



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 345

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING SECTION 34.05(E) OF THE CITY CODE RELATING TO MUNICIPAL COURT PROBATION FEES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY

WHEREAS, the San Luis Municipal Court administers multiple programs and services; and

WHEREAS, the cost of administering such programs and services which benefit defendants is a substantial burden on this court; and

WHEREAS, in sentencing misdemeanors, the court has discretion to place defendants on probation; and

WHEREAS, A.R.S. § 13-901(A) prohibits monthly fees on unsupervised probationers from Municipal Courts; and

WHEREAS, A.R.S. §13-901(A) requires a monthly fee of not less than sixty-five (\$65.00) for supervised probationers.

WHEREAS, the City Code for Court fees needs to be amended from time to time to keep up with Court costs and changes in the law; and

WHEREAS, A.R.S. §22-404 (E) allows the Mayor and Council to set municipal court fees for court programs and services; and

WHEREAS, A.R.S. §13-901 allows municipal courts to assess a monthly probation fee;

NOW THEREFORE BE IT ORDAINED by Mayor and Council of the City of San Luis, Arizona as follows:

Section 1. That Section 34.05 (E) is hereby amended and shall read as follows:

§34.05 MUNICIPAL COURT FEES

(E) *Probation Fees.*

1. Any person **accepting** sentenced to probation and ordered to be screened for probation qualification shall pay the cost of such screening to be conducted by a court compliance officer of this court; the fee shall be twenty-five dollars (\$25.00) **per case.**

The San Luis Municipal Court shall assess each defendant placed on unsupervised probation a fee of **fifty dollars (\$50.00) for drug tests which will be assessed once per case.** ~~ten-dollars (\$10.00) to be paid for each month that the defendant remains on probation.~~ A twenty-dollar (\$20.00) completion verification fee shall be assessed at the successful completion of **unsupervised** probation. **A court compliance officer shall conduct the drug tests and completion verification for unsupervised probationers.**

2. The San Luis Municipal Court shall assess each defendant placed on standard probation a monitoring fee of ~~fifteen-dollars (\$15.00)~~ **sixty-five dollars (\$65.00)** to be paid for each month that the defendant remains on probation. Monitoring will include **activities designed to verify whether or not the probationer is successfully complying with sentencing, alcohol** breath tests ~~(alcohol)~~ and drug tests. On drug tests the court will assess a ~~five-dollar (\$5.00)~~ **fifty dollar (\$50.00)** fee **which will be assessed once per case.** A twenty-dollar (\$20.00) completion verification fee shall be assessed at the successful completion of probation. **A court compliance officer shall conduct monitoring, alcohol breath tests, drug tests and completion verification for standard probationers.**
3. Any and all fees collected under this section shall be deposited into the San Luis Municipal Court's enhancement fund.

Section 2. In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation or policy of the City of San Luis, the conflicting

provisions are hereby repealed, superseded and replaced, and the provisions of this Ordinance shall govern.

Section 3. If any section, subsection, sentence, clause or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona this ____ day of _____, 2015

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney