House Engrossed

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2459

AN ACT

CHANGING THE DESIGNATION OF TITLE 22, ARIZONA REVISED STATUTES, TO "JUSTICE AND MUNICIPAL COURTS"; AMENDING SECTIONS 22-112, 22-113, 22-114, 22-116, 22-117, 22-119, 22-120, 22-122, 22-124, 22-134, 22-135, 22-201 AND 22-202, ARIZONA REVISED STATUTES; REPEALING SECTIONS 22-203 AND 22-204, ARIZONA REVISED STATUTES; AMENDING TITLE 22, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 22-203 AND 22-204; AMENDING SECTIONS 22-205, 22-211 AND 22-212, ARIZONA REVISED STATUTES; REPEALING SECTIONS 22-213 AND 22-214, ARIZONA REVISED STATUTES; AMENDING SECTIONS 22-215 AND 22-216, ARIZONA REVISED STATUTES; REPEALING SECTION 22-218, ARIZONA REVISED STATUTES; AMENDING SECTIONS 22-219 AND 22-220, ARIZONA REVISED STATUTES; REPEALING SECTIONS 22-221 AND 22-222, ARIZONA REVISED STATUTES; AMENDING SECTIONS 22-223, 22-224, 22-241, 22-242, 22-261, 22-262 AND 22-264, ARIZONA REVISED STATUTES; REPEALING SECTION 22-282, ARIZONA REVISED STATUTES; AMENDING SECTION 22-301, ARIZONA REVISED STATUTES; REPEALING SECTION 22-303, ARIZONA REVISED STATUTES; AMENDING TITLE 22, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 22-303; AMENDING SECTIONS 22-311, 22-312 AND 22-313, ARIZONA REVISED STATUTES; REPEALING SECTION 22-314, ARIZONA REVISED STATUTES; AMENDING TITLE 22, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 22-314; REPEALING SECTIONS 22-315, 22-316, 22-318 AND 22-319, ARIZONA REVISED STATUTES; AMENDING SECTIONS 22-320 AND 22-322, ARIZONA REVISED STATUTES; REPEALING TITLE 22, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES; AMENDING SECTIONS 22-352, 22-371, 22-373, 22-405, 22-406, 22-422, 22-424, 22-425, 22-428, 22-429, 22-504, 22-515, 22-517, 22-521, 22-523, 22-601 AND 22-602, ARIZONA REVISED STATUTES; RELATING TO JUSTICE COURTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Heading change

The title heading of title 22, Arizona Revised Statutes, is changed from "JUSTICES OF THE PEACE AND OTHER COURTS NOT OF RECORD" to "JUSTICE AND MUNICIPAL COURTS".

Sec. 2. Section 22-112, Arizona Revised Statutes, is amended to read:

22-112. Powers and duties

A justice of the peace shall~~:~~

~~1.~~ have the powers and perform the duties prescribed by law.

~~2. Prepare a schedule of traffic violations not involving the death of a person or any felony traffic offense, listing specific bail for each violation.~~

~~3. Designate a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.~~

~~4. Prepare a schedule of civil traffic violations, listing a specific deposit for each violation.~~

~~5. Designate a person, a specific location and the hours which such person will be at the location to accept proper deposits for civil traffic violations for and on behalf of the court.~~

Sec. 3. Section 22-113, Arizona Revised Statutes, is amended to read:

22-113. Seal

A. Each justice of the peace shall have an official seal, which shall contain the words "justice of the peace" and the name of the county in which the justice precinct is located. The seal shall be used to authenticate official documents issued and acknowledgments taken by the justice of the peace.

B. A DIGITAL SEAL MAY BE USED AS AN OFFICIAL SEAL.

Sec. 4. Section 22-114, Arizona Revised Statutes, is amended to read:

22-114. Authority to act in other precincts within the county or adjoining precincts; expenses

A. ~~Each justice of the peace within a county may,~~ In the absence, illness or inability to act or ~~upon~~ ON the request of the justice of the other precinct, EACH JUSTICE OF THE PEACE WITHIN A COUNTY MAY preside in any other precinct within the county or in any precinct adjoining the precinct ~~in which he was elected~~ regardless of the county in which ~~such~~ THE adjoining precinct ~~may be~~ IS located.

B. ~~Each justice of the peace while in attendance in another precinct under the authority of this section may execute process, preside over the trial of cases, and otherwise perform all the duties of the justice of the other precinct and~~ The expense of travel to perform ~~such functions~~ THE DUTIES OF ANOTHER JUSTICE OF THE PEACE outside the precinct for which the justice of

the peace is elected ~~shall be~~ IS a county charge to be paid by the county in which the justice of the peace renders the service.

C. On request of a justice of another precinct, for any court proceeding other than a ~~pretrial proceeding or~~ trial and if no witnesses are involved, a justice of one precinct may perform for and on behalf of the justice of the other precinct without being physically present within the precinct of the other justice of the peace. In these cases no travel expense shall be paid.

D. If two or more justice courts are located within the same city, the justice of one precinct may perform for and on behalf of the justice of the other precinct without being physically present within the precinct of the other justice of the peace. In these cases~~,~~ no travel expense shall be paid.

Sec. 5. Section 22-116, Arizona Revised Statutes, is amended to read:

22-116. Funds in possession of justice of the peace; deposit with county treasurer; payment to claimants; disposition of unclaimed funds

A. On or before April 1 each year, every justice of the peace ~~who has~~ WHOSE COURT IS IN POSSESSION OF funds ~~in his possession~~ arising from ~~fees or~~ any ~~other~~ source~~, which have been in his possession~~ for more than two years ~~before April 1,~~ shall pay ~~such~~ THE funds to the county treasurer and shall provide the treasurer with an itemized list showing the name of the person depositing the money with the justice, the date of the deposit~~,~~ and the amount.

B. The treasurer shall deposit the money in an account ~~entitled~~ KNOWN AS the ~~"~~suspension account~~"~~, and at any time within one year from deposit of the funds the amount owing any person shall be returned and paid to the person ~~upon~~ ON warrant issued by the board of supervisors. The board of supervisors shall require strict proof that the money should be repaid to the person claiming it, and the warrant, if issued, shall be paid from the suspension fund.

C. One year after deposit of the money with the county treasurer all money remaining in the suspension account for which no claim has been filed shall be deposited in the general fund of the county.

