

REFERENCE TITLE: state courts; jurisdiction

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# SCR 1026

Introduced by  
Senator Johnson

A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 5, 14, 16 AND 32, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Article VI, sections 5, 14, 16 and 32, Constitution of Arizona, are  
4 proposed to be amended as follows if approved by the voters and on  
5 proclamation of the Governor:

6 5. Supreme court; jurisdiction; writs; rules; habeas  
7 corpus

8 Section 5. A. The supreme court shall have:

9 1. Original jurisdiction of habeas corpus, and quo  
10 warranto, mandamus, injunction and other extraordinary writs to  
11 state officers.

12 2. Original and exclusive jurisdiction to hear and  
13 determine causes between counties concerning disputed boundaries  
14 and surveys thereof or concerning claims of one county against  
15 another.

16 3. Appellate jurisdiction in all actions and proceedings  
17 except civil and criminal actions originating in courts not of  
18 record, unless the action involves the validity of a tax,  
19 impost, assessment, toll, statute or municipal ordinance.

20 4. Power to issue injunctions and writs of mandamus,  
21 review, prohibition, habeas corpus, certiorari, and all other  
22 writs necessary and proper to the complete exercise of its  
23 appellate and revisory jurisdiction.

24 5. Power to make rules relative to all procedural matters  
25 in any court.

26 6. Such other jurisdiction as may be provided by law.

27 B. Each justice of the supreme court may issue writs of  
28 habeas corpus to any part of the state ~~upon~~ ON petition by or on  
29 behalf of a person held in actual custody, and may make such  
30 writs returnable before himself, the supreme court, appellate  
31 court or superior court, or judge thereof.

32 C. THE SUPREME COURT SHALL NOT HAVE JURISDICTION TO  
33 REVIEW BY APPEAL, WRIT OF CERTIORARI OR OTHERWISE ANY MATTER TO  
34 THE EXTENT THAT RELIEF IS SOUGHT AGAINST THE FEDERAL, THE STATE  
35 OR A LOCAL GOVERNMENT OR AGAINST AN OFFICER OR AGENT OF THE  
36 FEDERAL, THE STATE OR A LOCAL GOVERNMENT, WHETHER OR NOT THE  
37 OFFICER OR AGENT IS ACTING IN HIS OFFICIAL OR PERSONAL CAPACITY,  
38 CONCERNING THE GOVERNMENT'S OR THE OFFICER'S OR AGENT'S  
39 ACKNOWLEDGEMENT OF GOD AS THE SOVEREIGN SOURCE OF LAW, LIBERTY  
40 OR GOVERNMENT.

41 14. Superior court; original jurisdiction

42 Section 14. A. The superior court shall have original  
43 jurisdiction of:

44 1. Cases and proceedings in which exclusive jurisdiction  
45 is not vested by law in another court.

