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1716 WEST ADAMS
PHOENIX, ARIZONA 85007

(602) 926-5491

azleg.gov

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DATE: August 6, 2019

TO: Members of the Joint Legislative Budget Committee

FROM: Geoffrey Paulsen, Fiscal Analyst

SUBJECT: CURRENT STATUTORY COURT SURCHARGES AND ASSESSMENTS ON CRIMINAL AND CIVIL FINES, PENALTIES, FORFEITURES, TRAFFIC VIOLATIONS, AND LOCAL ORDINANCES

A.R.S. § 41-1273 requires the Staff of the Joint Legislative Budget Committee to submit a report to the Committee on or before December 1, 2019 and once every 7 years thereafter on the statutory fines, penalties, and forfeitures collected by the courts. The report is required to include the following:

1. The current amount of each surcharge and assessment collected on every fine, penalty and forfeiture imposed on criminal offenses, civil traffic violations, violations of local traffic ordinances, or for violations of the Game and Fish statutes.
2. The items for which the collected surcharge or assessment monies are used.

Statute currently imposes surcharges totaling 78.0% and assessments totaling \$44.00 per fine. With a base fine of \$100, the 78.0% surcharge would be \$78.00, and the assessment would be \$44.00. According to the most recent court data, \$75.8 million was collected from these surcharges and assessments in FY 2018. Attached is a table with detail on each individual surcharge and assessment.

This report only includes the surcharges and assessments charged on all fines, penalties and forfeitures. As a result, some specific statutory surcharges and assessments are not included. For example, statute also imposes a \$250 DUI assessment on DUI charges.

Please let us know if you have any questions.

GP:lm

Table 1
Current Statutory Court Surcharges and Assessments on Criminal and Civil Fines, Penalties, Forfeitures, Traffic Violations, and Local Ordinances

Surcharge/Assessment	Amount	FY 2018 Collections	Revenue Distributions and Uses
<u>Surcharge Based on a Percent of the Base Fine</u>			
Criminal Justice Enhancement Fund (CJEF) Surcharge (A.R.S. § 12-116.01A) <u>1</u> /	42.0%	33,673,361	<ol style="list-style-type: none"> 1. 19.09% to the DPS Forensics Fund (A.R.S. § 41-1730). 2. 1.84% to the DJC for treatment and rehabilitation of youth who have committed drug-related offenses. 3. 18.97% to the Peace Officers' Training Fund (A.R.S. § 41-1825). 4. 3.45% to the Prosecuting Attorney's Advisory Council Training Fund (A.R.S. § 41-1830.03). 5. 10.66% to the Supreme Court for the purpose of reducing juvenile crime. 6. 8.29% to DPS for the following purposes: <ol style="list-style-type: none"> a. To enhance projects that are designed to prevent residential and commercial burglaries, to control street crime, including the activities of criminal street gangs, and to locate missing children; b. To provide support to the Arizona Automated Fingerprint Identification System; c. Operational costs of the Criminal Justice Information System. 7. 10.66% to the Attorney General for allocation to county attorneys for the purpose of enhancing prosecutorial efforts. 8. 6.86% to the Supreme Court for the purpose of enhancing the ability of the courts to process criminal and delinquency cases, orders of protection, injunctions against harassment and any proceeding relating to domestic violence matters, for auditing and investigating persons or entities licensed or certified by the supreme court and for processing judicial discipline cases. 9. 13.34% to the county sheriffs for the purpose of enhancing county jail facilities and operations, including county jails under the jurisdiction of county jail districts. 10. 1.79% to the Arizona Criminal Justice Commission. 11. 2.62% to the Department of Public Safety Forensics Fund (A.R.S. § 41-1730). 12. 2.43% to the Supreme Court for the purpose of providing drug treatment services to adult probationers through the Community Punishment Program.
Medical Services Enhancement Fund Surcharge (A.R.S. § 12-116.02A)	13.0%	8,978,511	<ol style="list-style-type: none"> 1. 14.2% to the Substance Abuse Services Fund (A.R.S. § 36-2005). 2. 48.9% to the Emergency Medical Services Operating Fund (A.R.S. § 36-2218) of which at least 8.0% shall be used for personnel expenses, education, training and equipment purchases in cities or towns with a population of less than ninety thousand persons according to the most recent United States decennial census. 3. 22.0% to the Spinal and Head Injuries Trust Fund (A.R.S. § 41-3203). 4. 9.4% to a separate account of the Substance Abuse Services Fund (A.R.S. § 36-2005) for use in administering the provisions of section A.R.S. § 36-141. 5. 5.5% to the state General Fund.