Sec. 6. Section 22-117, Arizona Revised Statutes, is amended to read:

22-117. Payment of compensation and expenses

A. Justices of the peace shall be allowed by the board of supervisors, as a county charge, ~~office rent, stationery, telephone and lights.~~ THE FOLLOWING:

1. SPACE.
2. EQUIPMENT.
3. SUPPLIES.

B. In a county with a population of less than one million five hundred thousand persons, the state shall pay 19.25 per cent of the compensation and employee related expenditures of a justice of the peace, and the county shall

pay 80.75 per cent of the compensation and employee related expenditures of a justice of the peace, except that the county shall pay the full amount of the employer contribution of the state retirement system or plan or any county health plan.

C. If a county is subject to subsection B of this section, the state treasurer shall remit the compensation and employee related expenditures payable by the state to the county treasurer, and the county shall disburse the funds to the justice of the peace.

D. In a county with a population of one million five hundred thousand persons or more, the county shall pay one hundred per cent of the compensation and employee related expenditures of a justice of the peace.

E. If a county is subject to subsection D of this section, the following apply:

1. ~~Beginning in fiscal year 2007-2008,~~ The county's contribution to the hospitalization and medical care of the indigent sick and for the administrative costs of implementing sections 36-2901.01 and 36-2901.04 shall be reduced pursuant to section 11-292, subsection R, in an amount that is equal to the difference between the total costs that the county paid pursuant to subsection D of this section and the amount that the county would have paid if the county were subject to subsection B of this section.

2. Pursuant to section 41-563, subsection D ~~and beginning in fiscal year 2007-2008~~, the economic estimates commission shall increase the county's base expenditure limit in an amount that is equal to the difference between the total costs that the county paid pursuant to subsection D of this section and the amount that the county would have paid if the county were subject to subsection B of this section.

Sec. 7. Section 22-119, Arizona Revised Statutes, is amended to read:

22-119. Purchase of judgment; violation; classification

A justice of the peace who knowingly purchases or offers directly or indirectly to purchase any judgment or part ~~thereof on his docket or on any docket in his possession,~~ OF A JUDGMENT is guilty of a class 2 misdemeanor.

Sec. 8. Section 22-120, Arizona Revised Statutes, is amended to read:

22-120. Forfeiture of and disqualification from office on conviction of certain crimes

IN ADDITION TO THE PUNISHMENT PRESCRIBED BY THE CRIME, a justice of the peace who is convicted of ANY OF the ~~crime of~~ FOLLOWING CRIMES SHALL FORFEIT THE OFFICE AND IS FOREVER DISQUALIFIED FROM HOLDING ANY OFFICE IN THIS STATE:

1. Asking, receiving or agreeing to receive a bribe ~~upon~~ ON an agreement or understanding that ~~his~~ THE JUSTICE'S vote, opinion or decision on any matter or question ~~which~~ THAT is or may be brought before ~~him~~ THE JUSTICE for decision~~,~~ shall be influenced thereby. ~~, or of~~

2. Asking or receiving any emolument, gratuity or reward or any promise thereof, except as authorized by law, for doing any official act. ~~, or of~~

3. Purchasing or holding an interest in the purchase of any judgment or part ~~thereof on the docket of, or upon any docket in possession of such justice of the peace, in addition to the punishment prescribed, shall forfeit his office and is forever disqualified from holding any office in this state~~ OF A JUDGMENT.

Sec. 9. Section 22-122, Arizona Revised Statutes, is amended to read:

22-122. Qualifications of justices of the peace pro tempore; residence; compensation

A. A justice of the peace pro tempore shall be:

1. Of good moral character.

2. A qualified elector and resident of this state for not less than one year next preceding his appointment.

B. A justice of the peace pro tempore may be appointed to serve in ~~the precinct or county of his residence or in~~ any precinct or county ~~in which he is not a resident~~.

C. Notwithstanding any other law or rule, a person who is not admitted to the practice of law may be appointed to serve as a justice of the peace pro tempore.

D. A justice of the peace pro tempore is entitled to receive compensation as determined for an elected justice of the peace for the precinct where the justice of the peace pro tempore is assigned to serve. A justice of the peace pro tempore may agree in advance to donate any or all of ~~his~~ THE JUSTICE OF THE PEACE PRO TEMPORE'S services.

Sec. 10. Section 22-124, Arizona Revised Statutes, is amended to read:

22-124. Custody of records filed; purging; destruction

A. The justice of the peace shall ~~keep in custody and shall take charge of and safely keep~~ MAINTAIN and dispose of ~~according to court rules all books, papers and records which may be~~ ALL DOCUMENTS THAT ARE filed ~~or deposited in custody~~ WITH THE COURT PURSUANT TO RULES PRESCRIBED BY THE SUPREME COURT.

~~B. The justice court may destroy all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the justice court or otherwise filed or deposited in custody pursuant to rules established by the supreme court.~~

~~C.~~ B. The justice of the peace or the justice's designee shall notify the director of the Arizona state library, archives and public records of records designated for destruction pursuant to court rules. The state library shall have the opportunity in a time prescribed by court rule to review and inspect these records. During this time period, the state library may remove any of these records for storage and retrieval.

~~D.~~ C. Subsection ~~C~~ B OF THIS SECTION does not apply if the director of the Arizona state library, archives and public records has previously approved the destruction of records.

Sec. 11. Section 22-134, Arizona Revised Statutes, is amended to read:

22-134. Purchase of judgment; violation; classification

A constable who knowingly purchases or offers directly or indirectly to purchase any judgment or part ~~thereof on the docket of the justice of the peace of the precinct of which he is constable or on any docket in the possession of such justice of the peace,~~ OF A JUDGMENT is guilty of a class 2 misdemeanor.

Sec. 12. Section 22-135, Arizona Revised Statutes, is amended to read:

22-135. Forfeiture of and disqualification from office on conviction of certain crimes

IN ADDITION TO THE PUNISHMENT PRESCRIBED BY THE CRIME, a constable who is convicted of ANY OF the ~~crime of~~ FOLLOWING CRIMES SHALL FORFEIT THE OFFICE AND IS FOREVER DISQUALIFIED FROM HOLDING OFFICE IN THIS STATE:

1. Asking, receiving or agreeing to receive a bribe ~~upon~~ ON an agreement or understanding that his vote, opinion or decision on any matter or question ~~which~~ THAT is or may be brought before him for decision~~,~~ shall be influenced thereby. ~~, or of~~

2. Asking or receiving any emolument, gratuity or reward or any promise thereof, except as authorized by law, for doing any official act. ~~, or of~~

3. Purchasing or holding an interest in the purchase of any judgment or part ~~thereof on the docket of, or upon any docket in possession of the justice of the peace of the precinct of which he is constable, in addition to the punishment prescribed, shall forfeit his office and is forever disqualified from holding any office in this state~~ OF A JUDGMENT.

