

23. With a nonprofit organization that interacts with children or vulnerable adults for the lawful purpose of evaluating the fitness of all current and prospective employees, contractors and volunteers of the organization. The criminal history record information shall be provided on submission of the applicant fingerprint card and the prescribed fee.

24. With the superior court for the purpose of determining an individual's eligibility for substance abuse and treatment courts in a family or juvenile case.

25. With the governor to provide criminal history record information on prospective gubernatorial nominees, appointees and employees as provided by law.

H. The director shall adopt rules necessary to execute this section.

I. The director, in the manner prescribed by law, shall remove and destroy records that the director determines are no longer of value in the detection or prevention of crime.

J. The director shall establish a fee in an amount necessary to cover the cost of federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes. An additional fee may be charged by the department for state noncriminal justice fingerprint processing. Fees submitted to the department for state noncriminal justice fingerprint processing are not refundable.

K. The director shall establish a fee in an amount necessary to cover the cost of processing copies of department reports, eight by ten inch black and white photographs or eight by ten inch color photographs of traffic accident scenes.

L. Except as provided in subsection O of this section, each agency authorized by this section may charge a fee, in addition to any other fees prescribed by law, in an amount necessary to cover the cost of state and federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes.

M. A fingerprint account within the records processing fund is established for the purpose of separately accounting for the collection and payment of fees for noncriminal justice fingerprint processing by the department. Monies collected for this purpose shall be credited to the account, and payments by the department to the United States for federal noncriminal justice fingerprint processing shall be charged against the account. Monies in the account not required for payment to the United States shall be used by the department in support of the department's noncriminal justice fingerprint processing duties. At the end of each fiscal year, any balance in the account not required for payment to the United States or to support the department's noncriminal justice fingerprint processing duties reverts to the state general fund.

N. A records processing fund is established for the purpose of separately accounting for the collection and payment of fees for department reports and photographs of traffic accident scenes processed by the department. Monies collected for this purpose shall be credited to the fund and shall be used by the department in support of functions related to providing copies of department reports and photographs. At the end of each fiscal year, any balance in the fund not required for support of the functions related to providing copies of department reports and photographs reverts to the state general fund.

O. The department of child safety may pay from appropriated monies the cost of federal fingerprint processing or federal criminal history record information checks that are authorized by law for employees and volunteers of the department, guardians pursuant to section 8-453, subsection A, paragraph 6, the licensing of foster parents or the certification of adoptive parents.

P. The director shall adopt rules that provide for:

1. The collection and disposition of fees pursuant to this section.

2. The refusal of service to those agencies that are delinquent in paying these fees.

Q. The director shall ensure that the following limitations are observed regarding dissemination of criminal justice information obtained from the central state repository or through the Arizona criminal justice information system:

1. Any criminal justice agency that obtains criminal justice information from the central state repository or through the Arizona criminal justice information system assumes responsibility for the security of the information and shall not secondarily disseminate this information to any individual or agency not authorized to receive this information directly from the central state repository or originating agency.

2. Dissemination to an authorized agency or individual may be accomplished by a criminal justice agency only if the dissemination is for criminal justice purposes in connection with the prescribed duties of the agency and not in violation of this section.

3. Criminal history record information disseminated to noncriminal justice agencies or to individuals shall be used only for the purposes for which it was given. Secondary dissemination is prohibited unless otherwise authorized by law.

4. The existence or nonexistence of criminal history record information shall not be confirmed to any individual or agency not authorized to receive the information itself.

5. Criminal history record information to be released for noncriminal justice purposes to agencies of other states shall only be released to the central state repositories of those states for dissemination in accordance with the laws of those states.

6. Criminal history record information shall be released to noncriminal justice agencies of the federal government pursuant to the terms of the federal security clearance information act (P.L. 99-169).

R. This section and the rules adopted under this section apply to all agencies and individuals collecting, storing or disseminating criminal justice information processed by manual or automated operations if the collection, storage or dissemination is funded in whole or in part with monies made available by the law enforcement assistance administration after July 1, 1973, pursuant to title I of the crime control act of 1973, and to all agencies that interact with or receive criminal justice information from or through the central state repository and through the Arizona criminal justice information system.

