



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1089

liens; fees; exemption

Purpose

Prohibits a county recorder from receiving any fee for filing or releasing a restitution or support order lien and removes the authorization for copies of original documents to be submitted to a county recorder.

Background

In Arizona, restitution liens are available to all victims of crimes who have been awarded restitution by a judge. As civil judgements they can be filed against a defendant's property or future property, such as home or land, and against a currently owned vehicle, such as a car, truck, boat or ATV. The two types of liens are victim filed liens and criminal restitution orders ([Maricopa County Superior Court](#)). A county recorder may charge a fee, as outlined in statute, for recording papers required or authorized by law to be recorded, including the recording of official deeds, plats, business names and liens against property ([A.R.S. § 11-475](#)). A filling fee, recording fee or any other charge is not required for the filing of a restitution lien ([A.R.S. § 13-806](#)).

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

Provisions

1. Prohibits a county recorder from receiving a fee for performing any duties or acts necessary to record or release a restitution lien or any lien necessary to enforce a support order.
2. Removes the authorization for a copy of an original instrument to be accepted by a county recorder for official recording purposes.
3. Makes technical changes.
4. Becomes effective on the general effective date.

Prepared by Senate Research
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MH/HW/slp