

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION § 6-207:)	Administrative Order
UNIFORM CONDITIONS OF)	<u>No. 2006 - 22</u>
SUPERVISED PROBATION)	(Affecting Administrative
)	Order No. 2002-08)
)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration having been recommended for adoption to address a statutory change,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-207 is amended as indicated on the attached document. All other provisions of § 6-207, as amended, remain unchanged and in effect.

IT IS FURTHER ORDERED that the effective date of this amendment shall be December 31, 2005. Furthermore, pursuant to Laws 2005, Chapter 187, § 38:

. . . The court, prosecutors and probation departments may continue to use forms that reference community service after December 31, 2005 until those forms run out. Thereafter, the court, prosecutors and probation departments shall use forms that refer to community restitution instead of community service.

Dated this 13th day of February, 2006.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 2: Adult Services
Section 6-207: Uniform Conditions of Supervised Probation

A. Definitions. In this section the following definitions apply:

“Court” means the superior court or limited jurisdiction court.

“Presiding judge” means the presiding judge of the superior court in each county.

B. Applicability. Based on the administrative authority provided by Article VI, Section 3 of the Arizona Constitution, the attached form and the following procedures shall govern the uniform conditions of supervised probation imposed by the superior court.

C. Purpose. The attached uniform conditions of supervised probation form is adopted and incorporated as Appendix A in order to ensure consistency among courts and probation departments. The uniform conditions of supervised probation form may be used when a court sentences a probationer to unsupervised probation.

D. General Administration.

1. The presiding judge shall ensure all judges within their jurisdiction use the uniform conditions of supervised probation form for cases assigned to the superior court probation department for supervision.
2. Courts shall impose the uniform conditions of supervised probation on the following:
 - a. Probationers sentenced by the superior court to supervised probation using the attached adopted form, which may be amended pursuant to subsection D(3)(a).
 - b. Probationers referred by a limited jurisdiction court to the superior court probation department for supervision.
 - c. Probationers accepted for supervision in Arizona through the Interstate Compact.
3. The forms shall be duplicated and used by courts as follows:
 - a. Each superior court shall duplicate the uniform conditions of supervised probation form as adopted, except that formatting changes are permitted. If a court changes a condition, the change shall be documented on the form. When special conditions are imposed in addition to those specified, they shall be listed under condition 26, or attached in a separate document.

- b. A limited jurisdiction court shall duplicate forms that include, at a minimum, conditions 1 through 15 for cases referred to the superior court probation department for supervision. The limited jurisdiction court, in conjunction with the probation department, may add additional conditions.
 - c. Probation departments shall duplicate forms that include, at a minimum, conditions 1 through 15 for probationers accepted for supervision in Arizona through the Interstate Compact. Probation departments may add additional conditions.
4. A superior court shall use only the currently approved uniform conditions form when continuing probation.

Section 6-207: Uniform Conditions of Supervised Probation

Appendix A

Uniform Conditions of Supervised Probation Form

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
UNIFORM CONDITIONS OF SUPERVISED PROBATION

STATE OF ARIZONA

COUNTY/DIVISION: _____ / _____

VS.

CR: _____

§13-901.01 Offense: 1st 2nd Ineligible

PID#: _____

OFFENSE(S): _____

It is ordered suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD),

- PLACING** the defendant on probation for a period of _____ year(s) month(s) lifetime
 to begin ____/____/____ or
 upon absolute discharge from prison for a separate offense or
 upon release from prison for felony DUI (____ months; ____ days credit)
- CONTINUING** the defendant on probation
 for a modified term
 with a revised expiration date of ____/____/____

THE DEFENDANT SHALL: (Conditions Checked Also Apply)

1. Obey all laws.
2. Not knowingly associate with any person engaged in criminal activity or who has a criminal record without the prior written approval of the APD.
3. Report to the APD within 72 (or ____) hours of sentencing, absolute discharge from prison, release from incarceration or residential treatment, and continue to report as directed.
4. Reside at an address approved by the APD, provide safe access, and obtain prior approval before changing residence.
5. Submit to search and seizure of your person or property by the APD without a search warrant.
6. Not possess or control any firearms, ammunition, or prohibited weapons as defined in A.R.S. § 13-3101.
7. Not possess or use illegal drugs, toxic vapors, or controlled substances, or use or possess any prescription drugs without a valid prescription.
8. Report any law enforcement contact to the APD within 72 (or ____) hours.
9. Submit to drug and alcohol testing as directed by the APD and/or court.
10. Participate and cooperate in any program of counseling or assistance as directed by the APD and/or court.
11. Seek, obtain and maintain employment and/or attend school as directed by the APD and advise of any change.
12. Not leave the state (county) without prior permission of the APD.
13. Sign and submit any release, authorization, or consent required for the APD/court to exchange protected healthcare information related to the conditions of probation.
14. Provide a sample for DNA testing if required by law.
15. Comply with any written directive of the APD to enforce compliance with the conditions of probation.
16. Abide by the Judgment and Orders of Restitution, Fines and Fees in this case.

UNIFORM CONDITIONS OF SUPERVISED PROBATION – PAGE 2 OF 2

STATE OF ARIZONA

COUNTY/DIVISION: _____ / _____

VS. _____

CR: _____

- 17. Not consume or drink any substance containing alcohol.
- 18. Not have any contact with the victim(s) whatsoever, unless approved in writing by the APD.
- 19. Complete _____ hours of approved community ~~work service~~ restitution at a minimum rate of _____ hours per month beginning upon sentencing or as directed in writing by the APD.
- 20. Not remain in or return to the United States illegally if deported or processed through voluntary departure.
- 21. Be incarcerated in the county jail for _____ days month(s), beginning ____/____/____ with credit for _____ days served, not to be released until ____/____/____. Report to the APD within 72 (or _____) hours of release from jail. Comply with all program rules.
 - Be screened for or shall participate in Work Furlough.
 - Eligible for Work Release.
- 22. Register as a Sex Offender if required by law.
- 23. Be permitted to apply for Interstate Compact supervision in the state of _____. Do not proceed until reporting instructions are received and the APD issues a written travel permit.
- 24. Participate and cooperate in any counseling or assistance as directed by the APD pertaining to:

<input type="checkbox"/> Substance Abuse	<input type="checkbox"/> Mental Health
<input type="checkbox"/> ABE/GED	<input type="checkbox"/> Budgeting/Financial
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Parenting
<input type="checkbox"/> Cognitive Skills	<input type="checkbox"/> Sex Offender
<input type="checkbox"/> Anger Management	<input type="checkbox"/> _____
- 25. Abide by the attached special conditions of probation:

<input type="checkbox"/> Intensive Probation	<input type="checkbox"/> Drug Court
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> DUI Court
<input type="checkbox"/> Mental Health	<input type="checkbox"/> Gang
<input type="checkbox"/> Sex Offender	<input type="checkbox"/> _____
- 26. _____

RECEIPT AND ACKNOWLEDGMENT: *I hereby acknowledge receipt of the conditions of probation and any attached addenda. I understand that a violation of any of the conditions could result in the revocation of my probation and the court may impose sentence upon me in accordance with the law. As a further condition, I waive extradition for any probation revocation proceedings in this matter.*

Defendant	Date	Judge of the Superior Court	Date
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Defendant's Address	Apt.	City	State	Zip	Phone
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DISTRIBUTION: Original - Court, Copies - APD, Defendant **Revision 2004A**