

**NOTICE OF PUBLIC MEETING
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the **Arizona Criminal Justice Commission** and to the general public that the **Arizona Criminal Justice Commission** will hold a meeting open to the public on **Thursday, November 18, 2010** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Commission may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. § 38-431.03(A)(3).

Agenda for the meeting is as follows:

- | | | |
|-------------|--|--------------------------------|
| I. | Call to Order and Roll Call | Chairperson Ralph Ogden |
| II. | Minutes of the September 23, 2010 Meeting | |
| | <ul style="list-style-type: none">• Approval of Minutes | P-F-T |
| III. | Election of a Vice Chairperson | John A. Blackburn, Jr. |
| | <ul style="list-style-type: none">• Review, discussion, consideration and possible action on the election of a Vice Chairperson for the Arizona Criminal Justice Commission. | P-F-T |
| IV. | Executive Director's Report | John A. Blackburn, Jr. |
| | A. Staff Update | Info |
| | B. Legislative Update | Info |
| | C. 2011 Meeting Schedule | Info |
| | D. Criminal Justice Enhancement Fund (CJEF) Rules Update | Info |

- V. Residential Substance Abuse Treatment Grant Award** **Tony Vidale**
- Review, discussion, consideration and possible action on the 2011 RSAT grant award. **P-F-T**

- VI. Crime Victim Compensation Program Allocation** **Larry Grubbs**
- Review, discussion, consideration and possible action on an additional program allocation for FY11. **P-F-T**

- VII. Crime Victim Compensation Program Study** **Larry Grubbs**
- Review, discussion, consideration and possible action on using state compensation revenue to fund a compensation program study. **P-F-T**

- VIII. Legislative Proposals** **Mary Marshall**
- Review, discussion, consideration and possible action on the support of proposed legislation from stakeholders. **P-F-T**

IX. Call to the Public

Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

X. Date, Time, and Location of Next Meeting

- The next Commission meeting will be held on **Thursday, January 20, 2011** at **1:30 p.m.** at 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XI. Adjournment

A copy of the agenda background material provided to Commission members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.



ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the September 23, 2010 Meeting

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission approve the minutes of the Arizona Criminal Justice Commission meeting held on September 23, 2010.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Arizona Criminal Justice Commission
Minutes
September 23, 2010**

A public meeting of the Arizona Criminal Justice Commission was convened on September 23, 2010 at the 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

Members Present:

Ralph Ogden, Chairperson, Yuma County Sheriff
John Armer, Gila County Sheriff
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing
Duane Belcher, Chairperson, Board of Executive Clemency, Erin Warzecha representing
Dave Byers, Director, Administrative Office of the Courts, Jerry Landau representing
Terry Goddard, Attorney General, Cameron Holmes representing
Robert Halliday, Director, Department of Public Safety
Robert Huddleston, Chief, Casa Grande Police Department
Barbara LaWall, Pima County Attorney, Dave Smutzer representing by conference call
Richard Romley, Maricopa County Attorney, Jim Keppel representing
Charles Ryan, Director, Department of Corrections
Linda Scott, Former Judge
Daniel G. Sharp, Chief, Oro Valley Police Department, Chris Olson representing
George Silva, Santa Cruz County Attorney by conference call

Members Absent:

Clarence Dupnik, Pima County Sheriff
David Sanders, Pima County Chief Probation Officer
Carl Taylor, Coconino County Supervisor

Staff Participating:

John A. Blackburn, Jr., Executive Director
Karen Ziegler, Deputy Director
Larry Grubbs, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Acting Chairperson Ralph Ogden at 1:30 PM. Roll was taken and a quorum was declared present.

II. Minutes of the July 22, 2010 Meeting

Acting Chairperson Ogden called for a motion to approve the minutes. Designee Jerry Landau moved to approve the minutes of the July 22, 2010 meeting. The motion was seconded by Commissioner Robert Halliday and was unanimously adopted by the Commission.

III. Selection of Chairperson

Executive Director Blackburn reported that because of the resignation of Chief Hughes, the Chairperson position was open. Current Vice-Chairperson Ralph Ogden had expressed intent to serve as Chairperson of the Commission completing the remaining term through January and continuing the term for 2011. Executive Director Blackburn then advised a formal vote on the Chairperson position was required.

Commissioner Robert Halliday moved to elect Ralph Ogden as Chairperson of the Arizona Criminal Justice Commission for the remainder of the outgoing Chairperson's term and the next term commencing January 10, 2011 and concluding January 9, 2012. The motion was seconded by Designee Jerry Landau and was unanimously adopted by the Commission.

IV. Nominating Process for Vice Chairperson

Executive Director Blackburn explained the nomination process for the position of Vice Chairperson. The process would consist of: 1) open nominations until October 22, 2010; 2) interested commission members would email the Executive Director with the nominations; 3) the names of nominees would be announced at the Commission meeting on November 18, 2010; and 4) the Vice Chairperson position would be elected by vote. Chairperson Ogden called for a motion on the nominating process.

Designee Chris Olson moved to approve the nominating process for the position of Vice Chairperson. The motion was seconded by Designee Jesse Locksa and was unanimously adopted by the Commission.

V. Executive Director's Report

A. Budget Update

Executive Director Blackburn introduced Steve Irvine, as the new Program Compliance Auditor II with ACJC. ACJC has elected to keep six authorized positions open in an effort to manage current and anticipated budget cuts.

Executive Director Blackburn also advised that the state budget deficit is anticipated to be at \$700M. Issues continue with agencies being left out of the decision making process; however, ACJC will continue to monitor fund sweep activity and to find more effective ways to make the reductions.

Bureau of Justice Assistance (BJA) completed an on-site review of the Byrne/JAG program at ACJC and a report will be issued in the next two months. In addition, the State Auditor General's office will conduct an audit of the American Recovery and Reinvestment Act (ARRA) funds administered by ACJC.

B. Legislative Update

On the state side, Executive Director Blackburn discussed that staff is reviewing several issues that could result in potential changes to Arizona statute in order for the state to meet requirements for a number of federal grant programs.

On the federal side, Executive Director Blackburn explained a piece of legislation called the Tribal Law and Order Act. It includes: 1) resources for the investigation and prosecution of crimes in tribal lands; and 2) expanding tribal court powers. ACJC will start petitioning for legislation to acquire additional funding to undertake survey data collection and assist with information sharing.

C. CJEF Update

Executive Director Blackburn acknowledged that ACJC received permission to open the rulemaking process for the Criminal Justice Enhancement Funds (CJEF). A rulemaking public hearing is set for November 3, 2010 at ACJC; more information will be provided to the Commission during the November meeting.

The Executive Director's report was presented for informational purposes and did not require Commission action.

VI. FY11 Agency Budget Submittal

Karen Ziegler, Deputy Director reported that ACJC submitted the FY12/13 budget request and strategic plan to the Governor on September 1, 2010.

The Commissioners were presented with an overview of the FY12/13 budget submission that consisted of two critical issues approved in concept at the July Commission meeting. They consisted of: 1) \$8M from the general fund to support the Criminal Justice Records Integration project; and 2) restoration of state funding to county attorneys and indigent defense through Fill the Gap. Two handouts were given to the Commissioners that included: 1) a summary of the FY10 actual budget, FY11 current budget, and FY12 budget request; and 2) FY08—FY11 Budget reductions and fund transfers.

