

REFERENCE TITLE: jury trials; administrative proceedings

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HCR 2024

Introduced by
Representatives Kolodin: Gillette, Jones, McGarr

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO JURY TRIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to jury trials, is enacted to become valid
5 as a law if approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING TITLE 41, CHAPTER 6, ARTICLE 1, ARIZONA REVISED
8 STATUTES, BY ADDING SECTION 41-1001.03; RELATING TO JURY
9 TRIALS.

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

11 Section 1. Title 41, chapter 6, article 1, Arizona
12 Revised Statutes, is amended by adding section 41-1001.03, to
13 read:

14 41-1001.03. Right to jury trial in administrative
15 proceedings; definition

16 A. NOTWITHSTANDING ANY OTHER LAW, ALL PERSONS SHALL BE
17 ALLOWED TO EXERCISE THE PERSON'S FUNDAMENTAL RIGHT TO TRIAL BY
18 JURY IN ANY ADMINISTRATIVE PROCEEDING.

19 B. THE RIGHT TO TRIAL BY JURY IN ANY ADMINISTRATIVE
20 PROCEEDING DOES NOT LIMIT, ABROGATE OR DISPARAGE THE RIGHT TO
21 TRIAL BY JURY IN ANY OTHER MATTER.

22 C. THE RIGHT TO TRIAL BY JURY IN ANY ADMINISTRATIVE
23 PROCEEDING MAY BE EXERCISED BY FILING A NOTICE OF REMOVAL OF
24 THE PROCEEDING IN THE SUPERIOR COURT OR, FOR CONTROVERSIES IN
25 WHICH ONLY MONETARY RELIEF IS SOUGHT AND THE AMOUNT IN
26 CONTROVERSY IS LESS THAN \$10,000, IN THE JUSTICE COURT.

27 D. FOR THE PURPOSES OF THIS SECTION, "ADMINISTRATIVE
28 PROCEEDING" MEANS EITHER OF THE FOLLOWING:

29 1. A PROCEEDING THAT MEETS ALL OF THE FOLLOWING
30 REQUIREMENTS:

31 (a) THE AMOUNT IN CONTROVERSY IS MORE THAN \$20 OR A
32 SIGNIFICANT LIBERTY IS AT STAKE.

33 (b) THE PROCEEDING IS INITIATED BY THE GOVERNMENT
34 AGAINST A PERSON.

35 (c) THE PROCEEDING IS NOT CURRENTLY BEFORE THE ARIZONA
36 SUPREME COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR
37 COURT, A JUSTICE COURT OR A MUNICIPAL COURT. A PROCEEDING
38 THAT OTHERWISE QUALIFIES AS AN ADMINISTRATIVE PROCEEDING
39 MAINTAINS THAT STATUS IF THE ADMINISTRATIVE PROCEEDING IS
40 APPEALABLE TO A COURT PROVIDED IN THIS SUBDIVISION.

41 2. A DISCIPLINARY PROCEEDING THAT IS BROUGHT AGAINST A
42 SWORN PEACE OFFICER AND THAT MEETS BOTH OF THE FOLLOWING
43 REQUIREMENTS:

44 (a) THE PERSON SEEKING TO EXERCISE THE RIGHT TO TRIAL
45 BY JURY IS A SWORN PEACE OFFICER.

1 (b) THE PROCEEDING POTENTIALLY RESULTS IN THE SWORN
2 PEACE OFFICER'S SUSPENSION OF MORE THAN ONE MONTH OR
3 TERMINATION.

4 2. The Secretary of State shall submit this proposition to the
5 voters at the next general election as provided by article IV, part 1,
6 section 1, Constitution of Arizona.