

House Engrossed

forcible entry; detainer; filing fee

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 97

HOUSE BILL 2484

AN ACT

AMENDING SECTIONS 12-301 AND 22-281, ARIZONA REVISED STATUTES; RELATING TO COURT FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-301, Arizona Revised Statutes, is amended to
3 read:

4 12-301. Time of payment of fees; effect of failure to
5 collect; alternative payment methods

6 A. All fees are payable at the time the service is rendered, unless
7 otherwise provided by law. An officer may refuse to perform any service
8 in any action or proceeding, criminal proceedings excepted, until the fees
9 are paid.

10 B. Failure to collect the fee shall not affect the validity of the
11 act or service.

12 C. The court may allow fees to be paid by alternative methods,
13 including credit cards, charge cards, debit cards and electronic funds
14 transfers.

15 **D. NO COURT SHALL EITHER IMPOSE OR COLLECT A FEE FOR FILING AN**
16 **ANSWER TO A COMPLAINT FOR FORCIBLE ENTRY OR DETAINER.**

17 Sec. 2. Section 22-281, Arizona Revised Statutes, is amended to
18 read:

19 22-281. Fees and deposits

20 A. Justices of the peace shall receive fees established and
21 classified as follows in civil actions:

22	Class Description	Fee
23	A Initial case filing fee	
24	Civil filing fees	\$ 73.00
25	B Subsequent case filing fee	
26	Civil filing fees – defendant	\$ 40.00
27	C Initial case filing fee	
28	Forcible entry and detainer filings	\$ 35.00
29	Small claims filing	25.00
30	D Subsequent case filing fee	
31	Small claims answer	\$ 15.00
32	Forcible entry and detainer	
33	filings – defendant	18.00
34	E Minimum clerk fee	
35	Document and transcript transfer on appeal	\$ 28.00
36	Certification of any documents	28.00
37	Issuance of writs	28.00
38	Filing any paper or performing any act	
39	for which a fee is not specifically	
40	prescribed	28.00
41	Subpoena (civil)	28.00
42	Research in locating a document	28.00
43	Seal a court file	28.00
44	Reopen a sealed court file	28.00
45	Record duplication	28.00

1	F	Per page fee	
2		Copies of any documents per page	\$ 0.50
3	G	Special fees	
4		Small claims service by mail	\$ 8.00

5 B. This section does not deprive the parties to the action of the
6 privilege of depositing amounts with the justice, in addition to those set
7 forth in this section, for use in connection with the payment of
8 constable's and sheriff's fees for service of process, levying of writs
9 and other services for which fees are otherwise provided by law.

10 C. Excluding the monies that are kept by the court pursuant to
11 subsection D of this section, justices of the peace shall transmit monthly
12 to the county treasurer all monies collected pursuant to subsection A of
13 this section. The county treasurer shall distribute or deposit all of the
14 monies received pursuant to this subsection as follows:

15 1. To the state treasurer for deposit in the judicial collection
16 enhancement fund established by section 12-113, in the following
17 percentages:

18 (a) 14.80 percent if the county treasurer is serving in a county
19 with a population of more than five hundred thousand persons.

20 (b) 16.23 percent if the county treasurer is serving in a county
21 with a population of five hundred thousand persons or less.

22 2. To the state treasurer for deposit in the alternative dispute
23 resolution fund established by section 12-135, in the following
24 percentages:

25 (a) 1.69 percent if the county treasurer is serving in a county
26 with a population of more than five hundred thousand persons.

27 (b) 1.89 percent if the county treasurer is serving in a county
28 with a population of five hundred thousand persons or less.

29 3. To the elected officials' retirement plan fund established by
30 section 38-802, either of the following percentages, which shall be
31 distributed to the fund pursuant to section 38-810:

32 (a) 21.91 percent if the county treasurer is serving in a county
33 with a population of more than five hundred thousand persons.

34 (b) 14.09 percent if the county treasurer is serving in a county
35 with a population of five hundred thousand persons or less.

36 4. To the county general fund, in the following percentages:

37 (a) 49.95 percent if the county treasurer is serving in a county
38 with a population of more than five hundred thousand persons.

39 (b) 55.51 percent if the county treasurer is serving in a county
40 with a population of five hundred thousand persons or less.

41 5. 6.00 percent to the elected officials' retirement plan fund
42 established by section 38-802 for the purpose of funding a portion of the
43 employers' contributions required pursuant to section 38-810.

1 D. In counties with a population of more than five hundred thousand
2 persons, 5.65 percent of the monies transmitted pursuant to subsection C
3 of this section shall be kept and used by the court collecting the fees in
4 the same manner as the ~~seven dollars~~ \$7 of the time payment fee prescribed
5 by section 12-116, subsection B.

6 E. In counties with a population of five hundred thousand persons
7 or less, 6.28 percent of the monies transmitted pursuant to subsection C
8 of this section shall be kept and used by the court collecting the fees in
9 the same manner as the ~~seven dollars~~ \$7 of the time payment fee prescribed
10 by section 12-116, subsection B.

11 F. The supreme court may increase the fees prescribed in subsection
12 A of this section in an amount not to exceed the ~~per cent~~ PERCENT of
13 change in the average consumer price index as published by the United
14 States department of labor, bureau of labor statistics between that figure
15 for the latest calendar year and the calendar year in which the last fee
16 increase occurred.

APPROVED BY THE GOVERNOR MARCH 30, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2022.