

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 197
HOUSE BILL 2254

AN ACT

AMENDING SECTION 22-125, ARIZONA REVISED STATUTES; RELATING TO JUSTICES OF
THE PEACE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 22-125, Arizona Revised Statutes, is amended to
3 read:

4 22-125. Justice of the peace compensation: judicial
5 productivity credits; annual report; definitions

6 A. The annual salary of each justice of the peace is ~~determinable~~
7 ~~on the basis of~~ DETERMINED BY the total judicial productivity credits of
8 each court as reported in statistics compiled by the Arizona supreme
9 court.

10 B. JUDICIAL PRODUCTIVITY CREDITS SHALL BE DETERMINED according to
11 the following formula:

12 1. ~~Total~~ ALL civil filings, ~~excluding those small claims filings~~
13 ~~heard by a volunteer hearing officer,~~ divided by ten equals _____
14 judicial productivity credits. ~~Juvenile hearings pursuant to section~~
15 ~~8-323, excluding juvenile traffic violations, shall be counted as civil~~
16 ~~filings.~~

17 2. ~~Total~~ ALL felony ~~complaint filings~~ COUNTS FILED divided by ten
18 equals _____ judicial productivity credits.

19 3. ~~Total~~ EXCEPT FOR COUNTS DESCRIBED IN PARAGRAPH 4 OF THIS
20 SUBSECTION, ALL misdemeanor ~~filings~~ COUNTS FILED divided by ten equals
21 _____ judicial productivity credits.

22 4. ~~Total traffic filings of a violation of sections 28-662 through~~
23 ~~28-664, 28-693, 28-702.01, 28-702.04, 28-708, 28-1381 and 28-1382~~ ALL
24 COUNTS FILED THAT ALLEGE A VIOLATION OF TITLE 5, CHAPTER 3, ARTICLE 10,
25 TITLE 28, CHAPTER 4, ARTICLE 3 OR SECTION 28-8282 divided by ~~ten~~ FIVE
26 equals _____ judicial productivity credits.

27 5. ~~Total of~~ All ~~other traffic filings~~ CIVIL TRAFFIC COUNTS FILED
28 divided by sixty equals _____ judicial productivity credits.

29 ~~B. Total judicial productivity credits for a justice of the peace~~
30 ~~is the sum of the figures computed in subsection A of this section.~~

31 ~~C. The board of supervisors shall use the average number of cases~~
32 ~~filed annually in each justice court for the two year period ending~~
33 ~~December 31, 1979 to determine the initial judicial productivity credits~~
34 ~~for each of the case load categories described in subsection A of this~~
35 ~~section. The board of supervisors shall compute judicial productivity~~
36 ~~credits every two years thereafter using the average annual filings for~~
37 ~~the preceding two year period.~~

38 ~~D. In determining the compensation levels appropriate to the case~~
39 ~~load of each justice of the peace, the board of supervisors shall use the~~
40 ~~total judicial productivity credits as follows:~~

41 ~~1. Five hundred or more judicial productivity credits, seventy per~~
42 ~~cent of the annual compensation payable to a judge of the superior court.~~

43 ~~2. Two hundred to four hundred ninety-nine total judicial~~
44 ~~productivity credits, sixty-five per cent of the annual compensation~~
45 ~~payable to a judge of the superior court.~~

~~3. One hundred fifty to one hundred ninety-nine total judicial productivity credits, fifty-five per cent of the annual compensation payable to a judge of the superior court.~~

~~4. One hundred to one hundred forty-nine total judicial productivity credits, fifty per cent of the annual compensation payable to a judge of the superior court.~~

~~5. Fifty to ninety-nine total judicial productivity credits, forty-five per cent of the annual compensation payable to a judge of the superior court.~~

~~6. Twenty-five to forty-nine total judicial productivity credits, thirty-five per cent of the annual compensation payable to a judge of the superior court.~~

~~7. Twenty-four or fewer total judicial productivity credits, a part-time case load for one justice of the peace, twenty-five per cent of the annual compensation payable to a judge of the superior court.~~

6. ALL PETITIONS FOR A PROTECTIVE ORDER FILED DIVIDED BY FIVE EQUALS _____ JUDICIAL PRODUCTIVITY CREDITS.

C. BEGINNING JANUARY 1, 2018, THE ARIZONA SUPREME COURT SHALL ANNUALLY PERFORM THE CALCULATIONS REQUIRED BY SUBSECTION B OF THIS SECTION FOR EACH JUSTICE COURT FOR THE PREVIOUS TWELVE-MONTH PERIOD ENDING ON JUNE 30 TO DETERMINE THE TOTAL JUDICIAL PRODUCTIVITY CREDITS. THE ARIZONA SUPREME COURT SHALL REPORT THE TOTAL JUDICIAL PRODUCTIVITY CREDITS FOR EACH JUSTICE COURT TO THE APPLICABLE BOARD OF SUPERVISORS WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END OF EACH TWELVE-MONTH PERIOD. ANY ADJUSTMENT TO THE SALARY OF A JUSTICE OF THE PEACE IS EFFECTIVE ON THE FOLLOWING JANUARY 1.

