



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED

FACT SHEET FOR H.B. 2110

civil penalties; traffic; mitigation; restitution

Purpose

Allows a court to order community restitution in lieu of a monetary obligation at a rate equal to Arizona's minimum wage, rounded up to the nearest dollar.

Background

Current statute allows a judge to mitigate any civil penalty related to a civil traffic violation if the person ordered to pay the penalty demonstrates that the payment would be a hardship on the person or their immediate family. The court is allowed to consider any relevant information in determining whether to mitigate a civil penalty, including: 1) the civil penalty's impact on the person's ability to pay restitution; 2) whether the civil penalty would constitute a financial hardship to the person or their immediate family; 3) whether the person receives Temporary Assistance for Needy Families or Supplemental Nutritional Assistance; 4) whether the person receives benefits pursuant to the Supplemental Security Income Program; and 5) whether the person is legally authorized to be employed and is seeking, obtaining or maintaining employment or is attending school ([A.R.S. § 28-1603](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows a court, if requested by a person other than a juvenile offender, to order the person to perform community restitution in lieu of a monetary obligation imposed for a civil traffic violation, a criminal violation or on a juvenile offender.
2. Requires the court to credit any community restitution performed at a rate equal to Arizona's minimum wage rounded up to the nearest dollar.
3. Requires the court to determine the location where community restitution is performed.
4. Allows a judge to mitigate any civil penalty for a motor vehicle driver license violation.
5. Defines *monetary obligation* as a civil penalty, a surcharge, an assessment or a fee, except for a time payment fee.
6. Makes a technical change.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Specifies that the rate at which community restitution is credited must be equal to the state minimum wage rounded up to the nearest dollar.
2. Specifies that community restitution may be ordered on the defendant's request, except in the case of a juvenile offender.

House Action

Senate Action

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| TRANS | 1/20/21 | DP | 6-2-1-3 | TAT | 3/22/21 | DPA | 5-3-1 |
| 3 rd Read | 2/4/21 | | 43-16-0-0-1 | | | | |

Prepared by Senate Research

March 24, 2021

ZD/SS/kja