Surcharge/Assessment	Amount	FY 2018 Collections	Revenue Distributions and Uses
"Fill the Gap" Surcharge	7.0%	4,760,507	<ol style="list-style-type: none"> 1. 15.44% to the State Aid to County Attorneys Fund (A.R.S. § 11-539). 2. 14.66% to the State Aid to Indigent Defense Fund (A.R.S. § 11-588). 3. 40.97% to the State Aid to the Courts Fund (A.R.S. § 12-102.02). 4. 0.35% to the Attorney General for the processing of criminal cases. 5. 14.29% to the Arizona Criminal Justice Commission for distribution to state, county and municipal law enforcement full-service forensic crime laboratories. 6. 14.29% to the Supreme Court for allocation to municipal courts.
Forensics Fund Surcharge (A.R.S. § 12-116.01C)	6.0%	4,008,521	<ol style="list-style-type: none"> 1. 55.0% to the Department of Public Safety 2. Remaining 45.0% distributed to the following cities: <ol style="list-style-type: none"> a. 22.0% to the Phoenix Police Department b. 12.0% to the Tucson Police Department c. 7.0% to the Mesa Police Department d. 4.0% to the Scottsdale Police Department <p>Funds shall be used for the following purposes:</p> <ol style="list-style-type: none"> 1. Purchasing and installing fingerprint identification equipment. 2. The Arizona automated fingerprint identification system and the system's remote terminals. 3. Crime laboratory operations and enhanced services. 4. Educating and training forensic scientists who are regularly employed in a crime laboratory. 5. Purchasing and maintaining scientific equipment for crime laboratory use. 6. The Arizona DNA identification system.
Clean Elections Fund Surcharge (A.R.S. § 16-954A)	10.0%	7,282,217	For costs incurred under the Citizens Clean Elections Act.
<i>Surcharge Subtotal</i>	<i>78.0%</i>	<i>\$58,703,117</i>	
 <u>Flat Dollar Assessment On Each Fine</u>			
Probation Assessment (A.R.S. § 12-114.01A)	\$20.00	9,692,490	To be deposited into the Judicial Collections Enhancement Fund (A.R.S. § 12-113) to be used to supplement monies currently used for the salaries of adult and juvenile probation and surveillance officers and for support of programs and services of the superior court adult and juvenile probation departments.

Surcharge/Assessment	Amount	FY 2018 Collections	Revenue Distributions and Uses
Additional Assessment (A.R.S. § 12-116.04A)	\$13.00	6,449,191	1. \$8.00 to be transferred to the State Treasurer. Of the amount collected: <ul style="list-style-type: none"> a. \$4.00 to be deposited to the Public Safety Equipment Fund (A.R.S. § 41-1723) b. \$4.00 to the assessment in the Gang and Immigration Intelligence Team Enforcement Mission Border Security and Law Enforcement Subaccount (A.R.S. § 41-1724). 2. \$4.00 to the agency that investigated the offense or issued the citation to be used to supplement, not supplant, monies available for officer safety equipment. 3. \$1.00 to the county Justice Courts be used to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice.
Victims' Rights Penalty Assessment (A.R.S. § 12-116.08A)	\$9.00	<u>1/</u>	1. 62.4% to the Victims' Rights Fund (A.R.S. § 41-191.08) 2. 37.6% to the Victim Compensation and Assistance Fund (A.R.S. § 41-2407).
Victims' Rights Enforcement Assessment (A.R.S. § 12-116.09A)	\$2.00	941,682	To the Victims' Rights Enforcement Fund (A.R.S. § 41-1727).
<i>Assessment Subtotal</i>	<u>\$44.00</u>	<u>\$17,083,363</u>	
Total	N/A	\$75,786,480	

1/ Laws 2018, Chapter 237 reduced the CJEF surcharge from 47% to 42% beginning in FY 2019. The bill also created the new Victims' Rights Penalty Assessment and set it at a flat \$9.00, which was first collected in FY 2019.