

ARIZONA REVISED STATUTES (A.R.S.)

CHAPTER 9. INTENSIVE PROBATION SUPERVISION

§ 13-913. Definition of intensive probation

In this chapter, unless the context otherwise requires, "intensive probation" means a program established pursuant to this chapter of highly structured and closely supervised probation which emphasizes the payment of restitution.

§ 13-914. Intensive probation; evaluation; sentence; criteria; limit; conditions

A. An adult probation officer shall prepare a presentence report for every offender who has either:

1. Been convicted of a felony and for whom the granting of probation is not prohibited by law.
2. Violated probation by commission of a technical violation that was not chargeable or indictable as a criminal offense.

B. The adult probation officer shall evaluate the needs of the offender and the offender's risk to the community, including the nature of the offense and the prior criminal history of the offender indicate that the offender should be included in an intensive probation program pursuant to supreme court guidelines for intensive probation, the adult probation officer may recommend to the court that the offender be granted intensive probation.

C. The court may suspend the imposition or execution of the sentence and grant the offender a period of intensive probation in accordance with this chapter. Except for sentences that are imposed pursuant to section 13-3601, the sentence is tentative to the extent that it may be altered or revoked pursuant to this chapter, but for all other purposes it is a final judgment of conviction. This subsection does not preclude the court from imposing a term of intensive probation pursuant to section 13-3601.

D. When granting intensive probation the court shall set forth on the record the factual and legal reasons in support of the sentence.

E. Intensive probation shall be conditioned on the offender:

1. Maintaining employment or maintaining full-time student status at a school subject to title 15¹ or title 32, chapter 30² and making progress deemed satisfactory to the probation officer, or both, or being involved in supervised job searches and community restitution work at least six days a week throughout his term of intensive probation.

¹Section 15-101 et seq.

²Section 32-3001 et seq.

2. Paying restitution and probation fees of not less than fifty dollars unless, after determining the inability of the offender to pay the fee, the court assesses a lesser fee. Probation fees shall be deposited in the adult probation services fund established by § 12-267. Any amount greater than forty dollars of the fee assessed pursuant to this subsection shall only be used to supplement monies currently used for the salaries of adult probation and surveillance officers and for support of programs and services of the superior court adult probation departments.

3. Establishing residence at a place approved by the intensive probation team and not changing his residence without the team's prior approval.

4. Remaining at his place of residence at all times except to go to work, to attend school, to perform community restitution and as specifically allowed in each instance by the adult probation officer.

5. Allowing administration of drug and alcohol tests if requested by a member of the intensive probation team.

6. Performing not less than forty hours of community restitution each month. Full-time students may be exempted or required to perform fewer hours of community restitution. For good cause, the court may reduce the number of community restitution hours performed to not less than twenty hours each month.

7. Meeting any other conditions imposed by the court to meet the needs of the offender and limit the risks to the community, including participation in a program of community punishment authorized in title 12, chapter 2, article 11³.

§ 13-916. Intensive probation teams; adult probation officer qualifications; duties; case load limit

A. The chief adult probation officer in each county, with approval of the presiding judge of the superior court, shall appoint intensive probation teams consisting of one adult probation officer and one surveillance officer, or one adult probation officer and two surveillance officers.

B. A two person intensive probation team shall supervise no more that twenty-five persons at one time, and a three person intensive probation team shall supervise no more than forty persons at one time.

C. The adult probation officer shall meet the bonding requirements and experience and education standards established pursuant to § 12-251.

D. The intensive probation team may serve warrants on, make arrests of and bring before the court persons who have violated the terms of intensive probation.

E. The adult probation and surveillance officers both have the authority of a peace officer in the performance of their duties but are not eligible to participate in the public safety

³Section 12-299 et seq.

personnel retirement system.

F. The intensive probation team shall:

1. Secure and keep a complete identification record of each person supervised by the team and a written statement of the conditions of the probation.
2. Exercise close supervision and observation over persons sentenced to intensive probation including both of the following:
 - (a) Visual contact with each probationer at least four times per week.
 - (b) Weekly contact with the employer of the probationer.
3. Obtain and assemble information concerning the conduct of persons sentenced to intensive probation, including weekly arrest records, and report the information to the court.
4. Report to the court if the probationer engages in conduct constituting an offense.
5. Bring a defaulting probationer into court if, in the judgement of the adult probation officer, the probationer's conduct justifies revoking the intensive probation.
6. Monitor the payment of restitution and probation fees and bring into court any probationer who fails to pay restitution or fees.
7. Perform any other responsibilities required by the terms and conditions imposed by the court.

§ 13-917. Modification of supervision

A. The adult probation officer shall periodically examine the needs of each person granted intensive probation and the risks of modifying the level of supervision of the person. The court may at any time modify the level of supervision of a person granted intensive probation, or may transfer the person to supervised probation or terminate the period of intensive probation pursuant to § 13-901, subsection E.

B. The court may issue a warrant for the arrest of a person granted intensive probation. If the person commits an additional offense or violates a condition of probation, the court may revoke intensive probation at any time before the expiration or termination of the period of intensive probation. If a petition to revoke the period of intensive probation is filed and the court finds that the person has committed an additional felony offense or has violated a condition of intensive probation which poses a serious threat or danger to the community, the court shall revoke the period of intensive probation and impose a term of imprisonment as authorized by law. If the court finds that the person has violated any other condition of intensive probation, it shall modify the conditions of intensive probation as appropriate or shall revoke the period of intensive probation and impose a term of imprisonment as authorized by law.

C. The court shall notify the prosecuting attorney, and the victim on request, of any

proposed modification of a person's intensive probation if that modification will substantially affect the person's contact with or safety of the victim or if the modification involves restitution or incarceration status.

§ 13-918. Employment; distribution of wages

A. The intensive probation team shall assist each person under its supervision in obtaining employment.

B. The person's wages shall be paid directly to an account established by the chief adult probation officer from which the chief adult probation officer shall make payments for restitution, probation fees, fines and other payments. The balance of the monies shall be placed in an account to be used for or paid to the person or his immediate family in a manner and in such amounts as determined by the chief adult probation officer or the court. Any monies remaining in the account at the time the person successfully completes probation shall be paid to the person.

§ 13-919. Waiver of Standards

The requirements of § 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 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.

§ 13-920. Budget request

The presiding judge of the superior court shall annually submit a proposed budget for the following fiscal year for the intensive probation program to the supreme court. The supreme court shall include the counties' requests in its annual budget request and shall distribute to the participating counties the monies appropriated by the legislature for intensive probation.