

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AMENDING ARIZONA CODE OF) Administrative Order
JUDICIAL ADMINISTRATION) No. 2009 - 83
§6-114: COMMITTEE ON PROBATION) (Affecting Administrative
) Order No. 2008-63)
)

An amendment to the above captioned provision of the Arizona Code of Judicial Administration (ACJA) is presently scheduled for consideration by the Arizona Judicial Council (AJC) on October 21, 2009. The amendment provides that the Committee on Probation (COP) membership shall now include: "Two line officers; one from adult probation and one from juvenile probation."

A similar amendment was on the AJC agenda on March 6, 2007, and December 5, 2007, and pulled or tabled each time. ACJA § 6-114 was presented and approved without this category of membership at the June 19, 2008 AJC meeting. The code was adopted by Administrative Order No. 2008-63 on July 25, 2008.

On May 8, 2009, the COP approved a code amendment requiring the addition of line officer members for submission to the AJC for approval and recommendation as an amendment to ACJA § 6-114. That provision was circulated for comment from May 12, 2009 to June 12, 2009. The only comments received were two e-mails in support of the code revisions.

Due to the fact that the AJC subcommittee previously opposed to this provision has now voted to support the provision, that sufficient comment has been received, and that the interests of the judicial branch are best served by the earliest implementation of this change, I find no further review is necessary and that immediate adoption is warranted.

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

IT IS ORDERED that the Arizona Code of Judicial Administration § 6-114 is amended as indicated in the attached document, effective immediately. All other provisions of § 6-114 as previously adopted, remain unchanged and in effect.

Dated this 19th day of August, 2009.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-114: Committee on Probation

Sections A and B – No changes

C. Membership. COP shall be composed of the following members:

1. All chief probation officers and directors of juvenile courts;
2. Directors of the Administrative Office of the Courts (AOC) Adult Probation Services Division and Juvenile Justice Services Division;
3. Two judges; one serving on the criminal bench and one serving on the juvenile bench;
4. One member who serves on the Committee on Limited Jurisdiction Courts;
5. One member representing the United States Probation Office, District of Arizona;
6. A minimum of four public members with demonstrated interest or knowledge in criminal justice or juvenile justice matters. The public members shall include:
 - a. A representative from the tribal community;
 - b. A representative from the substance abuse or mental health profession; and
 - c. A crime victim or crime victim advocate.
7. Two line officers; one from adult probation and one from juvenile probation; The chief justice may appoint other members to the COP.
8. The chief justice may appoint other members to the COP.

Sections D through I – No changes