Deputy Director Ziegler addressed that revenues continue to remain bleak for FY12-13 with declines in the DEA, CJEF and DUI accounts. On a positive note, ACJC received a one-time deposit for the victim services fund from unclaimed victim restitution which will help support the victims program in the FY12-13 budget.

Staff continues to work with the Governor's Office of Strategic Planning and Budgeting (OSPB) and the Joint Legislature Budget Committee (JLBC) educating them on how important the funds are to the criminal justice systems.

This item was presented for informational purposes and did not require Commission action.

VII. Federal VOCA Compensation

A. FY11 VOCA Compensation allocation formula

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the allocation formula to be used in the distribution of the FFY 2010 federal VOCA funds to the fifteen operational units.

Commissioner Linda Scott moved to approve the FY11 VOCA Compensation allocation formula as shown on page 16 of the agenda. The motion was seconded by Commissioner John Armer and was unanimously adopted by the Commission.

B. FY11 VOCA Compensation allocation

Larry Grubbs, Program Manager presented the recommendation of the Crime Victims Committee that the Commission approve the allocation of FFY 2010 federal VOCA Compensation funds in the amount of \$1,249,000 using the approved formula.

Commissioner Linda Scott moved to approve the FY11 VOCA compensation allocation as shown on page 16 of the agenda. The motion was seconded by Designee Jesse Locksa and was unanimously adopted by the Commission.

VIII. Federal VOCA Reimbursement Process

Larry Grubbs, Program Manager presented a summary of the reimbursement process for compensation benefits paid by county programs using federal VOCA compensation funds. Mr. Grubbs explained that a representative from the Office for Victims of Crime (OVC) conducted a site visit to ACJC in May, 2010 and found that county programs did not adhere to the same standard as ACJC of maintaining the federal minimum cash on hand requirement. Further, a representative from the Office of the Chief Financial Officer (OCFO) informed ACJC staff that county compensation programs must meet the terms of the minimum cash on hand requirement and

expend federal VOCA compensation funds within 10 days of receipt of the funds by ACJC. ACJC staff sent a memo to all the county compensation programs explaining the reimbursement process and detailing the procedures. Mr. Grubbs stated that the requirement will become effective October 1, 2010 and that expenditures made from a county's allocated VOCA compensation funds will be reimbursed by ACJC on a monthly basis as the funds are spent.

This agenda item was presented for informational purposes and did not require Commission action.

IX. Claims Management System Update

Larry Grubbs, Program Manager gave a status report on the Victim Compensation Claim Management System (VCCMS). He explained that the web based claim management system is for tracking and reporting victim compensation claims. Mr. Grubbs reported that the development of the system has been completed and the rollout will begin on October 14, 2010 in Pinal County.

This agenda item was presented for informational purposes and did not require Commission action.

X. Call to the Public

Chairperson Ogden made a call to the public. No members of the audience addressed the Commission.

XI. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on **Thursday, November 18, 2010** at **1:30 PM** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XII. Adjournment

The meeting was adjourned at 2:20 PM.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.



ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Election of a Vice Chairperson

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

The Commission elect a Vice-Chairperson to fulfill the remainder of the Vice-Chairperson's term and the next term commencing January 10, 2011 and concluding January 9, 2012.

DISCUSSION:

The Commission will vote to fill the Vice-Chairperson position.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table



ARIZONA CRIMINAL JUSTICE COMMISSION Policy and Procedure

Subject
**SELECTION OF CHAIRPERSON & VICE
CHAIRPERSON**

Policy Number
CJC-115

Effective Date
11/19/2009

Supersedes: 01/23/03

INTRODUCTION

This policy establishes the procedures for the formal selection of a Chairperson and Vice Chairperson from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission (as outlined in ARS §41-2404). These procedures allow for smooth transition of leadership and insure orderly succession. This policy may be waived, as deemed appropriate by a vote of the Commission as a standing body.

POLICY AND PROCEDURES

1. Definitions: The following terms used in this policy may also be found in CJC 101 of the Arizona Criminal Justice Commission policy manual and, where appropriate, in ARS §41-2404.
 - A. "Chairman" (Chair or Chairperson) is the person selected by the members of the Commission (as outlined in ARS §41-2404) to provide general oversight and consultation to the Executive Director, assure that the Commission meets as required by mission and statute, chair and conduct Commission regular and special meetings, approve meeting agendas and any and all other functions deemed appropriate by the Commission as a body or outlined in ARS §41-2404.
 - B. "Vice Chairman" (Vice Chairperson) is the person who, in the absence of the Chairperson (or when asked by the Chairperson), exercises the authority of the Chair on behalf of the Commission and its members as outlined in ARS §41-2404.
 - C. "Term of Chairperson and Vice Chairperson" is the term of office in which members selected from within the ranks of the appointed and ex-officio members of the Arizona Criminal Justice Commission hold these two positions. Terms shall run from the first regular meeting of the Commission in a calendar year for a period not to exceed 24 months. The Vice Chair may normally succeed the outgoing Chairperson, unless this policy is waived by vote of the Commission or other circumstances dictate.
 - D. "Nominations for Chair and/or Vice Chair" shall be announced in open, public meeting(s), seconded and voted upon by the entire Commission. Those members interested in being considered for either of these two positions will formally notify the Chairperson in writing during the period of time deemed necessary by the committee and shall follow the normal selection process.

Procedure:

2. Normal Selection

A. Calls for nominations for Chairperson and Vice Chairperson.

1. During the remaining 90 days of a currently seated Chairperson's term in their position, the Commission shall formally announce the time frame for the formal nomination process during an open, public meeting of the Commission. If in the process the seated Vice Chair expresses the intent to become the Chair-elect, then the focus shall shift to selection of a Vice Chair-elect.

2. All nominations shall be submitted to the Chairperson during the period of time designated. The Chairperson may designate the Executive Director to receive e-mail nominations and may accept nominations at the time of the vote if deemed necessary.

3. All names of those members nominated shall be read in the next open, public meeting of the Commission.

4. A vote on the nominees shall be taken at an open, public meeting of the Commission and a new Chair/Vice Chair shall be elected.

Procedure:

3. Special Selection

A. Requests to waive the policy/nominations from the floor.

1. In the event that a seated Chair and/or Vice Chair cannot fulfill the term of these positions or in the event the Commission as a body wishes to waive this policy for a specific election, the following procedures will take place:

a. If both the Chairperson and Vice Chairperson are unable to fulfill their positions, the most senior Commissioner shall assume the role of Chair pro tem. The Chair pro tem shall instruct the Executive Director to post on either a special or regularly scheduled Commission meeting a notice for open floor nominations for the Chairperson and Vice Chair. The Chair pro tem shall preside over all duties, as outlined in ARS §41-2404 until replaced by popular vote of the Commission in an open meeting.

2. The Chair, for reason of excused absence, may ask any seated member of the Commission to act as Chair for a meeting (in the event of conflict or absence of the Vice Chair). During these meetings the Acting Chair has the full authority of the Chair or Vice Chair.

B. If a member of the Commission wishes to petition this body to waive this policy for a specific election, he/she shall notify the Chairperson in writing of this decision no later than 36 hours before the time and date of the posted meeting.

1. The Chairperson shall instruct the Executive Director to publish and post an amended agenda with an action item for consideration by the Commission as a body, first to waive the process and then to formally accept nominations with a popular vote.

