

**BALLOT PROPOSITION #103**  
**Pro tem Qualifications; JP's**

**FISCAL ANALYSIS**

**Description**

Proposition 103 amends the Arizona Constitution to specify that a pro tem Justice of the Peace (JP) must meet the same qualifications as an elected Justice of the Peace, except that a pro tem JP is not required to reside in the precinct in which the justice will serve.

**Estimated Impact**

The JLBC Staff estimates no General Fund impact as a result of this bill. Unlike permanent Justices of the Peace, the salary for a pro tem JP is paid 100% by the county in which the JP is appointed to serve. In addition, the JLBC Staff does not believe that the bill will affect pro tem JP compensation, however, the counties may experience operational efficiencies from improved case processing.

**Analysis**

The Arizona Constitution does not identify the qualifications for elected JP's, but does require that a pro tem judge be at least 30 years of age, a practicing attorney, of good moral character, and a resident of Arizona for at least 5 years before serving as a judge. Proposition 103 would amend the Arizona Constitution to specify that pro tem Justices of the Peace must meet the same requirements as elected JP's. While the Arizona Constitution does not outline the criteria for elected Justices of the Peace, a state statute has been interpreted by Arizona courts to require an elected JP be at least 18 years of age and reside in the precinct in which the justice is elected. Proposition 103 would therefore eliminate the requirement for pro tem JP's to be practicing attorneys and would reduce the qualification age to 18 years.

Pursuant to A.R.S. § 22-123, all costs associated with pro tem Justices of the Peace are paid by the county. Therefore, any changes related to the qualifications or compensation of pro tem JP's would not impact state funds.

**Local Government Impact**

Under current law, a pro tem JP is entitled to the same compensation as that received by an elected Justice of the Peace. According to Maricopa County, pro tem JP's are paid an hourly rate equivalent to that received by a full-time elected JP.

The payment of pro tem JP's can vary from county to county, depending on the salaries received by its full-time Justices of the Peace. According to Maricopa County, all pro tem JP's are paid the same hourly rate, regardless of individual qualifications. The Administrative Office of the Courts has indicated that they believe this is how pro tem JP salaries are paid in all Arizona counties. Since the hourly rate of pro tem JP's is not currently affected by an individual's qualifications, the changes proposed in the proposition will not affect the payment of pro tem JP salaries.

The bill could result in improved rural court efficiencies. According to the County Supervisors Association (CSA), it is difficult for some rural counties to hire pro tem JP's due to the current requirement that pro tem JP's be practicing attorneys. Removing this requirement would make it easier for counties to hire pro tem JP's and could improve case processing. The CSA was not able to quantify these potential efficiencies.

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This estimate was prepared by Kim Hohman (602-542-5491).
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