

**NOTICE OF PUBLIC MEETING  
OF THE  
DRUG, GANG AND VIOLENT CRIME COMMITTEE  
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 **Drug, Gang and Violent Crime Committee** of the Arizona Criminal Justice Commission and to the general public that the **Drug, Gang and Violent Crime Committee** will hold a meeting open to the public on **Thursday, January 23, 2014** beginning at **11:00 a.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.

Agenda for the meeting is as follows:

- I. Call to Order and Roll Call** **Chairperson Bill Montgomery**  
*Drug, Gang and Violent Crime Committee Members:*  
Bill Montgomery, Chairperson  
Joseph Arpaio  
Tim Dorn  
Clarence Dupnik  
Tom Horne  
Sheila Polk  
Charles Ryan  
Steven Sheldon
- II. Minutes of the December 9, 2013 Meeting** **P-F-T**
- Approval of Minutes **P-F-T**
- III. FY 2015 Match Requirement for Drug, Gang and Violent Crime Control Grant** **Tony Vidale**
- Review, discussion, consideration and possible action on setting a match requirement for the FY 2015 Drug, Gang and Violent Crime Control Grant. **P-F-T**

**IV. Program Income Policy - Drug, Gang and Violent Crime Control Funding** **Tony Vidale**

- Review, discussion, consideration and possible action on changing program income policy for Drug, Gang and Violent Crime Control funding. **P-F-T**

**V. Fine Structure – Drug, Gang and Violent Crime Control Funding** **Tony Vidale**

- Review, discussion, consideration and possible action on changing the fine structure for Drug, Gang and Violent Crime Control funding. **P-F-T**

**VI. Call to the Public**

Those wishing to address the Committee 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.

**VII. Date, Time, and Location of Next Meeting**

- The next Drug, Gang and Violent Crime Committee meeting will be held on **Thursday, March 20, 2014** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**VIII. Adjournment**

A copy of the agenda background material provided to Committee 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.



**DRUG, GANG AND VIOLENT CRIME COMMITTEE  
OF THE  
ARIZONA CRIMINAL JUSTICE COMMISSION**

**Request for Committee Action**

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
January 23, 2014	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the December 9, 2013 Meeting

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**TO:** Chairperson and Committee Members

**FROM:** Tony Vidale, Program Manager  
Drug, Gang and Violent Crime Control

**RECOMMENDATION:**

The Committee approve the minutes of the Drug, Gang and Violent Crime Committee Meeting held on December 9, 2013.

**DISCUSSION:**

N/A

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

Not Approve - Modify - Table

**Drug, Gang and Violent Crime Committee  
Minutes  
December 9, 2013**

A public meeting of the Drug, Gang and Violent Crime Committee of the Arizona Criminal Justice Commission was convened on December 9, 2013 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

**Members Present:**

Bill Montgomery, Maricopa County Attorney  
Timothy Dorn, Chief, Gilbert Police Department  
Clarence Dupnik, Pima County Sheriff, Paul Wilson representing  
Tom Horne, Attorney General, Paula Alleman representing  
Sheila Polk, Yavapai County Attorney  
Charles Ryan, Director, Department of Corrections  
Steven Sheldon, Former Judge

**Members Absent:**

Joseph Arpaio, Maricopa County Sheriff

**Staff Participating:**

Tony Vidale, Program Manager  
Wendy Boyle, Executive Secretary

**I. Call to Order and Roll Call**

The meeting was called to order by Chairperson Bill Montgomery at 1:30 p.m. Roll was taken and a quorum was declared present.

**II. Minutes of the May 23, 2013 Meeting**

Chairperson Montgomery called for a motion on the minutes. Commissioner Sheila Polk entered a motion to approve the minutes of the May 23, 2013 meeting. The motion was seconded by Commissioner Charles Ryan and was unanimously approved by the Committee.

**III. Drug, Gang and Violent Crime Control Grant Funding Reductions**

Tony Vidale, Program Manager presented information to the Committee about the current funding status for the Drug, Gang and Violent Crime Control Grant Program (DGVCC) and identified options that could be used to assist in addressing program reductions.