2. When this item comes before the Commission, the Chair will call on the member to explain the request and then call for movement of the request and a second. As in all Commission business, Robert's Rules of Order shall prevail.

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on new staff.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on the current legislative issues on the state and federal level.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on the 2011 meeting dates.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

2011

Commission Meetings

1110 W. Washington, Phoenix, AZ

			1110 W. Washington, Phoenix, AZ			
Thursday	Date	Time	Room			
		20-Jan	1:30 PM	250		
		24-Mar				
		19-May				
		21-Jul	2:00 PM	Little America Hotel, Flagstaff, AZ		
	*	15-Sep	1:30 PM	250		
	*	22-Sep				
		17-Nov				

*Pending alternative dates

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Executive Director's Report

TO: Chairperson and Commission Members

FROM: John A. Blackburn, Jr.
Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Executive Director Blackburn will update the Commission on the Criminal Justice Enhancement Fund (CJEF) rules process.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

ARIZONA CRIMINAL JUSTICE COMMISSION**Request for Commission Action**

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2011 Residential Substance Abuse Treatment (RSAT) Grant Award

TO: Chairperson and Commission Members

FROM: Tony Vidale, Program Manager
Drug Control and Systems Improvement

RECOMMENDATION:

The Commission award \$655,832 in federal and local cash and/or in-kind match funds for the 2011 RSAT grant period beginning January 1, 2011 and ending December 31, 2011.

DISCUSSION:

See attached.

The Drug, Gang and Violent Crime Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant to recipient agencies

ALTERNATIVES:

Not Approve - Modify - Table

2011 Residential Substance Abuse Treatment Awards

Program Background

The Residential Substance Abuse Treatment (RSAT) program assists governments in developing and implementing substance abuse treatment programs in state and local correctional and detention facilities, and to create and maintain community-based post release treatment services for offenders. These services allow offenders to overcome substance abuse and prepare for reentry into the community.

The RSAT program is divided into three areas: 1. Residential (6-12 months) program, 2. Jail-based (at least 3 months) program, and 3. Post-release treatment program.

The RSAT program requires that 10 percent of the federal award be made available to local correctional or detention facilities. If applications are not received for this program, these funds can be used by the residential in-correctional setting programs. There were three jail-based applications received during this solicitation.

In addition, RSAT guidelines provide that no more than 10 percent of the total award may be used for post-release treatment services. In the past, no monies were awarded for post-release treatment services due to a lack of funding. With the FFY 2010 grant, ACJC was allocated increased funding that allowed for consideration of these programs. RSAT may fund post-release programs that provide treatment to offenders for a period not to exceed one year after release. For the CY 2011 RSAT grant, ACJC received one post-release treatment application.

Each applicant must meet the federal eligibility requirements for Residential Substance Abuse Treatment programs within the correctional residential setting. The requirements include:

- At least six months and no more than 12 months of treatment for Residential programs;
- At least three months for Jail-based programs;
- Participation limited to the last six to 12 months remaining in the inmate's confinement to insure they are released after completing the treatment and not returned to the general population;
- Residential housing and treatment facilities are provided away from the general correctional population;
- Focus on the substance abuse problems of the inmate using effective scientific practices;
- Development of the inmate's cognitive, behavioral, social, vocational and other skills to help solve the substance abuse problem; and
- Implement or continue urinalysis and/or other proven reliable forms of drug testing.

Funding

Federal funding is provided by the U.S. Department of Justice, Bureau of Justice Assistance. The amount awarded for FFY 2010 was \$784,716. Of this amount, ACJC is allowed a 10% allocation to administer the grant. RSAT funds awarded to ACJC are granted out to sub-recipients on a calendar year basis. There is also \$4,702 in unexpended FFY 2009 grant funds available for the program. *Table 1* provides a breakdown of available funding for the CY 2011 RSAT grant program, which includes \$678,546 in federal funds and \$226,182 in required matching funds for a total of \$904,728. With a proposed CY 2011 program size of \$655,832, the RSAT program would have \$248,897 available for the CY 2012 program, in addition to any federal award.

Table 1

CY 2011 RSAT Grant Program	
FFY 2009 Grant:	
Grant Balance	\$ 137,494
CY10 Grant Obligations	<u>(132,792)</u>
Available for CY11 program	\$ 4,702
FFY 2010 Grant:	
Grant Award	\$ 748,716
Less: 10% Admin	<u>(74,872)</u>
Available for CY11 program	\$ 673,844
Total Fed. Funds Available	\$ 678,546
Match Requirement	<u>226,182</u>
Available Program Size	\$ 904,728
Proposed CY11 Awards	\$ 655,832
Balance Available for CY12:	
Federal	\$ 186,673
Match	<u>\$ 62,223</u>
Total	\$ 248,897

Applications Received

On September 13, 2010, counties were notified via electronic mail announcing the availability of the CY 2011 Residential Substance Abuse Treatment program grants and application procedures through ACJC's grant management system. Staff also sent out notice to non-profit entities interested in submitting post-release treatment proposals. The deadline for submission of applications was Friday, October 22, at 3:00 p.m. Six applications were submitted by the deadline requesting a total of \$698,401 in federal funds. With the matching funds amount of \$232,802, the total requested program size was \$931,203. The amount of federal funds requested exceeded the available amount of \$678,546. The six agencies that submitted applications were the Arizona Department of Corrections (ADC), the Arizona Department of Juvenile Corrections (ADJC), the Coconino County Sheriff's Office, the Maricopa County Sheriff's Office, Chicanos Por La Causa, and WestCare Arizona. Chicanos Por La Causa was the only non-profit to submit a proposal for post-release treatment services. The requested amounts are shown in *Table 3*, on page 19 of the agenda.

Evaluation and Scoring

The average score and ranking of each applicant is shown in *Table 2* on page 18. Each grant application was reviewed by a team of five individuals, which included one outside reviewer, and scored based on established criteria contained in the grant announcement. The maximum possible score was 110.

The applications were evaluated using the following scoring criteria:

- Project falls within the RSAT guidelines
- Submitted on time, all requested information was provided
- The need for services in community
- Program adequately addresses the need for services in the community

Coordination efforts with other agencies

- Goals and objectives that are reasonable and achievable
- Performance measures clearly identify the success of the program
- Budget costs are reasonable and allowable (matching funds are included in the request)
- Adequate internal financial controls
- Programs previously funded by the Commission have met the requirements of the grant

In addition, priority points were given to projects that had an aftercare component established.

Table 2

CY 2011 RSAT Grant Program Scoring			
Rank	Agency	Project	Average Score
1	Coconino SO	EXODUS Program	94.2
2	ADOC	Gemini Program	92.6
3	Maricopa SO	Alpha Program	88.2
4	ADJC	RSAT Program	87.0
5	CPLC	Corazon Ctr.	82.4
6	WestCare	Mohave RSAT	68.8

Recommendation

Staff proposes an award of \$655,832 in federal and local cash and/or in-kind match funds for CY 2011 RSAT grant awards beginning January 1, 2011 and ending December 31, 2011 as shown in *Table 3*, on page 19 of the agenda. Of this amount, \$491,873 is from federal funds and \$163,959 is from local match funds. This recommendation would fund the Coconino County Sheriff's Office (EXODUS Program), ADOC (Gemini Program), Maricopa County Sheriff's Office (Alpha Program), ADJC (RSAT Program), and Chicanos Por La Causa (Corazon Treatment Center). This recommendation would comply with the RSAT requirement that at least 10% of the award be allocated to local correctional or detention facilities and no more than 10% of the award be provided for treatment of those released from a state facility.

