

Article 6-1 MAGISTRATE COURT ESTABLISHED: JURISDICTION

There is hereby established in the city a magistrate's court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with justices of the peace in precincts in which the city is located of violation of laws of state committed within the limits of the city.

Article 6-2 PRESIDING OFFICER

- 6-2-1 City Magistrate - Assistant City Magistrate
- 6-2-2 Powers and Duties of City Magistrate

Section 6-2-1 City Magistrate - Assistant City Magistrate

The presiding officer of the magistrate's court shall be the city magistrate. The manager may appoint an assistant city magistrate to perform the duties of the city magistrate in the city magistrate's absence.

Section 6-2-2 Powers and Duties of City Magistrate

The powers and duties of magistrate shall include:

- A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code, and the ordinances and resolutions of the city.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- D. Payment of all fees, fines, penalties and other monies collected by the court to the treasurer.
- E. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.
- F. Designation of deputy other than a law enforcement officer and a specific location, at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper

bail bonds in lieu thereof, for and on behalf of the court.

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Article 6-3           <sup>1</sup>ESTABLISHMENT OF FEES FOR SERVICES PROVIDED BY THE  
MAGISTRATE COURT

- 6-3-1                   Establishment of Fees
- 6-3-2                   Case Processing Fee
- 6-3-3                   Warrant Issuance Administrative Fee
- 6-3-4                   Prosecution Fee
- 6-3-5                   Defense Appointment Fee
- 6-3-6                   License Reinstatement Fee
- 6-3-7                   Deferred Prosecution and Probation Fee
- 6-3-8                   DUI Investigation Fee
- 6-3-9                   Blood Analysis Fee
- 6-3-10                  Assessment and Collection of Fees
- 6-3-11                  Penalties and Assessments
- 6-3-12                  Authority to Waive Fees

Section 6-3-1           Establishment of Fees

In order to defray the costs of various Magistrate Court services, the fees set forth in this Article shall be assessed and collected from certain persons using Magistrate Court services. The fees assessed are and shall at all times be reasonably calculated to recover, on average, all or part of the costs and expenses associated with each service provided or undertaken on behalf of the person assessed fees.

Section 6-3-2           Case Processing Fee

For each case involving a criminal, criminal traffic, or civil traffic offense, the Magistrate Court shall assess each person a Case Processing Fee of not less than \$20 for each case in which there is an adjudication adverse to the person in that matter. For purposes of this section, adverse adjudication shall include any and all determinations of guilt or responsibility including "no contest" pleas in criminal matters, irrespective of the punishment or penalty imposed by the Magistrate.

Section 6-3-3           Warrant Issuance Administrative Fee

When the Magistrate Court issues a warrant for failure to appear, non-compliance with any court order, failure to pay a fine, failure to pay restitution, or failure to pay any other fees or penalties, the Magistrate shall impose an administrative fee of

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<sup>1</sup> ADDED ARTICLE 6-3

at least \$50 upon the person for whom the warrant is issued. This fee shall be added to the sum or sums set forth in the warrant.

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Section 6-3-4                    Prosecution Fee

The Magistrate Court shall assess each person prosecuted by the City Attorney's office in which an adjudication of guilt or responsibility, including pleas of "no contest," is entered against that person, a prosecution fee of not less than \$75 for each case based upon a criminal offense and not less than \$50 for each case based upon a civil traffic or petty offense if the City Attorney's office prosecutes the person. The Magistrate, in determining the amount of any Prosecution Fee to be assessed, shall consider the nature, complexity and seriousness of the charges, as well as the reasonable estimate and recommendation of the City Attorney's office with respect to the fees incurred and time expended in the prosecution of the matter.

Section 6-3-5                    Defense Appointment Fee

The Magistrate Court shall assess each person who receives the services of a court-appointed defense attorney and against whom an adjudication of guilt, including pleas of no contest, is entered, a defense appointment fee. The amount of the fee shall be at the discretion of the Magistrate, who shall consider the nature, complexity and seriousness of the charges and services provided by the court-appointed defender, as well as the financial condition of the person. Said fee shall not, however, be charged to any person determined to be indigent or otherwise entitled to a waiver pursuant to this Article or state or federal law.

Section 6-3-6                    License Reinstatement Fee

The Magistrate shall assess a license reinstatement fee of not less than \$50 for processing requests for license reinstatement for those persons whose licenses were suspended, revoked or cancelled due to failure to comply with a lawful order of the Magistrate Court, including but not limited to, the payment of fines, failing to complete counseling, alcohol or drug-screening or failing to appear in the Magistrate Court pursuant to civil traffic violations.

Section 6-3-7                    Deferred Prosecution and Probation Fee

A Deferred Prosecution and Probation Fee of not less than \$25 shall be imposed on each criminal charge for which the court defers prosecution of an offense pursuant to Rule 38 of the Arizona Rules of Criminal Procedure or places an offender on probation for a criminal offense. In addition to the waivers provided in Section 6-3-12 of this Article, this fee shall also, upon request of the City Prosecutor, be waived or held in abeyance during the period of deferred prosecution or probation.

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Section 6-3-8

DUI Investigation Fee

The Magistrate Court shall assess each person a DUI Investigation fee of not less than \$50 for costs incurred by the Coolidge Police Department in investigating the person as suspected of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor, any drug, vapor releasing substance, or any combination thereof as proscribed by law, in each case where there is an adjudication adverse to the person of a charge related to the results of the DUI Investigation. For purposes of this Section, a conviction of the reduced charge of reckless driving shall be considered a charge related to the results of the DUI Investigation if the basis for the reckless driving conviction was in any way related to the operation of the vehicle in an impaired state.

Section 6-3-9

Blood Analysis Fee

The Magistrate Court shall assess each person a Blood Analysis Fee in an amount of up to \$100 based upon the actual costs incurred by the Coolidge Police Department in obtaining a blood analysis of the person in each case where there is an adjudication adverse to the person of a charge related to the results of the blood analysis.

Section 6-3-10

Order to Show Cause Fee<sup>2</sup>

The Magistrate Court shall assess an Order to Show Cause Fee of not less than \$50.00 upon the person of whom an Order to Show Cause is issued for failure to comply with the terms of probation, payment schedule or to other Court order.

Section 6-3-11

Civil Traffic Default/Suspension and Abstract Fees

The Magistrate Court shall assess a default/suspension fee in the amount of \$50.00 for each default judgment entered in a civil

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<sup>2</sup> AMENDED 6-3-10 & 6-3-11

traffic violation case based upon such person's failure to appear or failure to pay a civil sanction. The Magistrate Court shall assess an abstract fee in the amount of \$20.00. The default fee will not be assessed if the default judgment is set aside under the Rules of Procedures in civil traffic violation cases.

Article 6-4 ASSESSMENT, COLLECTION, PENALTIES AND WAIVER OF COURT FEES<sup>3</sup>

- 6-4-1 Assessment and Collection of Fees
- 6-4-2 Penalties and Assessments
- 6-4-3 Authority to Waive Fees

Section 6-4-1 Assessment and Collection of Fees

The Magistrate Court shall assess and collect fees as provided for in this Article. All fees assessed against a person constitute a debt of the person and may be collected by the City of Coolidge. In addition to any other remedies which may be allowed by law, the City Attorney is authorized to institute any appropriate civil suit in a court of competent jurisdiction for recovery of the fees referred to in this Article.

Section 6-4-2 Penalties and Assessments

In each case where required by state law, there shall be imposed on the fees imposed in this chapter a penalty or other assessment in an amount equal to the amounts required to be collected pursuant to A.R.S. §12-114.01, 12-116, 12-116.01, 12-116.02, and 16-954(C), as may each be amended or superceded from time to time, as well as any other statutes, ordinances or other laws which may be added or revised by the Arizona Legislature, Pinal County or any other governing body relating to the imposition of such surcharges.

Section 6-4-3 Authority to Waive Fees

The Magistrate may waive all or a portion of the fees established by this Article when, in the Magistrate's opinion, such waiver would be in the interest of justice. A finding that the person is indigent and has no anticipated future source of funds from which the fee(s) may be paid would support waiver of all or part of the fees in the interest of justice.

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<sup>3</sup> ADDED ARTICLE 6-4

ARTICLE 6-5 HOME DETENTION AND ELECTRONIC MONITORING PROGRAM<sup>45</sup>

- 6-5-1 Authorization to Use Alternative Sentencing Options
- 6-5-2 Definitions
- 6-5-3 Persons Not Eligible for Participation in the Program
- 6-5-4 Provider Required
- 6-5-5 Requirements for Persons Selected for the Program
- 6-5-6 Requirements for Persons Sentenced for DUI Offenses
- 6-5-7 Permission by Court to Leave Premises
- 6-5-8 Community Restitution Work Committee
- 6-5-9 Termination of Participation in the Program
- 6-5-10 Administrative Fee for Participation in the Program

Section 6-5-1 Authorization to Use Alternative Sentencing Options  
 If a person is sentenced to jail confinement by the Magistrate Court, the magistrate may substitute home detention and monitoring for a portion or all of the jail term, as provided in this Article 6-4. The Magistrate Court may also sentence a person to provide community restitution work, either as a condition of entering the home detention and monitoring program, or as a separate term of any sentence by the Magistrate Court.

Section 6-5-2 Definitions  
 For purposes of this Article 6-4, the following terms are hereby defined:

- A. "Community Restitution Work" means work, traditionally referred to as community service, and performed by a person without compensation for the City or an organization designated by the City, in order to provide partial restitution to the community for the commission of the offense.
- B. "Electric Monitoring Device" means equipment that is able to continuously confirm the location of the person to whom it is issued.
- C. "Home Detention and Electronic Monitoring Program" means a sentence that allows a person to be released from or not serve time in jail, but requires that the person wear an Electronic

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<sup>4</sup> ADDED ARTICLE 6-4

<sup>5</sup> RENUMBERED 6-4 TO 6-5

Monitoring Device and comply with all other court orders and requirements.

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D. "Provider" means a person or entity that has entered into an agreement with the City of Coolidge to provide for the issuance of Electronic Monitoring Devices, the continual monitoring of Electronic Monitoring Devices, and the furnishing of alcohol and/or drug testing as requested by the City of Coolidge.

Section 6-5-3

Persons Not Eligible for Participation in the Program

A person is not eligible for the Home Detention and Electronic Monitoring Program if any of the following apply:

- A. The person is found to constitute a risk to himself/herself or other members of the community.
- B. The person has a past history of violent behavior.
- C. The sentencing judge states at the time of the sentence that the person may not be eligible for the Home Detention and Electronic Monitoring Program.
- D. The person has previously been a participant in the Home Detention and Electronic Monitoring Program and such participation was terminated as a result of the violation of such person of any condition set by the Court, including but not limited to failure to complete a Court ordered treatment program, use of alcohol or drugs or failure to remain within the designated premises during the home detention.

Section 6-5-4

Provider Required

Before any person may participate in the Home Detention and Electronic Monitoring Program, the City shall have entered into an agreement with one or more Providers to implement the Home Detention and Electronic Monitoring Program requiring the Provider to provide for the issuance of Electronic Monitoring

Devices, continually monitoring those devices, and providing such other services as the City may require.

Section 6-5-5 Requirements for Persons Selected for the Program

If a person is sentenced to a term of confinement by the Court for an offense other than driving under the influence:

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- A. Except as permitted by the Court pursuant to Section 6-4-7, the person shall remain at the premises designated by the Court.
- B. The Court may order that the person be affixed with an Electronic Monitoring Device and be required, except as permitted by the Court pursuant to Section 6-4-7, to remain at the premises designated by the Court.
- C. The person shall be employed within Pinal County and in a job that the Court determines is suitable in both type and location of work for the home detention program. The Court may, alternatively or in addition thereto, assign the person to a Community Restitution Work assignment. The Court may waive the requirement of employment or community restitution in cases where the Court finds the person is incapable of employment or performing Community Restitution Work.
- D. The Court may place other restrictions on person in the program, including but not limited to: prohibiting the use of and testing the person for consumption of alcoholic beverages or drugs; requiring that the person participate in a screening, education or treatment program for alcohol, substance abuse, or anger management purposes; requiring that the person maintain employment without absence therefrom during the term of home detention; participation in a Community Restitution Work program, including participation on weekends even if the person is also employed during the week; and prohibiting the association of the person with individuals who are determined to be detrimental to the person's successful participation in the program.
- E. The person shall bear the expense and be responsible for the full payment of all costs of home detention, testing, electronic monitoring,

counseling, treatment, or other costs related to the person's participation in the Home Detention and Electronic Monitoring Program unless, after determining the inability of the person to pay the cost, the Court assesses a lesser amount.

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Section 6-5-6 Requirements for Persons Sentenced for DUI Offenses

In addition to any requirements set forth in Paragraph 6-4-5, if a person is sentenced to a term of confinement by the Court as a result of any driving under the influence charge:

- A. If the person is sentenced pursuant to A.R.S. §28-1381(I), as amended from time to time, the person must first serve a minimum of twenty-four (24) consecutive hours in jail.
- B. If the person is sentenced pursuant to A.R.S. §28-1381(K), as amended from time to time, or A.R.S. §28-1382(D) or (E), as amended from time to time, the person must first serve a minimum of fifteen (15) consecutive days in jail before being eligible to be placed in home detention.
- C. The person shall have an Electronic Monitoring Device affixed to them throughout the term in jail confinement ordered by the Court.
- D. The person shall bear the full cost of all testing, monitoring and enrollment in the Home Detention and Electronic Monitoring Program, as well as all alcohol or substance abuse programs unless, after determining the inability of the person to pay the cost, the Court assesses a lesser amount.
- E. The person shall be employed within Pinal County and in a job that the Court determines is suitable in both type and location of work for the home detention program. The Court may, alternatively or in addition thereto, assign the person to a Community Restitution Work assignment. The Court may waive the requirement of employment or community restitution to cases where the Court finds the person is incapable of

employment or performing Community Restitution Work.

F. The person shall be subject to testing at least once a day for the use of alcoholic beverages or drugs by a scientific method that is not limited to urinalysis or a breath or intoxication test in the person's home or the office of a person designated by the Court to conduct these tests.

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G. The person shall participate in an alcohol or drug program, or both as determined by the Court. These programs must be accredited by the department of health services or a county probation department.

H. The person shall be prohibited from associating with any individual determined to be detrimental to the person's successful participation in the program.

I. The person shall, if consecutive hours of jail time are ordered, remain at home during the consecutive hours ordered.

J. The person shall fully comply with any additional conditions or terms set forth by the Court in any order establishing the person's sentence or eligibility for the Home Detention and Electronic Monitoring Program.

K. The person shall, except as set forth in Section 6-4-7, remain at the premises designated by the Court.

Section 6-5-7

Permission by Court to Leave Premises

The Court may permit a person in the Home Detention and Electronic Monitoring Program who has first secured the written permission of the Court to leave the designated premises to:

A. Be employed outside the home;

B. Conduct Community Restitution Work;

C. Attend classes at accredited education institutions;

- D. Attend funerals and religious services;
- E. Attend medical appointments; and
- F. Travel to a Provider's location as required by the Provider to ensure payment of fees or proper operation of the Electronic Monitoring Device.

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Section 6-5-8 Community Restitution Work Committee

- A. There is hereby created a Community Restitution Work Committee for the City of Coolidge. The committee shall consist of no fewer than five (5) members and no more than seven (7) members and shall be appointed by the City Manager or his/her designee.
- B. All members shall serve without compensation.
- C. The committee shall recommend to the Court appropriate community restitution work projects for persons in the Home Detention and Electronic Monitoring Program. All such projects shall be either public works projects operated and supervised by the City or other public agencies of the state, or be projects sponsored and supervised by public or private community oriented organizations and agencies.

Section 6-5-9 Termination of Participation in the Program

- A. The Court shall terminate a person's participation in the Home Detention and Electronic Monitoring Program and require the person to complete the remaining term of any jail sentence by jail confinement if the person fails to successfully complete a Court ordered alcohol or drug screening, counseling, education and treatment program, or the Court finds that the person left the premises without permission of the Court or supervising authority during a time that the person was ordered to be on the premises.

- B. The Court may terminate a person's participation in the Home Detention and Electronic Monitoring Program at any other time for any reason and, if terminated, may require the person to complete the remaining term of any jail sentence.
- C. If the City Council, by a majority vote of its full membership, terminates the Home Detention and Electronic Monitoring Program, then a person's participation in the Home Detention and Electronic Monitoring Program shall terminate on the effective date of the Home Detention and Electronic Monitoring Program's termination.

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Section 6-5-10 Administrative Fee for Participation in the Program

In addition to paying for the full cost of participating in the Home Detention and Electronic Monitoring Program as set forth elsewhere in this Article, a person subject to electronic monitoring shall pay an administrative fee of thirty (\$30) per month to the City while on electronic monitoring, unless, after determining the inability of the person to pay these fees, the Court assesses a lesser fee.