

REFERENCE TITLE: marijuana violations; court jurisdiction; procedures

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

# HB 2171

Introduced by  
Representative Blackman

AN ACT

AMENDING SECTIONS 8-202, 8-323, 13-3405, 13-3415 AND 22-125, ARIZONA REVISED STATUTES; AMENDING TITLE 22, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; RELATING TO MARIJUANA VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to  
3 read:

4 8-202. Jurisdiction of juvenile court

5 A. The juvenile court has original jurisdiction over all  
6 delinquency proceedings brought under the authority of this title.

7 B. The juvenile court has exclusive original jurisdiction over all  
8 proceedings brought under the authority of this title except for  
9 delinquency proceedings.

10 C. The juvenile court may consolidate any matter, except that the  
11 juvenile court shall not consolidate any of the following:

12 1. A criminal proceeding that is filed in another division of  
13 superior court and that involves a child who is subject to the  
14 jurisdiction of the juvenile court.

15 2. A delinquency proceeding with any other proceeding that does not  
16 involve delinquency, unless the juvenile delinquency adjudication  
17 proceeding is not heard at the same time or in the same hearing as a  
18 nondelinquency proceeding.

19 D. The juvenile court has jurisdiction of proceedings to:

20 1. Obtain judicial consent to the marriage, employment or  
21 enlistment in the armed services of a child, if consent is required by  
22 law.

23 2. In an action in which parental rights are terminated pursuant to  
24 chapter 4, article 5 or 11 of this title, change the name of a minor child  
25 who is the subject of the action. If the minor child who is the subject  
26 of the action is twelve years of age or older, the court shall consider  
27 the wishes of the child with respect to the name change.

28 E. The juvenile court has jurisdiction over ~~both~~ civil traffic  
29 violations, **CIVIL MARIJUANA VIOLATIONS** and offenses listed in section  
30 8-323, subsection B that are committed within the county by persons who  
31 are under eighteen years of age unless the presiding judge of the county  
32 declines jurisdiction of these cases. The presiding judge of the county  
33 may decline jurisdiction of civil traffic violations **AND CIVIL MARIJUANA**  
34 **VIOLATIONS** committed within the county by juveniles if the presiding judge  
35 finds that the declination would promote the more efficient use of limited  
36 judicial and law enforcement resources located within the county. If the  
37 presiding judge declines jurisdiction, juvenile civil traffic violations  
38 **AND CIVIL MARIJUANA VIOLATIONS** shall be processed, heard and disposed of  
39 in the same manner and with the same penalties as adult civil traffic  
40 violations.

41 F. The orders of the juvenile court under the authority of this  
42 chapter or chapter 3 or 4 of this title take precedence over any order of  
43 any other court of this state except the court of appeals and the supreme  
44 court to the extent that they are inconsistent with orders of other  
45 courts.

1 G. Except as provided in subsection H of this section, jurisdiction  
2 of a child that is obtained by the juvenile court in a proceeding under  
3 this chapter or chapter 3 or 4 of this title shall be retained by it, for  
4 the purposes of implementing the orders made and filed in that proceeding,  
5 until the child becomes eighteen years of age, unless terminated by order  
6 of the court before the child's eighteenth birthday.

7 H. If the state files a notice of intent to retain jurisdiction  
8 when proceedings are commenced pursuant to section 8-301, paragraph 1 or  
9 2, the court shall retain jurisdiction over a juvenile who is at least  
10 seventeen years of age and who has been adjudicated a delinquent juvenile  
11 until the juvenile reaches nineteen years of age, unless before the  
12 juvenile's nineteenth birthday either:

13 1. Jurisdiction is terminated by order of the court.

14 2. The juvenile is discharged from the jurisdiction of the  
15 department of juvenile corrections pursuant to section 41-2820.

16 I. Persons who are under eighteen years of age shall be prosecuted  
17 in the same manner as adults if either:

18 1. The juvenile court transfers jurisdiction pursuant to section  
19 8-327.

20 2. The juvenile is charged as an adult with an offense listed in  
21 section 13-501.

22 J. The juvenile court shall retain jurisdiction after a juvenile's  
23 eighteenth birthday for the purpose of designating an undesignated felony  
24 offense as a misdemeanor or felony, including after an adjudication is set  
25 aside pursuant to section 8-348.

