

REFERENCE TITLE: justice courts; administration; due process

State of Arizona
House of Representatives
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2026

HB 2976

Introduced by
Representatives Hernandez A: Biasiucci, Gillette, Hernandez C, Hernandez
L, Kolodin, Peña, Rivero, Tsosie

AN ACT

AMENDING TITLE 22, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 22-126, 22-127, 22-128 AND 22-129; 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. Title 22, chapter 1, article 2, Arizona Revised
3 Statutes, is amended by adding sections 22-126, 22-127, 22-128 and 22-129,
4 to read:

5 22-126. Due process protections for administrative actions
6 affecting elected justices of the peace:
7 applicability; definitions

8 A. A STATE OR COUNTY ENTITY THAT TAKES ADMINISTRATIVE ACTION THAT
9 MATERIALLY AFFECTS A JUSTICE OF THE PEACE'S STATUTORY ADMINISTRATIVE
10 AUTHORITY SHALL COMPLY WITH THE FOLLOWING DUE PROCESS REQUIREMENTS:

11 1. PROVIDE WRITTEN NOTICE TO THE JUSTICE OF THE PEACE OF THE
12 SPECIFIC FACTUAL AND STATUTORY BASIS FOR THE PROPOSED ACTION.

13 2. PROVIDE AN OPPORTUNITY TO THE JUSTICE OF THE PEACE FOR A HEARING
14 BEFORE AN INDEPENDENT HEARING OFFICER.

15 3. MAKE A FINDING OF CLEAR AND CONVINCING EVIDENCE UNLESS A
16 DIFFERENT STANDARD IS REQUIRED BY CONSTITUTIONAL LAW.

17 4. PROVIDE A RIGHT TO THE JUSTICE OF THE PEACE:

18 (a) FOR REPRESENTATION BY COUNSEL.

19 (b) TO PRESENT EVIDENCE AND WITNESSES.

20 (c) TO RECEIVE A WRITTEN DECISION THAT INCLUDES FINDINGS OF FACT
21 AND CONCLUSIONS OF LAW.

22 B. A FINAL DECISION THAT IS ISSUED PURSUANT TO THIS SECTION IS
23 SUBJECT TO JUDICIAL REVIEW UNDER TITLE 12, CHAPTER 7, ARTICLE 6.

24 C. AN ADMINISTRATIVE ACTION THAT VIOLATES THIS SECTION IS
25 UNENFORCEABLE AGAINST THE AFFECTED JUSTICE COURT UNTIL THE ADMINISTRATIVE
26 ACTION IS BROUGHT INTO COMPLIANCE WITH THIS SECTION.

27 D. THIS SECTION APPLIES ONLY TO ADMINISTRATIVE ACTIONS THAT ALTER,
28 SUSPEND OR DISPLACE A JUSTICE OF THE PEACE'S STATUTORY AUTHORITY. THIS
29 SECTION DOES NOT APPLY TO CASE-SPECIFIC RULINGS, JUDICIAL DISCIPLINE
30 PROCEEDINGS OR THE EXERCISE OF JUDICIAL DISCRETION IN ADJUDICATION.

31 E. FOR THE PURPOSES OF THIS SECTION:

32 1. "INDEPENDENT HEARING OFFICER" MEANS A PERSON TO WHOM BOTH OF THE
33 FOLLOWING APPLY:

34 (a) THE PERSON IS NOT SUBJECT TO THE SUPERVISION OR CONTROL OF THE
35 ENTITY THAT INITIATES THE ADMINISTRATIVE ACTION.

36 (b) THE PERSON MAY BE SELECTED FROM A JUDICIAL, ADMINISTRATIVE OR
37 OTHER NEUTRAL ROSTER AUTHORIZED BY LAW.

38 2. "MATERIALLY AFFECTS" MEANS AN ADMINISTRATIVE ACTION THAT AFFECTS
39 THE ABILITY OF A JUSTICE OF THE PEACE TO EXERCISE THE JUSTICE OF THE
40 PEACE'S STATUTORY DUTIES BECAUSE THE ADMINISTRATIVE ACTION:

41 (a) ALTERS, SUSPENDS, LIMITS OR DISPLACES STATUTORY ADMINISTRATIVE
42 AUTHORITY.

43 (b) IMPOSES NEW OPERATIONAL OR FISCAL OBLIGATIONS.

44 (c) RESULTS IN A SUBSTANTIVE CHANGE TO OPERATIONAL CONTROL.

45 3. "STATE OR COUNTY ENTITY":

1 (a) INCLUDES ADMINISTRATIVE BODIES AND OFFICERS ACTING PURSUANT TO
2 STATE STATUTE.

3 (b) DOES NOT INCLUDE THE ADJUDICATIVE FUNCTIONS OF ANY COURT.

4 22-127. Administrative supervision; applicability;
5 definitions

6 A. A STATE OR COUNTY ENTITY'S ADMINISTRATIVE SUPERVISION EXCLUDES
7 THE FOLLOWING, UNLESS EXPRESSLY AUTHORIZED BY STATUTE OR AS NECESSARY TO
8 FULFILL A STATE OR COUNTY ENTITY'S CONSTITUTIONAL SUPERVISORY DUTIES:

9 1. OPERATIONAL CONTROL OF A JUSTICE COURT.

10 2. PERSONNEL DECISIONS.

11 3. PAYROLL OR BUDGET MANAGEMENT.

12 4. ORDERS OR DIRECTIVES THAT DISPLACE THE STATUTORY AUTHORITY OF AN
13 ELECTED JUSTICE OF THE PEACE.