Sec. 13. Section 22-201, Arizona Revised Statutes, is amended to read:

22-201. Jurisdiction of civil actions

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

B. Justices of the peace have exclusive original jurisdiction of all civil actions when the amount involved, exclusive of interest, costs and awarded attorney fees when authorized by law, is ten thousand dollars or less.

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

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

E. In a county with a population of more than two million persons, the justice of the peace of each justice precinct shall have original jurisdiction to hear the following actions that occur in the respective precinct in which the justice of the peace is elected:

1. Civil actions pursuant to subsections B and C of this section.

2. Small claims pursuant to chapter 5 of this title.

3. Civil traffic offenses unless a civil traffic offense is filed in a municipal court by a municipal officer or agent or by an officer employed by a law enforcement agency under contract to that municipality to provide law enforcement services.

4. Special detainers and forcible detainers pursuant to title 33, chapters 11 and 19 and forcible detainers pursuant to title 33, chapter 3 if the amount of rent requested is ten thousand dollars or less.

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

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

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

Sec. 14. Section 22-202, Arizona Revised Statutes, is amended to read:

22-202. Venue of civil actions

~~A. The rules governing venue of civil actions in the superior court shall govern justice of the peace courts, and the word "precinct" shall be substituted for the word "county" wherever applicable.~~

~~B. Actions against executors, administrators and guardians and against counties shall be brought in the precinct in which the county seat is located.~~

~~C. Actions against persons who contract debts or obligations in one county and thereafter remove to another county in this state, and against persons who contract debts or obligations in one precinct of a county and thereafter remove to another precinct of the same county, may be brought in any precinct of the county in which such person is found, at the option of the plaintiff.~~

~~D. Actions for collection of an account, enforcement of a contract or any other claim may be brought in the precinct where the account, contract or other claim was made or entered into, or where the defendant lives, at the option of the plaintiff.~~

A. A PERSON SHALL NOT BE SUED OUTSIDE OF THE JUSTICE COURT PRECINCT WHERE THE PERSON RESIDES, EXCEPT:

1. IF A DEFENDANT OR ALL OF SEVERAL DEFENDANTS RESIDE OUTSIDE THE STATE OR WHEN THEIR RESIDENCE IS UNKNOWN, THE ACTION MAY BE BROUGHT IN THE JUSTICE COURT PRECINCT WHERE THE PLAINTIFF RESIDES.

2. A MARRIED PERSON MAY BE SUED IN THE JUSTICE COURT PRECINCT WHERE THE PERSON'S SPOUSE RESIDES UNLESS THE SPOUSE IS LIVING SEPARATE AND APART FROM THE DEFENDANT.

3. TRANSIENT PERSONS MAY BE SUED IN ANY JUSTICE COURT PRECINCT IN WHICH FOUND.

4. PERSONS WHO HAVE CONTRACTED A DEBT OR OBLIGATION IN ONE JUSTICE COURT PRECINCT AND THEREAFTER MOVE TO ANOTHER PRECINCT MAY BE SUED IN EITHER PRECINCT.

5. PERSONS WHO HAVE CONTRACTED IN WRITING TO PERFORM AN OBLIGATION IN ONE JUSTICE COURT PRECINCT MAY BE SUED IN THAT PRECINCT OR WHERE THE PERSONS RESIDE.

6. IF THERE ARE SEVERAL DEFENDANTS RESIDING IN DIFFERENT JUSTICE COURT PRECINCTS, AN ACTION MAY BE BROUGHT IN THE JUSTICE COURT PRECINCT WHERE ANY OF THE DEFENDANTS RESIDE.

~~E.~~ B. Actions filed in justice court against ~~persons~~ A PERSON WHO IS alleged to have committed A civil traffic ~~violations~~ VIOLATION shall be brought in any precinct in which the violation is alleged to have occurred.

Sec. 15. Repeal

Sections 22-203 and 22-204, Arizona Revised Statutes, are repealed.

Sec. 16. Title 22, chapter 2, article 1, Arizona Revised Statutes, is amended by adding new sections 22-203 and 22-204, to read:

22-203. Venue when justice is unable to act

IF THE JUSTICE OF THE PEACE OF THE PRECINCT IN WHICH THE CASE IS FILED IS ABSENT OR FOR ANY REASON IS UNABLE TO ACT, THE CASE MAY BE HEARD IN ANY PRECINCT WITHIN THE SAME COUNTY THAT IS DESIGNATED BY THE JUSTICE OF THE PEACE OR IN THE ABSENCE OF THE JUSTICE OF THE PEACE IN ANY PRECINCT DESIGNATED BY THE PRESIDING JUSTICE OF THE PEACE. IF THERE IS NOT A

PRESIDING JUSTICE OF THE PEACE OR IF THE PRESIDING JUSTICE OF THE PEACE IS ABSENT OR UNABLE TO ACT, THE CASE MAY BE HEARD IN ANY PRECINCT THAT IS WITHIN THE SAME COUNTY AND THAT IS DESIGNATED BY THE PRESIDING JUDGE OF THE SUPERIOR COURT.

22-204. Change of venue; grounds

A. IF EITHER PARTY IN AN ACTION PENDING IN A JUSTICE COURT, AFTER THE ANSWER HAS BEEN FILED, FILES AN AFFIDAVIT IN THE ACTION ALLEGING ANY OF THE GROUNDS SPECIFIED IN SUBSECTION B OF THIS SECTION AND GIVES FIVE DAYS' NOTICE TO THE OPPOSITE PARTY, THE VENUE MAY BE CHANGED AS PROVIDED BY LAW.

B. GROUNDS THAT MAY BE ALLEGED FOR CHANGE OF VENUE ARE:

1. THERE EXISTS IN THE PRECINCT WHERE THE ACTION IS PENDING SO GREAT A PREJUDICE AGAINST THE PARTY REQUESTING A CHANGE OF VENUE THAT THE PARTY CANNOT OBTAIN A FAIR AND IMPARTIAL TRIAL.

