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LA PAZ COUNTY
SUPERIOR COURT CLERK
SHERI NEWMAN

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF LA PAZ

In Re the Matter of:)	
)	
PROSECUTION COSTS RECOVERY FUND)	Administrative Order
)	No. 2005-03

A Prosecution Costs Recovery Fund is established wherein persons who have admitted or been found guilty of violating the laws in La Paz County, may be ordered to contribute to the cost incurred by the County Attorney's Office, the Superior Court and the Clerk of the Superior Court in resolving these cases.

The costs for the County Attorney include, but are not limited to: investigation, preparation of the pleadings, notification of victims, attorneys' time in appearing at the various court proceedings, discussions with witnesses and victims, preparing the matters for hearings and trial, responding to motions, and negotiating plea agreements.

The Court incurs costs in conducting the various hearings, which include but are not limited to: scheduling and holding of initial appearances, arraignments, release hearings, pre-trial conferences, evidentiary hearings, status hearings, changes of plea, jury and non-jury trials, and sentencing hearings. Further the Court costs include the time provided by court reporters, bailiffs, judges, court administration, the supplies necessary to maintain records, court calendars, and to track cases through the Court system.

The Clerk of the Court incurs costs in providing in court clerical support, the staffing and supplies necessary to maintain records, files, and preparing minute entries, notices and orders. Further the Clerk of the Court costs include the time to notify the parties and other agencies of hearings, court orders, commitment and release orders and setting-up and maintaining financial records.

Grounds for Imposing a Prosecution Costs Recovery Fund

Arizona Revised Statutes Section 13-804(A) authorizes the Court, in its own discretion, to order upon conviction that a defendant reimburse any person who suffered economic loss by the defendant's conduct. Further A.R.S. § 13-806(H) provides that, "Following the entry of the judgment and sentence in the criminal case, if the trial court

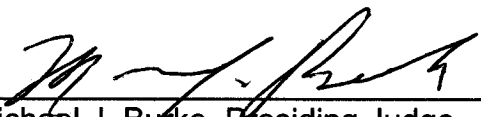
sentences the defendant to pay a fine or awards costs of investigation or prosecution, the state may file a restitution lien. . . ." The legislature's change in the statutory language of A.R.S. § 13-804 [now, A.R.S. § 13-806] after *State v. Gelden*, 126 Ariz. 232, 613 P.2d 1288 (App. 1980), reflects an intent to allow a trial court to require a defendant, as part of a sentence, to reimburse the state for the costs of prosecution. *State vs. Maupin*, 166 Ariz. 250, 801 P.2nd 485 (App. 1990).

Grounds for Establishing Special Revenue Accounts

Because there is no specific statutory authority for establishing special revenue accounts for recovery of prosecution costs, this Court relies on the express language of a similar reimbursement statute. Arizona Revised Statute § 11-584(D) provides that, "Assessments collected pursuant to subsection B of this section [a reasonable amount to reimburse the county for the cost of the defendant's legal defense] shall be paid into the county general fund in the account designed for use *solely by the public defender and court appointed counsel to defray the costs of public defenders and court appointed counsel. The assessments shall supplement, not supplant,* funding provided by counties for public defense, legal defense and contract indigent defense counsel in each county." *Emphasis Added*

IT IS THEREFORE ORDERED that monies received for Prosecution Costs Recovery Fund, shall be transferred fifty (50%) percent to the County Attorney's Prosecution Costs Recovery Fund, Account No. 325-4565, thirty (30%) percent to the Clerk of the Superior Court's Prosecution Costs Recovery Fund, Account No. 326-4565, and twenty (20%) percent to the Superior Court's Prosecution Costs Recovery Fund, Account No. 327-4565.

DATED this 13th day of April, 2005.



Michael J. Burke, Presiding Judge
La Paz County Superior Court

cc: Martin J. Brannan,
La Paz County Attorney

Sheri Newman, Clerk
La Paz County Superior Court

Richard J. Tozer, Court Administrator
La Paz County Superior Court

Ava Alcaida, Finance Director
La Paz County

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