- 1           2. Cases of equity and at law which involve the title to
- 2           or possession of real property, or the legality of any tax,
- 3           impost, assessment, toll or municipal ordinance.
- 4           3. Other cases in which the demand or value of property
- 5           in controversy amounts to one thousand dollars or more,
- 6           exclusive of interest and costs.
- 7           4. Criminal cases amounting to felony, and cases of
- 8           misdemeanor not otherwise provided for by law.
- 9           5. Actions of forcible entry and detainer.
- 10          6. Proceedings in insolvency.
- 11          7. Actions to prevent or abate nuisance.
- 12          8. Matters of probate.
- 13          9. Divorce and for annulment of marriage.
- 14          10. Naturalization and the issuance of papers therefor.
- 15          11. Special cases and proceedings not otherwise provided
- 16          for, and such other jurisdiction as may be provided by law.
- 17          B. THE SUPERIOR COURT SHALL NOT HAVE ORIGINAL
- 18          JURISDICTION TO HEAR ANY MATTER TO THE EXTENT THAT RELIEF IS
- 19          SOUGHT AGAINST THE FEDERAL, THE STATE OR A LOCAL GOVERNMENT OR
- 20          AGAINST AN OFFICER OR AGENT OF THE FEDERAL, THE STATE OR A LOCAL
- 21          GOVERNMENT, WHETHER OR NOT THE OFFICER OR AGENT IS ACTING IN HIS
- 22          OFFICIAL OR PERSONAL CAPACITY, CONCERNING THE GOVERNMENT'S OR
- 23          THE OFFICER'S OR AGENT'S ACKNOWLEDGEMENT OF GOD AS THE SOVEREIGN
- 24          SOURCE OF LAW, LIBERTY OR GOVERNMENT.
- 25          16. Superior court; appellate jurisdiction
- 26          Section 16. A. The superior court shall have appellate
- 27          jurisdiction in cases arising in justice and other courts
- 28          inferior to the superior court as may be provided by law.
- 29          B. THE SUPERIOR COURT SHALL NOT HAVE JURISDICTION TO
- 30          REVIEW BY APPEAL OR OTHERWISE ANY MATTER TO THE EXTENT THAT
- 31          RELIEF IS SOUGHT AGAINST OF THE FEDERAL, THE STATE OR A LOCAL
- 32          GOVERNMENT OR AGAINST AN OFFICER OR AGENT OF THE FEDERAL, THE
- 33          STATE OR A LOCAL GOVERNMENT, WHETHER OR NOT THE OFFICER OR AGENT
- 34          IS ACTING IN HIS OFFICIAL OR PERSONAL CAPACITY, CONCERNING THE
- 35          GOVERNMENT'S OR THE OFFICER'S OR AGENT'S ACKNOWLEDGEMENT OF GOD
- 36          AS THE SOVEREIGN SOURCE OF LAW, LIBERTY OR GOVERNMENT.
- 37          32. Justices of the peace and inferior courts;
- 38                 jurisdiction, powers and duties; terms of
- 39                 office; salaries
- 40          Section 32. A. The number of justices of the peace to be
- 41          elected in precincts shall be as provided by law. Justices of
- 42          the peace may be police justices of incorporated cities and
- 43          towns.
- 44          B. The jurisdiction, powers and duties of courts inferior
- 45          to the superior court and of justice courts, and the terms of

1 office of judges of such courts and justices of the peace, shall  
2 be as provided by law. The legislature may classify counties  
3 and precincts for the purpose of fixing salaries of judges of  
4 courts inferior to the superior court and of justices of the  
5 peace.

6 C. The civil jurisdiction of courts inferior to the  
7 superior court and of justice courts shall not exceed the sum of  
8 ten thousand dollars, exclusive of interest and costs. Criminal  
9 jurisdiction shall be limited to misdemeanors. The jurisdiction  
10 of such courts shall not encroach upon the jurisdiction of  
11 courts of record but may be made concurrent therewith, subject  
12 to the limitations provided in this section.

13 D. COURTS INFERIOR TO THE SUPERIOR COURT AND OF JUSTICE  
14 COURTS SHALL NOT HAVE ORIGINAL JURISDICTION OR JURISDICTION TO  
15 REVIEW BY APPEAL OR OTHERWISE ANY MATTER TO THE EXTENT THAT  
16 RELIEF IS SOUGHT AGAINST THE FEDERAL, THE STATE OR A LOCAL  
17 GOVERNMENT OR AGAINST AN OFFICER OR AGENT OF THE FEDERAL, THE  
18 STATE OR A LOCAL GOVERNMENT, WHETHER OR NOT THE OFFICER OR AGENT  
19 IS ACTING IN HIS OFFICIAL OR PERSONAL CAPACITY, CONCERNING THE  
20 GOVERNMENT'S OR THE OFFICER'S OR AGENT'S ACKNOWLEDGEMENT OF GOD  
21 AS THE SOVEREIGN SOURCE OF LAW, LIBERTY OR GOVERNMENT.

22 2. The Secretary of State shall submit this proposition to the voters  
23 at the next general election as provided by article XXI, Constitution of  
24 Arizona.