2. THE CONVENIENCE OF WITNESSES AND THE ENDS OF JUSTICE WOULD BE PROMOTED BY THE CHANGE.

3. THE COURT DETERMINES THAT THERE IS OTHER GOOD AND SUFFICIENT CAUSE.

C. THE COURT SHALL DETERMINE THE TRUTH AND SUFFICIENCY OF THE GROUNDS, BUT A DECISION REFUSING THE CHANGE OF VENUE IS APPEALABLE.

D. A JUSTICE OF THE PEACE MAY TRANSFER THE ACTION FOR TRIAL TO ANOTHER JUSTICE COURT PRECINCT ON WRITTEN CONSENT OF THE PARTIES AND THE JUSTICE OF THE PEACE RECEIVING THE ACTION.

Sec. 17. Section 22-205, Arizona Revised Statutes, is amended to read:

22-205. Procedure when justice disqualified; order and transmittal of papers

A. If a justice of the peace is disqualified in a civil action ~~he~~ THE JUSTICE OF THE PEACE shall transfer the action to a justice ~~of the peace of~~ COURT IN the SAME county ~~who is not disqualified, and whose place of holding court~~ THAT is nearest by the ordinary route of travel.

B. The order of transfer shall state the reason for the transfer and the name of the justice ~~of the peace~~ COURT to which the transfer is made, and shall require the parties and witnesses to appear before the justice COURT named in the order, not less than two nor more than five days after its date.

C. The justice of the peace who made the order shall immediately make a certified transcript of all entries on ~~his docket~~ THE COURT RECORD and of the costs in the action, and transmit it with the original papers in the action to the justice to which the action is transferred.

Sec. 18. Section 22-211, Arizona Revised Statutes, is amended to read:

22-211. Procedure and practice

The law governing procedure and practice in the superior court so far as applicable and when not otherwise specially prescribed, shall govern procedure and practice in justice ~~of the peace~~ courts.

Sec. 19. Section 22-212, Arizona Revised Statutes, is amended to read:

22-212. Civil court record

~~A.~~ Each justice of the peace shall keep a civil ~~docket in which he shall enter~~ COURT RECORD. THE COURT RECORD MAY INCLUDE ANY OF THE FOLLOWING:

1. The title of actions commenced before ~~him~~ THE JUSTICE OF THE PEACE.
2. The ~~time~~ DATE when the first process was issued against THE defendant, when returnable and the nature thereof.
3. The ~~time~~ DATE when the parties, or either of them, appeared before ~~him~~ THE JUSTICE OF THE PEACE, either with or without summons.
4. A brief statement of the nature of THE plaintiff's demand or claim, or the amount claimed, and the nature of the defense made by THE defendant.
5. Every adjournment, stating at whose request it was granted and to what time.
6. The ~~time~~ DATE when the trial was had, and whether by jury or by the justice of the peace.
7. The verdict of the jury.
8. The judgment and the ~~time~~ DATE of giving the judgment.
9. All applications for setting aside judgment or granting a new trial, the order thereon and the date.
10. The ~~time~~ DATE of issuing execution, to whom directed and delivered, and the amount of debt, damages and costs. When an execution is returned, the return thereof and a statement of the manner in which it was executed.
11. All stays and appeals and the ~~time~~ DATE when taken, the amount of the bond and the names of the sureties.
12. The account of costs.

~~B. The justice shall arrange and safely keep the dockets, books and papers transmitted to him by his predecessor, all papers filed in any action in his court, and books and dockets required to be kept by him.~~

Sec. 20. Repeal

Sections 22-213 and 22-214, Arizona Revised Statutes, are repealed.

Sec. 21. Section 22-215, Arizona Revised Statutes, is amended to read:

22-215. Oral pleadings

The pleadings in the justice ~~of the peace~~ court may be oral, except as otherwise provided by law, but a brief statement ~~thereof~~ OF THE PLEADINGS shall be noted in the ~~docket~~ COURT RECORD.

Sec. 22. Section 22-216, Arizona Revised Statutes, is amended to read:

22-216. Allegations required to be made by written and signed pleading

A. An answer or other pleading made in a justice ~~of the peace~~ court ~~which~~ THAT alleges any of the following matters shall be in writing~~,~~ AND signed ~~and verified by affidavit~~:

1. That the action is not commenced in the proper county or precinct.
2. That THE plaintiff has no legal capacity to sue.
3. That THE plaintiff is not entitled to recover in the capacity in which ~~he~~ THE PLAINTIFF sues.
4. That there is another action pending in this state between the same parties for the same cause of action or counterclaim.
5. That there is a defect of parties, plaintiff or defendant.

6. That THE plaintiffs or defendants, suing or sued as partners, are not partners as alleged.

7. That THE plaintiff or defendant, suing or sued as a corporation, is not a corporation as alleged.

8. That a written instrument purporting to be signed by him and relied on by the other party, was not executed by him or by his authority.

9. That the endorsement or assignment of a written instrument pleaded by the adverse party was not executed by the party by whom it purports to have been executed or by ~~his~~ THAT PARTY'S authority.

10. That a written instrument pleaded by the adverse party is without consideration or that the consideration has failed in whole or in part.

11. That an account pleaded by the adverse party and verified by affidavit is not just, and in such case the answer shall set forth the items and particulars ~~which~~ THAT are unjust.

B. In an action to foreclose a mortgage or enforce a lien on personal property the pleadings shall be in writing.

Sec. 23. Repeal

Section 22-218, Arizona Revised Statutes, is repealed.

Sec. 24. Section 22-219, Arizona Revised Statutes, is amended to read:

22-219. Confession of judgment without issuance or service of process

A. A party may appear in person or by an agent or attorney before a justice of the peace without issuance or service of process and confess judgment for an amount within the jurisdiction of the justice of the peace, and such judgment shall be entered thereon ~~upon~~ ON the filing by THE plaintiff~~, his~~ OR THE PLAINTIFF'S agent or attorney of an affidavit of the justness of plaintiff's claim.

B. ~~Where~~ IF the judgment is confessed by ~~an~~ THE DEFENDANT'S agent or attorney, the warrant of THE agent or attorney authorizing the confession shall be filed with the justice and noted in the ~~docket~~ COURT RECORD.

Sec. 25. Section 22-220, Arizona Revised Statutes, is amended to read:

22-220. Appearance of defendant; demand or waiver of jury; time of trial; charging the jury

A. When a defendant appears ~~his~~ THE DEFENDANT'S appearance shall be noted on the ~~docket~~ COURT RECORD.

B. Either party may demand a jury ~~at any time~~ before trial, and if not then demanded, trial by jury shall be deemed waived. This subsection does not apply to civil traffic violations for which citations are issued under title 28.

