

## Judiciary - Superior Court

	FY 2022 ACTUAL	FY 2023 ESTIMATE	FY 2024 APPROVED
<b>OPERATING BUDGET</b>			
<i>Full Time Equivalent Positions</i>	238.5	238.5	240.5 <sup>1/2/</sup>
Personal Services	2,544,700	2,723,000	2,723,000
Employee Related Expenditures	832,600	895,200	999,800
Professional and Outside Services	52,400	73,700	73,700
Travel - In State	21,200	18,800	18,800
Travel - Out of State	6,700	10,600	10,600
Other Operating Expenditures	1,378,600	1,617,300	1,783,700
<b>OPERATING SUBTOTAL</b>	<b>4,836,200</b>	<b>5,338,600</b>	<b>5,609,600 <sup>3/</sup></b>
<b>SPECIAL LINE ITEMS</b>			
<b>Judges Compensation</b>			
Judges Compensation	23,430,400	25,641,800	28,777,900 <sup>4/</sup>
<b>Administrative Costs</b>			
Centralized Service Payments	3,699,200	4,631,300	4,696,900 <sup>5/</sup>
Probation Officer Vehicles	0	0	0
<b>Probation Programs</b>			
Adult Standard Probation	21,413,100	22,297,500	22,297,500 <sup>6/</sup>
Adult Intensive Probation	11,792,600	13,150,200	13,150,200 <sup>6/</sup>
Community Punishment	1,096,300	2,310,300	2,310,300 <sup>6/</sup>
Interstate Compact	503,300	513,700	513,700 <sup>6/</sup>
Drug Court	1,080,000	1,096,400	1,096,400
Juvenile Standard Probation	3,555,600	3,781,800	3,781,800 <sup>6/</sup>
Juvenile Intensive Probation	5,969,300	6,087,200	6,087,200 <sup>6/</sup>
Juvenile Treatment Services	20,697,900	20,803,000	20,803,000 <sup>6/7/</sup>
Juvenile Family Counseling	500,000	500,000	500,000
Juvenile Diversion Consequences	8,918,600	9,088,500	9,088,500 <sup>6/7/</sup>
Juvenile Crime Reduction	644,800	3,313,100	3,313,700 <sup>6/</sup>
Probation Incentive Payments	1,000,000	1,000,000	1,000,000 <sup>6/</sup>
Probation Salary Increase Backfill	0	0	6,749,200 <sup>8/</sup>
<b>Other Programs</b>			
Special Water Master	497,100	505,300	511,100
General Adjudication Personnel and Support Fund Deposit	1,618,400	2,000,000	2,000,000
Court-Ordered Removals	315,000	315,000	315,000
<b>AGENCY TOTAL</b>	<b>111,567,800</b>	<b>122,373,700</b>	<b>132,602,000 <sup>9/-12/</sup></b>
<b>FUND SOURCES</b>			
General Fund	105,627,300	110,359,700	120,586,300
<u>Other Appropriated Funds</u>			
Criminal Justice Enhancement Fund	1,479,800	5,494,400	5,496,100
Drug Treatment and Education Fund	500,200	504,200	504,200
Judicial Collection Enhancement Fund	3,960,500	6,015,400	6,015,400
SUBTOTAL - Other Appropriated Funds	5,940,500	12,014,000	12,015,700
<b>SUBTOTAL - Appropriated Funds</b>	<b>111,567,800</b>	<b>122,373,700</b>	<b>132,602,000</b>
Other Non-Appropriated Funds	4,456,200	4,474,900	4,474,900
Federal Funds	667,800	1,002,300	1,002,300
<b>TOTAL - ALL SOURCES</b>	<b>116,691,800</b>	<b>127,850,900</b>	<b>138,079,200</b>

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**AGENCY DESCRIPTION** — The Superior Court, which has a division in every county, is the state’s only general jurisdiction court. Superior Court judges hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances. In addition, the responsibility for supervising adults and juveniles who have been placed on probation resides in the Superior Court.