D. EACH JUSTICE OF THE PEACE SHALL BE PAID A PERCENTAGE OF THE SALARY OF A SUPERIOR COURT JUDGE BASED ON THE FOLLOWING SCHEDULE:

1. FIVE HUNDRED OR MORE JUDICIAL PRODUCTIVITY CREDITS EQUALS SEVENTY PERCENT.

2. TWO HUNDRED OR MORE BUT LESS THAN FIVE HUNDRED JUDICIAL PRODUCTIVITY CREDITS EQUALS SIXTY-FIVE PERCENT.

3. ONE HUNDRED FIFTY OR MORE BUT LESS THAN TWO HUNDRED JUDICIAL PRODUCTIVITY CREDITS EQUALS FIFTY-FIVE PERCENT.

4. ONE HUNDRED OR MORE BUT LESS THAN ONE HUNDRED FIFTY JUDICIAL PRODUCTIVITY CREDITS EQUALS FIFTY PERCENT.

5. FIFTY OR MORE BUT LESS THAN ONE HUNDRED JUDICIAL PRODUCTIVITY CREDITS EQUALS FORTY-FIVE PERCENT.

6. TWENTY-FIVE OR MORE BUT LESS THAN FIFTY JUDICIAL PRODUCTIVITY CREDITS EQUALS THIRTY-FIVE PERCENT.

7. TWENTY-FOUR OR FEWER JUDICIAL PRODUCTIVITY CREDITS EQUALS TWENTY-FIVE PERCENT.

E. If a justice court is not assigned clerical help, the board of supervisors shall multiply the total judicial productivity credits by two

1 for purposes of determining ~~compensation~~ THE SALARY OF THE JUSTICE OF THE
2 PEACE.

3 F. If the board of supervisors divides a justice precinct into two
4 or more precincts, the board shall set the ~~level of compensation~~
5 ~~consistent with the intent of this section until such time as statistics~~
6 ~~are available for computation of compensation levels using the formula~~
7 ~~prescribed by this section~~ SALARY OF THE JUSTICE OF THE PEACE OF EACH
8 PRECINCT EQUAL TO THE HIGHEST SALARY OF ANY OF THE JUSTICES OF THE PEACE
9 WHOSE PRECINCT IS AFFECTED BY THE DIVISION. THE SALARY OF EACH JUSTICE OF
10 THE PEACE SHALL BE ADJUSTED AT THE END OF THE FIRST FULL CALENDAR YEAR
11 AFTER THE PRECINCTS ARE DIVIDED.

12 G. The board of supervisors shall review and adjust the ~~level of~~
13 ~~compensation~~ ANNUAL SALARY for each justice of the peace within the county
14 PURSUANT TO SUBSECTION D OF THIS SECTION every ~~two years~~ YEAR beginning
15 January 1, ~~1983~~ 2019.

16 H. The judicial productivity credits for ~~any~~ A justice court
17 precinct shall not exceed twelve hundred credits. If the total judicial
18 productivity credits of a justice court precinct exceed twelve hundred
19 credits, the county board of supervisors shall create sufficient courts,
20 or redraw the justice court precinct boundaries according to section
21 22-101, in order to reduce the judicial productivity credits for any
22 precinct which exceeds that limit.

23 I. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, THE SALARY
24 OF A JUSTICE OF THE PEACE MAY NOT BE REDUCED DURING THE TERM IN OFFICE OF
25 THE JUSTICE OF THE PEACE AND, IF A JUSTICE OF THE PEACE SERVES CONSECUTIVE
26 TERMS, THE SALARY OF THE JUSTICE OF THE PEACE MAY NOT BE REDUCED BEFORE
27 THE START OF THE CONSECUTIVE TERM BY MORE THAN ONE TIER PURSUANT TO
28 SUBSECTION D OF THIS SECTION.

29 J. A FILING AGAINST A JUVENILE IS DETERMINED IN THE SAME MANNER AS
30 A SIMILAR FILING AGAINST AN ADULT.

31 K. FOR THE PURPOSES OF THIS SECTION:

32 1. "CIVIL FILING" MEANS A LAWSUIT, EVICTION ACTION, PETITION FOR
33 PROVISIONAL REMEDY OR OTHER CIVIL PETITION, SMALL CLAIMS CASE OR CIVIL
34 LOCAL ORDINANCE.

35 2. "CIVIL TRAFFIC COUNT" MEANS A TRAFFIC VIOLATION THAT IS NOT
36 FILED AS A MISDEMEANOR OR FELONY.

37 3. "FELONY" INCLUDES EACH FELONY COUNT THAT IS FILED IN A
38 COMPLAINT.

39 4. "MISDEMEANOR" INCLUDES EACH MISDEMEANOR AND PETTY OFFENSE COUNT
40 THAT IS FILED IN A COMPLAINT OR UNIFORM TRAFFIC TICKET AND COMPLAINT.

41 5. "PROTECTIVE ORDER" MEANS A PETITION FOR AN ORDER OF PROTECTION,
42 AN INJUNCTION AGAINST HARASSMENT OR WORKPLACE HARASSMENT OR A PEACE BOND.

H.B. 2254

APPROVED BY THE GOVERNOR APRIL 26, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2017.