

ADDITIONAL INFORMATION REQUIRED

 YES (SEE ATTACHED)

X NO

BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: February 3, 2015

COUNTY ADMINISTRATOR

DATE

ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS

The Pima County Attorney's Office maintains a Deferred Prosecution Program pursuant to A.R.S. sections 11-361 et seq. That program allows for certain non-violent offenders to enter into the program as an alternative to prosecution. Upon successful completion of the program, the charges against the offender are dismissed.

In the 2014 legislative session, the Arizona Legislature added a new statute, A.R.S. section 11-363, authorizing the establishment of a Deferred Prosecution Fund consisting of county general fund monies, federal monies, and grants, gifts, devises or donations from any public or private source to be used at the discretion of the County Attorney for the administration of deferred prosecution programs pursuant to A.R.S. sections 11-361 et seq.

The Pima County Attorney respectfully requests that the Board of Supervisors adopt the attached Ordinance to establish the Deferred Prosecution Fund authorized by A.R.S. section 11-363 and adopt deferred prosecution fees pursuant to A.R.S. section 11-251.08 consisting of \$50 per month for felony, domestic violence or repeat offender cases, a \$185 one-time program fee for possession of marijuana cases, and a one-time program fee of \$80 for all other first time offender, non-domestic violence misdemeanor cases.

These fees will be assessed against participants in the Deferred Prosecution Program and deposited into the Deferred Prosecution Fund to offset in part the costs of administering the Pima County Attorney's Office Deferred Prosecution Program. The proposed ordinance will also authorize the Pima County Attorney to assess the deferred prosecution fees and to direct, control and administer the Deferred Prosecution Fund to support the Pima County Attorney's Office Deferred Prosecution Program.

Pursuant to A.R.S. section 11-251.08(C), the proposed Deferred Prosecution Ordinance was published in The Territorial on Thursday, January 8, 2015.

STAFF RECOMMENDATION: The County Administrator and the Pima County Attorney recommend adoption of this ordinance and the institution of deferred prosecution program fees as outlined therein for participants in the Pima County Attorney's Office Deferred Prosecution Program.

PIMA COUNTY COST: \$ N/A and/or REVENUE TO PIMA COUNTY \$ varies

FUNDING SOURCE: N/A

ADVERTISED PUBLIC HEARING: x YES NO (A.R.S. section 11-251.08)

REQUEST FOR: Action Discussion x Discussion/Action

BOARD OF SUPERVISOR DISTRICT 1 2 3 4 5 X All

IMPACT:

IF APPROVED: The Pima County Attorney's Office will have the ability to impose deferred prosecution fees upon program participants in order to defray portions of the cost to Pima County of operating its Deferred Prosecution Program.

IF DENIED: Pima County will continue to absorb the entire cost of operating the Pima County Attorney's Office Deferred Prosecution Program.

AGENDA ITEM INITIATED BY: Christopher Straub, Chief Civil Deputy

DEPARTMENT NAME: Pima County Attorney's Office

CONTACT PERSON:  Tobin Rosen, Deputy County Attorney

DATE AND TELEPHONE NUMBER: January 14, 2015 / 740-5750

ORDINANCE NUMBER 2015—

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO DEFERRED PROSECUTION; ESTABLISHING A DEFERRED PROSECUTION FUND PURSUANT TO A.R.S. SECTION 11-363; ESTABLISHING DEFERRED PROSECUTION FEES PURSUANT TO A.R.S. SECTION 11-251.08; AUTHORIZING THE PIMA COUNTY ATTORNEY TO DEPOSIT DEFERRED PROSECUTION FEES INTO THE DEFERRED PROSECUTION FUND AND TO CONTROL AND USE MONEYS IN THE DEFERRED PROSECUTION FUND IN THE ADMINISTRATION OF THE PIMA COUNTY ATTORNEY'S DEFERRED PROSECUTION PROGRAM.

The Board of Supervisors of Pima County, Arizona finds that:

1. The Pima County Attorney maintains a Deferred Prosecution Program pursuant to A.R.S. sections 11-361 et seq.
2. In the 2014 legislative session, the Arizona Legislature added A.R.S. section 11-363 authorizing the establishment of a Deferred Prosecution Fund consisting of county general fund monies, federal monies, and grants, gifts, devises or donations from any public or private source to be used at the discretion of the County Attorney for the administration of deferred prosecution programs pursuant to A.R.S. sections 11-361 et seq.
3. The Board of Supervisors desires to establish the Deferred Prosecution Fund authorized by A.R.S. section 11-363 and to adopt deferred prosecution fees pursuant to A.R.S. section 11-251.08 to be deposited into the Deferred Prosecution Fund to offset the costs of the Pima County Attorney's Deferred Prosecution Program.
4. The Board of Supervisors desires to authorize the Pima County Attorney to assess deferred prosecution fees and to direct, control and administer the Deferred Prosecution Fund to support the Pima County Attorney's Deferred Prosecution Program.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The Deferred Prosecution Fund is hereby authorized and established, consisting of county general fund monies, federal monies, and grants, gifts, devises or donations from any public or private source to be used at the discretion of the Pima County Attorney for the administration of deferred prosecution programs pursuant to A.R.S. sections 11-361 et seq.

Section 2. The schedule of deferred prosecution fees attached to this Ordinance as Exhibit A is authorized and approved pursuant to A.R.S. section 11-251.08. The Pima County Attorney is authorized to assess deferred prosecution fees as specified in Exhibit A and to deposit the proceeds into the Deferred Prosecution Fund.

Section 3. The Pima County Attorney is authorized to direct, control and administer the Deferred Prosecution Fund for use in support of the Pima County Attorney's Deferred Prosecution Program.

Section 4. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this
____ day of _____, 2015

Chair of the Board of Supervisors

ATTEST:

Clerk of Board

APPROVED AS TO FORM:



TOBIN ROSEN
Deputy County Attorney

Exhibit A

Pima County Attorney's Office Adult Diversion Program Fees Schedule

Felony, Domestic Violence and Repeat Offender Cases:
Program fee of \$50 per month

Misdemeanor Cases (first-time offender, non-domestic violence):
Possession of marijuana cases, a one-time \$185 program fee
All cases except possession of marijuana cases, a one-time \$80 program fee