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**FOOTNOTES**

- 1/ Of the 240.5 FTE positions, 182 FTE positions represent superior court judges. This FTE position clarification does not limit the counties' ability to add judges pursuant to section 12-121, Arizona Revised Statutes. (General Appropriation Act footnote)
- 2/ Includes 185 GF FTE Positions funded from Special Line Items in FY 2024.
- 3/ All expenditures made by the administrative office of the courts to administer superior court line items shall be funded only from the superior court operating budget. Monies in superior court line items intended for this purpose shall be transferred to the superior court operating budget before expenditure. (General Appropriation Act footnote)
- 4/ All monies in the judges' compensation line item shall be used to pay for fifty percent of superior court judges' salaries, elected officials' retirement plan costs and related state benefit costs for judges pursuant to section 12-128, Arizona Revised Statutes. Monies in the operating lump sum appropriation or other line items intended for this purpose shall be transferred to the judges' compensation line item before expenditure. (General Appropriation Act footnote)
- 5/ All centralized service payments made by the administrative office of the courts on behalf of counties shall be funded only from the centralized service payments line item. Centralized service payments include only training, motor vehicle payments, CORP review board funding, LEARN funding, research, operational reviews and GPS vendor payments. This footnote does not apply to treatment or counseling services payments made from the juvenile treatment services and juvenile diversion consequences line items. Monies in the operating lump sum appropriation or other line items intended for centralized service payments shall be transferred to the centralized service payments line item before expenditure. (General Appropriation Act footnote)
- 6/ All monies in the adult standard probation, adult intensive probation, community punishment, interstate compact, juvenile standard probation, juvenile intensive probation, juvenile treatment services, juvenile diversion consequences, juvenile crime reduction and probation incentive payments line items shall be used only as pass-through monies to county probation departments. Monies in the operating lump sum appropriation or other line items intended as pass-through for the purpose of administering a county probation program shall be transferred to the appropriate probation line item before expenditure. (General Appropriation Act footnote)
- 7/ Monies appropriated to juvenile treatment services and juvenile diversion consequences shall be deposited in the juvenile probation services fund established by section 8-322, Arizona Revised Statutes. (General Appropriation Act footnote)
- 8/ The amount appropriated to the probation salary increase backfill line item shall be used as backfill funding to cover the remaining state share of probation officer salary increases approved by county boards of supervisors for fiscal year 2022-2023. (General Appropriation Act footnote)
- 9/ Receipt of state probation monies by the counties is contingent on the county maintenance of fiscal year 2019-2020 expenditure levels for each probation program. State probation monies are not intended to supplant county dollars for probation programs. (General Appropriation Act footnote)
- 10/ On or before November 1, 2023, the administrative office of the courts shall report to the joint legislative budget committee and the governor's office of strategic planning and budgeting the fiscal year 2022-2023 actual, fiscal year 2023-2024 estimated and fiscal year 2024-2025 requested amounts for each of the following:
  1. On a county-by-county basis, the number of authorized and filled case carrying probation positions and non-case carrying probation positions, distinguishing between adult standard, adult intensive, juvenile standard and juvenile intensive. The report shall indicate the level of state probation funding, other state funding, county funding and probation surcharge funding for those positions.
  2. Total receipts and expenditures by county and fund source for the adult standard, adult intensive, juvenile standard and juvenile intensive probation line items, including the amount of personal services spent from each revenue source of each account. (General Appropriation Act footnote)
- 11/ On or before November 1, 2023, the administrative office of the courts shall submit a report to the joint legislative budget committee on the county-approved salary adjustments provided to probation officers since the last report on November 1, 2022. The administrative office shall also submit a copy of the report to the governor's office of strategic planning and budgeting. The report shall include, for each county, the:
  1. Approved percentage salary increase by year.
  2. Net increase in the amount allocated to each probation department by the administrative office of the courts for each applicable year.

