

# NEWS RELEASE

ARIZONA SUPREME COURT

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## **Legislators Act to Advance Justice, Fairness for All of Arizona**

PHOENIX – Arizonans across the state stand to benefit from important changes enacted by legislators and signed this year by Governor Ducey. Four bills enact changes recommended by the Arizona Supreme Court’s Task Force on Fair Justice for All. This diverse stakeholder group began meeting in early 2016 to ensure that people are not “disparately punished because they are poor,” as described in Chief Justice Scott Bales’ [Administrative Order](#) outlining the group’s goals.

“We are grateful to Governor Ducey and members of the Arizona House of Representatives and Senate for the passage of four bills that advance justice and fairness,” Chief Justice Scott Bales said. “These bills will allow people to face the consequences of their actions without promoting a cycle of poverty or unduly limiting their ability to remain gainfully employed.”

[House Bill 2169](#) makes several changes to penalties for driving violations. It permits the courts to restrict, rather than suspend, driving privileges for minor traffic violations so people can drive to work or other important destinations, such as school. The bill also allows the courts, in many circumstances, to mitigate fines and civil penalties or to order alternative sanctions if someone shows they cannot pay. Under the new law, driving on a suspended license for failing to appear in court or to pay a fine for a civil traffic violation will itself be a civil instead of a criminal violation.

Spencer Kamps, Vice President of the Homebuilders Association of Central Arizona supported House Bill 2169. His organization partners with the Governor’s Office to recruit ex-offenders for homebuilding jobs. “Seventy-five to eighty percent of the ex-offenders we work with have access to a vehicle, but have issues with their license,” Kamps said. “We have subdivisions all over the Valley and getting offenders from their temporary housing to the job site is a challenge that this bill will allow us to overcome.”

[House Bill 2312](#) establishes a process for individuals to apply to a court to have certain criminal convictions set aside, with important exceptions. These exceptions include convictions involving dangerous offenses, requiring registration as a sex offender, or including a finding of sexual motivation. Most criminal traffic violations are also exempt from the set-aside process.

[House Bill 2313](#) permits judges to mitigate many fines and civil penalties if the payment would create undue hardship to the person convicted or the person's immediate family. This legislation outlines factors for the court to consider in mitigating fines and expands circumstances where community service may be imposed instead of a fine.

[House Bill 2314](#) allows judges in misdemeanor cases to impose a term of community restitution, education, or drug/mental health treatment in addition to any other sentence permitted by law.

These legislative changes were among the 65 recommendations identified in the Fair Justice Task Force's [landmark August 2016 report](#), believed to be the first report of its kind. The steps being taken by the legislature and the courts to implement the recommendations will help promote compliance with the law as well as fairness, economic opportunity, and family stability for those in difficult economic circumstances.

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