

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2571

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 8-344, Arizona Revised Statutes, is amended to
3 read:

4 8-344. Restitution payments

5 A. If a juvenile is adjudicated delinquent, the court, after
6 considering the nature of the offense and the age, physical and mental
7 condition and earning capacity of the juvenile, shall order the juvenile to
8 make full or partial restitution to the victim of the offense for which the
9 juvenile was adjudicated delinquent or to the estate of the victim if the
10 victim has died. The juvenile shall make restitution payments to the clerk
11 of the court for disbursement to the victim or estate of the victim.

12 B. The court shall notify the victim or estate of the victim of the
13 dispositional hearing. The court may consider a verified statement from the
14 victim or estate of the victim concerning damages for lost wages, reasonable
15 damages for injury to or loss of property and actual expenses of medical
16 treatment for personal injury, excluding pain and suffering.

17 C. In ordering restitution pursuant to subsection A of this section,
18 the court may order one or both of the juvenile's custodial parents to make
19 restitution to the victim of the offense for which the juvenile was
20 adjudicated delinquent or to the estate of the victim if the victim has died.
21 The court shall determine the amount of restitution ordered pursuant to this
22 subsection, except that FOR A VIOLATION OF SECTION 13-1602, SUBSECTION A,
23 PARAGRAPH 5, THE AMOUNT SHALL NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS
24 AND FOR A VIOLATION OF ANY OTHER OFFENSE the amount shall not exceed the
25 liability limit established pursuant to section 12-661. The court may order
26 a parent or juvenile who is ordered to pay restitution to satisfy the order
27 in a lump sum or installment payments to the clerk of the court for
28 disbursement to the victim or estate of the victim. If the court orders the
29 juvenile's parents to make restitution pursuant to this subsection, the court
30 shall order the juvenile to make either full or partial restitution,
31 regardless of the juvenile's insufficient earning capacity. The court shall
32 not consider the ability of the juvenile's parents to pay restitution before
33 making a restitution order.

1 D. The juvenile court shall retain jurisdiction of the case after the
2 juvenile attains eighteen years of age for the purpose of modifying the
3 manner in which court ordered payments are to be made. After a juvenile
4 attains eighteen years of age, the juvenile court shall enter the following:

5 1. A juvenile restitution order in favor of the state for the unpaid
6 balance, if any, of any costs, fees, surcharges or monetary assessments
7 imposed.

8 2. A juvenile restitution order in favor of each person entitled to
9 restitution for the unpaid balance of any restitution ordered pursuant to
10 this section.

11 E. The clerk of the court shall send a copy of the juvenile
12 restitution order to each person who is entitled to restitution.

13 F. A juvenile restitution order may be recorded and enforced as any
14 civil judgment, except that a juvenile restitution order does not require
15 renewal pursuant to section 12-1611 or 12-1612. A juvenile restitution order
16 does not expire until paid in full. Enforcement of a juvenile restitution
17 order by any person who is entitled to restitution or by the state includes
18 the collection of interest, which accrues at a rate of ten per cent per
19 annum.

20 G. A juvenile restitution order is a criminal penalty for the purposes
21 of a federal bankruptcy involving the juvenile."

22 Renumber to conform

23 Page 1, line 33, after "C." insert "FOR A VIOLATION OF SUBSECTION A, PARAGRAPH 5 OF
24 THIS SECTION,"; after "INCLUDE" insert "REASONABLE"

25 Line 34, after the comma insert "REASONABLE"; after the third "ANY" insert
26 "REASONABLE"

27 Page 2, line 30, after both commas insert "REASONABLE"

28 Line 31, after the second "ANY" insert "REASONABLE"

29 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

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