Mr. Vidale began by addressing the FY15 projected budget of approximately \$7.5 million in grant funds that represents a reduction of \$832,000 from the FY14 budget. Mr. Vidale outlined several options for consideration in establishing funding for FY15: the need to implement a 20 or 25 percent match; cut out entire projects or reduce funding. The average cost of a position in FY14 is \$78,258 (salary and ERE), if personnel costs remain the same, the program could face a reduction of between 6 and 13 full time equivalent (FTE) positions depending on match. Mr. Vidale emphasized this is the fourth consecutive year of reductions. The current funding sources for the DGVCC program are the Drug Enforcement Account (DEA) made up of fines from drug convictions in the state, the Byrne/Justice Assistance Grant (Byrne/JAG) a federal formula grant that is driven by UCR and population data, and match funds through local contributions from various sources. A chart was shown illustrating the program revenue trends from all three sources from FY01 through FY14. Mr. Vidale broke down each of the funding sources and the issues associated with the funding source.

The Drug Enforcement Account funds have experienced a revenue decline for six consecutive years with a projected decline in year seven during FY14. Revenue is derived from fines on drug convictions. Factors that may contribute to the decline in revenue from this source include fewer officers engaged in drug enforcement efforts statewide resulting in fewer arrests related to drug offenses that lead to a steady decline in overall fine collections. Other variables that may have contributed are the economic decline, offender's ability to pay, and judicial discretion. The Statistical Analysis Center is researching agency revenue sources to help staff better understand the trends and develop a strategy to effectively manage program resources.

There are many factors associated with the decline in Byrne/JAG grant funding. Mr. Vidale referred the Committee to charts outlining the effects of funding levels over time for grant awards and FTE positions as well as FTE's by purpose area from FY97 through FY13. Other factors that affect future Byrne/JAG funding include: 1) continued pressure on federal spending; 2) the state of the national deficit; 3) competition with other criminal justice expenditures at the federal level; 4) lower UCR numbers on violent crime data and population could impact allocation; 6) requirement of evidence-based and data-driven projects; and the 7) use of penalties to force implementation of federal policies.

A comparison was shown of the drug program from FY11 to FY13 that revealed a decline in arrests, weapon seizures, disruptions and dismantling of drug trafficking organizations, warrants served, cocaine and heroin removals, new investigations, prosecution cases referred and concluded, and forfeiture cases referred and closed. Specifically, the number of sworn officers in Arizona has been steadily declining as well as the drug arrests statewide; however, drug related visits to the emergency room, substance abuse treatment, and select substance involvement in drug poisoning deaths have increased.

Mr. Vidale discussed possible options suggested by the Drug, Gang and Violent Crime Control funding workgroup. This workgroup was comprised of criminal justice partners in finance positions and task force officers; the group addressed the scope of the problem and the direction of funding. They developed the following alternatives: use only available funding that would require program reductions; increase the match to 25 percent; change the program income policy; and add a new funding source with long term stability; have less reliance on the federal grants; increase the DEA fine; review the assessment in statute to increase surcharges to the drug program, and share in Racketeer Influenced & Corrupt Organizations (RICO) money. Additional suggestions include the consideration of other federal grants; however, the disadvantage is federal funds are linked to the federal budget, the availability of grants are unknown and unstable. The final consideration is to leverage other sources such as the High Intensity Drug Trafficking Area (HIDTA) and Southwest Border funding.

Mr. Vidale identified other program funding options such as increasing the match to 25 percent, fund only certain positions, cap the employee related expense (ERE) rate and salaries, fund only Tier 1 projects, or restrict funding reductions to Tier 2 programs only. Mr. Vidale also discussed program income generated by the funded projects. A chart depicting program income from FY11 through FY13 was shown for a comparison of grant awards, program income and cash forfeitures. The three approved options for use of program income relative to federal grants include supplementing the project, reducing grant projects costs, or reverting funds back to the federal government. Per federal guidelines, program income can be spent on anything that is authorized under the Byrne/JAG legislation. ACJC's current policy on the use of program income is to supplement activities authorized under the Byrne/JAG legislation.