26 K. The juvenile court has jurisdiction to make the initial  
27 determination prescribed in section 8-829 whether the voluntary  
28 participation of a qualified young adult in an extended foster care  
29 program pursuant to section 8-521.02 is in the young adult's best  
30 interests.

31 Sec. 2. Section 8-323, Arizona Revised Statutes, is amended to  
32 read:

33 8-323. Juvenile hearing officer; appointment; term;  
34 compensation; hearings; required attendance;  
35 contempt

36 A. The judge of the juvenile court, or in counties having more than  
37 one judge of the juvenile court, the presiding judge of the juvenile  
38 court, may appoint one or more persons of suitable experience who may be  
39 magistrates or justices of the peace to serve as juvenile hearing officers  
40 on a full-time or part-time basis. The county board of supervisors shall  
41 approve the appointment of justices of the peace as juvenile hearing  
42 officers. The local governing body shall approve the appointment of  
43 municipal judges as juvenile hearing officers. The juvenile hearing  
44 officer serves at the pleasure of the appointing judge. The appointing  
45 judge, with the approval of the board of supervisors, shall determine

1 whether any compensation shall be paid to a juvenile hearing officer who  
2 is not otherwise employed by a public agency or holding another public  
3 office and shall establish the amounts and rates of the compensation.

4 B. Subject to the orders of the juvenile court a juvenile hearing  
5 officer may hear and determine juvenile pretrial detention hearings and  
6 may process, adjudicate and dispose of all cases that are not classified  
7 as felonies and in which a juvenile who is under eighteen years of age on  
8 the date of the alleged offense is charged with violating any law relating  
9 to the following:

- 10 1. Any provision of title 28 not declared to be a felony.
- 11 2. The purchase, possession or consumption of spirituous liquor by  
12 a juvenile.
- 13 3. Boating or game and fish.
- 14 4. Curfew.
- 15 5. Truancy.
- 16 6. The damage or disfigurement of property by graffiti or the  
17 purchase or possession of materials with the intent to use the materials  
18 for graffiti.
- 19 7. The purchase or possession of tobacco.
- 20 8. Any city, town or political subdivision ordinance.
- 21 9. Interference with judicial proceedings involving disobeying or  
22 resisting the lawful order, process or other mandate of a juvenile hearing  
23 officer or failure to appear related to any offense in this section.
- 24 10. A CIVIL VIOLATION INVOLVING THE POSSESSION AND PERSONAL USE OF  
25 MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA PARAPHERNALIA.

26 C. A hearing before the juvenile hearing officer or a hearing  
27 before a commissioner or a judge of the juvenile court in which the  
28 juvenile is charged with any offense set forth in this section may be  
29 conducted on an exact legible copy of a written notice to appear,  
30 including a uniform Arizona traffic ticket and complaint form, that  
31 states, at a minimum, the name and address of the juvenile, the offense  
32 charged and the time and place the juvenile shall appear in court.

33 D. The juvenile hearing officer, commissioner or judge of the  
34 superior court shall not dispose of a petition or citation for any offense  
35 under this section unless the parent, guardian or custodian of the  
36 juvenile appears in court with the juvenile at the time of disposition of  
37 the charge. On a showing of good cause that the parent, guardian or  
38 custodian cannot appear on the date and time set by the court, the court  
39 may waive the requirement that the parent, guardian or custodian  
40 appear. The court shall state on the record the reasons for waiving the  
41 requirement that the parent, guardian or custodian appear. At the time  
42 the court issues an order to appear or other order pursuant to this  
43 section, the court shall inform the juvenile that failure to appear or  
44 failure to comply with an order will result in suspension of the  
45 juvenile's driver license or privilege to drive. If the juvenile fails to

1 appear pursuant to a citation or an order to appear properly issued under  
2 this section or if on disposition fails to comply with any court order,  
3 the juvenile hearing officer shall order the department of transportation  
4 to suspend the juvenile's driver license or privilege to drive or shall  
5 direct the department of transportation to refuse to issue, renew or  
6 restore the juvenile's driver license or privilege to drive until the  
7 juvenile reaches eighteen years of age or appears in court as directed or  
8 complies with the court's order.

9 E. If a parent, guardian or custodian fails to appear with the  
10 juvenile, and good cause for the failure to appear is not found as  
11 provided in subsection D of this section, the court shall issue an order  
12 to show cause to the parent, guardian or custodian as to why that person  
13 shall not be held in contempt.