Table 3

**CY 2011 RESIDENTIAL SUBSTANCE ABUSE TREATMENT (RSAT) GRANT
JANUARY 1, 2011 - DECEMBER 31, 2011**

Requested													
Applicant Agency	Personnel			Consult./ Con- tractual	In-State Travel	Out-of State Travel	Operating			Equipment	TOTAL CY 2011 REQUESTED	Federal	Match Provided
	Salary	Fringe Benefits	Overtime Expense				Registration/ Training	Supplies	Other Operating				
ADOC - Gemini Program	47,000	21,150	0	0	0	0	0	2,496	1,584	0	\$72,230	\$54,172	\$18,058
ADJC - RSAT Program	56,001	4,227	33,336	70,602	12,000	0	8,840	37,500	0	1,500	\$224,006	\$168,004	\$56,002
Chicanos Por La Causa	0	0	0	0	0	0	0	0	92,400	0	\$92,400	\$69,300	\$23,100
Coconino County Sheriff's Office - Exodus	138,377	47,670	0	3,900	0	0	0	3,140	0	0	\$193,087	\$144,815	\$48,272
Maricopa County Sheriff's Office - Alpha	56,451	17,568	0	0	0	0	0	0	0	0	\$74,019	\$55,514	\$18,505
WestCare (Mohave County Sheriff)	187,180	36,313	0	0	9,797	4,630	0	31,091	0	6,450	\$275,461	\$206,596	\$68,865
TOTAL	\$485,009	\$126,928	\$33,336	\$74,502	\$21,797	\$4,630	\$8,840	\$74,227	\$93,984	\$7,950	\$931,203	\$698,401	\$232,802
Proposed													
Applicant Agency	Personnel			Consult./ Con- tractual	In-State Travel	Out-of State Travel	Operating			Equipment	TOTAL CY 2011 PROPOSED	Federal	Match Provided
	Salary	Fringe Benefits	Overtime Expense				Registration/ Training	Supplies	Other Operating				
ADOC - Gemini Program	47,000	21,150	0	0	0	0	0	2,496	1,584	0	\$72,230	\$54,172	\$18,058
ADJC - RSAT Program	56,001	0	37,563	70,602	12,000	0	8,840	37,500	0	1,500	\$224,006	\$168,004	\$56,002
Chicanos Por La Causa	0	0	0	0	0	0	0	0	92,400	0	\$92,400	\$69,300	\$23,100
Coconino County Sheriff's Office - Exodus	138,377	47,670	0	3,900	0	0	0	3,140	0	0	\$193,087	\$144,815	\$48,272
Maricopa County Sheriff's Office - Alpha	56,451	17,658	0	0	0	0	0	0	0	0	\$74,109	\$55,582	\$18,527
WestCare (Mohave County Sheriff)	0	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0
TOTAL	\$297,829	\$86,478	\$37,563	\$74,502	\$12,000	\$0	\$8,840	\$43,136	\$93,984	\$1,500	\$655,832	\$491,873	\$163,959

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY11 Crime Victim Compensation Program Allocation

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the allocation of an additional \$307,500 in state Crime Victim Compensation funds to operational units for the FY11 Crime Victim Compensation Program.

DISCUSSION:

In May of 2010 when the allocation of state victim compensation funds was approved by the Commission, revenue projected for unclaimed victim restitution during FY10 was \$100,000. A change in the law accelerated payments of unclaimed victim restitution to recipients therefore actual revenue received during the last quarter of FY10 was over \$700,000. ACJC staff recommends allocating an additional \$307,500 of that revenue to operational units for FY11. This amount brings the total allocation for FY11 to \$2,750,000 with \$50,000 in reserve as required by Program Rule R10-4-102.D. An allocation over \$2,800,000 would require review by the Joint Legislative Budget Committee (JLBC). The allocation of additional funds would be made by population as detailed in the table on page 22 of the agenda.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Significant – Allocation of an additional \$307,500 would bring the total state funded compensation allocation to \$2,750,000 for distribution to victims of crime in FY11.

ALTERNATIVES:

Not Approve - Modify - Table

CRIME VICTIM COMPENSATION PROGRAM			
FY11 PROGRAM BUDGET			
FY10 BEGINNING BALANCE			\$ 2,108,565
FY10 ACTUAL REVENUE			
	CJEF		\$ 2,104,872
	DOC Inmate Work Fees		\$ 11,351
	Unclaimed Restitution		\$ 739,422
	AG Settlement		\$ 230,109
		Subtotal	\$ 3,085,754
AVAILABLE FOR FY10 PROGRAMS			\$ 5,194,320
FY10 PROGRAM EXPENDITURES			\$ 2,282,317
	SB1001 BUDGET REDUCTION		\$ 959,000
AVAILABLE FOR FY11 PROGRAMS			\$ 1,953,003
FY11 PROJECTED REVENUE			
	CJEF		\$ 2,104,872
	DOC Inmate Work Fees		\$ 15,000
	Unclaimed Restitution		\$ 100,000
	Reversions Received (as of 9/30/10)		\$ 381,374
		Subtotal	\$ 2,601,246
ESTIMATED AVAILABLE FOR PROGRAMS			\$ 4,554,248
FY11	PROGRAM EXPENDITURES		
	Approved Allocation		\$ 2,442,500
	Supplemental Allocation		\$ 307,500
		Subtotal	\$ 2,750,000
	FY11 BUDGET REDUCTION		\$ 456,300
PROJECTED AVAILABLE FOR FY12 PROGRAMS			\$ 1,347,948

CRIME VICTIM COMPENSATION PROGRAM
FY 2011 PROPOSED STATE CRIME VICTIM COMPENSATION SUPPLEMENTAL ALLOCATION
\$307,500 IN ADDITIONAL FUNDS*

COUNTY	POPULATION	% POPULATION	POPULATION ALLOTMENT	TOTAL ALLOTMENT
APACHE	76,668	1.15%	\$3,528	\$3,528
COCHISE	140,263	2.10%	\$6,454	\$6,454
COCONINO	136,735	2.05%	\$6,291	\$6,291
GILA	57,204	0.86%	\$2,632	\$2,632
GRAHAM	39,792	0.60%	\$1,831	\$1,831
GREENLEE	8,688	0.13%	\$400	\$400
LA PAZ	21,616	0.32%	\$995	\$995
MARICOPA	4,023,331	60.20%	\$185,119	\$185,119
MOHAVE	206,763	3.09%	\$9,513	\$9,513
NAVAJO	115,420	1.73%	\$5,311	\$5,311
PIMA	1,018,012	15.23%	\$46,840	\$46,840
PINAL	356,303	5.33%	\$16,394	\$16,394
SANTA CRUZ	47,900	0.72%	\$2,204	\$2,204
YAVAPAI	228,494	3.42%	\$10,513	\$10,513
YUMA	205,940	3.08%	\$9,476	\$9,476
TOTAL	6,683,129	100.00%	\$307,500	\$307,500

*Note: Total budget is \$2,800,000 with \$50,000 held in reserve as required by Program Rule R10-4-102.D

Source for Population: Arizona Department of Commerce, 2009 Commerce Population Estimates, July 1, 2009

	May 2010 Allocation	Nov 2010 Allocation	TOTAL ALLOCATION
STATE VICTIM COMPENSATION FUNDS	2,442,500	307,500	2,750,000

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Crime Victim Compensation Program Study

TO: Chairperson and Commission Members

FROM: Larry Grubbs, Program Manager
Crime Victims Services

RECOMMENDATION:

The Commission approve the allocation of up to \$35,000 in state crime victim compensation revenue to fund a study of the crime victim compensation program.