14 5. THE APPOINTMENT OF SUPERVISORS, ADMINISTRATORS OR DESIGNEES TO
15 ASSUME OPERATIONAL CONTROL OF A JUSTICE COURT.

16 B. THIS SECTION:

17 1. APPLIES UNLESS THE ADMINISTRATIVE SUPERVISION IS OTHERWISE
18 REQUIRED TO ENSURE THE ADMINISTRATION OF JUSTICE OR TO FULFILL
19 CONSTITUTIONAL SUPERVISORY DUTIES.

20 2. GOVERNS ONLY STATUTORY INTERPRETATION AND DOES NOT LIMIT OR
21 IMPAIR THE CONSTITUTIONAL AUTHORITY OF THE SUPREME COURT UNDER ARTICLE VI,
22 SECTION 3, CONSTITUTION OF ARIZONA.

23 C. FOR THE PURPOSES OF THIS SECTION:

24 1. "ADMINISTRATIVE SUPERVISION" INCLUDES STATEWIDE OVERSIGHT THAT
25 IS NECESSARY TO ENSURE:

26 (a) UNIFORM PROCEDURAL RULES.

27 (b) JUDICIAL EDUCATION AND TRAINING.

28 (c) STANDARDS FOR CASE REPORTING.

29 (d) COMPLIANCE WITH STATEWIDE JUDICIAL POLICIES THAT DO NOT
30 CONFLICT WITH STATUTE.

31 2. "STATE OR COUNTY ENTITY" HAS THE SAME MEANING PRESCRIBED IN
32 SECTION 22-126.

33 22-128. Reporting of administrative orders and directives
34 affecting justice courts; definition

35 A. ANY ADMINISTRATIVE ORDER OR DIRECTIVE THAT IS ISSUED BY THE
36 SUPREME COURT, THE ADMINISTRATIVE OFFICE OF THE COURTS OR A PRESIDING
37 JUDGE AND THAT MATERIALLY AFFECTS LOCAL COURT GOVERNANCE, STATUTORY
38 ADMINISTRATIVE AUTHORITY, PERSONNEL MANAGEMENT OR COUNTY FISCAL
39 OBLIGATIONS SHALL BE REPORTED TO THE PRESIDENT OF THE SENATE AND THE
40 SPEAKER OF THE HOUSE OF REPRESENTATIVES WITHIN TEN DAYS AFTER THE
41 ADMINISTRATIVE ORDER OR DIRECTIVE IS ISSUED. THE REPORT SHALL INCLUDE
42 BOTH:

43 1. A STATEMENT THAT IDENTIFIES THE STATUTORY OR CONSTITUTIONAL
44 AUTHORITY ON WHICH THE SUPREME COURT, THE ADMINISTRATIVE OFFICE OF THE
45 COURTS OR A PRESIDING JUDGE RELIED.

1 2. A FISCAL IMPACT STATEMENT THAT IDENTIFIES ANY COSTS IMPOSED ON
2 COUNTIES.

3 B. FOR THE PURPOSES OF THIS SECTION, "MATERIALLY AFFECTS" HAS THE
4 SAME MEANING PRESCRIBED IN SECTION 22-126.

5 22-129. County funding obligations; unfunded mandates;
6 exception

7 A. A COUNTY IS NOT REQUIRED TO IMPLEMENT NEW OPERATIONAL,
8 REPORTING, STAFFING OR TECHNOLOGY REQUIREMENTS THAT ARE IMPOSED BY AN
9 ADMINISTRATIVE ORDER OR DIRECTIVE UNLESS BOTH:

10 1. THE SUPREME COURT ISSUES A FISCAL IMPACT STATEMENT.

11 2. THE LEGISLATURE APPROPRIATES SUFFICIENT MONIES TO THE COUNTY TO
12 IMPLEMENT THE ADMINISTRATIVE ORDER OR DIRECTIVE.

13 B. THIS SECTION DOES NOT APPLY TO TEMPORARY ORDERS OR DIRECTIVES
14 THAT ARE NECESSARY TO ADDRESS AN IMMEDIATE THREAT TO PUBLIC SAFETY IF
15 MONIES ARE REQUESTED OR APPROPRIATED WITHIN NINETY DAYS AFTER THE ORDER OR
16 DIRECTIVE IS ISSUED.

17 Sec. 2. Applicability

18 A. This act applies to administrative actions that are initiated or
19 that remain ongoing on or after the effective date of this act.

20 B. This act does not affect the validity of a final judicial
21 determination and does not reopen or invalidate a completed disciplinary
22 proceeding.

23 C. Any ongoing administrative action that is subject to this act
24 shall be brought into compliance with this act within ninety days after
25 the effective date of this act.

26 Sec. 3. Legislative findings and intent

27 A. The legislature finds and declares that:

28 1. Justices of the peace are elected constitutional officers who
29 are accountable to the voters of their respective precincts.

30 2. Justice courts are courts of limited jurisdiction that are
31 established by statute, and the legislature retains authority to define a
32 justice court's statutory structure, duties, administrative authority and
33 procedures, subject to the Constitution of Arizona.

34 3. Counties bear primary fiscal responsibility for justice court
35 operations, and unfunded administrative requirements may impose
36 significant burdens on county budgets.

37 4. Administrative actions that materially affect the statutory
38 authority of an elected justice of the peace implicate the integrity of
39 the elected office and require minimum due process protections.

40 5. This act does not limit or impair the constitutional authority
41 of the supreme court under article VI, section 3, Constitution of Arizona.
42 The legislature intends only to define statutory rights, county
43 obligations and procedural protections applicable to justice courts as
44 established by statute.