

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2048

AN ACT

AMENDING SECTION 11-409, ARIZONA REVISED STATUTES; REPEALING SECTION 11-472, ARIZONA REVISED STATUTES; AMENDING SECTIONS 11-586, 12-283, 14-5601, 22-131 AND 47-9528, ARIZONA REVISED STATUTES; RELATING TO COUNTY OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-409, Arizona Revised Statutes, is amended to
3 read:

4 11-409. Deputies and employees: appointment

5 The county officers enumerated in section 11-401 ~~may~~, by and with the
6 consent of, and at salaries fixed by the board, ~~MAY~~ appoint deputies,
7 stenographers, clerks and assistants necessary to conduct the affairs of
8 their respective offices. The appointments shall be in writing, ~~and filed in~~
9 ~~the office of the county recorder.~~

10 Sec. 2. Repeal

11 Section ~~11-472~~, Arizona Revised Statutes, is repealed.

12 Sec. 3. Section 11-586, Arizona Revised Statutes, is amended to read:

13 11-586. Provision for deputies, assistants and employees

14 A. The public defender ~~may~~, with the consent and at salaries fixed by
15 the board of supervisors, ~~MAY~~ appoint those full-time and part-time deputies,
16 and hire stenographers and assistants necessary to conduct the affairs of
17 their respective offices. The appointments shall be in writing, ~~and filed in~~
18 ~~the office of the county recorder.~~

19 B. Deputies shall hold office at the pleasure of the officer
20 appointing them and the board of supervisors.

21 C. Wherever possible, part-time deputies shall be appointed at minimal
22 salaries to supplement the regular staff of the office of the public
23 defender. When these deputies are appointed, the public defender shall make
24 every effort, which does not interfere with the faithful performance of his
25 duties, to acquaint them fully with all phases of the activities of his
26 office.

27 Sec. 4. Section 12-283, Arizona Revised Statutes, is amended to read:

28 12-283. Powers and duties

29 A. The clerk, in addition to the other duties prescribed by law or
30 rule of court, shall:

- 31 1. Attend each session of the court held in the county.
- 32 2. Keep a list of fees charged in actions.
- 33 3. Keep books of record required by law or rule of court.

34 B. The clerk may provide a consumer reporting agency as defined in
35 section 44-1691 with a copy of:

- 36 1. A court order obligating a person to pay child support or spousal
37 maintenance.
- 38 2. An order for assignment under section 25-323 or 25-504.

39 C. A clerk who provides the information in subsection B of this
40 section to a consumer reporting agency shall also provide the information to
41 the child support enforcement administration in the department of economic
42 security.

43 D. The clerk, in accordance with procedures established by the board
44 of supervisors, may appoint deputies, clerks and assistants necessary to
45 conduct the affairs of the office of the clerk. The appointments shall be in

1 writing ~~and shall be filed in the office of the county recorder~~. The clerk
2 shall be the appointing authority and shall administer and supervise all
3 employees of the clerk's office.

4 E. The clerk shall submit an annual budget request, which shall be
5 coordinated with the presiding judge, to the county board of
6 supervisors. The clerk shall be responsible for the funds appropriated by
7 the board to the clerk.

8 F. The clerk shall maintain and provide access to court records in
9 accordance with applicable law or rule of court. The clerk shall keep a
10 docket in the form and style as prescribed by the supreme court.

11 G. The clerk is responsible for the operations of the clerk's office.

12 H. The clerk may provide programs to assist in the enforcement of
13 child support, spousal maintenance and parenting time and in the
14 establishment and modification of child support.

15 I. ~~From and after~~ BEGINNING December 31, 2007, a clerk in a county
16 with a population of two million persons or more shall compile and publish
17 electronically all superior court criminal case minute entries, except as
18 otherwise prohibited by law. At a minimum, the information shall be arranged
19 or searchable by the case name, THE CASE number and the name of the judge or
20 commissioner.

21 J. Beginning ~~on~~ January 1, 2010, the clerk in a county with a
22 population of less than two million persons shall compile and publish
23 electronically all superior court criminal case minute entries, except as
24 otherwise prohibited by law. At a minimum, the information shall be arranged
25 or searchable by the case name, THE CASE number and the name of the judge or
26 commissioner.

27 Sec. 5. Section 14-5601, Arizona Revised Statutes, is amended to read:

28 14-5601. Establishment of office of public fiduciary:
29 appointments; costs

30 A. Each county board of supervisors, by resolution or ordinance, shall
31 establish the office of and appoint a public fiduciary. The supreme court
32 shall certify each public fiduciary pursuant to section 14-5651.

33 B. The public fiduciary, with the consent of and at salaries fixed by
34 the board of supervisors, may appoint assistants, deputies, stenographers,
35 clerks and other employees as necessary to conduct the affairs of the
36 office. The appointments shall be in writing ~~and filed in the office of the~~
37 ~~county recorder~~. Assistants and deputies hold office at the pleasure of the
38 public fiduciary and the board of supervisors.

39 C. Costs incurred in conducting the office of public fiduciary shall
40 be a charge against the county.

41 Sec. 6. Section 22-131, Arizona Revised Statutes, is amended to read:

42 22-131. Constables; powers and duties

43 A. Constables shall attend the courts of justices of the peace within
44 their precincts when required, and within their counties execute, serve and
45 return all processes, warrants and notices directed or delivered to them by a

1 justice of the peace of the county or by competent authority. In addition to
2 any other provision of law these duties may be enforced by the presiding
3 judge of the superior court in the county, including the use of the power of
4 contempt.

5 B. Constables shall attend the training prescribed in section 22-137.

6 C. Constables, with the consent of and at salaries fixed by the board
7 of supervisors, may appoint deputies who are certified pursuant to section
8 41-1822, subsection A, paragraph 3, stenographers, clerks and assistants
9 necessary to conduct the affairs of their offices. The appointments shall be
10 in writing ~~and filed in the office of the county recorder.~~

11 D. The provisions of law relating to sheriffs, as far as applicable,
12 shall govern the powers, duties and liabilities of constables.

13 E. A constable who is duly elected or who is appointed by the board of
14 supervisors has the authority of a peace officer only in the performance of
15 the constable's official duties.

16 F. A constable may execute, serve and return processes and notices as
17 prescribed in subsection A of this section within any precinct in another
18 county if that precinct adjoins the precinct in which the constable was
19 elected or appointed.

20 Sec. 7. Section 47-9528, Arizona Revised Statutes, is amended to read:

21 47-9528. Nonconsensual lien

22 A. A nonconsensual lien, other than a lien filed by a governmental
23 entity or political subdivision or agency, a validly licensed utility or
24 water delivery company, a mechanics' lien claimant or an entity created under
25 covenants, conditions, restrictions or declarations affecting real property,
26 ~~is not valid~~ **SHALL NOT BE RECORDED** unless the lien is accompanied by an order
27 or judgment from a court of competent jurisdiction authorizing the filing of
28 the lien ~~and does not have the force or effect of law.~~

29 B. If a nonconsensual lien is accepted for filing as described in
30 subsection A, the recording officer shall accept for filing a notice of
31 invalid lien that is signed and submitted by the attorney general or county
32 attorney. The attorney general or county attorney shall mail a copy of the
33 notice of invalid lien to the person who is designated as creditor and to the
34 person who filed the nonconsensual lien at the address of each as stated on
35 the filed document. The purported lien is conclusively presumed to be
36 invalid on the filing of the invalid lien.

37 C. The secretary of state, a recording officer or a county is not
38 liable for accepting a nonconsensual lien for filing pursuant to subsection A
39 or a notice of invalid lien pursuant to subsection B.