

Attorney General

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January 14, 1987

The Honorable Judith Allen
Clerk of the Superior
Court of Maricopa County
Central Courts Building
201 West Jefferson
Phoenix, Arizona 85003

Re: I87-008 (R86-125)

Dear Ms. Allen:

Your predecessor in office asked whether the Clerk of the Superior Court ("clerk") may charge state agencies and political subdivisions of a county the cost of duplicating court records maintained by the clerk. We conclude that the clerk cannot charge a state agency or a political subdivision of a county for such copying expenses.

A.R.S. § 12-304 is entitled "Exemption of state, county, city, town or political subdivision of a county from court fees" and provides:

No court fees shall be charged:

1. The state, a county, a city, a town or a political subdivision of a county.
2. A commission, board or department of the state, a county, a city, a town or a political subdivision of a county.
3. An official of the state, county, city, town or political subdivision of a county, who is a party to an action in his official capacity.

A.R.S. § 12-345 is entitled "Exemption of state, county, city, town or political subdivision of a county from court fees" and contains similar provisions with respect to charging costs to these entities. That section states:

No court costs shall be charged:

1. The state, county, a city, a town or a political subdivision of a county.

2. A commission, board or department of the state, a county, a city, a town or a political subdivision of a county.

3. An official of the state, county, city, town or political subdivision of a county, who is a party to an action in his official capacity.

Fees for copying by the clerk at the request of the state or county clearly come within the governmental exemption from court fees. A.R.S. § 12-284 is entitled "Fees" and is the general source of the clerk's authority to charge for copying not exempted elsewhere. That statute provides, in pertinent part, as follows:

A. Except as otherwise provided by law, the clerk of the superior court shall receive the following fees:

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6. For making copies of papers and records required to be made by the clerk upon appeal, and copies of papers and records in his office made upon request in other cases, for each legal size page of original, one dollar.

7. For making extra copies of the papers and records mentioned in paragraph 6 of this subsection, required or requested, each copy, for each page of copy of such papers and records, an additional twenty-five cents.

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