

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
FACILITATING THE IMPOSITION AND) Administrative Order
COLLECTION OF COURT-ORDERED) No. 2017 - 80
FINANCIAL OBLIGATIONS)
)
_____)

The Fair Justice for All Task Force was established by Administrative Order No. 2016-16. On October 17, 2016, the Arizona Judicial Council supported all the recommendations of the Task Force and approved the filing of a rule change petition, supporting legislative proposals, and adopting court policies and procedures as necessary to implement the recommendations set forth by the Task Force.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that all courts in the State of Arizona implement court procedures to assist people in complying with court-imposed obligations in criminal and civil traffic cases.

Court procedures shall include:

1. Offering an installment payment process for those who are financially unable to pay their court-ordered financial obligations at the time they are imposed.
2. Accepting the following forms of payment for a court-ordered financial obligation:
 - a. Cash;
 - b. Credit and debit card;
 - c. Cashier's check, certified check, or other financial institution generated fund transfer instrument; and
 - d. Money order.

In individual cases, forms of payment may be subject to reasonable restrictions and hold periods for clearance of funds.

If a court determines that an exception to the Minimum Accounting Standards of the Arizona Code of Judicial Administration (ACJA) is needed to comply with this section, a request for exception may be submitted pursuant to the requirements of ACJA, Section 1-401(E)(1)(c).

3. Accepting, at the discretion of the court, as a form of payment:
 - a. Personal check;

- b. Electronic Fund Transfer (EFT) or electronic payment such as electronic check and direct deposit; and
 - c. Online transaction or electronic transaction conducted by telephone or internet.
4. Determining an individual's ability to pay applicable at the original imposition of a financial obligation at any Order to Show Cause hearing that includes a financial obligation, and at any other appropriate time.
5. Mitigating, at the discretion of the judge, the financial penalty imposed at sentencing for those who have been determined unable to pay the full obligation amount normally imposed by providing:
 - a. Credit for time served in a detention facility;
 - b. Credit for the performance of community restitution; or
 - c. Reduction or waiver of the presumptive fine amount or other non-mandatory fees and assessments for a financial hardship as permitted by law.

IT IS FURTHER ORDERED that, in the interest of the efficient administration of justice and good public service, the presiding judge of each court may provide by administrative order for court staff to implement a mitigation schedule adopted by the court. The order shall include a financial mitigation policy and a financial sanctions schedule for staff to follow based on the individual's federal poverty level or other applicable ability to pay factors.

Dated this 5th day of July, 2017.

SCOTT BALES
Chief Justice