

**PREFILED DEC 19 2011**

**REFERENCE TITLE: domestic violence; supervised probation; fine**

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# **SB 1027**

Introduced by  
Senator Gallardo

**AN ACT**

**AMENDING SECTIONS 13-3601.01 AND 36-3002, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC VIOLENCE OFFENSES.**

**(TEXT OF BILL BEGINS ON NEXT PAGE)**

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3601.01, Arizona Revised Statutes, is amended to read:

13-3601.01. Domestic violence; treatment; probation; fine; definition

A. The judge shall order a person who is convicted of OR PLEADS GUILTY OR NO CONTEST TO a misdemeanor domestic violence offense to:

1. Complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department. If a person has previously been ordered to complete a domestic violence offender treatment program pursuant to this section, the judge shall order the person to complete a domestic violence offender treatment program unless the judge deems that alternative sanctions are more appropriate. The department of health services shall adopt and enforce guidelines that establish standards for domestic violence offender treatment program approval.

2. BE PLACED ON SUPERVISED PROBATION.

3. PAY A FINE OF NOT LESS THAN FIFTY DOLLARS. THE STATE TREASURER SHALL DEPOSIT THE FINE IN THE DOMESTIC VIOLENCE SHELTER FUND ESTABLISHED BY SECTION 36-3002. IF THE CONVICTION OR PLEA OCCURRED IN THE SUPERIOR COURT OR A JUSTICE COURT, THE COURT SHALL TRANSMIT THE ASSESSED MONIES TO THE COUNTY TREASURER. IF THE CONVICTION OR PLEA OCCURRED IN A MUNICIPAL COURT, THE COURT SHALL TRANSMIT THE ASSESSED MONIES TO THE CITY TREASURER. THE CITY OR COUNTY TREASURER SHALL TRANSMIT THE MONIES RECEIVED TO THE STATE TREASURER.

4. SERVE NOT LESS THAN FORTY-EIGHT CONSECUTIVE HOURS IN JAIL. THE PERSON IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNLESS THE ENTIRE SENTENCE IS SERVED.

B. On conviction of a misdemeanor domestic violence offense, if a person within a period of sixty months has previously been convicted of a violation of a domestic violence offense or is convicted of a misdemeanor domestic violence offense and has previously been convicted of an act in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense, the judge may order the person to be placed on supervised probation and the person may be incarcerated as a condition of probation. ~~If the court orders supervised probation, the court may conduct an intake assessment when the person begins the term of probation and may conduct a discharge summary when the person is released from probation.~~ If the person is incarcerated and the court receives confirmation that the person is employed or is a student, the court, on pronouncement of any jail sentence, may provide in the sentence that the person, if the person is employed or is a student and can continue the person's employment or studies, may continue the employment or studies for not more than twelve hours a day nor more than five days a week. The person shall spend the remaining day, days or parts of days in jail until the sentence is served and shall be allowed out of jail only long enough to complete the actual hours of employment or studies.

C. A person who is ordered to complete a domestic violence offender treatment program shall pay the cost of the program.

D. If a person is ordered to attend a domestic violence offender treatment program pursuant to this section, the program shall report to the court whether the person has attended the program and has successfully completed the program.

E. For the purposes of this section, prior convictions for misdemeanor domestic violence offenses apply to convictions for offenses that were committed on or after January 1, 1999.

F. For the purposes of this section, "domestic violence offense" means an offense involving domestic violence as defined in section 13-3601.

Sec. 2. Section 36-3002, Arizona Revised Statutes, is amended to read:

36-3002. Domestic violence shelter fund; purpose

A. The domestic violence shelter fund is established consisting of monies received pursuant to section 12-116.06, section 12-284.03, subsection A, paragraph 2, SECTION 13-3601.01 and section 41-178. The program administrator shall administer the fund for the purposes prescribed in this section.

B. The department of economic security, after full consultation with a statewide coalition against domestic violence, shall establish program priorities for the fund. Subject to legislative appropriation, the department shall expend monies in the fund to provide financial assistance to shelters for victims of domestic violence through contracts for shelter services.

C. Monies in the fund do not revert to the state general fund.