14 F. Except as otherwise provided by law, on an admission by the  
15 juvenile of a violation charged pursuant to this section, or after a  
16 hearing, on the finding that the juvenile committed the violation, the  
17 juvenile hearing officer, commissioner or judge of the superior court may  
18 do one or more of the following:

19 1. Place the juvenile on probation, except that a city magistrate  
20 or justice of the peace may only place the juvenile on unsupervised  
21 probation.

22 2. Transfer the citation to the juvenile court for all further  
23 proceedings.

24 3. Suspend the driving privileges of the juvenile, or restrict the  
25 juvenile's driving privileges for a period of not to exceed one hundred  
26 eighty days.

27 4. Order the juvenile to attend a traffic school or a counseling or  
28 education program approved by the presiding judge of the juvenile court or  
29 the supreme court.

30 5. Order the juvenile to pay the monetary assessment or penalty  
31 that is applicable to the offense. Except as provided in section 8-341,  
32 subsection S, the monetary assessment or penalty shall not exceed five  
33 hundred dollars plus lawful surcharges and assessments payable to the  
34 public agency processing the violation. If no monetary assessment or  
35 penalty is specified for the offense, the juvenile hearing officer,  
36 commissioner or judge of the superior court may order the juvenile to pay  
37 not more than one hundred fifty dollars plus lawful surcharges and  
38 assessments payable to the public agency processing the violation.

39 6. In lieu of or in addition to a monetary assessment or penalty,  
40 order the juvenile to perform a program of work that does not conflict  
41 with the juvenile's regular schooling and employment, to repair the  
42 victim's property or to provide community restitution.

43 7. If the juvenile hearing officer, commissioner or judge of the  
44 superior court determines that the person charged is eighteen or more

1 years of age, transfer the matter to the appropriate criminal court having  
2 jurisdiction.

3 8. If the juvenile violated any truancy laws, require the juvenile  
4 and the juvenile's parents or guardians to participate in a specialized  
5 program consisting of counseling, supervision and education under the  
6 terms and conditions the juvenile hearing officer, commissioner or judge  
7 of the superior court orders.

8 9. Order the juvenile and one or both of the juvenile's custodial  
9 parents to pay restitution to any person who suffered an economic loss as  
10 the result of the juvenile's conduct. The juvenile hearing officer,  
11 commissioner or judge of the superior court shall not consider the ability  
12 of the juvenile's parents to pay restitution before making a restitution  
13 order. If the juvenile hearing officer, commissioner or judge of the  
14 superior court orders one or both of the juvenile's custodial parents to  
15 pay restitution, the amount of the order shall not exceed the liability  
16 limit established pursuant to section 12-661.

17 10. Impose sanctions authorized by section 8-343.

18 11. Reprimand the juvenile and take no further action.

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

23 H. Within five days after receiving the citation, the juvenile  
24 hearing officer shall notify the juvenile court that the juvenile has been  
25 charged with an offense by citation and shall indicate the listed  
26 charges. The juvenile hearing officer shall retain jurisdiction of the  
27 case until all orders made under this section have been fully complied  
28 with. Within five days after disposition, the juvenile hearing officer  
29 shall transmit a copy of the citation with the findings and disposition of  
30 the court noted on the copy to the juvenile court for record keeping  
31 purposes. If appropriate, the juvenile hearing officer shall transmit a  
32 copy of the citation to the department of transportation. If on  
33 disposition the juvenile fails to comply with any court order, the  
34 juvenile hearing officer, in the manner provided by subsection D of this  
35 section, may impose any of the sanctions prescribed in subsection F of  
36 this section.

37 I. Subject to an appeal pursuant to section 8-325 all orders of the  
38 juvenile hearing officer shall be effective immediately.

39 J. A city or town attorney or prosecutor shall act on behalf of the  
40 state in matters that are heard in a municipal court by a juvenile hearing  
41 officer pursuant to this section. In these matters and on approval of the  
42 county attorney, with notice to the presiding judge of the juvenile court,  
43 the city or town attorney or the prosecutor may establish diversion  
44 programs for offenses other than offenses involving either:

45 1. A violation of section 28-1381, 28-1382 or 28-1383.

1           2. The purchase, possession or consumption of spirituous liquor or  
2 misdemeanor violations under title 13, chapter 34 if the juvenile has  
3 previously participated in a diversion program established pursuant to  
4 this subsection at least two times within twenty-four months before the  
5 date of the commission of the current offense.

