

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 5: Court Operations
Chapter 2: Programs and Standards
Section 5-205: Collections

1. Effect of the proposal: The statewide Fines, Fees and Restitution Enforcement Program (FARE) has been in operation since 2003, and is now in place in almost every court in the state. This proposal is intended primarily to update the FARE code section, ACJA § 5-205 to reflect the way the program currently operates, and to give courts clarification on the administration and applicability of the FARE fees

2. Significant new or changed provisions:

Definitions

- Adds a definition of “attempt” related to the FARE vendor’s efforts to contact the defendant regarding the delinquent obligation.
- Adds to the definition of “DSO/TIP program” the statutory authorities for event wagering, lottery, and fantasy sports betting winning interceptions.
- Defines “gaming intercept” related to intercepts for event wagering and fantasy sports betting.
- Defines “lottery intercept” related to intercepts of lottery prize winnings through the Arizona Lottery.

Adds

- Adds provisions that provide for when a case can be recalled or removed from FARE and adds a definition for the same.
- Adds a provision requiring periodic review of delinquent cases and referral to FARE.
- Adds “civil” to the case types that can have FARE fees assessed and that can be referred to the FARE Program.

Clarifies

- Clarifies Traffic Ticket Enforcement Assistance Program (TTEAP) to reflect the process for lifting holds.
- Clarifies processes for courts participating in the FARE Compliance Assistance Program (CAP).
- Amends and clarifies provisions related to distributing FARE revenues.
- Clarifies when FARE fees are to be assessed, their priority in the Priority of Payment, and the circumstances in which they may be suspended or waived.

Removes

- Removes the \$10 installment payment plan fee for installment payment plans, which has never been assessed on FARE cases or installment payment plans.

- 3. Committee actions and comments:** The proposal will be posted to the ACJA Web Forum in August and presented to the Limited Jurisdiction Court Committee (September), the Committee on Superior Courts (September), and the Arizona Judicial Council in October.

Informational presentations via conference calls will be provided to the Limited Jurisdiction Court Administrators, Superior Court Administrators, and the Clerks of Court in August.

- 4. Controversial issues:** None known.

- 5. Recommendation:** Recommend approval.