3. Average number of probation officers by applicable year.
4. Average salary of probation officers for each applicable year. (General Appropriation Act footnote)

12/ General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency.

**Operating Budget**

The budget includes \$5,609,600 and 55.5 FTE Positions in FY 2024 for the operating budget. These amounts consist of:

	<b>FY 2024</b>
General Fund	\$5,219,900
Criminal Justice Enhancement Fund (CJEF)	372,300
Drug Treatment and Education Fund	4,000
Judicial Collection Enhancement Fund (JCEF)	13,400

Adjustments are as follows:

**Statewide Adjustments**

The budget includes an increase of \$271,000 in FY 2024 for statewide adjustments. This amount consists of:

General Fund	269,900
CJEF	1,100

*(Please see the Agency Detail and Allocations section.)*

*Background* – These monies represent the administrative costs incurred by the Administrative Office of the Courts (AOC) while overseeing the various line items of the Superior Court budget.

**Judges Compensation**

**Judges Compensation**

The budget includes \$28,777,900 and 182 FTE Positions from the General Fund in FY 2024 for Judges Compensation. Adjustments are as follows:

**Two New Judges**

The budget includes an increase of \$299,200 and 2 FTE Positions from the General Fund in FY 2024 for the state share of funding for two new Superior Court Judges, including one in Yavapai County and one in Yuma County.

**Judicial Salary Increase**

The budget includes an increase of \$2,272,100 from the General Fund in FY 2024 for the second year of a 2-year phase-in of a pay increase for Superior Court judges. The FY 2023 General Appropriation Act increases the Superior Court judge salary from \$149,400 to \$164,700 on January 1, 2023 and to \$180,000 on January 1, 2024.

The FY 2023 3-year spending plan increases this appropriation by another \$1,136,000 in FY 2025 for full implementation.

**Statewide Adjustments**

The budget includes an increase of \$564,800 from the General Fund in FY 2024 for statewide adjustments.

*Background* – This line item provides funding for the state’s 50% share of salary and non-health benefits. The line item also funds 100% of the costs of Superior Court Judges that elect state benefits, although some opt to participate in county programs. In the latter circumstance, the county pays 100% of the employer cost.

Pursuant to A.R.S. § 12-121, each county receives one judge for the first 30,000 of population. Additional judges may be created for every additional 30,000-person increment upon approval by the Governor.

**Administrative Costs**

**Centralized Service Payments**

The budget includes \$4,696,900 in FY 2024 for Centralized Service Payments. This amount consists of:

General Fund	4,247,000
JCEF	449,900

Adjustments are as follows:

**Statewide Adjustments**

The budget includes an increase of \$65,600 from the General Fund in FY 2024 for statewide adjustments.

*Background* – In order to facilitate payment for services that are offered by all Superior Courts, AOC pays for various services centrally. These services include training, motor vehicle payments, Corrections Officer Retirement Plan Review Board funding, Literacy Education and Resource Network program funding (an online G.E.D. preparation program), research, operational reviews and GPS vendor payments.

**Probation Officer Vehicles**

The budget includes no funding in FY 2024 for Probation Officer Vehicles. This amount is unchanged from FY 2023.

These monies cover the one-time purchase of new vehicles for state-funded probation officers. The FY 2022 budget included \$187,500 for this purpose. This funding was not expended in FY 2022 so an FY 2023 General Appropriation Act footnote made these monies non-lapsing until June 30, 2023.

Funding for the ongoing maintenance of these vehicles is added to the Centralized Service Payments line item.

**Probation Programs**

The state and non-Maricopa Counties share the costs of probation. The state pays 100% of salary and benefits for all state-funded probation officers. For the intensive programs, the state pays 100% of the costs (although the counties may provide offices and other support services). Counties typically contribute through Probation Service Fee collections, outside grants, and office space. Since FY 2004, Maricopa County has assumed the state’s share of its probation costs.