6           Sec. 3. Section 13-3405, Arizona Revised Statutes, is amended to  
7 read:

8           13-3405. Possession, use, production, sale or transportation  
9                                   of marijuana; classification; exceptions

10          A. **EXCEPT AS PROVIDED IN SECTIONS 36-2852 AND 36-2853**, a person  
11 shall not knowingly:

- 12           1. Possess or use marijuana.
- 13           2. Possess marijuana for sale.
- 14           3. Produce marijuana.
- 15           4. Transport for sale, import into this state or offer to transport  
16 for sale or import into this state, sell, transfer or offer to sell or  
17 transfer marijuana.

18          B. **EXCEPT AS PROVIDED IN SECTIONS 36-2852 AND 36-2853**, a person who  
19 violates:

- 20           1. Subsection A, paragraph 1 of this section involving an amount of  
21 marijuana not possessed for sale having a weight of less than two pounds  
22 is guilty of a class 6 felony.
- 23           2. Subsection A, paragraph 1 of this section involving an amount of  
24 marijuana not possessed for sale having a weight of at least two pounds  
25 but less than four pounds is guilty of a class 5 felony.
- 26           3. Subsection A, paragraph 1 of this section involving an amount of  
27 marijuana not possessed for sale having a weight of four pounds or more is  
28 guilty of a class 4 felony.
- 29           4. Subsection A, paragraph 2 of this section involving an amount of  
30 marijuana having a weight of less than two pounds is guilty of a class 4  
31 felony.
- 32           5. Subsection A, paragraph 2 of this section involving an amount of  
33 marijuana having a weight of at least two pounds but not more than four  
34 pounds is guilty of a class 3 felony.
- 35           6. Subsection A, paragraph 2 of this section involving an amount of  
36 marijuana having a weight of more than four pounds is guilty of a class 2  
37 felony.
- 38           7. Subsection A, paragraph 3 of this section involving an amount of  
39 marijuana having a weight of less than two pounds is guilty of a class 5  
40 felony.
- 41           8. Subsection A, paragraph 3 of this section involving an amount of  
42 marijuana having a weight of at least two pounds but not more than four  
43 pounds is guilty of a class 4 felony.

1           9. Subsection A, paragraph 3 of this section involving an amount of  
2 marijuana having a weight of more than four pounds is guilty of a class 3  
3 felony.

4           10. Subsection A, paragraph 4 of this section involving an amount  
5 of marijuana having a weight of less than two pounds is guilty of a class  
6 3 felony.

7           11. Subsection A, paragraph 4 of this section involving an amount  
8 of marijuana having a weight of two pounds or more is guilty of a class 2  
9 felony.

10          C. If the aggregate amount of marijuana involved in one offense or  
11 all of the offenses that are consolidated for trial equals or exceeds the  
12 statutory threshold amount, a person who is sentenced pursuant to  
13 subsection B, paragraph 5, 6, 8, 9 or 11 of this section is not eligible  
14 for suspension of sentence, probation, pardon or release from confinement  
15 on any basis until the person has served the sentence imposed by the  
16 court, the person is eligible for release pursuant to section 41-1604.07  
17 or the sentence is commuted.

18          D. In addition to any other penalty prescribed by this title, the  
19 court shall order a person who is convicted of a violation of any  
20 provision of this section to pay a fine of not less than ~~seven hundred~~  
21 ~~fifty dollars~~ \$750 or three times the value as determined by the court of  
22 the marijuana involved in or giving rise to the charge, whichever is  
23 greater, and not more than the maximum authorized by chapter 8 of this  
24 title. A judge shall not suspend any part or all of the imposition of any  
25 fine required by this subsection.

26          E. A person who is convicted of a felony violation of any provision  
27 of this section for which probation or release before the expiration of  
28 the sentence imposed by the court is authorized is prohibited from using  
29 any marijuana, dangerous drug or narcotic drug except as lawfully  
30 administered by a practitioner and as a condition of any probation or  
31 release shall be required to submit to drug testing administered under the  
32 supervision of the probation department of the county or the state  
33 department of corrections as appropriate during the duration of the term  
34 of probation or before the expiration of the sentence imposed.

