

State of Arizona
Senate
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Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 75

SENATE BILL 1149

AN ACT

AMENDING SECTIONS 12-113, 22-284 AND 22-408, ARIZONA REVISED STATUTES;
RELATING TO COURT FEES.

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

2 Section 1. Section 12-113, Arizona Revised Statutes, is amended to
3 read:

4 12-113. Judicial collection enhancement fund; purpose;
5 administration; report; definition

6 A. A judicial collection enhancement fund is established consisting
7 of monies received from:

8 1. Twelve dollars from the time payment fee established in section
9 12-116.

10 2. A five dollar surcharge paid by a person attending a court ordered
11 diversion program pursuant to section 12-114.

12 3. A surcharge on all filing, appearance and clerk fees collected by
13 the supreme court, court of appeals, superior court, justice of the peace
14 courts and municipal courts.

15 4. Electronic filing and access fees collected pursuant to sections
16 12-119.02, ~~AND 12-120.31, 22-284 and 22-408.~~

17 B. Courts wishing to receive monies from the judicial collection
18 enhancement fund shall submit a plan to the supreme court. The fund monies
19 shall be used according to plans approved by the supreme court to improve,
20 maintain and enhance the ability to collect and manage monies assessed or
21 received by the courts including restitution, child support, fines and civil
22 penalties and to improve court automation projects likely to improve case
23 processing or the administration of justice.

1 C. ~~Except as provided in sections 22-284 and 22-408,~~ The supreme court
2 shall administer the fund and may expend monies in the fund for local,
3 regional or statewide projects. The supreme court may directly provide or
4 contract for services consistent with the purposes of the fund. Monies from
5 the fund shall supplement monies already provided to local courts for
6 purposes consistent with the purposes of the fund.

7 D. The supreme court shall submit annually to the legislature and to
8 the governor a report detailing the amount of monies collected and expended
9 and the progress made in improving the ability of the courts to collect
10 monies.

11 E. The state treasurer shall invest monies in the fund. Interest
12 earned on fund monies shall be deposited in the fund.

13 F. After the court determines the amount due, the court shall transmit
14 to the county treasurer each month the surcharges and fees collected pursuant
15 to sections 12-115 and 12-116, except that municipal courts shall transmit
16 to the city treasurer each month the surcharges and fees so collected.

17 G. The county or city treasurer shall transmit to the state treasurer
18 on or before the tenth day of each month the surcharges and fees collected
19 pursuant to subsection F of this section for deposit in the judicial
20 collection enhancement fund.

21 H. For the purposes of this article, "court authorized diversion
22 program" means a program in which an individual charged with a civil or
23 criminal traffic offense or any other criminal offense is not prosecuted for
24 the offense on the successful completion of an authorized diversion program.
25 Successful completion of a defensive driving school program resulting in
26 dismissal of a civil or criminal traffic offense is considered a court
27 authorized diversion program under this section.

28 Sec. 2. Section 22-284, Arizona Revised Statutes, is amended to read:
29 22-284. Electronic filing and access; fee; county judicial
30 collection enhancement fund

31 A. The presiding judge of the superior court may provide for the
32 electronic filing of documents and electronic access to justice court
33 records, pursuant to rules adopted by the supreme court.

34 B. The presiding judge may impose a fee of not more than one hundred
35 dollars per year for an annual on-line access subscription plus a fee of not
36 more than two dollars per minute for on-line access to justice court records.
37 The justice court shall collect the fees and transmit them to the county
38 treasurer who shall account for them separately ~~and deposit them in the~~
39 ~~judicial collection enhancement fund established by section 12-113.~~ The
40 justice court shall spend monies collected by the justice court and
41 deposited ~~in the fund~~ WITH THE COUNTY TREASURER pursuant to this section to
42 improve access to justice court records, subject to the approval of the
43 presiding judge of the superior court.

1 C. The fees collected pursuant to subsection B of this section are
2 exempt from sections 12-305 and 38-810.

3 D. THE COUNTY TREASURER SHALL INVEST MONIES DEPOSITED PURSUANT TO THIS
4 SECTION. INTEREST EARNED ON THESE MONIES SHALL BE DEPOSITED WITH THE FEE
5 MONIES THAT ARE DEPOSITED PURSUANT TO THIS SECTION.

6 E. THE MONIES DEPOSITED IN THE COUNTY TREASURY PURSUANT TO THIS
7 SECTION SHALL BE CONTINUALLY AVAILABLE FOR PURPOSES CONSISTENT WITH THE
8 PURPOSES OF THIS SECTION.

9 F. MONIES DEPOSITED PURSUANT TO THIS SECTION SHALL SUPPLEMENT MONIES
10 ALREADY PROVIDED TO COURTS FOR PURPOSES CONSISTENT WITH THE PURPOSES OF THIS
11 SECTION.

12 Sec. 3. Section 22-408, Arizona Revised Statutes, is amended to read:
13 22-408. Electronic filing and access; fee; municipal judicial
14 collection enhancement fund

15 A. The presiding judge of the superior court may provide for the
16 electronic filing of documents and electronic access to municipal court
17 records, pursuant to rules adopted by the supreme court, after consulting
18 with the city or town council OF THE CITY in which the municipal court is
19 located.

20 B. The presiding judge of the superior court may impose a fee of not
21 more than one hundred dollars per year for an annual on-line access
22 subscription plus a fee of not more than two dollars per minute for on-line
23 access to municipal court records. The municipal court shall collect the
24 fees and transmit them to the city treasurer who shall account for them
25 separately ~~and deposit them in the judicial collection enhancement fund~~
26 ~~established by section 12-113.~~ The municipal court shall spend monies
27 collected by the municipal court and deposited ~~in the fund~~ WITH THE CITY
28 TREASURER pursuant to this section to improve access to municipal court
29 records and to pay for administrative costs related to the improved access,
30 subject to the approval of the presiding judge of the superior court.

31 C. The fees collected pursuant to subsection B of this section are
32 exempt from sections 12-305 and 38-810.

33 D. If the program established pursuant to this section requires any
34 additional expenditures by a city or town council, the PRESIDING JUDGE OF THE
35 SUPERIOR COURT SHALL OBTAIN APPROVAL OF THE ADDITIONAL EXPENDITURE FROM THE
36 city or town council OF THE CITY in which the municipal court is located
37 ~~shall approve of the additional expenditures.~~

38 E. THE MONIES DEPOSITED IN THE CITY TREASURY PURSUANT TO THIS SECTION
39 SHALL BE CONTINUALLY AVAILABLE FOR PURPOSES CONSISTENT WITH THE PURPOSES OF
40 THIS SECTION.

41 F. MONIES DEPOSITED PURSUANT TO THIS SECTION SHALL SUPPLEMENT MONIES
42 ALREADY PROVIDED TO THE COURTS FOR PURPOSES CONSISTENT WITH THE PURPOSES OF
43 THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 2, 1996

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