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REFERENCE TITLE: **justice courts; jurisdictional limit**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2257

Introduced by
Representative Gray C

AN ACT

AMENDING SECTION 22-201, ARIZONA REVISED STATUTES; RELATING TO JUSTICE COURT JURISDICTION; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 22-201, Arizona Revised Statutes, is amended to
3 read:

4 22-201. Jurisdiction of civil actions

5 A. Justices of the peace have jurisdiction only as affirmatively
6 conferred on them by law.

7 B. Justices of the peace have exclusive original jurisdiction of all
8 civil actions when the amount involved, exclusive of interest, costs and
9 awarded attorney fees when authorized by law, is ~~five~~ FIFTEEN thousand
10 dollars or less.

11 C. Justices of the peace have concurrent original jurisdiction with
12 the superior court in cases when the amount involved, exclusive of interest,
13 costs and awarded attorney fees when authorized by law, is more than ~~five~~
14 FIFTEEN thousand dollars and less than ~~ten~~ THIRTY thousand dollars.

15 D. Justices of the peace have jurisdiction concurrent with the
16 superior court in cases of forcible entry and detainer when the amount
17 involved, exclusive of interest, costs and awarded attorney fees when
18 authorized by law, is ten thousand dollars or less.

19 E. Justices of the peace have jurisdiction to try the right to
20 possession of real property when title or ownership is not a subject of
21 inquiry in the action. If in any such action the title or ownership of real
22 property becomes an issue, the justice shall so certify in the docket, at
23 once stop further proceedings in the action and forward all papers, together
24 with a certified copy of the docket entries in the action, to the superior
25 court, where the action shall be docketed and determined as though originally
26 brought in the superior court.

27 F. In actions between landlord and tenant for possession of leased
28 premises the title to the property leased shall not be raised nor made an
29 issue.

30 G. If in any action before a justice of the peace a party files a
31 verified pleading ~~which~~ THAT states as a counterclaim a claim in which the
32 amount involved, exclusive of interest and costs, is more than ~~ten~~ THIRTY
33 thousand dollars, the justice of the peace shall certify this in the docket,
34 at once stop further proceedings in the action and forward all papers,
35 together with a certified copy of the docket entries in the action, to the
36 superior court, where the action shall be docketed and determined as though
37 originally brought in the superior court. The party shall pay to the clerk
38 of the superior court the same fees required to be paid by a defendant, and
39 no other party in the action before the justice of the peace shall be
40 required to pay any sum. If the party is finally adjudged to be entitled to
41 recover on the counterclaim, exclusive of interest and costs, ~~ten~~ THIRTY
42 thousand dollars or less, the superior court may deny costs to the party and
43 ~~may~~, in addition, MAY impose costs, including reasonable attorney fees, on
44 the party. The superior court shall have original jurisdiction of the
45 action, but it may at any time in furtherance of convenience or to avoid
46 prejudice, or if it appears that the amount involved in the counterclaim,

1 exclusive of interest and costs, is ~~ten~~ THIRTY thousand dollars or less,
2 remand the action, or any claim or counterclaim of which the justice court
3 has jurisdiction, to the justice court and may order costs.

4 H. The justice of the peace may require arbitration or other dispute
5 resolution methods that are approved by the supreme court in all civil
6 actions, except forcible entry or detainer actions.

7 Sec. 2. Conditional enactment

8 This act does not become effective unless the Constitution of Arizona
9 is amended by vote of the people at the next general election to increase the
10 jurisdictional limit of justice courts.