C. When a jury is demanded, the trial ~~shall~~ MAY be postponed ~~to a time fixed for the return of the jury~~ UNTIL A JURY IS ASSEMBLED.

D. Except as otherwise provided by law, the justice of the peace shall charge the jury in all civil actions.

Sec. 26. Repeal

Sections 22-221 and 22-222, Arizona Revised Statutes, are repealed.

Sec. 27. Section 22-223, Arizona Revised Statutes, is amended to read:

22-223. Forming jury; challenges

A. At the time appointed for the trial, the justice of the peace shall call the names of the jurors summoned. If a sufficient number of qualified jurors do not attend, the ~~justice shall direct others qualified to be summoned~~ TRIAL SHALL BE POSTPONED.

B. Either party may challenge any juror either for cause or peremptorily ~~and each party shall have three peremptory challenges~~.

Sec. 28. Section 22-224, Arizona Revised Statutes, is amended to read:

22-224. Oath of jury

When the jury has been selected, the justice of the peace shall administer to it substantially the following oath: ~~"You and each of you do solemnly swear that in the case about to be submitted to you, you will a true verdict render according to the law and the evidence, so help you God."~~ "DO YOU SWEAR OR AFFIRM THAT YOU WILL GIVE CAREFUL ATTENTION TO THE PROCEEDINGS, ABIDE BY THE COURT'S INSTRUCTIONS AND RENDER A VERDICT IN ACCORDANCE WITH THE LAW AND EVIDENCE PRESENTED TO YOU, SO HELP YOU GOD".

Sec. 29. Section 22-241, Arizona Revised Statutes, is amended to read:

22-241. Announcement and recording of verdict or decision

When a verdict is returned by a jury the justice of the peace shall announce the verdict in open court, note it in ~~his docket~~ THE COURT RECORD and give judgment on the verdict. When the action has been tried without a jury, the justice OF THE PEACE shall announce ~~his~~ THE decision in open court, note it in ~~his docket~~ THE COURT RECORD and give judgment on the decision.

Sec. 30. Section 22-242, Arizona Revised Statutes, is amended to read:

22-242. Recording judgment

The judgment shall be SIGNED BY THE JUSTICE OF THE PEACE AND THEN BE recorded at length in the ~~docket and signed by the justice of the peace~~ COURT RECORD. The judgment shall clearly state the determination of the rights of the parties, who shall pay the costs, and shall direct issuance of such process as necessary to carry the judgment into execution.

Sec. 31. Section 22-261, Arizona Revised Statutes, is amended to read:

22-261. Judgments that may be appealed

A. Any party to a final judgment of a justice of the peace may appeal therefrom to the superior court. ~~where the judgment or the amount in controversy exceeds twenty dollars, exclusive of costs.~~

B. The party aggrieved by a judgment in any action in which the validity of a tax, impost, assessment, toll or a statute of the state is involved may appeal to the superior court without regard to the amount in controversy.

C. An appeal shall be on the record of the proceedings if such record includes a transcript of the proceedings. De novo trials shall be granted only when the transcript of the proceedings in the superior court's evaluation is insufficient or in such a condition that the court cannot properly consider the appeal. A trial de novo shall not be granted when a

party ~~who~~ had the opportunity to request that a transcript of the lower court proceedings be made and failed to do so. At the beginning of each proceeding the judge shall advise the parties that their right to appeal is dependent ~~upon~~ ON their requesting that a record be made of the justice court proceedings. Any party to an action may request that the proceedings be recorded for appeal purposes. The cost of recording trial proceedings ~~shall be~~ IS the responsibility of the court. The cost of preparing a transcript, if appealed, ~~shall be~~ IS the responsibility of the party appealing the case. The supreme court shall establish by rule the methods of recording trial proceedings for record appeals to the superior court, including ~~but not limited to~~ electronic recording devices or manual transcription.

Sec. 32. Section 22-262, Arizona Revised Statutes, is amended to read:

22-262. Appeals procedure

The procedure for appeals from a justice court to the superior court shall be as provided by rules ~~promulgated~~ ADOPTED by the supreme court.

Sec. 33. Section 22-264, Arizona Revised Statutes, is amended to read:

22-264. Transmittal of court record and papers

A. When an appeal is taken the justice of the peace shall make a certified copy of all ~~docket~~ COURT RECORD ~~entries and the record of the proceedings in the action~~ DOCUMENTS, EXHIBITS AND OTHER OBJECTS FILED WITH THE COURT and transmit ~~it~~ THEM, together with a certified copy of the bill of costs ~~and the original papers in the action~~, to the clerk of the superior court. The record of the proceedings shall be certified by the justice of the peace or as stipulated by the parties.

B. The SUPERIOR COURT MAY ORDER THE justice of the peace ~~may be ordered by the superior court, upon~~, ON motion and cause shown, to transmit such papers, and may ~~be fined by the superior court~~ FINE THE JUSTICE OF THE PEACE for neglect or refusal to transmit ~~them~~ SUCH PAPERS within the time ordered.

C. The copy of the ~~docket~~ COURT RECORD ~~entries and other papers~~ DOCUMENTS, EXHIBITS AND OTHER OBJECTS FILED WITH THE COURT shall be transmitted to the clerk of the superior court within ten days after filing the bond on appeal. If not transmitted within that time, THE appellee may file in the superior court an affidavit stating:

1. The entry of judgment in the justice court and the date and amount thereof.

2. That notice of appeal was given.

3. That an appeal bond was filed, giving the names of the sureties and the amount of the bond.

D. ~~Upon~~ ON filing the affidavit as provided in subsection C, appellee may move the superior court to affirm the judgment, and the court, unless good cause is shown why the record was not transmitted, shall affirm the judgment and render judgment against appellant and the sureties on the appeal bond for the amount of the judgment in the justice court.

E. If good cause is shown the court may extend the time for transmitting the record on appeal ~~upon~~ ON such terms as it deems proper.

Sec. 34. Repeal

Section 22-282, Arizona Revised Statutes, is repealed.

