

As of 10-19-18: Mitigation of Penalties, Fines, Surcharges, Assessments and Fees 1-1-19

Options for Judges

Mitigation: Includes waiver, suspension or reduction of any penalty, fee, fine, assessment or surcharge.

Community Restitution (13-824(B)) may be used in lieu of any penalty, fee or fine and most surcharges, but not most assessments, it may NOT be used for:

- Victim Restitution (13-804)
- \$50 Address Confidentiality Assessment (12-116.05)
- \$50 Family Offenses Assessment (12-116.06)
- Dangerous Crime Against Children and Sexual Assault Assessment (12-116.07)
- \$9 Victim Assessment (12-116.08)
- \$2 Victim Assessment (12-116.09)
- 10% Clean Election Surcharge (16-954A)

The following may NOT be mitigated:

- Victim Restitution, w/o victim approval (13-603C)
- Mandatory Criminal Fines (13-825A)
- Time Payment Fee (12-116)
- Mandatory DUI Surcharges and Assessments (28-1389)
- Dangerous Crime Against Children and Sexual Assault Assessment (12-116.07)

Surcharge is a percentage of the mitigated fine, surcharges will be reduced as the reduction is made to presumptive or imposed penalty or fine. Exception: 10% Clean Elections surcharge when the underlying fine is a CRIMINAL MANDATORY fine. This surcharge may not be mitigated on its own, but only as part of a fine or penalty reduction. In this case other surcharges are reduced proportional to each other (13-825C).

Financial obligations may be mitigated or provided for with Community Restitution with the exception of Victim Restitution (w/o victim approval), Dangerous Crime against children and Sexual Assault Assessments (12-116.07) and Clean Election Fund Surcharge when attached to a mandatory criminal fine.

Not all penalties, fines, assessments, fees and surcharges are applied to all case types.

	Available for EITHER Mitigation or Community Restitution	Available for Mitigation Only	Available for Community Restitution Only	Available for NEITHER Community Restitution or Mitigation
Victim Restitution (w/o victim approve.)				✓
Monetary base civil penalty (28-1603)	✓			
Monetary base criminal fine (13-825A)	✓			
Monetary base mandatory criminal fine			✓	
68% Consolidated Surcharge (12-116.01 and 12.116.02)	✓			
10% CEF Surcharge (16-954A)		✓		
10% CEF Surcharge on mandatory criminal violation (16-954A)				✓
\$13 Additional Assessment (12-116.04)	✓			
\$9 Victim Assessment (12-116.08)		✓		
\$2 Victim Assessment (12-116.09)		✓		
\$4 Peace Officer Training Equipment Assessment (12-116.10)	✓			
\$20 Probation Assessment (12-114.01)	✓			
\$20 Time Payment Fee (12-116)			✓	
\$50 Address Confidentiality Assessment (12-116.05)		✓		
\$50 Family Offenses Assessment (12-116.06)		✓		
\$500 Dangerous Crime against Children, Sexual Assault Assessment (12-116.07)				✓
Prison Construction Fund Assessment (DUI - 1st 28-1381 I4, 2nd 28-1381 K5, Extreme - 1st 28-1382 D6, 2nd 28-1382 E6, Aggravated [DUI 3rd] - 28-1383 J4, Super Extrm. - 1st 28-1382 D6, 2nd 28-1382 E6)			✓	
Public Safety Equipment Fund Assessment (DUI - 1st 28-1381 I5, 2nd 28-1381 K6, Extreme - 1st 28-1382 D7, 2nd 28-1382 E7, Aggravated [DUI 3rd] - 28-1383 J5, Super Extreme - 1st 28-1382 D7, 2nd 28-1382 E7)			✓	
DUI Abatement Fund Assessment (Extreme - 1st 28-1382 D3, 2nd 28-1382 E3, Aggravated [DUI 3rd] - 28-1383 J2, Super Extrm. - 1st 28-1382 D3, 2nd 28-1382 E3)			✓	
Diversion/DDS Surcharge (12-114)	✓			