

REFERENCE TITLE: administrative proceedings; jury trials

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2388

Introduced by
Representatives Kolodin: Gillette, Jones, McGarr

AN ACT

AMENDING TITLE 41, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1001.03; RELATING TO JURY TRIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 6, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-1001.03, to read:

4 41-1001.03. Right to jury trial in administrative
5 proceedings; definition

6 A. NOTWITHSTANDING ANY OTHER LAW, ALL PERSONS SHALL BE ALLOWED TO
7 EXERCISE THE PERSON'S FUNDAMENTAL RIGHT TO TRIAL BY JURY IN ANY
8 ADMINISTRATIVE PROCEEDING.

9 B. THE RIGHT TO TRIAL BY JURY IN ANY ADMINISTRATIVE PROCEEDING DOES
10 NOT LIMIT, ABROGATE OR DISPARAGE THE RIGHT TO TRIAL BY JURY IN ANY OTHER
11 MATTER.

12 C. THE RIGHT TO TRIAL BY JURY IN ANY ADMINISTRATIVE PROCEEDING MAY
13 BE EXERCISED BY FILING A NOTICE OF REMOVAL OF THE PROCEEDING IN THE
14 SUPERIOR COURT OR, FOR CONTROVERSIES IN WHICH ONLY MONETARY RELIEF IS
15 SOUGHT AND THE AMOUNT IN CONTROVERSY IS LESS THAN \$10,000, IN THE JUSTICE
16 COURT.

17 D. FOR THE PURPOSES OF THIS SECTION, "ADMINISTRATIVE PROCEEDING"
18 MEANS EITHER OF THE FOLLOWING:

19 1. A PROCEEDING THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

20 (a) THE AMOUNT IN CONTROVERSY IS MORE THAN \$20 OR A SIGNIFICANT
21 LIBERTY IS AT STAKE.

22 (b) THE PROCEEDING IS INITIATED BY THE GOVERNMENT AGAINST A PERSON.

23 (c) THE PROCEEDING IS NOT CURRENTLY BEFORE THE ARIZONA SUPREME
24 COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR COURT, A JUSTICE COURT
25 OR A MUNICIPAL COURT. A PROCEEDING THAT OTHERWISE QUALIFIES AS AN
26 ADMINISTRATIVE PROCEEDING MAINTAINS THAT STATUS IF THE ADMINISTRATIVE
27 PROCEEDING IS APPEALABLE TO A COURT PROVIDED IN THIS SUBDIVISION.

28 2. A DISCIPLINARY PROCEEDING THAT IS BROUGHT AGAINST A SWORN PEACE
29 OFFICER AND THAT MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

30 (a) THE PERSON SEEKING TO EXERCISE THE RIGHT TO TRIAL BY JURY IS A
31 SWORN PEACE OFFICER.

32 (b) THE PROCEEDING POTENTIALLY RESULTS IN THE SWORN PEACE OFFICER'S
33 SUSPENSION OF MORE THAN ONE MONTH OR TERMINATION.