Sec. 35. Section 22-301, Arizona Revised Statutes, is amended to read:

22-301. Jurisdiction of criminal actions

A. The justice ~~of the peace~~ courts shall have jurisdiction of the following offenses committed within their respective precincts ~~in which such courts are established, subject only to the right to change of venue as provided by law~~:

1. Misdemeanors and criminal offenses punishable by a fine not exceeding two thousand five hundred dollars, or imprisonment in the county jail for not to exceed six months, or by both a fine and imprisonment. Any penalty or other added assessments levied shall not be considered as part of the fine for purposes of determining jurisdiction. The amount of restitution, time payment fees or incarceration costs shall not be considered as part of the fine for purposes of determining jurisdiction.

2. Felonies, but only for the purpose of commencing action and conducting proceedings through preliminary examinations and holding the defendant to answer to the superior court or to discharge the defendant if it appears that there is not probable cause to believe the defendant is guilty of an offense.

B. In a county with a population of more than two million persons, the justice of the peace of each justice precinct shall have original jurisdiction to hear misdemeanor offenses as set forth in subsection A, paragraph 1 of this section that occur within the respective precinct in which the justice of the peace is elected unless either of the following applies:

1. The offense is filed by a municipal officer or agent in a municipal court.

2. The offense is consolidated with a felony offense in the complaint, information or indictment.

C. For the purposes of subsection A or B of this section, an offense is committed within the precinct of a justice ~~of the peace~~ court if conduct constituting any element of the offense or a result of such conduct occurs either:

1. Within the precinct.

2. Within a county park that includes a body of water located in two counties if one county has a population of more than three million persons and one county has a population of more than two hundred thousand persons but less than three hundred thousand persons and the precinct includes some part of the county park.

Sec. 36. Repeal

Section 22-303, Arizona Revised Statutes, is repealed.

Sec. 37. Title 22, chapter 3, article 1, Arizona Revised Statutes, is amended by adding a new section 22-303, to read:

22-303. Change of venue; grounds

A. IF EITHER PARTY IN AN ACTION PENDING IN A JUSTICE COURT, AFTER THE COMPLAINT HAS BEEN FILED, FILES AN AFFIDAVIT IN THE ACTION ALLEGING ANY OF THE GROUNDS SPECIFIED IN SUBSECTION B OF THIS SECTION AND GIVES FIVE DAYS' NOTICE TO THE OPPOSITE PARTY, THE VENUE MAY BE CHANGED AS PROVIDED BY LAW.

B. GROUNDS THAT MAY BE ALLEGED FOR CHANGE OF VENUE ARE:

1. THERE EXISTS IN THE PRECINCT WHERE THE ACTION IS PENDING SO GREAT A PREJUDICE AGAINST THE PARTY REQUESTING A CHANGE OF VENUE THAT THE PARTY CANNOT OBTAIN A FAIR AND IMPARTIAL TRIAL.

2. THE CONVENIENCE OF WITNESSES AND THE ENDS OF JUSTICE WOULD BE PROMOTED BY THE CHANGE.

3. THE COURT DETERMINES THAT THERE IS OTHER GOOD AND SUFFICIENT CAUSE.

C. THE COURT SHALL DETERMINE THE TRUTH AND SUFFICIENCY OF THE GROUNDS, BUT A DECISION REFUSING THE CHANGE OF VENUE IS APPEALABLE.

Sec. 38. Section 22-311, Arizona Revised Statutes, is amended to read:

22-311. Commencement of action; arrest or summons; examination of witnesses

A. All proceedings and actions before justice ~~of the peace~~ courts for public offenses of which such courts have jurisdiction shall be commenced by complaint, under oath, setting forth the offense charged, with such particulars of time, place, person and property as to enable THE defendant to understand distinctly the character of the offense complained of and to answer the complaint.

B. If the justice of the peace is satisfied that the offense complained of was committed by the person charged, ~~he~~ THE JUSTICE shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint the justice may subpoena and examine witnesses as to the truth of the complaint.

Sec. 39. Section 22-312, Arizona Revised Statutes, is amended to read:

22-312. Criminal court record

A JUSTICE OF THE PEACE SHALL KEEP a criminal ~~docket shall be kept by the justice of the peace in which there~~ COURT RECORD AND shall ~~be entered~~ ENTER each action and ~~proceedings~~ PROCEEDING of the court ~~therein~~ IN THE COURT RECORD.

Sec. 40. Section 22-313, Arizona Revised Statutes, is amended to read:

22-313. Procedure

The rules of criminal procedure for the superior court, including the provisions regarding bail, issuance of subpoenas and punishment for disobedience thereof, shall apply to justice ~~of the peace~~ courts so far as applicable and when not otherwise prescribed.

Sec. 41. Repeal

Section 22-314, Arizona Revised Statutes, is repealed.

Sec. 42. Title 22, chapter 3, article 2, Arizona Revised Statutes, is amended by adding a new section 22-314, to read:

22-314. Bail; preparation of schedule ; collection; civil deposits

A. THE DEFENDANT, AT ANY TIME AFTER ARREST AND BEFORE CONVICTION, SHALL BE ELIGIBLE FOR BAIL, SUBJECT TO SECTION 13-3961 AND ANY APPLICABLE RULES ADOPTED BY THE SUPREME COURT.

B. THE JUSTICE OF THE PEACE SHALL:

1. PREPARE OR ADOPT FOR USE A SCHEDULE OF TRAFFIC VIOLATIONS NOT INVOLVING THE DEATH OF A PERSON OR ANY FELONY TRAFFIC OFFENSE, LISTING SPECIFIC BAIL FOR EACH VIOLATION.

2. PERMIT THE COLLECTION OF BAIL, OR ACCEPTANCE OF PROPER BOND IN LIEU OF BAIL, IN ACCORDANCE WITH THE FOREGOING SCHEDULE AND COLLECT THAT BAIL, FOR AND ON BEHALF OF THE COURT.

C. THE JUSTICE OF THE PEACE SHALL PREPARE OR ADOPT FOR USE A SCHEDULE OF CIVIL TRAFFIC VIOLATIONS, LISTING A SPECIFIC DEPOSIT FOR EACH VIOLATION. THE JUSTICE OF THE PEACE SHALL ENSURE THAT PROPER DEPOSITS FOR CIVIL TRAFFIC VIOLATIONS ARE ACCEPTED FOR AND ON BEHALF OF THE COURT.

Sec. 43. Repeal

Sections 22-315, 22-316, 22-318 and 22-319, Arizona Revised Statutes, are repealed.

