

ARTICLE 4-8: MUNICIPAL COURT FEE SCHEDULE

Section

4-8-1 Municipal Court fee schedule

§ 4-8-1 MUNICIPAL COURT FEE SCHEDULE.

(A) *Payment of costs of confinement.* Any person who is convicted of a misdemeanor criminal offense in the Municipal Court and who, as a consequence, is incarcerated in the Pinal or Maricopa County jail or the city jail, or other city or county jail system, may as part of any sentence imposed, be required to reimburse the City of Apache Junction for its expenses incurred for such confinement. The cost shall take into account the announced billing practices of the Pinal or Maricopa County Sheriff or other applicable authority as they are amended from time to time.

(B) *Administrative fee for warrants for failure to comply.* When the Municipal Court issues a warrant for failure to pay a fine, restitution or any monetary obligation, or for failure to comply with a term or condition of sentence, an administrative fee of \$75 shall be imposed upon the person for whom the warrant is issued. This fee shall be added to the amount set forth in the warrant.

(C) *Administrative fee for default judgments on civil traffic violation cases.* The Municipal Court shall assess the defendant a default fee of \$50 for each default judgment entered in a civil traffic violation case upon a failure to appear or failure to pay a civil sanction, unless the default judgment is set aside under the Rules of Procedure for Traffic Violations.

~~(D) *Administrative fee for court appointed counsel.* The Judge has the authority to make a reasonable determination on all cases and set a reasonable fee for the appointment of defense counsel which will be based on a defendant's financial ability. Based on a defendant's financial ability, a Judge shall assess a defendant an administrative fee between the range of \$275 to \$375. The Judge has the authority to make a reasonable determination, based on a defendant's financial ability, and set a reasonable fee. Municipal Court shall assess the defendant an administrative fee of \$125 for the appointment of defense counsel, payable as a condition of probation.~~

(E) *Municipal Court Enhancement Fund.*

(1) There is hereby created a Municipal Court Enhancement Fund, which shall be used exclusively to improve technological, operational and security capabilities of the Municipal Court.

(2) The Municipal Court Enhancement Fund shall be assessed in the base amount of \$20, which shall be applied by the Municipal Court on each civil and criminal charge where a fine, sanction, penalty or assessment is imposed by the court. Any surcharge, fee, assessment other sum required to be charged by state law or Arizona Supreme Court Rule as an addition to the base amount of \$20 shall be imposed by the court.

(3) The Court Enhancement Fund shall be designated as a fund account. The City Finance Director or his or her designee, shall invest the monies in the fund in the same manner as general city

funds. Interests earned on fund monies shall be deposited in the fund.

(4) The Municipal Court shall administer the fund and may make expenditures from the fund for the purposes approved in this section.

(F) Collection fees and charges. For restitution, fines, sanctions, surcharges, assessments, penalties, bonds, costs and fees that are forwarded to a collection agency for collection, the Municipal Court shall assess the defendant a collection fee and charge in the amount of any fees or charges assessed by the collection agency which is licensed under state law or authorized to pursue collection activities in the Supreme Court of Arizona.

(G) Copying, certification, filing and other miscellaneous collection fees.

(1) The Municipal Court is authorized to collect all court-related fees and costs imposed by or created by other ordinances, laws and statutes, such as, but not limited to, copying, certification, City Clerk research, payment history report, notary services and check returns.

(2) Charges shall be assessed pursuant to applicable amount at the time of the service.

(H) Court deferred prosecution/diversion fee. A deferred prosecution fee/diversion fee in the amount of \$50 shall be imposed on each criminal charge for each criminal case which the court defers or diverts prosecution thereon.

(I) Authority to waive fees and costs. A magistrate may waive all or any part of any fee or cost provided for or created by this article, giving consideration to an individual's indigence or financial hardship and the interests of justice.

(J) Prosecution assessment recovery fee. A prosecution assessment recovery fee in the amount of \$86 shall be imposed on each criminal case and shall be applied by the Municipal Court on all criminal cases that are prosecuted by the City Attorney's office.

(K) Probation fees.

(1) Any person accepting probation and ordered to be screened for probation qualification shall pay the cost of such screening which, if done by the Apache Junction Municipal Court probation monitor, shall be a fee assessed under A.R.S. §13-914(F)(3).

(2) The Municipal Court shall assess each defendant placed on court-monitored probation, a monitoring fee of \$50 a month and shall assess defendants ordered to complete education, treatment and/or counseling a verification fee of \$50.

(3) Any person, after accepting the terms of probation, who fails to appear at the time and place set by the probation officer for an appointment with a probation officer shall be assessed a missed appointment fee in the amount of \$15.

(4) A separate collection account will be established by the City Finance Department to accrue fees paid under this section.