S. This section does not apply to criminal history record information contained in:

1. Posters, arrest warrants, announcements or lists for identifying or apprehending fugitives or wanted persons.

2. Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public if these records are organized on a chronological basis.

3. Transcripts or records of judicial proceedings if released by a court or legislative or administrative proceedings.

4. Announcements of executive clemency or pardon.

5. Computer databases, other than the Arizona criminal justice information system, that are specifically designed for community notification of an offender's presence in the community pursuant to section 13-3825 or for public informational purposes authorized by section 13-3827.

T. Nothing in this section prevents a criminal justice agency from disclosing to the public criminal history record information that is reasonably contemporaneous to the event for which an individual is currently within the criminal justice system, including information noted on traffic accident reports concerning citations, blood alcohol tests or arrests made in connection with the traffic accident being investigated.

U. In order to ensure that complete and accurate criminal history record information is maintained and disseminated by the central state repository:

1. The booking agency shall take legible ten-print fingerprints of all persons who are arrested for offenses listed in subsection C of this section. The booking agency shall obtain a process control number and provide to the person fingerprinted a document that indicates proof of the fingerprinting and that informs the person that the document must be presented to the court.

2. Except as provided in paragraph 3 of this subsection, if a person is summoned to court as a result of an indictment or complaint for an offense listed in subsection C of this section, the court shall order the person to appear before the county sheriff and provide legible ten-print fingerprints. The county sheriff shall obtain a process control number and provide a document to the person fingerprinted that indicates proof of the fingerprinting and that informs the person that the document must be presented to the court. For the purposes of this paragraph, "summoned" includes a written promise to appear by the defendant on a uniform traffic ticket and complaint.

3. If a person is arrested for a misdemeanor offense listed in subsection C of this section by a city or town law enforcement agency, the person shall appear before the law enforcement agency that arrested the defendant and provide legible ten-print fingerprints. The law enforcement agency shall obtain a process control number and provide a document to the person fingerprinted that indicates proof of the fingerprinting and that informs the person that the document must be presented to the court.

4. The mandatory fingerprint compliance form shall contain the following information:

(a) Whether ten-print fingerprints have been obtained from the person.

(b) Whether a process control number was obtained.

(c) The offense or offenses for which the process control number was obtained.

(d) Any report number of the arresting authority.

(e) Instructions on reporting for ten-print fingerprinting, including available times and locations for reporting for ten-print fingerprinting.

(f) Instructions that direct the person to provide the form to the court at the person's next court appearance.

5. Within ten days after a person is fingerprinted, the arresting authority or agency that took the fingerprints shall forward the fingerprints to the department in the manner or form required by the department.

6. On the issuance of a summons for a defendant who is charged with an offense listed in subsection C of this section, the summons shall direct the defendant to provide ten-print fingerprints to the appropriate law enforcement agency.

7. At the initial appearance or on the arraignment of a summoned defendant who is charged with an offense listed in subsection C of this section, if the person does not present a completed mandatory fingerprint compliance form to the court or if the court has not received the process control number, the court shall order that within twenty calendar days the defendant be ten-print fingerprinted at a designated time and place by the appropriate law enforcement agency.

8. If the defendant fails to present a completed mandatory fingerprint compliance form or if the court has not received the process control number, the court, on its own motion, may remand the defendant into custody for ten-print fingerprinting. If otherwise eligible for release, the defendant shall be released from custody after being ten-print fingerprinted.

9. In every criminal case in which the defendant is incarcerated or fingerprinted as a result of the charge, an originating law enforcement agency or prosecutor, within forty days of the disposition, shall advise the central state repository of all dispositions concerning the termination of criminal proceedings against an individual arrested for an offense specified in subsection C of this section. This information shall be submitted on a form or in a manner required by the department.

10. Dispositions resulting from formal proceedings in a court having jurisdiction in a criminal action against an individual who is arrested for an offense specified in subsection C of this section or section 8-341, subsection ~~V~~ W, paragraph 3 shall be reported to the

central state repository within forty days of the date of the disposition. This information shall be submitted on a form or in a manner specified by rules approved by the supreme court.