DISCUSSION:

Staff recommends taking an in depth and focused look at the state crime victim compensation program through a partnership with researchers at the ASU Morrison Institute for Public Policy. The purpose of the study will be an attempt to inform and define the overall direction for the compensation program for the next several years. With the rules promulgation process ready to begin the timing for such a study is ideal. This study should provide critical insight into issues currently faced by the compensation program, and provide staff with the knowledge needed to address those issues.

The Crime Victims Committee will meet and make a recommendation to the Commission.

FISCAL IMPACT:

Moderate – Study results could impact program rules, processes, and fund allocation methods.

ALTERNATIVES:

Not Approve - Modify - Table

ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Commission Action

Action Requested:	Type of Action Requested:	Subject:
November 18, 2010	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Proposals

TO: Chairperson and Commission Members

FROM: Mary Marshall
Public Information Officer

RECOMMENDATION:

The Commission approve the support of proposed legislation from stakeholders.

DISCUSSION:

All legislative liaisons were asked to submit proposed legislation they desired to have the Commission support. The following legislation being proposed by stakeholders for the upcoming legislative session will be presented in an effort to gain support from the Commission. Stakeholders will be available to provide an explanation on proposed items.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

NICS Fix to be carried by ACJC

The NICS Improvement Act of 2007 was signed into law. Section 105 requires states, as a condition of grant eligibility, to establish procedures to allow persons with disabilities relating to mental health status or commitment to obtain relief from such disabilities for purposes of firearms eligibility. The federal legislation requires states to allow de novo review in state courts of denials of relief.

Arizona does have a statute that allows a person who was found to constitute a danger to himself or others or to be persistently or acutely disabled or gravely disabled and who was subject to a treatment order pursuant to section 36-540 the opportunity to request the court that entered the treatment order to restore the person's right to possess a firearm on a showing by clear and convincing evidence that the person no longer suffers from the mental disorder that led to the finding that the person constituted a danger to himself or others or was persistently or acutely disabled or gravely disabled.

However, this statute does not meet the requirements under the NICS Improvement Act. As such, we are working with the Bureau of Alcohol, Tobacco and Firearms to draft language that will meet the federal requirements to establish procedures to allow persons with disabilities relating to mental health status or commitment to obtain relief from such disabilities for purposes of firearms eligibility.

Right to possess firearm; mentally ill persons

Section 1. 12-2101. Judgments and orders which may be appealed

- A. An appeal may be taken to the court of appeals from the superior court in the instances specified in this section.**
- B. From a final judgment entered in an action or special proceeding commenced in a superior court, or brought into a superior court from any other court, except in actions of forcible entry and detainer when the annual rental value of the property is less than three hundred dollars.**
- C. From any special order made after final judgment.**
- D. From any order affecting a substantial right made in any action when the order in effect determines the action and prevents judgment from which an appeal might be taken.**
- E. From a final order affecting a substantial right made in a special proceeding or upon a summary application in an action after judgment.**
- F. From an order:**
 - 1. Granting or refusing a new trial, or granting a motion in arrest of judgment.**
 - 2. Granting or dissolving an injunction, or refusing to grant or dissolve an injunction or appointing a receiver.**
 - 3. Dissolving or refusing to dissolve an attachment or garnishment.**

G. From an interlocutory judgment which determines the rights of the parties and directs an accounting or other proceeding to determine the amount of the recovery.

H. From an interlocutory judgment in any action for partition which determines the rights and interests of the respective parties, and directs partition to be made.

I. From any interlocutory judgment, decree or order made or entered in actions to redeem real or personal property from a mortgage thereof or lien thereon, determining such right to redeem and directing an accounting.

J. From a judgment, decree or order entered in any formal proceedings under title 14.

K. From an order or judgment:

1. Adjudging a person insane or incompetent, or committing a person to the state hospital.

2. Revoking or refusing to revoke an order or judgment adjudging a person insane or incompetent, or restoring or refusing to restore to competency any person who has been declared insane or incompetent.

3. GRANTING OR DENYING A PETITION TO RESTORE A PERSON'S RIGHT TO POSSESS A FIREARM PURSUANT TO SECTION 13-925.

L. From an order or judgment made and entered on habeas corpus proceedings:

1. The petitioner may appeal from an order or judgment refusing his discharge.

2. The officer having the custody of the petitioner, or the county attorney on behalf of the state, from an order or judgment discharging the petitioner whereupon the court may admit the petitioner to bail pending the appeal.

M. If any of the orders or judgments referred to in this section are made or rendered by a judge they are appealable as if made by the court.

Section 2. **13-925. Restoration of right to possess a firearm; mentally ill persons; application petition**

A. ~~On proper application,~~ A person who was found to constitute a danger to himself or others, or to be persistently or acutely disabled or gravely disabled and who was subject to a treatment order pursuant to section 36-540, may ~~request~~ **PETITION** the court that entered ~~the~~ **A** treatment order **THAT RESULTED IN THE PERSON EITHER BEING CLASSIFIED AS A PROHIBITED**

POSSESSOR AS DEFINED IN SECTION 13-3101 OR BEING SUBJECT TO THE PROVISIONS OF 18 UNITED STATES CODE SECTION 922(d) (4) OR (g) (4) to restore the person's right to possess a firearm ~~on a showing by clear and convincing evidence that the person no longer suffers from the mental disorder that led to the finding that the person constituted a danger to himself or others, or was persistently or acutely disabled or gravely disabled.~~

B. The person or the person's guardian or attorney may file the ~~application~~ PETITION PROVIDED FOR IN SUBSECTION A OF THIS SECTION. THE PETITION SHALL BE SERVED UPON THE ATTORNEY FOR THE STATE WHO APPEARED IN THE UNDERLYING CASE.

~~B~~ **C.** On filing of the ~~application~~ PETITION the court shall set a hearing ~~at which the applicant.~~ AT THE HEARING THE PERSON shall present psychological or psychiatric evidence in support of the application AND THE STATE SHALL PRESENT THE PERSON'S CRIMINAL HISTORY RECORDS. THE COURT SHALL ALSO CONSIDER THE FOLLOWING:

1. EVIDENCE OF THE CIRCUMSTANCES RESULTING IN THE PERSON BEING DECLARED A PROHIBITED POSSESSOR,
2. THE PERSON'S RECORD, INCLUDING AT A MINIMUM, THE PERSON'S MENTAL HEALTH AND CRIMINAL HISTORY RECORDS,
3. THE PERSON'S REPUTATION, DEVELOPED, AT A MINIMUM, THROUGH CHARACTER WITNESS STATEMENTS, TESTIMONY, OR OTHER CHARACTER EVIDENCE,
4. ~~The State may present~~ Evidence that the person remains a danger to himself or others, ~~or~~ remains persistently or acutely OR GRAVELY disabled, OR CONTINUES TO FALL WITHIN THE PROVISIONS OF 18 UNITED STATES CODE SECTION 922(d)(4) OR (g)(4), and should remain a prohibited possessor,
5. ANY OTHER EVIDENCE DEEMED ADMISSIBLE BY THE COURT.