Sec. 44. Section 22-320, Arizona Revised Statutes, is amended to read:

22-320. Trial by jury

A trial by jury shall be had if demanded by either the state or defendant IF OTHERWISE PROVIDED BY LAW. ~~Unless the demand is made at least five days before commencement of the trial, a trial by jury shall be deemed waived.~~

Sec. 45. Section 22-322, Arizona Revised Statutes, is amended to read:

22-322. Oath of jury

~~The court shall administer to the jury the following oath: "You do swear that you will well and truly try this issue between the state of Arizona and defendant, and will render a true verdict according to the evidence."~~ WHEN THE JURY HAS BEEN SELECTED, THE JUSTICE OF THE PEACE SHALL ADMINISTER TO IT SUBSTANTIALLY THE FOLLOWING OATH: "DO YOU SWEAR OR AFFIRM THAT YOU WILL GIVE CAREFUL ATTENTION TO THE PROCEEDINGS, ABIDE BY THE COURT'S INSTRUCTIONS AND RENDER A VERDICT IN ACCORDANCE WITH THE LAW AND EVIDENCE PRESENTED TO YOU, SO HELP YOU GOD".

Sec. 46. Repeal

Title 22, chapter 3, article 3, Arizona Revised Statutes, is repealed.

Sec. 47. Section 22-352, Arizona Revised Statutes, is amended to read:

22-352. Judgment; imprisonment for fine; limitation; lien

A. When the defendant pleads guilty or is convicted either by the court or by a jury, the court shall pronounce judgment on the plea or verdict. A sentence of A fine~~,~~ OR imprisonment, or both, as the case may be, may be pronounced on the judgment.

B. If the court sentences the defendant to pay a fine and the defendant fails to comply with the order, the court, after a hearing, may order that the defendant receive credit toward payment of the fine for jail time served ~~at a minimum of one dollar of the fine~~ IN AN AMOUNT THAT IS DETERMINED BY THE JUDGE for each one day of imprisonment. The sentence shall not extend beyond the term of imprisonment for which the defendant might be sentenced for the offense of which the defendant has been found guilty.

C. A sentence that the defendant pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.

Sec. 48. Section 22-371, Arizona Revised Statutes, is amended to read:

22-371. Right of appeal; procedure for taking appeal; transcript

A. The defendant in a criminal action may appeal to the superior court from the final judgment of a justice or municipal court.

B. The procedure for appeals from a justice or municipal court to the superior court shall be as provided by rules ~~promulgated~~ ADOPTED by the supreme court.

C. In a trial in a justice or municipal court, a transcript of the proceedings ~~by a court reporter~~ may be ordered in the sole discretion of the SUPERIOR court.

D. A defendant may not appeal from a judgment or sentence that is entered pursuant to a plea agreement or from an admission to a probation violation.

Sec. 49. Section 22-373, Arizona Revised Statutes, is amended to read:

22-373. Transmittal of papers on appeal

A. ~~Upon~~ ON an appeal to the superior court, the justice of the peace or presiding officer of a municipal court shall immediately, without charge, transmit all papers in the case and a copy of all proceedings as shown by the ~~docket~~ COURT RECORD, and all orders entered in the action, to the clerk of the superior court of the county, who shall file them and docket the action without charge.

B. The justice ~~of the peace~~ court or municipal court shall retain any bail bond or other security taken in an action unless otherwise ordered by the superior court.

Sec. 50. Section 22-405, Arizona Revised Statutes, is amended to read:

22-405. Collection of fines

A. A municipal court may enforce the collection of monies owed to the municipal court for delinquent fines, fees, sanctions, penalties and restitution through execution or another appropriate process. The action shall be filed in the municipal court and shall be conducted in the same manner as civil actions in justice ~~of the peace~~ courts.

B. A peace officer may serve writs or other process that are issued pursuant to this section. The peace officer shall abide by the procedure for service of process that is established by court rule.

Sec. 51. Section 22-406, Arizona Revised Statutes, is amended to read:

22-406. Civil action to recover penalty; procedure

The city or town may maintain a civil action in the municipal court for the recovery of a penalty or forfeiture provided for the violation of an ordinance. The action shall be brought and conducted as civil actions in justice ~~of the peace~~ courts.

Sec. 52. Section 22-422, Arizona Revised Statutes, is amended to read:

22-422. Court record

THE MAGISTRATE SHALL KEEP a ~~docket shall be kept by the magistrate, in which there~~ COURT RECORD AND shall ~~be entered~~ ENTER each action and ~~proceedings~~ PROCEEDING of the court ~~therein~~ IN THE COURT RECORD.

Sec. 53. Section 22-424, Arizona Revised Statutes, is amended to read:

22-424. Bail; preparation of schedule; collection; civil deposits

A. The defendant, at any time after arrest, and before conviction, shall be ~~admitted to bail, if bailable~~ ELIGIBLE FOR BAIL, SUBJECT TO SECTION 13-3961 AND ANY APPLICABLE RULES ADOPTED BY THE SUPREME COURT.

B. The PRESIDING magistrate shall:

1. Prepare a schedule of traffic violations not involving the death of a person or any felony traffic offense, listing specific bail for each violation.

2. ~~Designate a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for~~ PERMIT THE COLLECTION OF BAIL, OR ACCEPTANCE OF PROPER BOND IN LIEU OF BAIL, ACCORDING TO THE FOREGOING SCHEDULE FOR and on behalf of the court.

C. The PRESIDING magistrate shall prepare a schedule of civil traffic violations, listing a specific deposit for each violation. The PRESIDING magistrate shall ~~designate a person, a specific location and the hours which such person will be at the location to accept proper deposits for civil traffic violations~~ ENSURE THAT PROPER DEPOSITS FOR CIVIL TRAFFIC VIOLATIONS ARE ACCEPTED for and on behalf of the court.

Sec. 54. Section 22-425, Arizona Revised Statutes, is amended to read:

22-425. Jury trials and appeals in municipal courts

A. In the trial of offenses for violation of ordinances of cities or towns of such a nature as by the common law were not triable before a jury, no jury trial shall be granted.

B. Either party may appeal from a municipal court to the superior court in the same manner as appeals are allowed from justice ~~of the peace~~ courts.

Sec. 55. Section 22-428, Arizona Revised Statutes, is amended to read:

22-428. Custody of records filed; purging; destruction

A. The magistrate shall ~~keep in custody and shall take charge of and safely keep~~ MAINTAIN and dispose of ~~according to court rules all books,~~

~~papers and records which may be~~ ALL DOCUMENTS THAT ARE filed ~~or deposited in custody~~ WITH THE COURT PURSUANT TO RULES PRESCRIBED BY THE SUPREME COURT.