11. The state department of corrections or the department of juvenile corrections, within forty days, shall advise the central state repository that it has assumed supervision of a person convicted of an offense specified in subsection C of this section or section 8-341, subsection ~~V~~ W, paragraph 3. The state department of corrections or the department of juvenile corrections shall also report dispositions that occur thereafter to the central state repository within forty days of the date of the dispositions. This information shall be submitted on a form or in a manner required by the department of public safety.

12. Each criminal justice agency shall query the central state repository before dissemination of any criminal history record information to ensure the completeness of the information. Inquiries shall be made before any dissemination except in those cases in which time is of the essence and the repository is technically incapable of responding within the necessary time period. If time is of the essence, the inquiry shall still be made and the response shall be provided as soon as possible.

V. The director shall adopt rules specifying that any agency that collects, stores or disseminates criminal justice information that is subject to this section shall establish effective security measures to protect the information from unauthorized access, disclosure, modification or dissemination. The rules shall include reasonable safeguards to protect the affected information systems from fire, flood, wind, theft, sabotage or other natural or man-made hazards or disasters.

W. The department shall make available to agencies that contribute to, or receive criminal justice information from, the central state repository or through the Arizona criminal justice information system a continuing training program in the proper methods for collecting, storing and disseminating information in compliance with this section.

X. Nothing in this section creates a cause of action or a right to bring an action including an action based on discrimination due to sexual orientation.

Y. For the purposes of this section:

1. "Administration of criminal justice" means performance of the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision or rehabilitation of criminal offenders. Administration of criminal justice includes enforcement of criminal traffic offenses and civil traffic violations, including parking violations, when performed by a criminal justice agency. Administration of criminal justice also includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

2. "Administrative records" means records that contain adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and that are designed to furnish information to protect the rights of this state and of persons directly affected by the agency's activities.

3. "Arizona criminal justice information system" or "system" means the statewide information system managed by the director for the collection, processing, preservation, dissemination and exchange of criminal justice information and includes the electronic equipment, facilities, procedures and agreements necessary to exchange this information.

4. "Booking agency" means the county sheriff or, if a person is booked into a municipal jail, the municipal law enforcement agency.

5. "Central state repository" means the central location within the department for the collection, storage and dissemination of Arizona criminal history records and related criminal justice information.

6. "Criminal history record information" and "criminal history record" means information that is collected by criminal justice agencies on individuals and that consists of identifiable descriptions and notations of arrests, detentions, indictments and other formal criminal charges, and any disposition arising from those actions, sentencing, formal correctional supervisory action and release. Criminal history record information and criminal history record do not include identification information to the extent that the information does not indicate involvement of the individual in the criminal justice system or information relating to juveniles unless they have been adjudicated as adults.

7. "Criminal justice agency" means either:

(a) A court at any governmental level with criminal or equivalent jurisdiction, including courts of any foreign sovereignty duly recognized by the federal government.

(b) A government agency or subunit of a government agency that is specifically authorized to perform as its principal function the administration of criminal justice pursuant to a statute, ordinance or executive order and that allocates more than fifty percent of its annual budget to the administration of criminal justice. This subdivision includes agencies of any foreign sovereignty duly recognized by the federal government.

8. "Criminal justice information" means information that is collected by criminal justice agencies and that is needed for the performance of their legally authorized and required functions, such as criminal history record information, citation information, stolen property information, traffic accident reports, wanted persons information and system network log searches. Criminal justice information does not include the administrative records of a criminal justice agency.

9. "Disposition" means information disclosing that a decision has been made not to bring criminal charges or that criminal proceedings have been concluded or information relating to sentencing, correctional supervision, release from correctional supervision, the outcome of an appellate review of criminal proceedings or executive clemency.

10. "Dissemination" means the written, oral or electronic communication or transfer of criminal justice information to individuals and agencies other than the criminal justice agency that maintains the information. Dissemination includes the act of confirming the existence or nonexistence of criminal justice information.

11. "Management control":

(a) Means the authority to set and enforce:

(i) Priorities regarding development and operation of criminal justice information systems and programs.

(ii) Standards for the selection, supervision and termination of personnel involved in the development of criminal justice information systems and programs and in the collection, maintenance, analysis and dissemination of criminal justice information.

(iii) Policies governing the operation of computers, circuits and telecommunications terminals used to process criminal justice information to the extent that the equipment is used to process, store or transmit criminal justice information.