D. THE PERSON SHALL HAVE THE BURDEN OF PROOF BY CLEAR AND CONVINCING EVIDENCE THAT:

1. THE PERSON WILL NOT BE LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY, AND
2. GRANTING RELIEF WILL NOT BE CONTRARY TO THE PUBLIC INTEREST.

E. AT THE CONCLUSION OF THE HEARING THE COURT SHALL ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW.

F. IF THE COURT FINDS BOTH ELEMENTS SET FORTH IN SUBSECTION D OF THIS SECTION ARE MET:

1. THE PERSON'S RIGHT TO POSSESS A FIREARM PURSUANT TO 18 UNITED STATES CODE SECTION 922(d) (4) OR (g) (4) SHALL BE RESTORED.

2. THE COURT MAY ISSUE AN ORDER RESTORING THE PERSON'S RIGHT TO POSSESS A FIREARM FOR THE PURPOSES OF SECTION 13-3101, SUBSECTION A, PARAGRAPH 7(a).

~~C G. A finding that the person no longer suffers from the mental disorder pursuant to subsection A of~~ THE GRANTING OF RELIEF UNDER this section only restores the person's right to possess a firearm and does not apply to and has no effect on any of the other rights or benefits the person receives.

H. THE COURT SHALL PROMPTLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OF AN ORDER GRANTING A PETITION UNDER THIS SECTION. THE DEPARTMENT SHALL AS SOON THEREAFTER AS PRACTICABLE UPDATE, CORRECT, MODIFY, OR REMOVE THE PERSON'S RECORD IN ANY DATABASE THAT THE DEPARTMENT MAINTAINS AND MAKES AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CONSISTENT WITH THE RULES PERTAINING TO THE DATA BASE. THE DEPARTMENT SHALL NOTIFY THE UNITED STATES ATTORNEY GENERAL THAT SUCH A BASIS NO LONGER APPLIES.

I. A RECORD OF ALL PROCEEDINGS IN THE SUPERIOR COURT SHALL BE CREATED AND MAINTAINED PURSUANT TO RULES OF THE SUPREME COURT.

Section 3. 13-4414.01. Notice of hearing on application to restore right to possess firearm; right to be heard

A. THE VICTIM HAS THE RIGHT TO BE PRESENT AND BE HEARD AT ANY PROCEEDING IN WHICH THE DEFENDANT HAS FILED A PETITION PURSUANT TO SECTION 13-925 TO HAVE THE DEFENDANT'S RIGHT TO POSSESS A FIREARM RESTORED.

B. IF THE VICTIM HAS MADE A REQUEST FOR POST-CONVICTION NOTICE, THE ATTORNEY FOR THE STATE SHALL PROVIDE NOTICE TO THE VICTIM AT LEAST FIVE DAYS BEFORE THE HEARING.

AGENCY LEGISLATIVE PROPOSAL

Agency: Arizona Department of Juvenile Corrections

Division: Communications Division

Potential Sponsors: Unknown

Proposal: To discharge juvenile offenders from the jurisdiction of the Arizona Department of Juvenile Corrections (ADJC), who have detainees with Immigration Customs and Enforcement (ICE) and have completed the minimum length of stay in a secure care facility.

Background: When juvenile offenders are released from a secure care facility to the custody of ICE they are on conditional liberty (parole) and under the jurisdiction of ADJC. From the time of release, ICE and the Office of Refugee Resettlement (ORR) in the Office U.S. Department of Health and Human Services make all pertinent decisions including where juvenile offenders are placed. ADJC does not receive timely or accurate feedback regarding the juvenile offender's physical location and, therefore, cannot properly supervise juvenile offenders once they are in federal custody. There are currently no facilities in the State of Arizona for unaccompanied minors. Therefore, juvenile offenders are often sent to Oregon, Texas and eastern states. Once released from a secure care facility, juveniles with ICE detainees should be subject to the jurisdiction of the federal government versus the Arizona Department of Juvenile Corrections.

Language: See Attached

Statutes Affected: 41-2820. Discharge

Fiscal Impact: This legislation would reduce the liability exposure to the State of Arizona and the Department of Juvenile Corrections.

ADJC has the responsibility to provide parole services for juvenile offenders on conditional liberty whose physical custody is controlled by the federal government.

Policy Impact on other Agencies: None

Potential Supporters: Unknown

Potential Opponents: Unknown

Has this been run previously? No

Can this be done administratively? No

Fact Sheet ---

History ---

41-2820. Discharge

- A. Each youth shall be discharged from the jurisdiction of the department on attaining eighteen 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 discharged from the jurisdiction of the department if 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, and the Bureau of Immigration and Customs Enforcement enforces a detainer demanding custody of the youth for immigration proceedings.

AGENCY LEGISLATIVE PROPOSAL

Agency: Arizona Department of Juvenile Corrections

Division: Communications Division

Potential Sponsors: Unknown

Proposal: To include the State educational system for committed youth as a “public school” for tax credit purposes under the existing statute.

Background: The current statute does not specifically allow the State educational system for committed youth to provide a tax credit for the amount of any fees, or cash contributions by a taxpayer in support of extracurricular activities i.e., sports programs; music programs, vocational education programs, or character education programs provided by the educational system for committed youth.

Language: See Attached

Statutes Affected: 43-1089.01. Tax credit; public school fees and contributions; definitions

Fiscal Impact: None

Policy Impact on other Agencies: None

Potential Supporters: Unknown

Potential Opponents: Unknown

Has this been run previously? No

Can this be done administratively? No

Fact Sheet ---

History ---

43-1089.01. Tax Credit

- A. A credit is allowed against the taxes imposed by this title for the amount of any fees or cash contributions by a taxpayer or on the taxpayer's behalf pursuant to section 43-401, subsection H during the taxable year to a public school located in this state for the support of extracurricular activities or character education programs of the public school, but not exceeding:
1. Two hundred dollars for a single individual or a head of household
 2. Three hundred dollars in taxable year 2005 for a married couple filing a joint return
 3. Four hundred dollars in taxable year 2006 and any subsequent taxable year for a married couple filing a joint return

