

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHING PROCEDURES) Administrative Order
FOR FILING AND HEARING CIVIL) No. 2020 - 184
MARIJUANA CASES)
)
)
)
_____)

On November 3, 2020, the voters of Arizona approved Proposition 207, the Smart and Safe Arizona Act. The act decriminalizes certain conduct relating to marijuana and further reclassifies as a civil violation certain acts relating to marijuana committed by persons under twenty-one years of age. The Act, except for one section, is effective on December 1, 2020.

Proposition 207 does not provide a process for the filing and adjudication of marijuana violations classified as civil pursuant to A.R.S. § 36-2853. Changes to statutes and court rules will be necessary to implement the proposition. These changes are not expected to be completed for some time.

While the legislature and this court consider changes to statutes and court rules, to implement the proposition, it is necessary to provide for a clear and orderly process to inform justice system participants and the public as to how civil marijuana violations are filed and adjudicated. It is further necessary that the process be efficient and not unnecessarily burdensome.

Therefore, pursuant to Article VI, Sections 3 and 5, of the Arizona Constitution,

IT IS ORDERED that a civil marijuana violation filed pursuant to A.R.S. § 36-2853 may be filed into a Justice of the Peace Court, as well as a Municipal Court, and may be filed using the Uniform Traffic Ticket and Complaint.

IT IS FURTHER ORDERED that, for purposes of this Order, the Rules of Civil Traffic and Boating Procedure shall apply in all cases involving the adjudication and appeal of civil marijuana violations under A.R.S. § 36-2853.

IT IS FURTHER ORDERED that, to accommodate a civil marijuana charge as allowed by this Order, a check box for a non-traffic civil charge must be added to the Uniform Traffic Ticket and Complaint (UTTC) when practicable. Alternatively, the “Civil Traffic” box may be checked and the word “Traffic” may be struck. Also, clarifying information must be added to the “Important Notice to Defendant” page of the form, shown in Attachment A to this Order. During the period this Order is in effect, a law enforcement agency may continue to use a substantially equivalent UTTC form.

IT IS FURTHER ORDERED that a juvenile hearing officer appointed pursuant to A.R.S. § 8-323 may process, adjudicate, and dispose of a civil marijuana violation.

IT IS FURTHER ORDERED that these procedures shall be effective until September 30, 2021 or until further order of this Court.

Dated this 25th day of November, 2020.

ROBERT BRUTINEL
Chief Justice

ATTACHMENT A

IMPORTANT NOTICE TO DEFENDANT

The other side of this page is a true copy of the offense described in the complaint that will be filed in the designated court or hearing office.

The offense for which you have been cited is an Administrative Violation, a Civil Traffic Violation, a Civil Non-Traffic Violation or Civil Violation, a Criminal Offense, a Criminal Traffic Offense, or a Petty Offense. To determine which notice(s) applies to you, look at the box(es) checked under “the defendant committed the following” on the reverse side of this notice.

If you are required to pay fines, penalties, fees or other financial obligations as a result of this citation and **you are unable to pay**, bring this to the attention of court staff or the judge as payment over time or other alternatives may be available. Do not ignore the citation and the responsibility to pay as this may result in additional penalties and costs to you. For more information contact the court or an attorney or visit the following website: [insert the appropriate website].

By providing your cell phone number you are granting permission to receive texts and other communication regarding court dates, pending payments and other relevant information about your case. Normal text and SMS rates may apply. Please contact the court in which your case is filed should you desire to opt out of this service.

CIVIL TRAFFIC

If the Civil Traffic box is checked, notice is hereby given that if you fail to appear as directed in this complaint, a default judgment will be entered against you, a civil sanction will be imposed, and your license will be suspended. Your driver’s license or nonresident operating privilege will remain suspended until the civil sanction is paid and you satisfy Motor Vehicle Division requirements (A.R.S. 28-1557[B][2]).

CIVIL NON-TRAFFIC

If the Civil Non-Traffic or Civil box is checked, notice is hereby given that if you fail to appear as directed in this complaint, a default judgment will be entered against you, and a civil penalty will be imposed.

CRIMINAL OR PETTY OFFENSE

If the Criminal or Petty Offense box is checked, notice is hereby given that if you fail to appear in court as directed in this complaint, a warrant will be issued for your arrest (A.R.S. 13-3903[F]).

CRIMINAL TRAFFIC

If the Criminal Traffic box is checked, notice is hereby given that if you fail to appear as directed in this complaint on a criminal charge, a warrant could be issued for your arrest and your license will be suspended (A.R.S. 28-1557[B][1]).

(The court, law enforcement agency or public body responsible for issuing the Arizona Traffic Ticket and Complaint may include any additional information considered necessary to the defendant regarding appearances, pleas, and payment of fines or civil sanctions.)