



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

House: TRANS DP 6-2-1-3 | 3<sup>rd</sup> Read 43-16-0-0-1

Senate: TAT DPA 5-3-1-0 | 3<sup>rd</sup> Read 17-13-0-0

Final Read: 32-27-1-0

**HB 2110: ~~civil penalties; traffic; mitigation; restitution~~**

**NOW: civil penalties; mitigation; restitution**

**Sponsor: Representative Biasiucci, LD 5**

**Transmitted to the Governor**

### **Overview**

Allows the court to order a person to perform community restitution in lieu of a monetary obligation including for a civil traffic violation at a rate that is equal to the state minimum wage rounded to the nearest dollar.

### **History**

A violation of or failure or refusal to do or perform an act or thing required by statutes relating to traffic and vehicle regulations, vehicle violations, certificate of title and registration, driver licenses and vehicle insurance responsibilities is a civil traffic violation unless a different classification is provided ([A.R.S. § 28-121](#)). Unless otherwise stated, a civil penalty imposed will not exceed \$250 and the court may levy surcharges under sections [12-116.01](#) and [12-116.02](#) ([A.R.S. § 28-1598](#)). An offender of some civil traffic penalties may also attend a defensive driving school ([A.R.S. § 28-3396](#)). A judge is allowed to mitigate any civil penalty pursuant to a civil traffic violation if the person who is ordered to pay the penalty demonstrates that the payment would be a hardship on their life or immediate family. The court is allowed to consider any relevant information in determining whether to mitigate a civil penalty, including specified conditions ([A.R.S. § 28-1603](#)).

If a monetary obligation is imposed for a criminal violation on a defendant at sentencing and the court find the defendant is unable to pay all or part of the monetary obligation, the court may order the defendant to perform community restitution in lieu of the payment. The amount of community restitution must be equivalent to the amount of the monetary obligation by crediting service performed at a rate of \$10 per hour ([A.R.S. § 13-824](#)). If a juvenile is adjudicated delinquent for a specified criminal damage violation, the court must order the juvenile to pay a fine of at least \$300 but not more than \$100. The court may order the juvenile to perform community restitution in lieu of the payment if it is in the best interests of the juvenile. The amount of community restitution must be equivalent to the amount of the fine by crediting any service at a rate of \$10 per hour ([A.R.S. § 8-341](#)).

### **Provisions**

1. Specifies that community restitution in lieu of payment for all or part of a fine relating to a juvenile adjudicated delinquent for a specified criminal damage violation be at a rate of the state minimum wage rounded to the nearest dollar, rather than \$10 per hour. (Sec. 1)
2. Specifies that community restitution in lieu of a monetary obligation be at the request of the defendant and credited at a rate of the state minimum wage rounded to the nearest dollar, rather than \$10 per hour. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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3. Allows the court to order a person to perform community restitution in lieu of a monetary obligation imposed for a civil traffic violation at sentencing and on the person's request. (Sec. 4)
4. Requires the court to determine the location where the community restitution for a civil traffic violation is to be performed. (Sec. 4)
5. Requires the court to credit any community restitution performed for a civil traffic violation at a rate that is equal to the state minimum wage rounded to the nearest dollar. (Sec. 4)
6. Allows a judge to mitigate a civil penalty for a motor vehicle driver license violation. (Sec. 3)
7. Defines the term *monetary obligation*. (Sec. 4)
8. Makes technical changes. (Sec. 1, 3)