



City of Apache Junction

Home of the Superstition Mountains

Municipal Court

6/05/2024

To: Mayor Wilson, Vice-Mayor Schroeder and City Council Members
From: Hon. A. Douglas LaSota, Presiding Magistrate
Re: Request for Amendments to City Code 4-8-1

We have 2 requests for amendment to City Code 4-8-1. The request is to amend subsections D (Administrative fee for court appointed counsel) and H (court deferred prosecution/diversion fee).

For 4-8-1 (D), public defender fees have been limited by City Code to \$125 per Defendant (regardless of the number of cases for the same defendant). This fee is years old and many courts these days have increased the fees. Our proposal tracks Pima County Justice Courts. We will have a chart which determines fees based on income and the number of family members. Our request is to amend the City Code to make it a range of \$275 to \$375. Defendants would have time to pay and are allowed to do community service to pay their assessed fee. The court still has discretion under subsection (I) to waive all or part of this fee based on indigence, financial hardship and the interests of justice).

This would bring in additional revenues to help pay for the contracts of the court appointed attorneys and the contract attorney.

The request to amend subsection (H) is kind of a housekeeping/corrective measure. For years, the \$50 diversion fee has only been imposed on each case- not "each criminal charge for each criminal case". Defendants doing diversion should not be treated differently based on how many charges are given to them by the police or prosecutor. This change treats everyone the same and confirms the current and long-standing actual practice at the court. Attached is a copy of the City Code with the proposed attachments. There would be no cost to the city for this change.

Hon. A. Douglas LaSota