

State of Arizona
House of Representatives
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1996

FILED

Jane Dee Hull
Secretary of State

CHAPTER 361

HOUSE BILL 2196

AN ACT

AMENDING SECTIONS 8-232 AND 13-1602, ARIZONA REVISED STATUTES; RELATING TO JUVENILE HEARINGS.

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

Section 1. Section 8-232, Arizona Revised Statutes, is amended to read:

8-232. Juvenile hearing officer; appointment; term; compensation; hearings

A. The judge of the juvenile court, or in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court, may appoint one or more persons, of suitable experience, who may be magistrates or justices of the peace, to serve as juvenile hearing officers on a full-time or part-time basis. The board of supervisors shall approve the appointment of justices of the peace as juvenile hearing officers or the local governing body shall approve the appointment of municipal judges as juvenile hearing officers. The juvenile hearing officer shall serve at the pleasure of the judge. The judge shall determine, with the approval of the board of supervisors, whether any compensation shall be paid to a juvenile hearing officer not otherwise employed by a public agency or holding another public office, and shall establish the amounts and rates ~~thereof~~ OF THE COMPENSATION.

B. Subject to the orders of the juvenile court a juvenile hearing officer may hear and determine juvenile pretrial detention hearings and may process, adjudicate and dispose of all cases in which a child under the age of eighteen years on the date of the alleged offense is charged with violating any provision of title 28 not declared to be a felony, any city, town or political subdivision ordinance or any law relating to the following:

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1 1. The purchase, possession or consumption of spirituous liquor by a
2 juvenile.

3 2. Boating or game and fish.

4 3. Curfew.

5 4. Truancy.

6 5. The possession of firearms by a juvenile.

7 6. The damage or disfigurement of property by graffiti or the purchase
8 or possession of materials WITH THE INTENT TO BE used for graffiti.

9 7. The purchase or possession of tobacco.

10 C. A hearing before the juvenile hearing officer or a hearing before
11 a commissioner or a judge of the juvenile court wherein such child is charged
12 with any offense set forth in this section may be conducted upon an exact
13 legible copy of a written notice to appear, including a traffic ticket and
14 complaint form, that states, at a minimum, the name and address of the
15 juvenile, the offense charged and the time and place the juvenile shall
16 appear in court.

17 D. The juvenile hearing officer shall not dispose of a citation for
18 any offense under this section unless the parent, guardian or custodian of
19 the juvenile appears in court with the juvenile at the time of disposition
20 of the charge. The court may waive the requirement that the parent, guardian
21 or custodian appear for good cause. If the appearance is waived, the court
22 shall send written notice to the parent, guardian or custodian, if known, of
23 the charge and the disposition of the charge. If the juvenile fails to
24 appear pursuant to a citation properly issued under this section, the
25 juvenile hearing officer may refer the matter to the juvenile court for
26 appropriate action.

27 E. Except as otherwise provided by law, upon an admission by the child
28 of a violation charged pursuant to this section, or after a hearing, upon the
29 finding that the child did commit such violation, the juvenile hearing
30 officer may do any one or more of the following:

31 1. Reprimand the child and take no further action.

32 2. Direct the filing of a petition as provided for in this chapter.

33 3. Suspend the driving privileges of the child, or restrict such
34 driving privileges for a period of not to exceed one hundred eighty days.

35 4. Order the child to attend a traffic school or a counseling or
36 education program approved by the presiding judge of the juvenile court or
37 the supreme court for a period of not to exceed sixty days.

38 5. Order the child to pay the monetary assessment or penalty that is
39 applicable to the offense. The monetary assessment or penalty shall not
40 exceed five hundred dollars plus lawful surcharges and assessments payable
41 to the public agency processing the violation. If no monetary assessment or
42 penalty is specified for the offense, the juvenile hearing officer may order
43 the child to pay not more than one hundred fifty dollars plus lawful

1 surcharges and assessments payable to the public agency processing the
2 violation.

3 6. In lieu of or in addition to a monetary assessment or penalty,
4 order the juvenile to perform a program of work, which does not conflict with
5 the juvenile's regular schooling and employment, to repair the victim's
6 property or to provide community service.

7 7. If the juvenile hearing officer determines that the person charged
8 is eighteen or more years of age, transfer the matter to an adult court
9 having jurisdiction.