35          F. If the aggregate amount of marijuana involved in one offense or  
36 all of the offenses that are consolidated for trial is less than the  
37 statutory threshold amount, a person who is sentenced pursuant to  
38 subsection B, paragraph 4, 7 or 10 and who is granted probation by the  
39 court shall be ordered by the court that as a condition of probation the  
40 person perform not less than two hundred forty hours of community  
41 restitution with an agency or organization providing counseling,  
42 rehabilitation or treatment for alcohol or drug abuse, an agency or  
43 organization that provides medical treatment to persons who abuse  
44 controlled substances, an agency or organization that serves persons who  
45 are victims of crime or any other appropriate agency or organization.



1 G. If a person who is sentenced pursuant to subsection B, paragraph  
2 1, 2 or 3 of this section is granted probation for a felony violation of  
3 this section, the court shall order that as a condition of probation the  
4 person perform not less than twenty-four hours of community restitution  
5 with an agency or organization providing counseling, rehabilitation or  
6 treatment for alcohol or drug abuse, an agency or organization that  
7 provides medical treatment to persons who abuse controlled substances, an  
8 agency or organization that serves persons who are victims of crime or any  
9 other appropriate agency or organization.

10 H. If a person is granted probation for a misdemeanor violation of  
11 this section, the court shall order as a condition of probation that the  
12 person attend eight hours of instruction on the nature and harmful effects  
13 of narcotic drugs, marijuana and other dangerous drugs on the human  
14 system, and on the laws related to the control of these substances, or  
15 perform twenty-four hours of community restitution.

16 I. This section does not apply to either:

17 1. A person who is licensed pursuant to title 3, chapter 2, article  
18 4.1 and who possesses, uses, sells, produces, manufactures or transports  
19 industrial hemp as defined in section 3-311.

20 2. A person who engages in the commercial production, processing,  
21 manufacturing, distribution or commerce of industrial hemp as defined in  
22 section 3-311 in this state outside of the agricultural pilot program  
23 established pursuant to title 3, chapter 2, article 4.1 if the person's  
24 actions are authorized under federal law.

25 Sec. 4. Section 13-3415, Arizona Revised Statutes, is amended to  
26 read:

27 13-3415. Possession, manufacture, delivery and advertisement  
28 of drug paraphernalia; definitions; violation;  
29 classification; civil forfeiture; factors;  
30 definitions

31 A. EXCEPT AS PROVIDED IN SECTION 36-2852 AND SECTION 36-2853,  
32 SUBSECTION C, it is unlawful for any person to use, or to possess with  
33 intent to use, drug paraphernalia to plant, propagate, cultivate, grow,  
34 harvest, manufacture, compound, convert, produce, process, prepare, test,  
35 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or  
36 otherwise introduce into the human body a drug in violation of this  
37 chapter. Any person who violates this subsection is guilty of a class 6  
38 felony.

39 B. EXCEPT AS PROVIDED IN SECTION 36-2852 AND SECTION 36-2853,  
40 SUBSECTION C, it is unlawful for any person to deliver, possess with  
41 intent to deliver or manufacture with intent to deliver drug paraphernalia  
42 knowing, or under circumstances where one reasonably should know, that it  
43 will be used to plant, propagate, cultivate, grow, harvest, manufacture,  
44 compound, convert, produce, process, prepare, test, analyze, pack, repack,  
45 store, contain, conceal, inject, ingest, inhale or otherwise introduce

1 into the human body a drug in violation of this chapter. Any person who  
2 violates this subsection is guilty of a class 6 felony.

3 C. It is unlawful for a person to place in a newspaper, magazine,  
4 handbill or other publication any advertisement knowing, or under  
5 circumstances where one reasonably should know, that the purpose of the  
6 advertisement, in whole or in part, is to promote the sale of objects  
7 designed or intended for use as drug paraphernalia. Any person who  
8 violates this subsection is guilty of a class 6 felony.

9 D. All drug paraphernalia is subject to forfeiture pursuant to  
10 chapter 39 of this title. The failure to charge or acquittal of an owner  
11 or anyone in control of drug paraphernalia in violation of this chapter  
12 does not prevent a finding that the object is intended for use or designed  
13 for use as drug paraphernalia.

14 E. In determining whether an object is drug paraphernalia, a court  
15 or other authority shall consider, in addition to all other logically  
16 relevant factors, the following:

17 1. Statements by an owner or by anyone in control of the object  
18 concerning its use.

19 2. Prior convictions, if any, of an owner, or of anyone in control  
20 of the object, under any state or federal law relating to any drug.