- B. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the tax credit that would have been allowed for a joint return.
- C. The credit allowed by this section is in lieu of any deduction pursuant to section 170 of the internal revenue code and taken for state tax purposes.
- D. If the allowable tax credit exceeds the taxes otherwise due under this title on the claimant's income, or if there are no taxes due under this title, the taxpayer may carry the amount of the claim not used to offset the taxes under this title forward for not more than five consecutive taxable years' income tax liability.
- E. The site council of the public school that receives contributions that are not designated for a specific purpose shall determine how the contributions are used at the school site. If a charter school does not have a site council, the principal, director or chief administrator of the charter school shall determine how the contributions that are not designated for a specific purpose are used at the school site. **THE DIRECTOR OF THE DEPARTMENT OF JUVENILE CORRECTIONS SHALL DETERMINE HOW THE CONTRIBUTIONS TO THE STATE EDUCATIONAL SYSTEM FOR COMMITTED YOUTH THAT ARE NOT DESIGNATED FOR A SPECIFIC PURPOSE ARE USED.**
- F. A public school that receives fees or a cash contribution pursuant to subsection A of this section shall report to the department, in a form prescribed by the department, by February 28 of each year the following information:
1. The total number of fee and cash contribution payments received during the previous calendar year.
 2. The total dollar amount of fees and contributions received during the previous calendar year.
 3. The total dollar amount of fees and contributions spent by the school during the previous calendar year.
- G. For the purposes of this section:
1. "Character education programs" means a program described in section 15-719 **OR IMPLEMENTED PURSUANT TO SECTION 41-2831.**
 2. "Extracurricular activities" means school sponsored activities that require enrolled students to pay a fee in order to participate including fees for:
 - (a) Band uniforms.
 - (b) Equipment or uniforms for varsity athletic activities.
 - (c) Scientific laboratory materials.
 - (d) In-state or out-of-state trips that are solely for competitive events.Extracurricular activities do not include any senior trips or events that are recreational, amusement or tourist activities.
 3. **"PUBLIC SCHOOL" INCLUDES THE STATE EDUCATIONAL SYSTEM FOR COMMITTED YOUTH CREATED PURSUANT TO SECTION 41-2831.**

Administrative Office of the Courts

AJC Proposals 2011-01, 04, 10

8-356. Waiver of standards

A. The requirements of section 8-353, subsections A and B and subsection C, paragraph 2 may be waived by the supreme court for a county ~~with a population of fewer than three hundred thousand persons~~ if the case load of ~~every officer~~ OFFICERS supervising juveniles on intensive probation is not more than fifteen juveniles and the program requires visual contact with each probationer at least one time a week.

B. If a waiver is granted and the intensive probation case load for each officer does not exceed fifteen, officers may supervise other additional juveniles on probation who in the judgment of the chief probation officer require additional supervision or pose a greater than normal risk to the community, as long as the total case load does not exceed fifteen.

12-269. Probation funding; counties with a population of two million or more persons; surcharge; support

A. The administrative office of the courts shall not disburse any direct state aid for probation services monies, including motor pool costs, that are appropriated for juvenile intensive probation services pursuant to section 8-353, state aid for probation services pursuant to section 12-262, adult intensive probation pursuant to title 13, chapter 9 and community punishment programs pursuant to article 11 of this chapter to a county with a population of two million or more persons.

B. A county with a population of two million or more persons shall maintain probation standards that are otherwise prescribed by law, except that the probation ratios **AND TEAM COMPOSITIONS** that are listed in sections 8-203, 8-353, 12-251 and 13-916 do not apply. The county shall maintain appropriate ratios of officers to probationers consistent with evidence based practices in differentiated case management and shall annually report its performance to the chief justice of the Arizona supreme court, the speaker of the house of representatives and the president of the senate on or before October 1 of each year. The annual report shall include, for each probation program, the rate of successful completion of probation, the rate of new felony convictions and the rate of commitment to the state department of corrections or the department of juvenile corrections.

C. In lieu of the ~~surcharge~~ **ASSESSMENT** prescribed in section 12-114.01 and in addition to any other penalty, **FINE, FEE, SURCHARGE OR** assessment ~~provided~~ **AUTHORIZED** by law, a **PERSON SHALL PAY A PROBATION ASSESSMENT** ~~A county with a population of two million or more persons shall levy a probation surcharge~~ in an amount determined by ~~the~~ **A county WITH A POPULATION OF TWO MILLION OR MORE PERSONS** on every ~~fine, penalty and forfeiture imposed and collected by the superior, justice and municipal courts for criminal offenses and any civil penalty imposed and collected~~ **CONVICTION FOR A CRIMINAL OFFENSE OR A FINDING OF RESPONSIBILITY** for a civil traffic violation ~~and fine, penalty or forfeiture for a violation of the motor vehicle statutes~~, for a violation of any local ordinance relating to the

stopping, standing or operation of a vehicle, except parking violations, or for a violation of the game and fish statutes in title 17.

D. The monies collected pursuant to this section shall be deposited, pursuant to sections 35-146 and 35-147, in the adult probation services fund established by section 12-267 or in the juvenile probation fund established by section 12-268 in such proportion as determined by the board of supervisors.

E. For the purposes of sections 12-267 and 12-268, in a county with a population of two million or more persons, probation fees under section 13-901 and probation surcharges under this section are not state appropriations.

F. Notwithstanding any other provision of this section, the administrative office of the courts shall provide centralized support services to all counties from monies that are provided for probation programs.

13-919. Waiver of standards

The requirements of section 13-916, subsection A, subsection B and subsection F, paragraph 2 may be waived for a county ~~with a population of fewer than three hundred thousand persons~~ if the case load of ~~every~~ adult probation ~~officer~~ **OFFICERS** supervising persons on intensive probation is not more than fifteen persons and the program requires visual contact with each probationer at least one time a week.

AJC Proposal 2011-07. Commissioner qualifications

A.R.S. § 12-213. Commissioners in certain counties; appointment; powers and duties; salary

A. In counties having three or more superior court judges, the presiding judge may appoint court commissioners to serve at his pleasure who shall have such powers and duties as shall be provided by statute or by rule of the supreme court, save and except such commissioners are expressly prohibited, except in default hearings, from making any ex parte orders which would deprive any person or persons from custody of their child or children, or change of counsel of attorneys, or deprive any person of their liberty, or deprive any person or entity from their property or the use thereof, or any injunctive relief.

B. Commissioners appointed under subsection A shall receive an annual salary set by the presiding judge which may not exceed ninety per cent of the salary of a judge of the superior court. The commissioner's salary shall be a county charge. An appointed commissioner shall be ~~a duly licensed member of the state bar of Arizona, and shall have engaged in active general practice of the law for a period of not less than three years next preceding his appointment~~ **ADMITTED TO THE PRACTICE OF LAW AND A RESIDENT OF THE STATE FOR FIVE YEARS NEXT PRECEDING THE COMMISSIONER'S APPOINTMENT.**

Pima County Attorney's Office proposed legislation

Item 1:

DIGITAL/ELECTRONIC THREATENING/STALKING

Amend ARS 13-2916: Use of Telephone to terrify, intimidate, threaten . . .

A. It is unlawful for any person, with intent to terrify, intimidate, threaten, harass, annoy or offend, to use a telephone **ANY ELECTRONIC OR DIGITAL DEVICE** and use any obscene, lewd or profane language or suggest any lewd or lascivious act, or threaten to inflict physical harm to the person or property of any person. It is also unlawful to otherwise disturb by repeated anonymous telephone calls **ELECTRONIC OR DIGITAL COMMUNICATIONS** the peace, quiet or right or privacy of any person at the place where the telephone call or calls **COMMUNICATIONS** were received.

B. Any offense committed by use of a telephone **AN ELECTRONIC OR DIGITAL DEVICE** as set forth in this section is deemed to have been committed at either the place where the telephone call or calls **COMMUNICATIONS** originated or at the place where the telephone call or calls **COMMUNICATIONS** were received

C. Any person who violates this section is guilty of a class 1 misdemeanor.

D. ELECTRONIC OR DIGITAL DEVICE INCLUDES ANY WIRED OR WIRELESS COMMUNICATION DEVICE AND MULTI-MEDIA STORAGE DEVICE.

Amend ARS 13-2923

C.