As required by a General Appropriation Act footnote, the monies in the Probation, Drug Court, Juvenile Treatment Services, Juvenile Diversion Consequences, and Juvenile Crime Reduction line items shall be used only as pass-through monies to the counties for their probation programs and are not available for AOC expenses.

*(Please see the Other Issues section for more information on probation funding.)*

**Adult Standard Probation**

The budget includes \$22,297,500 in FY 2024 for Adult Standard Probation. This amount consists of:

General Fund	18,523,400
JCEF	3,774,100

These amounts are unchanged from FY 2023.

*Background* – This line item provides funding for community supervision services for adults placed on standard probation by the Adult Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 12-251A, an adult probation officer shall not supervise more than 65 adults on standard probation at one time. *(Please see Table 2)*

**Adult Intensive Probation**

The budget includes \$13,150,200 in FY 2024 for Adult Intensive Probation. This amount consists of:

General Fund	11,615,000
JCEF	1,535,200

These amounts are unchanged from FY 2023.

*Background* – This line item provides funding for a sentencing alternative intended to divert serious, non-violent offenders from prison. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 13-916, 1 team shall not supervise more than 25 intensive probationers at one time. *(Please see Table 2).*

**Community Punishment**

The budget includes \$2,310,300 in FY 2024 for Community Punishment. This amount consists of:

CJEF	1,810,100
Drug Treatment and Education Fund	500,200

These amounts are unchanged from FY 2023.

*Background* – This line item provides behavioral treatment services for adult probationers and for enhanced supervision, such as electronic monitoring and specialized probation caseloads. The funding is intended to provide for diversion of offenders from prison and jail, as well as to enhance probation programs, excluding Maricopa County.

**Interstate Compact**

The budget includes \$513,700 in FY 2024 for Interstate Compact. This amount consists of:

General Fund	420,900
JCEF	92,800

These amounts are unchanged from FY 2023.

*Background* – This line item provides funding for supervision and intervention to probationers transferring to Arizona and monitors the supervision of probationers transferred to other states from Arizona. As of May 2023, AOC reported 139 active probationers under supervision under the Interstate Compact line item.

### **Drug Court**

The budget includes \$1,096,400 from the General Fund in FY 2024 for Drug Court programs. This amount is unchanged from FY 2023.

*Background* – This line item provides funding for juvenile and adult drug courts within the Superior Court throughout the state. It provides funding for prosecuting, adjudicating and treating drug-dependent offenders. These programs utilize drug education, intensive therapy, parent support, case management, socialization alternatives, aftercare and compliance monitoring for drug abstinence.

### **Juvenile Standard Probation**

The budget includes \$3,781,800 in FY 2024 for Juvenile Standard Probation. This amount consists of:

General Fund	3,631,800
JCEF	150,000

These amounts are unchanged from FY 2023.

*Background* – This line item provides funding for community supervision services for juveniles placed on standard probation by the Juvenile Division of the Superior Court. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-203B, a juvenile probation officer shall not supervise more than an average of 35 juveniles on standard probation at one time. (Please see Table 2).

### **Juvenile Intensive Probation**

The budget includes \$6,087,200 from the General Fund in FY 2024 for Juvenile Intensive Probation. This amount is unchanged from FY 2023.

*Background* – This line item provides funding for a sentencing alternative to divert serious, non-violent juvenile offenders from incarceration or residential care and to provide intensive supervision for high-risk offenders already on probation. Supervision is intended to monitor compliance with the terms and conditions of probation imposed by the court. Pursuant to A.R.S. § 8-353B, 1 JIPS team shall not supervise more than an average of 25 juveniles on intensive probation at one time. (Please see Table 2).

### **Juvenile Treatment Services**

The budget includes \$20,803,000 from the General Fund in FY 2024 for Juvenile Treatment Services. This amount is unchanged from FY 2023.