21 3. The proximity of the object, in time and space, to a direct  
22 violation of this chapter.

23 4. The proximity of the object to drugs.

24 5. The existence of any residue of drugs on the object.

25 6. Direct or circumstantial evidence of the intent of an owner, or  
26 of anyone in control of the object, to deliver it to persons whom he  
27 knows, or should reasonably know, intend to use the object to facilitate a  
28 violation of this chapter.

29 7. Instructions, oral or written, provided with the object  
30 concerning its use.

31 8. Descriptive materials accompanying the object ~~which~~ THAT explain  
32 or depict its use.

33 9. National and local advertising concerning its use.

34 10. The manner in which the object is displayed for sale.

35 11. Whether the owner, or anyone in control of the object, is a  
36 legitimate supplier of like or related items to the community, such as a  
37 licensed distributor or dealer of tobacco products.

38 12. Direct or circumstantial evidence of the ratio of sales of the  
39 object to the total sales of the business enterprise.

40 13. The existence and scope of legitimate uses for the object in  
41 the community.

42 14. Expert testimony concerning its use.

43 F. ~~It~~ FOR THE PURPOSES OF this section, unless the context  
44 otherwise requires:

- 1           1. "Drug" means any narcotic drug, dangerous drug, marijuana or  
2 peyote.
- 3           2. "Drug paraphernalia" means all equipment, products and materials  
4 of any kind ~~which~~ THAT are used, intended for use or designed for use in  
5 planting, propagating, cultivating, growing, harvesting, manufacturing,  
6 compounding, converting, producing, processing, preparing, testing,  
7 analyzing, packaging, repackaging, storing, containing, concealing,  
8 injecting, ingesting, inhaling or otherwise introducing into the human  
9 body a drug in violation of this chapter. ~~It~~ DRUG PARAPHERNALIA includes:
- 10           (a) Kits used, intended for use or designed for use in planting,  
11 propagating, cultivating, growing or harvesting any species of plant ~~which~~  
12 THAT is a drug or from which a drug can be derived.
- 13           (b) Kits used, intended for use or designed for use in  
14 manufacturing, compounding, converting, producing, processing or preparing  
15 drugs.
- 16           (c) Isomerization devices used, intended for use or designed for  
17 use in increasing the potency of any species of plant ~~which~~ THAT is a  
18 drug.
- 19           (d) Testing equipment used, intended for use or designed for use in  
20 identifying or analyzing the strength, effectiveness or purity of drugs.
- 21           (e) Scales and balances used, intended for use or designed for use  
22 in weighing or measuring drugs.
- 23           (f) Diluents and adulterants, such as quinine hydrochloride,  
24 mannitol, mannite, dextrose and lactose, used, intended for use or  
25 designed for use in cutting drugs.
- 26           (g) Separation gins and sifters used, intended for use or designed  
27 for use in removing twigs and seeds from, or in otherwise cleaning or  
28 refining, marijuana.
- 29           (h) Blenders, bowls, containers, spoons and mixing devices used,  
30 intended for use or designed for use in compounding drugs.
- 31           (i) Capsules, balloons, envelopes and other containers used,  
32 intended for use or designed for use in packaging small quantities of  
33 drugs.
- 34           (j) Containers and other objects used, intended for use or designed  
35 for use in storing or concealing drugs.
- 36           (k) Hypodermic syringes, needles and other objects used, intended  
37 for use or designed for use in parenterally injecting drugs into the human  
38 body.
- 39           (l) Objects used, intended for use or designed for use in  
40 ingesting, inhaling or otherwise introducing marijuana, a narcotic drug, a  
41 dangerous drug, hashish or hashish oil into the human body, such as:
- 42           (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes  
43 with or without screens, permanent screens, hashish heads or punctured  
44 metal bowls.

- 1 (ii) Water pipes.
- 2 (iii) Carburetion tubes and devices.
- 3 (iv) Smoking and carburetion masks.
- 4 (v) Roach clips, meaning objects used to hold burning material,
- 5 such as a marijuana cigarette, that has become too small or too short to
- 6 be held in the hand.
- 7 (vi) Miniature cocaine spoons and cocaine vials.
- 8 (vii) Chamber pipes.
- 9 (viii) Carburetor pipes.
- 10 (ix) Electric pipes.
- 11 (x) Air-driven pipes.
- 12 (xi) Chillums.
- 13 (xii) Bongs.
- 14 (xiii) Ice pipes or chillers.