~~B. The municipal court may destroy all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the municipal court or otherwise filed or deposited in custody pursuant to rules established by the supreme court.~~

~~C.~~ B. The magistrate or the magistrate's designee shall notify the director of the Arizona state library, archives and public records of records designated for destruction pursuant to court rules. The state library shall have the opportunity in a time prescribed by court rule to review and inspect these records. During this time period, the state library may remove any of these records for storage and retrieval.

~~D.~~ C. Subsection ~~C~~ B OF THIS SECTION does not apply if the director of the Arizona state library, archives and public records has previously approved the destruction of records.

Sec. 56. Section 22-429, Arizona Revised Statutes, is amended to read:

22-429. Judgment; imprisonment for fine; limitation; lien

A. When the defendant pleads guilty or is convicted either by the court or by a jury, the court shall pronounce judgment on the plea or verdict. A sentence of A fine~~,~~ OR imprisonment, or both, may be pronounced on the judgment.

B. If the court sentences the defendant to pay a fine, and the defendant fails to comply with the order, the court, after a hearing, may order that the defendant receive credit toward payment of the fine for jail time served ~~at a minimum of one dollar of the fine~~ IN AN AMOUNT THAT IS DETERMINED BY THE MAGISTRATE for each one day of imprisonment. The sentence shall not extend beyond the term of imprisonment for which the defendant might be sentenced for the offense of which the defendant has been found guilty.

C. A sentence that the defendant pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.

Sec. 57. Section 22-504, Arizona Revised Statutes, is amended to read:

22-504. Transfer to justice court

A. If any ~~person~~ PARTY whose rights are or may be adjudicated by an action in the small claims division appears at least ten days ~~prior to~~ BEFORE the time set for hearing and objects to the proceedings being held in the small claims division, the action shall be transferred from the small claims division to the justice court and the provisions relating to civil actions in justice court shall apply.

B. ~~From and after January 1, 1991~~ The complaint form used in the small claims division of each justice court shall contain the following language printed in no smaller than ten point bold-faced type:

"Warning - you do not have the right to appeal the decision of the hearing officer or the justice of the peace in a small claims court. If you wish to preserve your right to appeal, you may have your case transferred to the justice court pursuant to section 22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten days prior to the day of the scheduled hearing."

Sec. 58. Section 22-515, Arizona Revised Statutes, is amended to read:

22-515. Setting of trials; failure to appear; continuances

A. ~~Upon~~ ON the filing of an answer by the defendant, the clerk shall set the action for hearing. The hearing shall be set for a date within sixty days of the filing of the defendant's answer. The clerk shall notify the parties of the time and place of the hearing.

B. Any party failing to appear at the time set for hearing risks having an appropriate judgment entered against ~~such~~ THAT party.

C. Continuances of hearings shall be granted only for ~~most serious reasons~~ GOOD CAUSE.

Sec. 59. Section 22-517, Arizona Revised Statutes, is amended to read:

22-517. Counterclaims exceeding jurisdiction; procedures; sanctions for improper assertion

A. In any action where a counterclaim is asserted and the amount involved in the counterclaim exceeds the jurisdictional amount of the small claims division, the court shall at once terminate the designation as a small claim action, and the action shall proceed in accordance with the rules relating to all other civil actions.

B. If, at any stage during the proceedings subsequent to the termination of the small claims designation as provided in subsection A, the justice of the peace or superior court judge determines that the amount actually involved in the counterclaim is not in excess of the exclusive civil jurisdictional amount of the small claims division, the action shall be reinstated in either the small claims division ~~civil docket~~ as a designated small claim action or in the justice court ~~civil docket~~ as a regular civil action.

C. If the court ~~which~~ makes a determination as provided in subsection B~~,~~ OF THIS SECTION that results in a reinstatement of the small claims designation~~,~~ AND further determines that the amount requested in the counterclaim was asserted for the sole purpose of avoiding small claims proceedings, the court so finding shall award the plaintiff ~~his~~ costs plus ~~his~~ actual reasonable attorney fees incurred in defending the counterclaim.

Sec. 60. Section 22-521, Arizona Revised Statutes, is amended to read:

22-521. Court records

Notwithstanding section 22-212, each justice of the peace shall maintain a small claims ~~docket~~ COURT RECORD in which ~~he shall~~ THE JUSTICE OF THE PEACE MAY enter:

1 1. The title of all actions commenced before ~~him~~ THE JUSTICE OF THE
2 PEACE, including names of all plaintiffs and defendants.
3 2. All judgments rendered by the justice of the peace or hearing
4 officer.
5 Sec. 61. Section 22-523, Arizona Revised Statutes, is amended to read:
6 22-523. Notice to public
7 A. The presiding judge of the superior court OR THE PRESIDING JUSTICE
8 OF THE PEACE in each county shall publicize in an appropriate manner the
9 existence of the small claims division, its procedures and its hours of
10 operation. ~~Such~~ THE publication shall be made so as to bring the division's
11 existence to the attention of the entire community.
12 B. The supreme court shall publish a small claims division brochure
13 outlining the procedures of the division in lay terms.
14 Sec. 62. Section 22-601, Arizona Revised Statutes, is amended to read:
15 22-601. Homeless court establishment; eligibility for referral
16 A. The presiding judge of the superior court in each county may
17 establish a homeless court to adjudicate cases filed in a justice ~~of the~~
18 ~~peace~~ court or a municipal court in the county.
19 B. The presiding judge of the superior court shall establish the
20 eligibility criteria for referral to the homeless court.
21 C. A justice of the peace or municipal court judge who has
22 jurisdiction over a case that meets the eligibility criteria may refer the
23 case to the homeless court.
24 D. The originating court shall notify the prosecutor of any criminal
25 case referred to the homeless court.
26 Sec. 63. Section 22-602, Arizona Revised Statutes, is amended to read:
27 22-602. Homeless court jurisdiction; judicial officer's
28 authority to adjudicate
29 A. The originating justice ~~of the peace~~ court or municipal court shall
30 maintain jurisdiction of a case that is referred to the homeless court
31 pursuant to section 22-601.
32 B. Any judicial officer in the county where the offense occurred shall
33 have the authority to adjudicate a case referred to the homeless court.
34 Sec. 64. Effective date
35 This act is effective from and after December 31, 2013.