

LAWS OF ARIZONA

CHAPTER 123

Senate Bill 1130

AN ACT

RELATING TO COURTS AND CIVIL PROCEEDINGS; REVISING THE ADULT PROBATION OFFICER SYSTEM; PROVIDING FOR APPOINTMENT, QUALIFICATIONS, DUTIES AND TENURE OF ADULT PROBATION OFFICERS; REPEALING SECTION 12-251, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 12-251 AND 12-254, AND AMENDING SECTIONS 12-252 AND 12-253, ARIZONA REVISED STATUTES.

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

Section 1. Repeal

Section 12-251, Arizona Revised Statutes, is repealed.

Sec. 2. Title 12, chapter 2, article 6, Arizona Revised Statutes, is amended by adding a new section 12-251, to read:

12-251. Adult probation officers; appointment; qualifications

A. THE PRESIDING JUDGE OF THE SUPERIOR COURT IN EACH COUNTY HAVING A POPULATION OF THREE HUNDRED THOUSAND PERSONS OR MORE SHALL APPOINT A CHIEF ADULT PROBATION OFFICER WHO SHALL SERVE AT THE PLEASURE OF THE PRESIDING JUDGE. SUCH CHIEF ADULT PROBATION OFFICER, WITH THE APPROVAL OF THE PRESIDING JUDGE OF THE SUPERIOR COURT, SHALL APPOINT SUCH DEPUTY ADULT PROBATION OFFICERS AS ARE NECESSARY. SUCH DEPUTY ADULT PROBATION OFFICERS SHALL HOLD OFFICE UNDER RULES AND PROCEDURES ESTABLISHED BY THE SUPREME COURT.

B. IN A COUNTY HAVING A POPULATION OF LESS THAN THREE HUNDRED THOUSAND PERSONS THE PRESIDING JUDGE OF THE SUPERIOR COURT MAY APPOINT SUCH ADULT PROBATION OFFICERS AS ARE NECESSARY AND SUCH OFFICERS SHALL HOLD OFFICE AT THE PLEASURE OF THE JUDGE MAKING THE APPOINTMENTS.

LAWS OF ARIZONA

THE JUVENILE PROBATION OFFICER SHALL SERVE AS ADULT PROBATION OFFICER WITHOUT ADDITIONAL COMPENSATION IF SO DIRECTED BY THE APPOINTING JUDGE.

C. EACH ADULT PROBATION OFFICER APPOINTED PURSUANT TO SUBSECTION A OR B SHALL GIVE BOND IN THE PRINCIPAL AMOUNT TO BE FIXED BY THE COURT AND APPROVED BY THE JUDGE MAKING THE APPOINTMENT, CONDITIONED UPON THE FAITHFUL PERFORMANCE BY SUCH OFFICER OF HIS OFFICIAL DUTIES AND THE PAYMENT OF ALL MONIES COMING INTO HIS POSSESSION AS SUCH OFFICER TO THE PERSON, OFFICER OR BODY ENTITLED TO RECEIVE THE FUNDS. ANY ADULT PROBATION OFFICER COVERED BY A BLANKET FAITHFUL PERFORMANCE BOND PAYABLE TO THE COUNTY SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SECTION.

D. AN ADULT PROBATION OFFICER OF A COUNTY SHALL QUALIFY UNDER MINIMUM STANDARDS OF EXPERIENCE AND EDUCATION ESTABLISHED BY THE SUPREME COURT. SUCH STANDARDS MAY DIFFER FOR COUNTIES OF LESS THAN THREE HUNDRED THOUSAND PERSONS FROM COUNTIES WITH THREE HUNDRED THOUSAND PERSONS OR MORE.

E. PRESENTLY APPOINTED ADULT PROBATION OFFICERS WHO QUALIFY UNDER THE PROVISIONS OF SUBSECTION D OF THIS SECTION SHALL BE RETAINED IN THEIR POSITION AS LONG AS THEY ARE QUALIFIED.

Sec. 3. Section 12-252, Arizona Revised Statutes, is amended to read:

12-252. Salaries and expenses

A. The salary of the adult probation ~~officer and of each deputy or assistant~~ OFFICERS shall be fixed by the PRESIDING judge ~~making the appointment~~ OF THE SUPERIOR COURT with the approval of the board of supervisors.

B. The ~~actual~~ expenses AND ALLOWANCES of ~~any officer, THE ADULT PROBATION deputy, or assistant,~~ OFFICERS incurred in performance of ~~his~~ THEIR duty or in the execution of the orders of the court shall, when approved by the PRESIDING judge ~~or judges of the criminal division~~ of the superior court, be paid ~~as other county charges~~. IN THE AMOUNTS PROVIDED IN SECTIONS 38-623 AND 38-624.

LAWS OF ARIZONA

Sec. 4. Section 12-253, Arizona Revised Statutes, is amended to read:

12-253. **Powers and duties**

The adult probation officer shall:

- 1. Make and file a complete record of persons placed under suspended sentence by the court, and of all reports made to him in writing or in person, in accordance with the conditions imposed by the court.
- 2. Exercise general supervision and observation over persons under suspended sentence, subject to control and direction by the court.
- 3. Serve warrants, make arrests and bring persons before the court who are under suspended sentences. **SUCH OFFICER HAS THE AUTHORITY OF A PEACE OFFICER IN THE PERFORMANCE OF HIS DUTIES.**
- 4. Investigate cases referred to him for investigation by the court in which he is serving and report thereon to the court.
- 5. Secure and keep a complete identification record of every person released under a suspended sentence and a written statement of the conditions of the suspension.
- 6. Obtain and assemble information concerning the conduct of persons placed under suspended sentence and report the information to the court.
- 7. Bring defaulting probationers into court when in his judgment the conduct of the probationer justifies the court to revoke suspension of the sentence.

Sec. 5. Title 12, chapter 2, article 6, Arizona Revised Statutes, is amended by adding section 12-254, to read:

12-254. **Chief Adult probation officer; duties; other officers' duties**

A. IN EACH COUNTY HAVING A CHIEF ADULT PROBATION OFFICER, SUCH OFFICER WITH THE APPROVAL OF THE PRESIDING JUDGE SHALL:

- 1. **ESTABLISH ORGANIZATIONAL AND OPERATIONAL PROCEDURES FOR THE DEPUTY ADULT PROBATION OFFICERS OF THE COUNTY.**

LAWS OF ARIZONA

2. DIRECT THE WORK AND ACTIVITIES OF THE DEPUTY ADULT PROBATION OFFICERS OF THE COUNTY.

3. SUPPLY SUCH INFORMATION AS MAY BE REQUESTED BY THE DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 41-1604, SUBSECTION A, PARAGRAPH 7.

4. PERFORM OTHER DUTIES ASSIGNED BY THE PRESIDING JUDGE, WHICH DUTIES MAY INCLUDE SERVING AS A JUVENILE PROBATION OFFICER, IF SUCH OFFICER MEETS THE MINIMUM QUALIFICATION PRESCRIBED BY SECTION 8-203, SUBSECTION C.

B. IN A COUNTY HAVING NO CHIEF PROBATION OFFICER THE ADULT PROBATION OFFICER SHALL SUPPLY THE INFORMATION REQUIRED BY SUBSECTION A, PARAGRAPH 3 OF THIS SECTION.

Approved by the Governor - May 10, 1972

Filed in the Office of the Secretary of State - May 10, 1972