(b) Includes the supervision of equipment, systems design, programming and operating procedures necessary for the development and implementation of automated criminal justice information systems.

12. "Process control number" means the Arizona automated fingerprint identification system number that attaches to each arrest event at the time of fingerprinting and that is assigned to the arrest fingerprint card, disposition form and other pertinent documents.

13. "Secondary dissemination" means the dissemination of criminal justice information from an individual or agency that originally obtained the information from the central state repository or through the Arizona criminal justice information system to another individual or agency.

14. "Sexual orientation" means consensual homosexuality or heterosexuality.

15. "Subject of record" means the person who is the primary subject of a criminal justice record.

Sec. 13. Section 41-2801, Arizona Revised Statutes, is amended to read:

41-2801. <u>Definitions</u>

In this chapter, unless the context otherwise requires:

1. "Committed youth" or "youth" means a person ~~who is 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 AND WHO IS EITHER:

(a) AT LEAST FOURTEEN YEARS OF AGE AND UNDER EIGHTEEN YEARS OF AGE.

(b) SUBJECT TO RETAINED JURISDICTION PURSUANT TO SECTION 8-202, SUBSECTION H.

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. 14. Section 41-2804.01, Arizona Revised Statutes, is amended to read:

41-2804.01. Religious services advisory committee; appointment; duties; religious programs

A. The director shall establish a religious services advisory committee to consist of nine members, no fewer than six of whom shall be representatives of the religious community. ~~:~~

~~1.~~ B. The director shall appoint the committee members, who shall serve at the director's pleasure. ~~:~~

~~(a)~~ The chaplains employed by the department and the members of the religious services advisory committee shall make recommendations regarding appointments to the committee.

~~(b)~~ Committee members shall not receive compensation.

~~2.~~ C. The religious services advisory committee shall meet at least quarterly and shall submit quarterly progress reports and recommendations to the director.

~~3.~~ D. The religious services advisory committee shall advise the director regarding the provision of religious programs to all youth in secure care facilities who desire the services.

~~B.~~ E. The department shall make available religious programs that accommodate the religious faiths held by youth in secure care facilities ~~so~~ AS long as the programs would not interfere with the safety or security of the facility, staff or youth. ~~:~~

~~1.~~ F. Participation in religious programs shall be available to all ~~juveniles~~ YOUTH in secure care facilities. ~~:~~

~~(a)~~ Participation in religious programs by committed ~~juveniles~~ YOUTH shall be strictly voluntary.

~~(b)~~ No ~~juvenile~~ YOUTH shall be coerced to participate in religious programs nor shall any effort be made to coerce any youth to adopt or change any religious affiliation or beliefs.

Sec. 15. Section 41-2815, Arizona Revised Statutes, is amended to read:

41-2815. Individual treatment plan; diagnostic assessment; placement

A. The department shall develop for each committed youth an individual treatment plan based on a diagnostic psychological evaluation and educational assessment received from the court pursuant to section 8-341 or performed by the department. The individual treatment plan shall take into consideration the public safety and other factors that are relevant to the youth's treatment, rehabilitation and education.

B. The diagnostic assessment that is required by subsection A of this section shall be conducted under the supervision of a psychologist licensed pursuant to title 32, chapter 19.1. The written evaluation shall include:

1. The reason for the referral.

2. Relevant medical findings.

3. A description of the tests and screening devices that are administered and the results.

4. An assessment of the ~~child's~~ YOUTH'S intellectual functioning and levels of achievement, including a neuropsychological screening and, if applicable, a diagnostic statistical manual-IIIR diagnosis and psychoeducational diagnosis.

5. The developmental, social and educational histories of the ~~child~~ YOUTH.

6. An analysis of the ~~child's~~ YOUTH'S problematic behavior, including a description of the behavior, its frequency and duration, any aggravating or mitigating circumstances and the likelihood that the problematic behavior will recur, and an analysis of related factors.

7. An assessment of the ~~child's~~ YOUTH'S family system, including the ability of the family to supervise the ~~child~~ YOUTH and support positive behavior in the ~~child~~ YOUTH. The evaluation may recommend the types of services needed to strengthen the family's ability to supervise and support the ~~child~~ YOUTH.

