



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: JUD DP 10-0-0-0 | APPROP DP 10-3-0-0

HB 2033: juvenile offenders; monetary sanctions; repeal
Sponsor: Representative Blackman, LD 6
House Engrossed

Overview

Removes statute relating to court-ordered fees for juveniles, except for victim restitution and specific driving under the influence offenses. Appropriates \$2,531,000 from the state General Fund (GF) in fiscal year (FY) 2023 for costs relating to juvenile treatment services and court services.

History

Throughout statute, the court may order a juvenile, or the juvenile's parents, to pay fees or fees for offenses in which the juvenile was adjudicated delinquent ([A.R.S. § 8-418](#)). The court may also require the juvenile, or the juvenile's parents, to pay for the costs of court-ordered counseling, court-appointed attorneys, the juvenile's costs while in custody, fees related to community-based alternative programs, juvenile supervision or other related programs (A.R.S. §§ [8-241](#), [8-243.01](#), [8-323](#)).

Provisions

1. Removes the obligation of a juvenile, or the juvenile's parents or guardians, to pay the costs of a court-appointed attorney. (Sec. 1)
2. Prohibits the court from ordering a parent or guardian to pay the costs of counseling or treatment program related to the participation in a court-ordered diversion program. (Sec. 2)
3. States that specified health insurers are not restricted from covering an expense relating to a child's treatment or care. (Sec. 2, 4, 7, 9, 10, 15)
4. Repeals [A.R.S. § 8-241](#) requiring a juvenile's parent to pay fees to an agency for juvenile supervision. (Sec. 3)
5. Prohibits the juvenile court from ordering a juvenile's parent or guardian to pay for foster care costs or other related programs. (Sec. 4)
6. States the juvenile court is prohibited from ordering the juvenile, or the juvenile's parents, to pay for medical, maintenance or other costs while the juvenile is in the custody of the Department of Juvenile Corrections, juvenile detention facility or a similar agency. (Sec. 4)
7. Repeals [A.R.S. § 8-243.01](#) relating to fees charged to the juvenile, or the juvenile's parents, by the juvenile court to cover the juvenile's costs while in custody. (Sec. 5)
8. States the court may not order a juvenile in a residential placement as a term of probation, detention or incarceration, or the juvenile's parents, to pay for treatment expenses. (Sec. 7)
9. Prohibits the court from ordering a child, or the child's parents, to pay for the costs of court-ordered family counseling sessions. (Sec. 9)
10. Limits fines from exceeding \$250 for consequences agreed upon by participants in a community-based alternative program. (Sec. 10)

11. Prohibits the county attorney or juvenile court from requiring a juvenile, or the juvenile's parents, to pay a fee for a community-based alternative or diversion program. (Sec. 10)
12. Allows a juvenile to satisfy a monetary assessment, fine or penalty through community restitution. (Sec. 10)
13. Permits the court to order a juvenile to pay fees and fines for a non-felony vehicle-related violation. (Sec. 12)
14. States the court may not use a juvenile's failure to pay fees, costs or fines as a reason to continue supervision. (Sec. 13)
15. Removes the court's ability to assess a juvenile a fee if the juvenile is adjudicated incorrigible. (Sec. 13)
16. Removes the court's ability to require a juvenile to pay a fee or assessment relating to the juvenile's case disposition and commitment to juvenile corrections. (Sec. 13)
17. Restricts the court from ordering a juvenile under the juvenile court's jurisdiction to pay a fee or cost not specifically required by the offense. (Sec. 14)
18. Permits the juvenile, or juvenile's parents or guardian, to pay a fine instead of performing community restitution if the court provides the option. (Sec. 14)
19. States if a juvenile is adjudicated delinquent for a violation related to driving under the influence, the court may order the juvenile to pay a fine not exceeding \$250 or to perform no more than 20 hours of community restitution. (Sec. 15)
20. Prohibits the court from ordering the juvenile, or the juvenile's family, to pay for a term of detention or screening, education or treatment costs related to a violation for driving under the influence. (Sec. 15)
21. Removes language authorizing the juvenile court to enter a juvenile restitution order in favor of the state for an unpaid balance from imposed assessments or fees. (Sec. 16)
22. Specifies that if the juvenile court grants a set aside application, any remaining unpaid victim restitution continues to be owed. (Sec. 17)
23. Changes the requirement from *monetary obligations* to *fines* that must have been paid in full before a person requests or the court grants the destruction of juvenile court records. (Sec. 18)
24. Prohibits the juvenile court from considering outstanding fees, assessments and surcharges when determining whether to destroy the juvenile's court and Department of Juvenile Corrections' records. (Sec. 18)
25. Repeals [A.R.S. § 8-418](#) relating to fees paid to the superior court clerk by a juvenile adjudicated delinquent for offenses involving a victim. (Sec. 19)
26. Modifies the funding source of the children and family services training program fund. (Sec. 20)
27. Removes diversion fees as a funding source for the county attorney juvenile diversion fund. (Sec. 21)
28. Removes the requirement for a juvenile, or the juvenile's parents or guardian, to reimburse the county for the juvenile's legal services. (Sec. 22)
29. Removes fees for juveniles paying a court-ordered penalty on a time payment basis. (Sec. 23)

30. Removes people adjudicated delinquent for a dangerous crime against children from paying a court-ordered \$500 assessment. (Sec. 24)
31. Removes court-ordered fees collected from juveniles as a funding source for the victims' rights fund. (Sec. 26)
32. States unpaid balances resulting from court-ordered fees relating to specific juvenile offenses are eligible to be vacated and prohibits collection enforcement measures after the effective date. (Sec. 29)
33. States unsatisfied civil judgments resulting from court-ordered fees relating to specific juvenile offenses are vacated. (Sec. 29)
34. Requires the Administrative Office of the Courts, within six months of the effective date, to establish procedures for an eligible individual to request a court vacate all unpaid outstanding balances resulting from court-ordered fees or surcharges relating to specific juvenile offenses. (Sec. 29)
35. Authorizes the court to automatically vacate any eligible balance and unsatisfied civil judgment without requiring a request. (Sec. 29)
36. Requires the Supreme Court, within six months of the effective date, to make an effort to notify any individual who may be eligible and outlines notification and public announcement requirements. (Sec. 29)
37. Requires the clerk of the court to notify the county recorder of all applicable vacated civil judgments. (Sec. 29)
38. Requires the Supreme Court, by December 31, 2024, to report to the Legislature and outlines reporting requirements. (Sec. 29)
39. Appropriates \$231,000 from the GF to the Supreme Court in FY 2023 for costs relating to juvenile treatment services ordered by the court. (Sec. 30)
40. Appropriates \$2,300,000 from the GF in FY 2023 to each county in proportion to the number of juveniles in that county to pay for the costs relating to attorney fees, probation services and diversion expenses for juveniles. (Sec. 31)
41. Contains an intent clause. (Sec. 32)
42. Makes technical and conforming changes. (Sec. 1 - 28)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note