

REVISED #2

BILL # SCR 1004

TITLE: misdemeanors; jury trials

SPONSOR: Huppenthal

STATUS: As Introduced

PREPARED BY: Kevin Bates

FISCAL ANALYSIS

Description

This resolution proposes an amendment to the Arizona State Constitution requiring that the right to a jury trial be expanded to include any misdemeanor offense.

Estimated Impact

This bill would have no fiscal impact at the state level, as misdemeanor trials occur at the justice court and municipal court level. Any impact from an increased number of misdemeanor defendants requesting a jury trial would be borne by counties and cities.

The fiscal impact of this bill cannot be determined with certainty. The proposed bill likely would increase the workload of state and local judicial officers, increasing the time needed to process trials.

While more trials would result in additional court workload, the magnitude will depend on the number of defendants requesting such a trial. If misdemeanor trials were requested at the same rate as felony trials, the workload would equate to 116 additional judges at a cost of \$12 million to local government. In addition, there would be additional costs for court support personnel.

Analysis

According to the Administrative Office of the Courts (AOC), in FY 2004 there were 629,971 misdemeanor and criminal traffic cases filed in justice courts and municipal courts throughout the state. Of these, 9,482 cases, or 1.5%, were heard at a bench trial, in which only the judge hears the case. Another 1,257 cases, or 0.2%, were heard by a jury, for a total of 10,739 misdemeanor bench and jury trials. In comparison, 52,271 felony criminal cases were completed in Superior courts across the state in FY 2005. Of these, 1,300 cases, or 2.5%, went to trial. Of these, 1,125 (86.5%) were heard by a jury and 175 (13.5%) were heard by a judge.

Despite the proposed resolution's expansion of the right to a jury trial for all those charged with misdemeanor crimes, it is unlikely that all misdemeanors would result in trials, as shown by the fraction of felony cases that go to trial. Applying the 2.5% figure for felony trials to misdemeanors, this would result in about 15,750 misdemeanor cases taken to trial, or a 47% increase in the number of misdemeanor bench and jury trials conducted.

This would require approximately 115.6 FTE Positions for judges at the county and city level to handle the increased number of trials. The cost of these additional judges is calculated by determining the number of additional trials that would be required at the new 2.5% rate. According to the AOC, these justice and municipal court bench and jury trials have an average length of less than 6 days. After determining the number of additional judges required, the total cost of \$12,211,400 was calculated using the average justice court judge's salary and adding employee-related expenditures, as shown in *Table 1*.

Table 1**Costs for Misdemeanor Trials**

# Trials FY 04	# Trials at 2.5% Rate	Additional Trials Required	Additional Judges Required	Judicial Salary	Salary Subtotal	ERE	Total Cost
10,739	15,749	5,010	115.6	\$86,141	\$ 9,957,900	\$ 2,253,500	\$ 12,211,400

The increase in the number of jury trials likely would not affect the amount of state funding distributed to justices of the peace because this compensation is based upon judicial productivity credits, which are calculated based on the number of case filings in the local court. Unless the number of filings increases as a result of the proposed resolution, the state's portion of this funding would remain unchanged.

Local Government Impact

As illustrated, the bill could cost counties and cities more than \$12 million in combined costs if judges were hired to handle the increased level of misdemeanor trials.

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