Next, Mr. Vidale explained how program income is calculated using a formula factoring in FTE's working on the project and the percentage the federal grant that supports the project. Changes to the program income policy include requiring the program income be reinvested in the funded project, a program income formula change, or reverting program income back to ACJC for disbursement in a later grant year. The Committee also reviewed a chart highlighting forfeiture revenue and ending cash balances from FY01 through FY13.

In summary, Mr. Vidale identified the five key areas of the drug program funding issue: 1) consideration of increasing the match to 25 percent, 2) program income, addressing how program income is spent, 3) decline in DEA arrests and convictions, 4) assessments and surcharges, looking at large RICO balances and the willingness to share RICO proceeds among agencies, 5) seeking legislative support, assigning appropriate surcharges to match the seriousness of the drug offense.

The Committee addressed the revenue options. Discussion was made on how frequently the fees are waived and to see if the courts have available data on the assessment of the fines, fees and surcharges being put aside in drug cases, and to add the preparatory and conspiracy offenses. Another challenge was how the fines overall are inconsistent. Examples of the fine structure for some offenses include \$750 for marijuana, \$2,000 for narcotic drugs and \$1,000 for dangerous drugs. The sentencing fees for methamphetamine is twice that of cocaine; however, the prison sentence for methamphetamine is longer than that of cocaine. Increasing the fine for methamphetamine to \$2,000 and including the preparatory offenses in the mandatory fines would be easy to implement and make it more consistent with sentencing. Currently, the sentencing statutes differ between dangerous drugs and narcotic drugs and are not parallel. Another option would be to instruct prosecutors in preparatory offense pleadings as a stipulation of a plea agreement, to pay a fine as it relates to the value of the drug.

The Committee considered the possibility of a 25 percent match and a sliding scale for program income funds where income up to a certain percentage above the initial match would require program income to go to reduce project costs. The Committee referred to the prioritizing and avoiding the duplication of efforts in revenues and expenditures as another option. The topic came up of coordinating with HIDTA to see where in the state there is a HIDTA task force and a DEA funded task force operating in the same locality. Every county where there is a HIDTA task force with the exception of La Paz has a drug grant that goes to overtime and major equipment purchases where the Byrne/JAG grant funds personnel and prosecution efforts.

Chairperson Montgomery asked staff to show where the coordinating fund expenditures are occurring and where the independent task forces are operating. The outcome from that could be to draft a letter to each member of the Arizona congressional delegation to show what the impact is and how the continuing reduction of the Byrne/JAG money is having a negative impact on the ability to utilize the HIDTA funds to the maximum impact. The inconsistencies of the task force mission were also discussed.

Mr. Vidale raised the issue about capping ERE and salary costs so staff could calculate the impact on current projects. Chairperson Montgomery asked staff to examine the impact to grant funded projects if contributions were kept at 90 percent of the ERE and salary.

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

**IV. Drug and Gang Enforcement Account Rules**

Mr. Vidale explained every five years, ACJC is required to submit a report to the Governor's Regulatory Review Council (GRRC) on the review of the Drug and Gang Enforcement Account rules and to assess the effectiveness, consistency and enforcement of the rules. ACJC contracted with a rule writer to help with the process. The five year review report is due to GRRC on December 23, 2013.

Mr. Vidale described the review process, how certain questions were asked to see if there was compliance with the rules or the need to go through the rule revision process. ACJC had no issues and sought no rule changes. GRRC will review the document in December and make a determination in January 2014 on whether or not to approve the report.

Chairperson Montgomery addressed the matching fund increase as one of the items that may require a change in the rules. Mr. Vidale indicated there are options the Committee could consider that would have the same effect of a match increase without having to change the program rules.

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

**V. Call to the Public**

Chairperson Montgomery made a call to the public. No members of the audience addressed the Committee.

**VI. Date, Time, and Location of Next Meeting**

The next Drug, Gang and Violent Crime Committee meeting will be held on **Thursday, January 23, 2014** at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

**VII. Adjournment**

The meeting was adjourned at 2:51 p.m.

