REFERENCE TITLE: appeals court; division two; elimination

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1283

Introduced by
Senator Finchem

AN ACT

AMENDING SECTIONS 12-120, 12-120.01, 12-120.02 AND 12-120.04, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO THE COURT OF APPEALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 12-120, Arizona Revised Statutes, is amended to read:

12-120. Creation of court of appeals; court of record; composition; sessions

A. A court of appeals is established and constitutes a single court ~~and such~~ CONSISTING OF ALL COUNTIES IN THIS STATE. THE court OF APPEALS shall be a court of record.

B. The court of appeals shall ~~be divided into two divisions which shall be designated as division 1 and division 2. Division 1 shall~~ have nineteen judges, consisting of the chief judge and six departments of three judges each, denominated, respectively, department A, department B, department C, department D, department E and department F. ~~Division 2 shall have nine judges, consisting of three departments of three judges each, denominated, respectively, department A, department B and department C.~~

~~C. Division 1 shall consist of the counties of Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo and Apache~~.

~~D. Division 2 shall consist of the counties of Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham and Gila.~~

~~E.~~ C. The sessions ~~of divisions 1 and 2~~ OF THE COURT OF APPEALS shall be held in Phoenix ~~and Tucson, respectively~~. Sessions may be held at places other than Phoenix ~~or Tucson~~ when in the opinion of a majority of the judges of a ~~division or~~ department the public interest so requires. ~~The judges of the respective divisions and departments may hold sessions in either division and shall do so when directed by the chief justice of the supreme court.~~ Each judge of the court of appeals may participate in matters pending before a different ~~division or~~ department. ~~A matter may be transferred between divisions in order to equalize caseloads and for the best use of judicial resources.~~

~~F.~~ D. Not more than three judges of the court of appeals, including superior court judges and retired judges sitting with the court, shall hear and determine a matter and render a decision, and a majority of two of the three judges shall be sufficient to render a decision.

Sec. 2. Section 12-120.01, Arizona Revised Statutes, is amended to read:

12-120.01. Qualifications of judges; terms; ballots; vacancies

A. A judge of the court of appeals shall be:

1. Not less than thirty years of age.

2. Of good moral character.

3. A qualified elector of the county of ~~his~~ THE JUDGE'S residence~~,~~ and a resident of such county for not less than three years next preceding taking office.

~~4. A resident of the division in which he is elected.~~

~~5.~~ 4. Admitted to the practice of law in ~~the~~ THIS state ~~of Arizona~~ for not less than five years next preceding taking office.

~~6.~~ 5. A resident of ~~Arizona~~ THIS STATE for not less than five years next preceding taking office.

B. Except for the initial term, each judge shall hold office for a term of six years to commence on the first Monday in January following ~~his~~ THE JUDGE'S retention election and until ~~his~~ THE JUDGE'S successor is appointed and qualified. Each judge shall be appointed by the governor and serve an initial term pursuant to article VI, section 37, Constitution of Arizona.

Sec. 3. Section 12-120.02, Arizona Revised Statutes, is amended to read:

12-120.02. Election of judges

~~A. In division 1,~~ Of the nineteen APPELLATE COURT judges, ten of the judges shall be residents of and elected for retention from Maricopa county OR PIMA COUNTY, five of the judges shall be residents of the remaining counties in ~~the division~~ THIS STATE and shall be elected for retention by the voters of the counties in ~~division 1~~ THIS STATE, excluding Maricopa county, and four of the judges shall be at-large judges and be residents of any county in ~~the division~~ THIS STATE. If an at-large judge is a resident of Maricopa county, the judge shall be elected for retention by the voters of Maricopa county. If an at-large judge is not a resident of Maricopa county, the judge shall be elected for retention by the voters of the counties in ~~division 1~~ THIS STATE, excluding Maricopa county.

~~B. In division 2, of the nine judges, four of the judges shall be residents of and elected from Pima county, two of the judges shall be residents of the remaining counties in the division and shall be elected by the voters of the counties in division 2, excluding Pima county, and three of the judges shall be at-large judges and be residents of any county in the division. If an at-large judge is a resident of Pima county, the judge shall be elected for retention by the voters of Pima county. If an at-large judge is not a resident of Pima county, the judge shall be elected for retention by the voters of the counties in division 2, excluding Pima county.~~

Sec. 4. Section 12-120.04, Arizona Revised Statutes, is amended to read:

12-120.04. Chief judge; duties

A. The chief judge of ~~each division~~ THE COURT OF APPEALS shall be elected annually by the members of the ~~division~~ APPELLATE COURT. The chief judge may be a member of any department of the ~~division~~ APPELLATE COURT. The chief judge shall serve in such capacity until ~~his~~ THE CHIEF JUDGE'S successor has been elected as provided by this section.

B. The chief judge shall exercise administrative supervision over the ~~division in which he serves~~ COURT OF APPEALS, shall have such other

duties as may be provided by rules of the supreme court and shall apportion the business to the departments in such manner as to equalize the distribution of business among them.

C. The chief judge may, and ~~upon~~ ON direction by the chief justice of the supreme court shall, designate one department to hear and determine all reviews THAT ARE authorized by ~~the provisions of~~ section 23-951. ~~Such~~ THE designated department may also hear and determine other matters assigned to it by the chief judge.

D. In the absence of the chief judge from the place at which the court is held, or ~~his~~ THE CHIEF JUDGE'S inability to act, the other judges shall select one of their own number to perform the duties and exercise the powers of the chief judge during such absence or inability to act.

E. The judges of each department shall periodically select a presiding judge and a member to act as the presiding judge to perform the duties and exercise the powers of the presiding judge during the absence or inability to act of the presiding judge.

F. The chief judge ~~of division 2 shall be~~ IS eligible to be the presiding judge of a department.

G. The chief judge ~~of division 1~~ shall designate one department to hear and determine all appeals authorized by section 12-170. This department may also hear and determine other matters assigned to it by the chief judge.

Sec. 5. Transfer of monies

All monies designated for division two of the court of appeals that remain unexpended and unencumbered on the effective date of this act are transferred to _____ for the purposes of the court of appeals, as reorganized by this act.

Sec. 6. Retention of appellate court judges

All persons serving as judges of division two of the court of appeals on the effective date of this act may continue to serve until the expiration of their normal terms.

Sec. 7. Conforming changes

The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration in the fifty-eighth legislature, first regular session.

Sec. 8. Legislative intent

The legislature intends to eliminate division two of the court of appeals and to transfer all remaining unexpended and unencumbered monies from division two of the court of appeals to the court of appeals, as reorganized by this act, for the purposes of operating and maintaining the court of appeals, as reorganized by this act.