*Background* – This line item provides funding to the juvenile courts to meet the requirements of A.R.S. § 8-321 relating to the assignment of youths referred for delinquency or incorrigibility to treatment programs, residential treatment centers, counseling, shelter care and other programs.

### **Juvenile Family Counseling**

The budget includes \$500,000 from the General Fund in FY 2024 for Juvenile Family Counseling. This amount is unchanged from FY 2023.

*Background* – This line item provides funding to the Juvenile Division of the Superior Court for prevention of delinquency among juvenile offenders by strengthening family relationships. These monies are predominantly for non-adjudicated juveniles and their families and require a 25% county match.

### **Juvenile Diversion Consequences**

The budget includes \$9,088,500 from the General Fund in FY 2024 for Juvenile Diversion Consequences. This amount is unchanged from FY 2023.

*Background* – This program diverts youth from formal court proceedings to reduce court costs and prevent re-offending. A juvenile diversion probation officer assigns consequences for the juvenile to complete, such as substance abuse education, graffiti abatement, counseling, or other community service programs. According to the AOC's most recent Juvenile Court Annual Report, there were approximately 5,268 juveniles diverted from formal court proceedings in FY 2022. Monies in this line item are distributed to all counties.

### **Juvenile Crime Reduction**

The budget includes \$3,313,700 from CJEF in FY 2024 for Juvenile Crime Reduction. Adjustments are as follows:

#### **Statewide Adjustments**

The budget includes an increase of \$600 from CJEF in FY 2024 for statewide adjustments.

*Background* – This line item provides funding for the design and implementation of community-based

strategies for reducing juvenile crime. Strategies include prevention, early intervention, effective intermediate sanctions, and rehabilitation. Through a grant process, AOC distributes monies in this line item to approximately 25 public and private entities.

**Probation Incentive Payments**

The budget includes \$1,000,000 from the General Fund in FY 2024 for probation incentive payments. This amount is unchanged from FY 2023.

The monies in this line item pay for 2 funding programs to reward counties for reducing the number of probationers that are returned to state prison:

- Probation success incentive payments: Payments are distributed to counties if they return fewer probationers to prison in a fiscal year compared to a baseline (the average number returned in FY 2008, FY 2015 and FY 2019). Incentive payments are equal to 50% of the marginal incarceration cost in the Arizona Department of Corrections.
- Probation success incentive grants: The total grant funding is calculated in the same way as the incentive payments, but is equal to 25% of the marginal incarceration cost. Distribution of the grant funding amongst counties is determined by a board consisting of the chief probation officers of each county.

The amount distributed to each county from these programs is subject to available funding.

**Probation Salary Increase Backfill**

The budget includes \$6,749,200 from the General Fund in FY 2024 for the Probation Salary Increase Backfill line item. Adjustments are as follows:

**One-Time Probation Salary Increase Backfill**

The budget includes a one-time increase of \$6,749,200 from the General Fund in FY 2024 for backfill funding for probation office salary increases.

An FY 2024 General Appropriation Act footnote specifies that monies in this line item are to be used as backfill funding to cover the remaining share of probation officer salary increase approved by county Boards of Supervisors for FY 2023.

**Other Programs**

**Special Water Master**

The budget includes \$511,100 and 3 FTE Positions from the General Fund in FY 2024 for the Special Water Master line item. Adjustments are as follows:

**Statewide Adjustments**

The budget includes an increase of \$5,800 from the General Fund in FY 2024 for statewide adjustments.

*Background* – This line item provides funding for the Special Water Master assigned by the court to the Little Colorado River and Gila River water rights adjudications. In FY 2022, 732 water rights claims were filed by individuals, communities, governments, and companies. The Special Water Master conducts hearings for each claimant and makes recommendations to a Superior Court judge.