Respectfully submitted,



John A. Blackburn, Jr.  
Executive Director

Audio recording available upon request.



**DRUG, GANG AND VIOLENT CRIME COMMITTEE  
OF THE  
ARIZONA CRIMINAL JUSTICE COMMISSION**

**Request for Committee Action**

<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
January 23, 2014	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	FY 2015 Match Requirement for Drug, Gang and Violent Crime Control Grant

**TO:** Chairperson and Committee Members

**FROM:** Tony Vidale, Program Manager  
Drug, Gang and Violent Crime Control

**RECOMMENDATION:**

The Drug, Gang and Violent Crime Committee recommend to the Commission a 25 percent match requirement for the FY 2015 grant year.

**DISCUSSION:**

Per program rule, the Commission cannot require a match that exceeds 25 percent of the total project budget. In FY 2014, the Commission approved a match requirement of 20 percent. Due to declining grant resources, staff is recommending a match set at 25 percent.

See attached for additional information.

**FISCAL IMPACT:**

Significant to recipient agencies

**ALTERNATIVES:**

Not Approve - Modify - Table

### **Program Background**

The Drug, Gang, and Violent Crime Control Program (DC) allows state, county, local and tribal governments to support activities that combat drugs, gangs, and violent crime. The DC program provides funding to support the components of a statewide, system-wide enhanced drug, gang, and violent crime control program as stated in the *2012-2015 Arizona Drug, Gang, and Violent Crime Control Strategy*.

Several funding streams support the program to carry out the statewide strategy successfully. The Edward Byrne Memorial Justice Assistance Grant (Byrne/JAG) funds awarded to Arizona by the U.S. Department of Justice, Bureau of Justice Assistance (DOJ/BJA) continue to support program activities along with state Drug and Gang Enforcement Account (DEA) funds established under A.R.S. § 41-2402, and matching funds when approved by the Commission.

### **Issue**

Due to declining grant resources from the federal Byrne/JAG grant, staff is recommending a match requirement of 25 percent for the FY 2015 grant year. With a 25 percent match, the total program size for the FY 2015 grant program would be \$9,908,106, consisting of \$7,456,284 in grant funds and \$2,451,822 in match funds. This program size represents a 10 percent reduction from the FY 2014 grant program. Per program rule, the Commission cannot require a match that exceeds 25 percent of the total project budget. In FY 2014, the Commission approved a match requirement of 20 percent.

### **Issue Background**

A match is essentially a cost sharing between the ACJC and the funded project. An agency provides funding equal to a set percentage based on the amount of grant funds allocated. The entire project size is comprised of the grant funds and match funds. With the Drug Program grant, agencies must provide a cash match (also called a 'hard' match) because this is a reimbursement grant. Agencies submit the project's total cost for the month and ACJC reimburses the remaining portion after deducting the match amount.

A match may serve many purposes for the overall program. Aside from the previously mentioned cost sharing, these resources help maintain a level of effort dedicated to addressing the drug problem in their communities. Grant recipients would have a stake in knowing they are helping themselves by contributing resources to combat drug-related crime. In addition, some agencies may use the match requirement to secure or protect a funding set-aside for the project from the county or city appropriation authority.

