

CHAPTER 141

Senate Bill 22

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING JURISDICTION OF JUSTICE OF THE PEACE COURTS SHALL NOT BE AFFECTED BY PENALTY ASSESSMENT; PROVIDING TEN PER CENT PENALTY ASSESSMENT FOR DRUG VIOLATIONS FOR USE IN COMBATING ALCOHOLISM AND DRUG ABUSE, AND AMENDING SECTIONS 22-301 AND 36-142, ARIZONA REVISED STATUTES.

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

Section 1. Section 22-301, Arizona Revised Statutes, is amended to read:

22-301. JURISDICTION OF CRIMINAL ACTIONS

The justice of the peace courts shall have jurisdiction of the following offenses committed within their respective precincts in which such courts are established, subject only to the right to change of venue as provided by law:

1. Petty theft.
2. Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony.
3. Breaches of the peace, routs, affrays and committing a wilful injury to property.
4. Misdemeanors and criminal offenses punishable by a fine not exceeding three hundred dollars, or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment. A PENALTY ASSESSMENT LEVIED PURSUANT TO SECTION 36-142 OR 41-1826 SHALL NOT BE CONSIDERED AS PART OF THE FINE FOR PURPOSES OF DETERMINING JURISDICTION.

5. Felonies, but only for the purpose of commencing action and conducting proceedings through preliminary examinations and to hold the defendant to answer to the superior court or to discharge the defendant if it appears that there is not probable cause to believe the defendant guilty of an offense.

Section 2. Section 36-142, Arizona Revised Statutes, is amended to read:

**36-142. IMPOSING ADDITIONAL PERCENTAGE OF CERTAIN FINES AS PART OF FINE; DISBURSEMENT OF PROCEEDS**

A. In addition to every fine imposed against a person for driving or being in actual physical control of a vehicle while he is under the influence of intoxicating liquor or drugs, in violation of section 28-692, or for being drunk and disorderly, in violation of section 13-379, OR FOR VIOLATION OF ANY PROVISION OF TITLE 36, CHAPTER 9, ARTICLES 1, 2 OR 3, and additional ten per cent of the amount of the fine imposed shall be imposed by the court as a ~~part of the fine.~~ PENALTY ASSESSMENT.

B. Notwithstanding any other provision of law to the contrary, the ten per cent ~~added part of each such fine~~ PENALTY ASSESSMENT shall be transmitted by appropriate authorities to the state treasurer on or before the tenth day of each month, for deposit in the same account in which is deposited funds appropriated to the state department of health for use in administering the provisions of section 36-141. All monies deposited in such account under the provisions of this section are appropriated as a continuing appropriation to the state department of health, ~~to be exempt from the provisions of section 35-173, relating to quarterly allotments,~~ and shall be used by the department in administering the provisions of section 36-141.

Approved by the Governor—May 10, 1971

Filed in the Office of the Secretary of State—May 10, 1971