8. An assessment of the ~~child's~~ YOUTH'S strengths and skills especially those related to changing the problematic behavior.

9. Specific recommendations regarding the level and type of services and supervision that would address the ~~child's~~ YOUTH'S problematic behavior and educational deficiencies, if any.

C. Based on the ~~child's~~ YOUTH'S individual treatment plan, the department shall assign each committed youth to an appropriate educational program in a secure care facility or other placement. The department shall establish or contract for secure care facilities and residential and nonresidential community placements and programs.

Sec. 16. Section 41-2820, Arizona Revised Statutes, is amended to read:

41-2820. Discharge

A. Each youth shall be discharged from the jurisdiction of the department on attaining eighteen years of age, EXCEPT THAT IF THE JUVENILE COURT RETAINED JURISDICTION OVER THE YOUTH PURSUANT TO SECTION 8-202, SUBSECTION H, THE YOUTH SHALL BE DISCHARGED FROM THE JURISDICTION OF THE DEPARTMENT ON OR BEFORE ATTAINING NINETEEN YEARS OF AGE.

B. If the department determines that the youth's treatment, rehabilitation and education pursuant to the individual treatment plan have been successfully completed and that there is a reasonable probability that the youth will observe the law and will not be a threat to the public's safety if at liberty, the youth may be granted a discharge. On the discharge of a youth pursuant to this subsection, the department shall promptly notify the committing court, the county attorney in the county in which the youth was committed and the victim or the victim's representative of the discharge.

C. Except as provided in subsection D of this section, a youth shall be discharged from the jurisdiction of the department of juvenile corrections if the youth is convicted of a felony offense.

D. A youth who is convicted of a felony offense and who committed the offense while residing in a secure care facility operated by the department of juvenile corrections either:

1. Shall be discharged from the department of juvenile corrections if the youth is sentenced to the state department of corrections.

2. May be discharged from the department of juvenile corrections if the youth is placed on adult probation and all the following apply:

(a) The youth has completed the minimum length of stay in secure care, if any, that was assigned by the committing juvenile court pursuant to section 8-341.

(b) The youth would have been eligible to be placed on conditional liberty pursuant to section 41-2818.

(c) The youth is subject to the jurisdiction of an adult probation department.

E. A youth may be discharged from the jurisdiction of the department if the youth is placed by civil commitment under the jurisdiction of another agency.

F. A youth shall be conditionally discharged from the jurisdiction of the department if all of the following requirements are satisfied:

1. The youth has completed the minimum length of stay in a secure care facility, if any, that was assigned by the committing juvenile court pursuant to section 8-341.

2. The United States immigration and customs enforcement enforces a detainer by taking custody of the youth for immigration proceedings.

3. The youth ~~must sign~~ SIGNS a condition that the youth's discharge will be vacated if the youth returns to the United States without legal authorization.

G. If the department receives actual notice that a youth who received a discharge pursuant to this section has returned to the United States without legal authorization prior to the youth's attaining eighteen years of age, the department shall:

1. Vacate the discharge.
2. Place the youth on conditional liberty status.
3. Issue a warrant for the apprehension of the youth.
4. Notify the United States immigration and customs enforcement.
5. Take the youth into custody.

H. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A YOUTH WHO IS AT LEAST EIGHTEEN YEARS OF AGE SHALL BE DISCHARGED FROM THE JURISDICTION OF THE DEPARTMENT IF THE JURISDICTION OVER THE YOUTH HAS BEEN RETAINED PURSUANT TO SECTION 8-202, SUBSECTION H AND THE YOUTH IS CHARGED WITH A CRIMINAL OFFENSE.

APPROVED BY THE GOVERNOR MAY 16, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018

Passed the House February 22, 2018

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate April 9, 2018

by the following vote: 28 Ayes,

0 Nays, 2 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. 2356

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 30, 2018,

by the following vote: 57 Ayes,

0 Nays, 3 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

18 day of May, 2018,

at 8:13 o'clock A M.

Secretary to the Governor

Approved this 16th day of

May, 2018,

at 9:11 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 16 day of May, 2018,

at 4:28 o'clock P. M.

Michele Reagan
Secretary of State

H.B. 2356