

COMMITTEE ON JUDICIARY

SENATE AMENDMENTS TO H.B. 2404

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-805, Arizona Revised Statutes, is amended to
3 read:

4 13-805. Jurisdiction

5 A. The trial court shall retain jurisdiction of the case for purposes
6 of modifying the manner in which court-ordered payments are made until paid
7 in full or until the defendant's sentence expires. At the time the defendant
8 completes the defendant's period of probation or the defendant's sentence **OR**
9 **THE DEFENDANT ABSCONDS FROM PROBATION OR THE DEFENDANT'S SENTENCE**, the court
10 shall enter both:

11 1. A criminal restitution order in favor of the state for the unpaid
12 balance, if any, of any fines, costs, incarceration costs, fees, surcharges
13 or assessments imposed.

14 2. A criminal restitution order in favor of each person entitled to
15 restitution for the unpaid balance of any restitution ordered.

16 B. The clerk of the court shall notify each person who is entitled to
17 restitution of the criminal restitution order.

18 C. A criminal restitution order may be recorded and enforced as any
19 civil judgment, except that a criminal restitution order does not require
20 renewal pursuant to section 12-1611 or 12-1612. Enforcement of a criminal
21 restitution order by any person who is entitled to restitution or by the
22 state includes the collection of interest that accrues pursuant to section
23 44-1201 in the same manner as any civil judgment. A criminal restitution
24 order does not expire until paid in full.

25 D. A criminal restitution order is a criminal penalty for the purposes
26 of a federal bankruptcy involving the defendant.

27 Sec. 2. Section 13-4406, Arizona Revised Statutes, is amended to read:

28 13-4406. Notice of initial appearance

1 On becoming aware of the date, time and place of the initial appearance
2 of the accused, the law enforcement agency shall inform the victim of ~~such~~
3 THAT information unless the accused appeared in response to a summons OR WRIT
4 OF HABEAS CORPUS. In that case, the prosecutor's office shall, on receiving
5 ~~such~~ THAT information, provide the notice to the victim.

6 Sec. 3. Section 13-4412, Arizona Revised Statutes, is amended to read:
7 13-4412. Notice of release or escape

8 A. The sheriff or municipal jailer ~~shall~~, on request, SHALL notify the
9 victim AND THE PROSECUTOR'S OFFICE of the release of the accused.

10 B. The custodial agency shall immediately give notice to a victim and
11 the prosecutor's office of an escape by, and again ~~upon~~ ON the subsequent
12 rearrest of, an incarcerated person who is accused or convicted of committing
13 a criminal offense against the victim. The custodial agency shall give
14 notice by any reasonable means."

15 Amend title to conform

3/2/11
3:52 PM
S: GK/tf