10 8. If the child violated any truancy laws, require the child and the
11 child's parents or guardians to participate in a specialized program
12 consisting of counseling, supervision and education under the terms and
13 conditions the juvenile hearing officer orders.

14 9. Order the child or the child's parents or guardians to pay
15 restitution to any person who suffered an economic loss as the result of the
16 child's conduct.

17 ~~F. The juvenile hearing officer, on admission of the child or on a~~
18 ~~finding that the child committed a second or subsequent violation of~~
19 ~~subsection B, paragraph 6 of this section, shall revoke the child's driver's~~
20 ~~license or privilege or shall direct the department of transportation to~~
21 ~~refuse to issue, renew or restore the child's driver's license or privilege~~
22 ~~to drive until the child reaches eighteen years of age.~~

23 F. ON ADMISSION OF THE CHILD OR ON A FINDING THAT THE CHILD COMMITTED
24 CRIMINAL DAMAGE PURSUANT TO SECTION 13-1602, SUBSECTION A, PARAGRAPH 5, OR
25 A VIOLATION OF ANY CITY OR TOWN ORDINANCE WHICH PROHIBITS THE TYPE OF
26 CRIMINAL ACTION DEFINED IN SECTION 13-1602, SUBSECTION A, PARAGRAPH 5, THE
27 JUVENILE HEARING OFFICER, COMMISSIONER OR JUDGE SHALL SUSPEND THE CHILD'S
28 DRIVER LICENSE OR PRIVILEGE TO DRIVE OR SHALL DIRECT THE DEPARTMENT OF
29 TRANSPORTATION TO REFUSE TO ISSUE, RENEW OR RESTORE THE CHILD'S DRIVER
30 LICENSE OR PRIVILEGE TO DRIVE UNTIL THE CHILD REACHES EIGHTEEN YEARS OF AGE.

31 G. A record of the proceedings before a juvenile hearing officer may
32 be made by a court reporter, videotape or audiotape or any other method
33 approved by the supreme court that accurately reproduces what occurred at the
34 proceeding.

35 H. The juvenile hearing officer shall retain jurisdiction of the case
36 until all orders made under this section have been fully complied with. The
37 juvenile hearing officer shall immediately transmit a copy of the citation
38 with the findings and disposition of the court noted on the copy to the
39 juvenile court for record keeping purposes. If appropriate, the juvenile
40 hearing officer shall transmit a copy of the citation to the department of
41 transportation. If on disposition the juvenile fails to comply with any court
42 order, the juvenile hearing officer may refer the matter to the county
43 attorney for appropriate action to enforce the court orders and for any other
44 petition or process the county attorney deems appropriate.

1 I. Subject to an appeal pursuant to section 8-232.02 all orders of the
2 juvenile hearing officer shall be effective immediately.

3 Sec. 2. Section 13-1602, Arizona Revised Statutes, is amended to read:
4 13-1602. Criminal damage; classification

5 A. A person commits criminal damage by recklessly:
6 1. Defacing or damaging property of another person; or
7 2. Tampering with property of another person so as substantially to
8 impair its function or value; or

9 3. Tampering with the property of a utility.
10 4. Parking any vehicle in such a manner as to deprive livestock of
11 access to the only reasonably available water.

12 5. DRAWING OR INSCRIBING A MESSAGE, SLOGAN, SIGN OR SYMBOL THAT IS
13 MADE ON ANY PUBLIC OR PRIVATE BUILDING, STRUCTURE OR SURFACE, EXCEPT THE
14 GROUND, AND THAT IS MADE WITHOUT PERMISSION OF THE OWNER.

15 B. Criminal damage is punished as follows:

16 1. Criminal damage is a class 4 felony if the person recklessly
17 damages property of another in an amount of ten thousand dollars or more, or
18 if the person recklessly causes impairment of the functioning of any utility.

19 2. Criminal damage is a class 5 felony if the person recklessly
20 damages property of another in an amount of two thousand dollars or more but
21 less than ten thousand dollars.

22 3. Criminal damage is a class 6 felony if the person recklessly
23 damages property of another in an amount of more than two hundred fifty
24 dollars but less than two thousand dollars.

25 4. In all other cases criminal damage is a class 2 misdemeanor.

APPROVED BY THE GOVERNOR MAY 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 1996