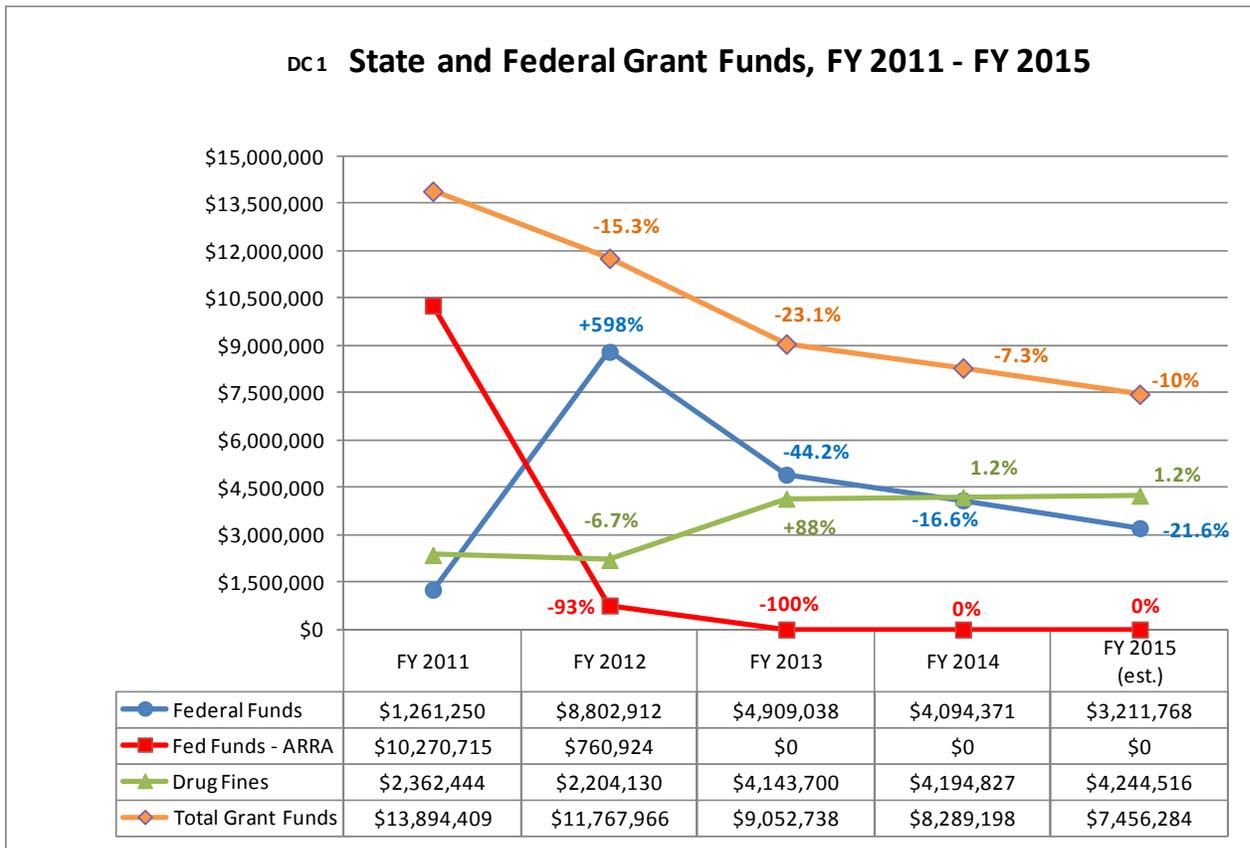
A match can also be problematic for some agencies. Because agencies would be required to come up with a "hard" cash match, they could not utilize non-grant funded project expenses or other in-kind expenditures toward meeting the match. Some agencies may only have the ACJC grant funds and RICO funds earned from seized assets and forfeitures to support the entire project. Others may not be able to secure funding support for projects from their appropriators. In these instances, these agencies may not have any discretionary funds to cover a match requirement and face refusing grant awards or dealing with project reductions.

Unlike other federal grants, DOJ does not mandate a match for the Byrne/JAG program so the Commission is not obligated to require grantees provide match funds. The Commission set the match requirement at zero for FY 2010 through FY 2012 in response to the fiscal crisis most agencies faced which provided the flexibility to use agency funds

on the project or in other areas experiencing cuts. The match was set at 20 percent in FY 2013 and FY 2014 to support projects and partially address declining revenues in grant resources.

**Grant Funding**

In FY 2014, the grant funds available for the program totaled just over \$8 million. Agencies provided about \$2 million in funds under a 20 percent match requirement. In FY 2015, staff is estimating grant funds available for the program at \$7.4 million, representing a reduction of about \$832,914. This reduction is due to a drop in Byrne/JAG grant funds. This estimate also assumes that available DEA funding at a minimum, will slightly increase from the previous fiscal year. *Graph DC 1* shows the level of federal and state funding for FY 2011 through FY 2015 (estimated), broken out by grant fund source, and the year-to-year percentage change.



**Match Options**

Staff is recommending a 25 percent match. It is important to note that under any match scenario, there will be some agencies awarded less grant funding than in FY 2015, due to the drop in Byrne/JAG funding. *Table DC 2* compares match options for FY 2015, showing the estimated match amount for the program and the program totals for a zero match, a 20 percent, and a 25 percent match. Also, included in the table are the approved amounts for the FY 2014 grant year.

## Match Allocation Options for FY 2015 DGVCC Grant

Fund Source	FY 2014 Approved	FY 2015 No Match	FY 2015 20% Match	FY 2015 25% Match
<i>Federal Funds</i>	\$4,094,371	\$3,211,768	\$3,211,768	\$3,211,768
<i>State Funds</i>	\$4,194,827	\$4,244,516	\$4,244,516	\$4,244,516
<i>Local Match*</i>	\$2,047,094	\$0	\$1,838,867	\$2,451,822
<b><i>Program Totals</i></b>	<b>\$10,336,292</b>	<b>\$7,456,284</b>	<b>\$9,295,151</b>	<b>\$9,908,106</b>

*\*Match amount calculation excludes AG Medicaid Fraud project. This project uses state grant funds to match a federal grant.*

- A zero match: Projects would be awarded the \$7.5 million in funds available and grantees would not be obligated to commit any additional funds to the project. Overall, the total program size would be reduced by 28 percent. Assuming the same pool of grantees, most would see a reduction in grant funds. However, it is unknown what decisions agencies would make with the monies previously dedicated as match funding. The appropriation authority or agency could continue using these monies on the project or divert them elsewhere to other projects or expenditures.
- Institute a 20 percent match: Programs provide a 20 percent match that would equate to about \$1.8 million and set the program size at \$9.3 million. Overall, the total program size would be reduced by 10 percent. The 20 percent match represents the same percentage grantees were required to produce for the FY 2014 grant. The total match amount in dollars; however, would drop from FY 2014 by \$208,227 due to a lower level of grant funding applied to the match percentage. Assuming the same pool of grantees, most would see a drop in grant funds and a corresponding drop in the match amount from FY 2013.
- Institute a 25 percent match: Programs provide a 25 percent match that would equate to about \$2.5 million and set the program size at \$9.9 million. Overall, the total program size would be reduced by 4 percent. This represents the maximum match percentage the Commission may require under program rule. The total match amount in dollars would increase by \$404,728. Assuming the same pool of grantees, most would see a drop in grant funds and an increase in the match amount from FY 2014.

# IV

## DRUG, GANG AND VIOLENT CRIME COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

### Request for Committee Action

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
January 23, 2014	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Program Income Policy - Drug, Gang and Violent Crime Control Funding

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**TO:** Chairperson and Committee Members

**FROM:** Tony Vidale, Program Manager  
Drug, Gang and Violent Crime Control

#### **RECOMMENDATION:**

Staff is recommending a change to the program income policy to require grantees to reinvest program income earned during the grant year on the funded grant project.

#### **DISCUSSION:**

The current program income policy allows grantees to utilize program income for any purpose that furthers the broad objectives of the legislation under which it was made. Staff is seeking a change that would require program income be reinvested in the funded grant project. The current program income policy was approved by the Commission in 2005.

See attached for additional information.

#### **FISCAL IMPACT:**

Significant to recipient agencies

#### **ALTERNATIVES:**

Not Approve - Modify - Table

## **Program Income**

Program income is defined as any income received or earned by the grantee as a result of grant-supported activity. Examples of program income include revenue from asset seizures and forfeitures, interest earned on federal grant funds, or proceeds from the sale of property or equipment purchased with grant funds. Fines resulting from law enforcement activities are not considered program income. Program income is calculated based on a formula that factors in the percentage of federal dollars provided to the funded project. Grantees report to ACJC program income earned and expended in monthly financial reports.

The federal government allows for three options in dealing with program income. A grantee earning program income can return the funds to the federal government, use program income to reduce project costs, or supplement the project.