1. "Course of Conduct" means maintaining visual or physical proximity to a specific person; directing verbal, written or other threats , whether express or implied, to a specific person on two or more occasions over a period of time however short; **OR USING ANY ELECTRONIC, DIGITAL, OR GPS DEVICE TO SURVEIL THE PERSON OR THE PERSON'S INTERNET OR WIRELESS ACTIVITY.**

Item 2:

PROPOSED CUSTODIAL INTERFERENCE LEGISLATION

Amend ARS 13-1302 D.

1. A class 3 felony if committed by a person other than the parent . . .
2. Notwithstanding paragraph 3 . . . kept from lawful custody out of this state by the parent . . .
3. A class 6 felony if committed by a parent or agent . . .
4. A class 1 misdemeanor if the child is . . . voluntarily returned without physical injury **BY THE PARENT OR DEFENDANT** prior to arrest or the issuance of an arrest warrant.

Item 3:

PROPOSED LEGISLATION FOR DRIVING ON SUSPENDED LICENSES

Amend ARS 28-675 B: Causing death by use of a vehicle; classification

For the purposes of this section, a person shall not operate a motor vehicle if any of the following applies:

1. The person's driving is privileged is revoked for any reason.
2. The person's driving privilege is suspended for any reason pursuant to chapter 4, article 3 of this title.
3. The person's **HAS NO DRIVER'S LICENSE** driving privilege is suspended pursuant to § 28-1321.
4. The persons' driving privilege is suspended pursuant to the department's action based on a previous conviction for a violation of § 28-3473.
5. The person's driving privilege is suspended pursuant to § 28-3306, subsection A. paragraph 3.

3. The person does one of the following to obtain a driver license:

- (a) Knowingly uses a false or fictitious name.
- (b) Knowingly makes a false statement.
- (c) Knowingly conceals a material fact.
- (d) Commits fraud
- (e) Violates § 28-3479....

Amend ARS 28-676 B: Causing serious injury by use of a vehicle; classification

For the purposes of this section, a person shall not operate a motor vehicle if any of the following applies:

1. The person's driving is privileged is revoked for any reason.
2. The person's driving privilege is suspended for any reason pursuant to chapter 4, article 3 of this title.
3. The person's **HAS NO DRIVER'S LICENSE** driving privilege is suspended pursuant to § 28-1321.
4. The persons' driving privilege is suspended pursuant to the department's action based on a previous conviction for a violation of § 28-3473.
5. The person's driving privilege is suspended pursuant to § 28-3306, subsection A. paragraph 3.

3. The person does one of the following to obtain a driver license:

- (a) Knowingly uses a false or fictitious name.
- (b) Knowingly makes a false statement.
- (c) Knowingly conceals a material fact.
- (d) Commits fraud
- (e) Violates § 28-3479....

Item 4:

PROPOSED LEGISLATION FOR FUNDING OF FORENSIC INTERVIEWS

Add:

ARS 13-824 FINES FOR DANGEROUS CRIMES AGAINST CHILDREN AND SEXUAL ASSAULT OFFENDERS

A. IN ADDITION TO ANY OTHER FINE OR RESTITUTION, IF A PERSON IS CONVICTED OF, OR ADJUDICATED DELINQUENT FOR, A VIOLATION OF AN OFFENSE LISTED IN 13-705 OR A SEXUAL ASSAULT OFFENSE THE COURT SHALL ORDER THE PERSON TO PAY AN ADDITIONAL FINE OF \$500.00. THE COURT SHALL NOT WAIVE THIS FINE. IT IS NOT SUBJECT TO ANY SURCHARGE.

B. THE COURT SHALL TRANSMIT THE MONIES COLLECTED PURSUANT TO THIS SECTION TO THE COUNTY TREASURER FOR THE PURPOSE OF DEFRAYING THE COSTS INCURRED BY THE COUNTY PURSUANT TO 13-1414.

Amend:

ARS 13-1414 EXPENSES OF INVESTIGATION

Any medical **OR FORENSIC INTERVIEW** expenses arising out of the need to secure evidence that a person has been the victim of a dangerous crime against children as defined in 13-705 or a sexual assault shall be paid by the county in which the offense has occurred.

Item 5:

PROPOSED SEXUALLY VIOLENT PERSONS LEGISLATION

Amend ARS § 36-3705 Judicial determination of sexually violent person

A. On the filing of a petition pursuant to § 36-3704, the judge shall determine if probable exists to believe that the person named in the petition is a sexually violent person....

G. If at the hearing the Court reaffirms that probable cause exists to believe that the person is a sexually violent person, the judge shall order an evaluation as to whether the person is a sexually violent person. A person whom the court selects from a list of competent professionals shall conduct the evaluation. The county shall pay the costs of the evaluation.

H. IF THE RESPONDENT HAS NOT REQUESTED A PROBABLE CAUSE HEARING WITHIN TEN DAYS OF SERVICE OF THE PETITION THE COURT SHALL ORDER AN EVALUATION AS TO WHETHER THE RESPONDENT IS A SEXUALLY VIOLENT PERSON. A PERSON WHOM THE COURT SELECTS FROM A LIST OF COMPETENT PROFESSIONALS SHALL CONDUCT THE EVALUATION.

I. THE COUNTY SHALL PAY THE COSTS OF THE EVALUATION CONDUCTED PURSUANT TO PARAGRAPHS G AND H.

H. J. The referring agency shall make available to the department of health services all records concerning the person detained pursuant to this section.

Item 6:

PROPOSED VICTIM NOTIFICATION LEGISLATION

Amend ARS 13-4406 -- Notice of initial appearance

On becoming aware of the date, time and place of the initial appearance of the accused, the law enforcement agency shall inform the victim of such information unless the accused appeared in response to a summons **OR WRIT OF HABEAS CORPUS**. In that case, the prosecutor's office shall, on receiving such information, provide notice to the victim.

Amend ARS 13-4412 – Notice of release or escape

A. The sheriff or municipal jailer shall, on request, notify the victim **AND THE PROSECUTOR'S OFFICE** of the release of the accused.

B. The custodial agency shall immediately give notice to a victim and the prosecutor's office of an escape by, and again upon the subsequent rearrest of, an incarcerated person who is accused or convicted of committing a criminal offense against the victim. The custodial agency shall give notice by any reasonable means.

Tucson Police Department

Proposal:

Tucson Police Department wants to propose legislation that would include vehicles used to flee from law enforcement in the mandatory towing statutes.

Issue:

Several years ago, the Arizona Legislature enacted a series of statutes, 28-3511, et seq., to penalize irresponsible drivers operating motor vehicles without insurance, without proper driving privileges, or in violation of certain DUI laws. Law enforcement officers are required to remove and impound vehicles operated in violation of 28-3511.

How the legislation addresses the problem:

Adding additional violations to 28-3511 related to crimes committed using a motor vehicle would further enhance public safety and provide a consequence for operating a vehicle for a criminal purpose. Removal and impoundment of vehicles used to flee from a law enforcement officer is a prime example, although there are many other circumstances in which a driver uses a vehicle to further a criminal act and thus endangers the public. Public safety would be furthered by establishing an additional penalty through temporary impoundment of a vehicle used as an instrument in a crime.