



# *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 including probation which includes among other things screening for eligibility, monitoring, conducting alcohol and drug tests when appropriate, and verifying for compliance for completing probation; 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 suspend imposition of sentences and execution of sentences by defendants' acceptance of probation under ARS § 13-901(A); and

WHEREAS, for unsupervised probationers, A.R.S. § 13-901(A) now prohibits monthly fees from municipal courts; and

WHEREAS, for supervised probationers, A.R.S. §13-901(A) now requires a monthly fee of not less than sixty-five (\$65.00) unless the court determines that the probationer is unable to pay; and

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;

NOW THEREFORE BE IT ORDAINED by the 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**

The following court fees will be assessed unless under the procedures of §34.03 of the San Luis City Code, the Magistrate determines a lesser amount based on the person's inability to pay.

[. . .]

(E) *Probation Fees.*

1. Any person ~~accepting sentenced to~~ whose sentence or execution of a sentence is suspended by acceptance of probation and who is ordered to be screened for probation qualification shall pay the cost of such screening to be conducted by a court compliance officer of this ~~e~~Court; the ~~fee~~ Probation Qualification Fee shall be twenty-five dollars (\$25.00) once per case.

*Unsupervised Probation*

The San Luis Municipal Court shall assess each defendant ~~placed on~~ whose sentence or execution of a sentence is suspended by acceptance of unsupervised probation an Administrative Fee of fifty dollars (\$50.00) 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) ~~e~~Completion ~~v~~Verification ~~f~~Fee shall be assessed at the successful completion of unsupervised probation. A court compliance officer shall verify compliance for completion for unsupervised probationers.

2. *Standard/Supervised Probation*

The San Luis Municipal Court shall assess each defendant placed on standard probation a ~~m~~Monitoring ~~f~~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, which may include alcohol breath tests ~~(alcohol)~~ and drug tests. On drug tests For those cases which the court has ordered drug testing as part of the standard probation, the court will assess a ~~five-dollar (\$5.00)~~ fifty dollar

(\$50.00) Drug Test fFee which will be assessed once per case. A twenty-dollar (\$20.00) ~~e~~C~~v~~ompletion ~~v~~V~~f~~erification ~~f~~F~~e~~e shall be assessed at the successful completion of probation. A court compliance officer shall conduct monitoring including alcohol breath tests, and drug tests as appropriate, and shall verify compliance for completion 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

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Kay Marion Macuil, City Attorney