### Current Policy

Program income is expended under the "Addition Method" with the Drug, Gang, and Violent Crime Control Program. This method, approved by the Commission in 2005, requires grantees to supplement the grant and allows program income to be used "for any purpose that further the broad objectives of the legislation under which the award was made." This means grantees can expend program income on any type of expenditure that the federal Byrne/JAG grant program allows.

Byrne/JAG currently allows grant expenditures on state and local initiative, technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems. These expenditures are not approved by the ACJC and may be outside of activities directly related to the funded projects.

### Proposed Policy

Staff is recommending that the "Addition Method" remain as the preferred option but that program income earned be reinvested on activities directly related to the funded projects.

Many grantees already reinvest program income on the funded project by covering match costs or expenditures not covered by the grant. However, in instances where this is not the case, the policy change will ensure all possible available resources are expended on the project to further the goals outlined in the Statewide Strategy. A review of FY 2013 program income found that 18 grantees earned program income. Of these, five agencies earned program income above the match amount. However, it is unknown what types of criminal justice expenditures were made with program income funds as agencies are not required to report that level of detail.

V

**DRUG, GANG AND VIOLENT CRIME COMMITTEE  
OF THE  
ARIZONA CRIMINAL JUSTICE COMMISSION**

**Request for Committee Action**

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
January 23, 2014	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Fine Structure - Drug, Gang and Violent Crime Control Funding

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**TO:** Chairperson and Committee Members

**FROM:** Tony Vidale, Program Manager  
Drug, Gang and Violent Crime Control

**RECOMMENDATION:**

Staff is recommending changes to Arizona Revised Statutes that would make application of drug fines more consistent with sentencing.

**DISCUSSION:**

Staff is seeking to simplify the fine structure in statute for drug crime convictions to make the level of the fine more consistent with sentencing by implementing a fine schedule based on the class of offense.

See attached for additional information.

**FISCAL IMPACT:**

Significant to recipient agencies

**ALTERNATIVES:**

Not Approve - Modify - Table

### **Fine Structure in Statute**

At the November meeting, the Drug Control Committee discussed the decline in resources available to the Drug, Gang, and Violent Crime Control program. One option discussed was increasing fines for drug crimes or implementing an assessment for drug convictions. The Committee focused discussion on two specific issues related to drug fines in statute:

1. Not all violations in Title 13, Chapter 34 or associated preparatory offenses have mandatory fines.
2. The fine schedule in statute is not consistent with sentencing (e.g. same class offense involving different drugs may have the same sentence but different fine amounts.)

Staff was directed to explore any improvements to the current fine structure for drug crime convictions. As a result, staff is recommending two main changes to drug crime statutes in Title 13, Chapter 34:

1. Include statutes that do not have a mandatory fine (e.g. paraphernalia) and preparatory offenses.
2. Make fine schedule more consistent with sentencing by basing the fine on the class offense rather than the type of drug involved.

Staff is recommending changes in Title 13, Chapter 34 that would establish the mandatory fine schedule displayed in table DC 1 based on the class offense and include preparatory offenses. The schedule would maintain the option that allows convictions for marijuana, dangerous drugs, narcotic drugs, offenses involving or using minors, or offenses in drug-free school zones to be fined at three times the value of the drug. Staff would also recommend language in statute that the court shall not waive the fine or assessment or any surcharge imposed by A.R.S. § 12-116.01 or § 12-116.02.

<b>DC1 Fine Schedule Based on Class Offense</b>	
<b>Class of Offense</b>	<b>Fine Amount</b>
Class 3 misdemeanor	Not less than \$500
Class 2 misdemeanor	Not less than \$750
Class 1 misdemeanor	Not less than \$1,000
Class 6 felony	Not less than \$1,000
Class 5 felony	Not less than \$1,500
Class 4 felony	Not less than \$2,000
Class 3 felony	Not less than \$2,500
Class 2 felony	Not less than \$3,000

Staff did not consider adding an assessment to drug offenses because A.R.S. § 13-811 directs all fines collected in any court for offenses included in chapter 34 to be deposited into the DEA account. If there is a desire to increase funding to the DEA account, the best solution would be to increase the fine amounts in chapter 34.