15 Sec. 5. Section 22-125, Arizona Revised Statutes, is amended to  
16 read:

17 22-125. Justice of the peace compensation; judicial  
18 productivity credits; annual report; definitions

19 A. The annual salary of each justice of the peace is determined by  
20 the total judicial productivity credits of each court as reported in  
21 statistics compiled by the Arizona supreme court.

22 B. Judicial productivity credits shall be determined according to  
23 the following formula:

24 1. All civil filings divided by ten equals \_\_\_\_\_ judicial  
25 productivity credits.

26 2. All felony counts filed divided by ten equals \_\_\_\_\_  
27 judicial productivity credits.

28 3. Except for counts described in paragraph 4 of this subsection,  
29 all misdemeanor counts filed divided by ten equals \_\_\_\_\_ judicial  
30 productivity credits.

31 4. All counts filed that allege a violation of title 5, chapter 3,  
32 article 10, title 28, chapter 4, article 3 or section 28-8282 divided by  
33 five equals \_\_\_\_\_ judicial productivity credits.

34 5. All civil traffic counts filed divided by sixty equals  
35 \_\_\_\_\_ judicial productivity credits.

36 6. All petitions for a protective order filed divided by five  
37 equals \_\_\_\_\_ judicial productivity credits.

38 7. ALL CIVIL MARIJUANA COUNTS FILED DIVIDED BY SIXTY EQUALS  
39 \_\_\_\_\_ JUDICIAL PRODUCTIVITY CREDITS.

40 C. Beginning January 1, 2018, the Arizona supreme court shall  
41 annually perform the calculations required by subsection B of this section  
42 for each justice court for the previous twelve-month period ending on June  
43 30 to determine the total judicial productivity credits. The Arizona  
44 supreme court shall report the total judicial productivity credits for  
45 each justice court to the applicable board of supervisors within one

1 hundred twenty days after the end of each twelve-month period. Any  
2 adjustment to the salary of a justice of the peace is effective on the  
3 following January 1.

4 D. Each justice of the peace shall be paid a percentage of the  
5 salary of a superior court judge based on the following schedule:

6 1. Five hundred or more judicial productivity credits equals  
7 seventy percent.

8 2. Two hundred or more but less than five hundred judicial  
9 productivity credits equals sixty-five percent.

10 3. One hundred fifty or more but less than two hundred judicial  
11 productivity credits equals fifty-five percent.

12 4. One hundred or more but less than one hundred fifty judicial  
13 productivity credits equals fifty percent.

14 5. Fifty or more but less than one hundred judicial productivity  
15 credits equals forty-five percent.

16 6. Twenty-five or more but less than fifty judicial productivity  
17 credits equals thirty-five percent.

18 7. Twenty-four or fewer judicial productivity credits equals  
19 twenty-five percent.

20 E. If a justice court is not assigned clerical help, the board of  
21 supervisors shall multiply the total judicial productivity credits by two  
22 for purposes of determining the salary of the justice of the peace.

23 F. If the board of supervisors divides a justice precinct into two  
24 or more precincts, the board shall set the salary of the justice of the  
25 peace of each precinct equal to the highest salary of any of the justices  
26 of the peace whose precinct is affected by the division. The salary of  
27 each justice of the peace shall be adjusted at the end of the first full  
28 calendar year after the precincts are divided.

29 G. The board of supervisors shall review and adjust the annual  
30 salary for each justice of the peace within the county pursuant to  
31 subsection D of this section every year beginning January 1, 2019.

32 H. The judicial productivity credits for a justice court precinct  
33 shall not exceed twelve hundred credits. If the total judicial  
34 productivity credits of a justice court precinct exceed twelve hundred  
35 credits, the county board of supervisors shall create sufficient courts,  
36 or redraw the justice court precinct boundaries according to section  
37 22-101, in order to reduce the judicial productivity credits for any  
38 precinct which exceeds that limit.

39 I. Except as provided in subsection F of this section, the salary  
40 of a justice of the peace may not be reduced during the term in office of  
41 the justice of the peace and, if a justice of the peace serves consecutive  
42 terms, the salary of the justice of the peace may not be reduced before  
43 the start of the consecutive term by more than one tier pursuant to  
44 subsection D of this section.

