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TYPE OF DOCUMENT:

RESOLUTION NO. 2017-16

A resolution to amend Resolution No. 2015-05, a Justice Court Fund and an administrative fee schedule whereby Yuma County may recover and defray the actual costs of services by the Justice Courts in Yuma County.

This fee schedule is effective as follows: July 1, 2017 raise the fee to \$30;
July 1, 2018 raise the fee to \$35; and July 1, 2019 raise the fee to \$40.

Resolution No. 2017-16 supersedes any previously adopted Justice Court Fee Schedule amendments.

DOCUMENT APPROVAL:

Approved by Yuma County Board of Supervisors:
June 19, 2017, Discussion Item No. 1.



YUMA COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2017-16

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YUMA COUNTY, ARIZONA, ADOPTING RESOLUTION NO. 2017-16 AND INSTITUTING AMENDMENTS TO RESOLUTION NO. 2015-05, JUSTICE COURT FEES.

BE IT RESOLVED by the County of Yuma, by and through the Yuma County Board of Supervisors that Resolution No. 2017-16 is adopted to amend Resolution No. 2015-05, a Justice Court Fund and an administrative fee schedule whereby Yuma County may recover and defray the actual costs of services provided by the Justice Courts in Yuma County.

Section 1:

JUSTICE COURT ENHANCEMENT (AND JUSTICE OF THE PEACE PRO TEMPORE) FEE(S)

- A. Persons convicted of criminal traffic or misdemeanor offenses, or found responsible of civil traffic offenses, with an offense date of September 1, 1998 or after, shall pay a Justice Court Enhancement Fee in the amount of thirty dollars \$30.00 for each offense. Furthermore, effective July 1, 2018, each person convicted shall pay a Justice Court Enhancement Fee in the amount of thirty-five dollars \$35.00 per count of conviction; and, effective July 1, 2019, each person convicted shall pay a Justice Court Enhancement Fee in the amount of forty dollars \$40.00 per count of conviction.
- B. Civil Court Enhancement Fee – In addition to any other fine imposed, a fee of \$10.00 shall be imposed and collected from any individual or business that files a civil complaint in any of the Yuma County Justice Court Precincts. Further, a \$10.00 fee shall be imposed and collected from any individual or business that files a responsive pleading in a pending civil action in any of the Yuma County Justice Court Precincts.
- C. Small Claims Court Enhancement Fee – In addition to any other fine imposed, a fee of \$10.00 shall be imposed and collected from any individual or business that files a small claims petition in any of the Yuma County Justice Court Precincts. Further, a \$10.00 fee shall be imposed and collected from any individual or business that files a responsive pleading in a pending small claim action in any of the Yuma County Justice Court Precincts.

- D. Eviction Action Court Enhancement Fee – In addition to any other fine imposed, a fee of \$10.00 shall be imposed and collected from any individual or business that files an eviction action complaint in any of the Yuma County Justice Court Precincts.
- E. Civil Traffic Court Enhancement Fee – the Justice courts shall collect an additional \$10.00 Court Enhancement Fee for each violation in which a fine, sanction, penalty or assessment is imposed by the respective Justice Court, and which results in a civil traffic default judgment for the Defendant's failure to appear before the Court as scheduled.
- F. Persons convicted of criminal traffic or misdemeanor offenses, or found responsible of civil traffic offenses, with an offense date of April 17, 2003 or after, shall pay a Justice of the Peace Pro Tempore Fee in the amount of Thirty-two dollars (\$32.00) for each offense.
- G. There is hereby established a Justice Court Fund, which shall be used exclusively to enhance the technological, operational, security and collections capabilities of the Justice Courts.
- H. The Justice Court Fund was established as a designated fund account with the county treasurer. The Justice Courts in Yuma County shall collect designated Justice Court Enhancement and Justice of the Peace Pro Tempore Fees and deposit them in the Justice Court Fund account. The county treasurer shall invest the monies in the fund in the same manner as county funds. Interest earned on fund monies shall be deposited in the fund.
- I. The Justice Courts in Yuma County, with the concurrence of the Yuma County Board of Supervisors, shall administer the fund and may make expenditures from the fund for the purposes provided in this section. Monies from the fund shall supplement monies already provided to the justice courts for the general purposes stated in this section.
- J. A justice of the peace may waive all or a portion of the fee when in the opinion of said justice of the peace, such waiver would be in the interest of justice or after finding the person has a substantial financial hardship or is indigent based on sworn affidavits of the person.
- K. If the defendant pays some or all of his or her fines, surcharges, restitution, or other fees over time, the Justice Court Enhancement and Justice of the Peace Pro Tempore Fees shall be collected in proportion with any fines, surcharges or other fees, except restitution and time payment fees, which must be collected first.

Section 2:

JUSTICE COURT COST RECOVERY FEES

A. Cost Recovery Fees

1. **Justice Court Default Cost Recovery Fee**

A Default Cost Recovery Fee in the amount of forty dollars (\$40.00) shall be imposed on each default judgment entered for the failure to appear in a civil traffic case, or for failure to satisfy in full a civil sanction imposed in a civil traffic case.

2. **Justice Court Warrant Cost Recovery Fee**

When a justice of the peace issues a warrant for non-compliance with court orders, failure to pay a fine or failure to pay any other fees, the judge shall impose a Court Warrant Cost Recovery Fee in the amount of one hundred dollars (\$100.00) upon the person for whom the arrest warrant is issued; and this fee shall be added to the amount set forth in the arrest warrant.

3. **Justice Court Deferred Prosecution Cost Recovery Fee**

A Deferred Prosecution Fee in the amount of one hundred dollars (\$100.00) shall be imposed on each criminal charge for which the court defers prosecution pursuant to Rule 38 of the Arizona Rules of Criminal Procedure (or its substitute).

- B. The Justice Court Cost Recovery Fees are hereby declared to be administrative in nature, separate from and in addition to any sentence imposed by the justice court in a criminal case or any civil penalty in cases where a civil penalty is imposed. The justice courts shall set forth the requirements and amounts of such cost recovery fees as separate items in all orders and judgments.
- C. The justice courts shall collect the Justice Court Cost Recovery Fees and deposit them in the appropriate JP Fines and Fees Revenue accounts of the County General Fund for each of the three justice courts.
- D. A justice of the peace may waive all or a portion of the Justice Court Cost Recovery Fees set forth in subsection (A) when in the opinion of said justice of the peace, such waiver would be in the interest of justice or after finding the person has a substantial financial hardship or is indigent based on sworn affidavits of the person.

- E. If the defendant pays some or all of his or her fines, surcharges, restitution or other fees over time, the Justice Court Cost Recovery Fees shall be collected after restitution and time payment fees, which must be collected first.

Section 3:

IMPLEMENTATION DATE

The above established fees shall be collected effective July 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 2017-16 is hereby adopted, instituting amendments to Resolution No. 2015-05, Justice Court Fees.

THE BOARD OF SUPERVISORS FURTHER RESOLVES that this resolution supersedes any previously adopted Justice Court Fee Schedule amendments.

Adopted this 19th day of June, 2017.



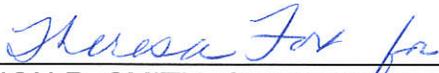
MARCO A. "TONY" REYES, Chairman

ATTEST:



SUSAN K. THORPE
County Administrator/Clerk of the Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF PERFORMANCE OF DUTY OF THE YUMA COUNTY BOARD OF SUPERVISORS:



JON R. SMITH, County Attorney