

## SUPERIOR COURT PRESIDING JUDGES MEETING

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| <b>Date Action Requested:</b> | <b>Type of Action Requested:</b>   | <b>Subject:</b>                        |
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| December 4, 2007              | <input type="checkbox"/> Formal Action/Request<br><input checked="" type="checkbox"/> Information Only<br><input type="checkbox"/> Other | 2008 AJC Legislative Proposals, Status |

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**FROM:**

Jerry Landau, Government Affairs Director  
Arizona Supreme Court

**DISCUSSION:**

Status of Arizona Judicial Council (AJC) Approved Legislation

**RECOMMENDED ACTION:**

No action required, for discussion only

## 2008 Arizona Judicial Council Legislative Proposals

### **1** 2008-02: Time payment fee (Katy Proctor)

Repeals the statute requiring the Time Payment Fee to revert to \$12 on January 1, 2010. Maintains the current Fee at \$20.

Alternative: Creates a \$5 automation assessment on all fines, penalties and forfeitures to be split evenly between the state Judicial Collection Enhancement Fund (JCEF) and the local courts collecting the assessment. All monies are expressly dedicated to funding court automation projects. To avoid duplicative funding, the existing Time Payment Fee extension would be repealed, returning the Fee to \$12. The \$5 assessment is expected to raise approximately \$3 million, which will fully offset the loss of monies when the Time Payment Fee reverts to \$12.

**Status:** Working with legislators to define the preferred alternative. Consensus emerging for maintaining the \$20 fee, though not unanimous. ACJC voted to support.

### **2** 2008-10: Interstate Compact; Finance (Amy Love)

Amends A.R.S. § 12-267 and 31-467, Article X, subsection B to delete the provision requiring appropriation from the legislature for increases to Arizona's annual assessment, replacing it with the requirement of a review by the Joint Legislative Budget Committee (in addition to the existing approval of the assessment by the state council).

**Status:** Rep. Yarbrough will sponsor legislation, Sen. Verschoor concurs. Both members sit on the state Interstate Compact Council. ACJC voted to support.

### **3** 2008-03: CORP; local board designation of positions

Amends A.R.S. § 38-891 to allow the local board of the judiciary under the Correctional Officer Retirement Plan (CORP) to designate a position within the Administrative Office of the Courts (AOC) as a CORP position if the employee filling the position:

- Is a current member of CORP
- Is already in a designated position in the judiciary
- Has at least five years of credited service in CORP
- Provides training or technical expertise to a probation, surveillance or juvenile detention officer.

The proposal outlines the process for the employee to request that a position be designated as such and returns the position to nondesignated status when the employee leaves the position.

**Status:** Working with Rep. McClure, Chair of the House Public Institutions and Retirement Committee. A proposed bill is drafted. ACJC voted to support.

#### **4** **2008-01: Criminal Code Sentencing Reorganization (Jerry Landau)**

Reorganizes Title 13, Chapters 6 and 7 to simplify the structure of the sentencing code. Does not make structural or philosophical changes to the code. Major provisions include:

- Moves the definition of “dangerous offense” to §13-105, definitions.
- Splits the various provisions of §13-604 into separate statutes dealing individually with dangerous offenses, repetitive offenses, serious offenses and special sentencing provisions. All transferred to Chapter 7.
- Reorganizes §13-604.01, Dangerous Crimes Against Children, makes a clarifying change and transfers the statute to Chapter 7.
- Places both “three strikes and your out” provisions in the same statute in Chapter 7.
- Renumbers sections dealing with death penalty placing the statutes in a separate article.
- Consolidates all misdemeanor sentencing provisions.
- Within the reorganization, repeals and renumbers some sections.
- Makes conforming changes to internal references

**Status:** Working with Rep. Konopnicki. The bill is drafted and the time of this meeting should be distributed to prosecution and defense representatives. ACJC voted to support.

#### **5** **2008-03: Capital case task force proposals (Jerry Landau)**

Amends A.R.S. §13-4041 as follows:

- Increases the hourly rate contract lawyers are paid to handle death penalty post-conviction relied cases from \$100 to \$125.
- Removes the requirement for appointed counsel to show good cause to receive payment for work done in excess of 200 hours on a post-conviction case.

**Status:** Working with Rep. Crandall. Attempting to obtain data to show the increase in compensation will translate to an increase in attorneys willing to take capital PCR cases. No action taken at ACJC. Concern about the projected cost to the counties and the 2009 state budget.

11/25/07