- 1 J. A filing against a juvenile is determined in the same manner as
- 2 a similar filing against an adult.
- 3 K. For the purposes of this section:
- 4 1. "Civil filing" means a lawsuit, eviction action, petition for
- 5 provisional remedy or other civil petition, small claims case or civil
- 6 local ordinance.
- 7 2. "Civil traffic count" means a traffic violation that is not
- 8 filed as a misdemeanor or felony.
- 9 3. "Felony" includes each felony count that is filed in a
- 10 complaint.
- 11 4. "Misdemeanor" includes each misdemeanor and petty offense count
- 12 that is filed in a complaint or uniform traffic ticket and complaint.
- 13 5. "Protective order" means a petition for an order of protection,
- 14 an injunction against harassment or workplace harassment or a peace bond.
- 15 Sec. 6. Title 22, Arizona Revised Statutes, is amended by adding
- 16 chapter 7, to read:

17 CHAPTER 7  
18 CIVIL MARIJUANA VIOLATIONS  
19 ARTICLE 1. GENERAL PROVISIONS

20 22-701. Jurisdiction of civil marijuana violations

- 21 A. THE JUSTICE COURT AND MUNICIPAL COURT HAVE JURISDICTION OF CIVIL
- 22 MARIJUANA VIOLATION CASES FILED PURSUANT TO SECTION 36-2853.
- 23 B. CHAPTERS 3 AND 4 OF THIS TITLE APPLY TO THIS CHAPTER WHERE
- 24 APPLICABLE.
- 25 C. HEARING OFFICERS WHO ARE APPOINTED PURSUANT TO SECTION 28-1553
- 26 MAY HEAR ACTIONS INVOLVING CIVIL MARIJUANA VIOLATIONS.

27 22-702. Commencement of civil marijuana violation actions:  
28 original citation changes

- 29 A. A CIVIL MARIJUANA VIOLATION CASE MAY BE COMMENCED BY ISSUANCE OR
- 30 FILING OF A UNIFORM TRAFFIC TICKET AND COMPLAINT. A PEACE OFFICER MAY
- 31 ISSUE THE COMPLAINT.
- 32 B. A CIVIL MARIJUANA VIOLATION SHALL BE COMMENCED AS FOLLOWS:
- 33 1. IF A CASE IS COMMENCED BY ISSUANCE, THE CASE SHALL BE ISSUED
- 34 WITHIN SIXTY DAYS AFTER THE ALLEGED VIOLATION.
- 35 2. IF THE CASE IS COMMENCED BY FILING, THE CASE SHALL BE FILED
- 36 WITHIN SIXTY DAYS AFTER THE ALLEGED VIOLATION AND SHALL BE SERVED WITHIN
- 37 NINETY DAYS AFTER THE FILING DATE.
- 38 C. A COMPLAINT ALLEGING A CIVIL MARIJUANA VIOLATION MAY BE SERVED
- 39 BY DELIVERING A COPY OF THE UNIFORM TRAFFIC TICKET AND COMPLAINT TO THE
- 40 PERSON WHO IS CHARGED WITH THE VIOLATION OR BY ANY MEANS AUTHORIZED BY THE
- 41 ARIZONA RULES OF CIVIL PROCEDURE.
- 42 D. ON AN ORIGINAL CITATION, IF A PEACE OFFICER CHANGES THE DATE,
- 43 TIME OR LOCATION OF THE VIOLATION OR THE SECTION OF LAW THAT IS ALLEGEDLY
- 44 VIOLATED, THE ORIGINAL CITATION MUST BE AMENDED THROUGH THE COURT PURSUANT
- 45 TO COURT RULE.

1           E. A PEACE OFFICER MAY STOP AND DETAIN A PERSON AS IS REASONABLY  
2 NECESSARY TO INVESTIGATE AN ACTUAL OR SUSPECTED VIOLATION OF SECTION  
3 36-2853 AND TO SERVE A COPY OF THE COMPLAINT FOR AN ALLEGED CIVIL  
4 VIOLATION OF SECTION 36-2853.

5           F. THE ORIGINAL COMPLAINT SHALL BE FILED IN A COURT HAVING  
6 JURISDICTION OF THE VIOLATION WITHIN TEN COURT DAYS AFTER THE TIME THE  
7 COMPLAINT WAS ISSUED.

8           Sec. 7. Emergency

9           This act is an emergency measure that is necessary to preserve the  
10 public peace, health or safety and is operative immediately as provided by  
11 law.