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# MEMORANDUM

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Date: January 17, 2017

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **State Cost Transfers through Court Surcharges**

Attached is a January 12, 2017 memorandum from Assistant County Administrator Ellen Wheeler regarding State surcharges on fines and fees. I had asked for clarification regarding the percentage of Court fines and fees that are ultimately transferred to the State. As you can see, the State of Arizona imposes an 83 percent surcharge in addition to the base fine in civil traffic and criminal cases and a flat fee surcharge of \$35 per case. This results in more than half of a base fine being transferred to the State.

In Fiscal Year 2015/16, the County Consolidated Justice Court retained \$2,416,000 in base fines, but transmitted \$3,207,123 to the State as a result of these surcharges. As you can see, the surcharges go to a variety of purposes, including the Medical Services Enhancement Fund; Criminal Justice Enhancement Fund; Clean Elections Fund; Fill the Gap Fund; DNA Testing Fund; Probation Surcharge; State Law Enforcement Surcharge; and Victims' Rights Enforcement Assessment.

I have asked staff to determine the proportionality of funds sent to the State as surcharges that are returned to Pima County or our residents through these various funds. Ideally, \$3,200,000 would be returned, which would indicate proportionality or direct equity. When this information is available, I will forward it to the Board of Supervisors.

It is appropriate to consider both the amount of surcharges and the proportionality of returned funds to understand the larger concept of State cost transfers to local taxpayers.

CHH/anc

Attachment

c: Ellen Wheeler, Assistant County Administrator  
Michael Racy, Racy Associates, Inc.



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# MEMORANDUM

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Date: January 12, 2017

To: Chuck Huckelberry  
County Administrator

From: Ellen Wheeler *EKW*  
Assistant County Administrator

Re: **State Surcharges on Fines and Fees**

You asked for information regarding the amounts of civil traffic and criminal fines collected by Pima County Consolidated Justice Court and the related surcharges imposed by the State of Arizona on those fines.

The State of Arizona imposes an extra 83% on top of a base fine in civil traffic and criminal cases through five surcharges, plus three additional flat fee surcharges totaling \$35 per case. As a result, the total financial obligation of the defendant can more than double over the base fine.

As an example, a base fine of \$100 ultimately becomes a \$218 total fine, including the surcharges:

Base Fine	\$100.00
13% MSEF Surcharge	13.00
47% CJEF Surcharge	47.00
10% CEF Surcharge	10.00
7% FTG Surcharge	7.00
6% DNA Surcharge	6.00
\$20 JCEF Flat Assessment	20.00
\$13.00 Additional Assessment	13.00
\$2 VRF Flat Assessment	2.00
Total	\$218.00

The State surcharges fund a variety of activities, most of which (but not all) are related to the criminal justice system. These surcharges (listed in the same order as the example above) are:

*Medical Services Enhancement Fund*

13% of a base fine, per A.R.S. 12-116.02.

*Criminal Justice Enhancement Fund*  
47% of a base fine, per A.R.S. 12-116.01.

*Clean Elections Fund*  
10% of a base fine, per A.R.S. 16-954.

*Fill The Gap Fund*  
7% of a base fine, per A.R.S. 12-116.01.

*DNA Testing Fund*  
6% of a base fine, per A.R.S. 12-116.01.

*Probation Surcharge*  
A flat \$20 assessment on a base fine, per A.R.S. 12-114.01.

*State Law Enforcement Surcharge*  
A flat \$13 assessment on a base fine, per A.R.S. 12-116.04.

*Victims' Rights Enforcement Assessment*  
A flat \$2 assessment on a base fine, per A.R.S. 12-116.09.

The breakdown of surcharge amounts paid to the State in 2015-16 is:

Surcharge Name	Authority	Amount Collected, FY 15/16
MSEF Surcharge	ARS 12-116.02	\$387,608.67
CJEF Surcharge	ARS 12-116.01	\$1,401,926.92
CEF Surcharge	ARS 16-954	\$299,686.93
FTG Surcharge	ARS 12-116.01	\$199,591.88
DNA Surcharge	ARS 12-116.01	\$163,682.59
JCEF Probation Assessment	ARS 12-114.01	\$452,343.64
\$13 Extra Assessment	ARS 12-116.04	\$271,102.56
\$2 Victim Rights Assessment	ARS 12-116.09	\$31,180.11

In 2015-16, the Justice Court retained \$2,416,000 in base fines in criminal cases and civil traffic cases, while it collected and transmitted \$3,207,123 in the state surcharges detailed above. (The total dollar figure for surcharges includes some surcharges on other fees.) Typically, the Justice Court estimates that it retains about 44% of total collections for civil traffic and criminal cases.

Chuck Huckelberry, County Administrator  
Re: State Surcharges on Fines and Fees  
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The Arizona Supreme Court and Legislature will be considering significant changes to how fines and fees are set and collected in Arizona courts, as a result of recommendations from the "Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees and Pretrial Release Policies" that was established by Chief Justice Scott Bales last year. The Task Force has recommended a number of substantial changes to statutes and court rules regarding the setting, collecting and waiving of court-imposed payments. The recommendations are aimed at reducing the financial burden of fines and fees on people with limited financial means. Among the recommendations are that judges should have the authority to mitigate fines, fees and surcharges that are currently have mandatory minimums, that courts adopt simplified procedures to determine a defendant's ability to pay, and that community service, which is available as an alternative to fines, be made available as an alternative to the State surcharges. The full Report and Recommendations of the Task Force can be found at <http://www.azcourts.gov/LinkClick.aspx?fileticket=bmECOPU-FD8%3d&portalid=74>.