Pursuant to statute, the costs of the Water Master are funded from claimant fees. If claimant fees are insufficient, statute requires the state General Fund to pay for these expenses in a line item within the Superior Court budget. *(Please see Table 1 for more information.)*

**Table 1**

**Special Water Master Funding**

	<b>FY 2022 Actual</b>	<b>FY 2023 Estimated<sup>1/</sup></b>	<b>FY 2024 Estimated<sup>1/</sup></b>
<b>Gila River</b>			
Beginning Balance	\$211,600	\$206,200	\$200,300
Revenues <sup>2/</sup>	417,100	423,600	423,600
Expenditures	<u>422,500</u>	<u>429,500</u>	<u>429,500</u>
<b>Ending Balance</b>	<b>\$206,200</b>	<b>\$200,300</b>	<b>\$194,400</b>
<b>Little Colorado River</b>			
Beginning Balance	\$154,200	\$183,000	\$ 212,200
Revenues <sup>2/</sup>	103,400	105,000	105,000
Expenditures	<u>74,600</u>	<u>75,800</u>	<u>75,800</u>
<b>Ending Balance</b>	<b>\$183,000</b>	<b>\$212,200</b>	<b>\$241,400</b>

<sup>1/</sup> As reported by the Administrative Office of the Courts and adjusted by the JLBC.

<sup>2/</sup> Includes annual General Fund appropriation plus filing fees and interest.

**General Adjudication Personnel and Support Fund Deposit**

The budget includes \$2,000,000 from the General Fund in FY 2024 for a General Adjudication Personnel and Support Fund Deposit. This amount is unchanged from FY 2023.

The courts and the Department of Water Resources may use the General Adjudication Personnel and Support Fund for water adjudication staff, equipment, and services.

**Court-Ordered Removals**

The budget includes \$315,000 from the General Fund in FY 2024 for Court-Ordered Removals. This amount is unchanged from FY 2023.

These monies help fund the costs associated with the Superior Court's processing and issuance of temporary orders of custody for juveniles removed from their home.

**Other Issues**

**Long-Term Budget Impacts**

As part of the FY 2023 budget's 3-year spending plan, the Superior Court's General Fund appropriations are projected to increase by \$1,136,000 in FY 2025 above FY 2024 for the full annualized cost of the 2-year phased-in judicial salary increase.

(Please see Judges Compensation line for further details).

**Probation Caseloads**

AOC counts certain probationers as more than 1 case. For example, adult probationers charged with crimes against children are counted as 3 cases. As a result, reported probation counts do not represent actual headcounts. The Courts' caseload estimate also includes the pre-release population who are inmates that will be released directly into probation supervision within 90 days. This time is commonly known as a "probation tail."

Non-Maricopa County weighted probation caseloads from all categories increased by 2.0% from June 2021 to June 2022. As of April 30, 2023, total caseloads were 18,635 from all categories, which represents a decrease of (0.9)% from June 2022. The JLBC Staff estimates total FY 2024 caseloads of 19,201 from all categories. This would represent growth of 3.0% in FY 2024 above April 2023. (Please see Table 2).

<b>Probation Category</b>	<b>FY 2020 <u>Actual</u></b>	<b>FY 2021 <u>Actual</u></b>	<b>FY 2022 <u>Actual</u></b>	<b>FY 2023 <u>Actual</u> <sup>2/</sup></b>	<b>FY 2024 <u>Estimate</u></b>
Adult Standard <sup>3/</sup>	16,325	15,860	16,607	16,331	17,192
Adult Intensive	1,293	1,275	1,181	1,219	1,156
Juvenile Standard	1,386	1,020	821	923	694
Juvenile Intensive	<u>303</u>	<u>264</u>	<u>186</u>	<u>162</u>	<u>159</u>
<b>Total Caseload</b>	<b>19,307</b>	<b>18,419</b>	<b>18,795</b>	<b>18,635</b>	<b>19,201</b>

<sup>1/</sup> Numbers represent June probation caseloads. FY 2023 and FY 2024 represent JLBC Staff estimates.  
<sup>2/</sup> These amounts represent caseloads as of April 30, 2023.  
<sup>3/</sup> Does not include Interstate Compact participants.