

Bond Case Briefs

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MUNICIPAL ORDINANCE - ARIZONA

State v. Coles

Court of Appeals of Arizona, Division 1 - May 6, 2014 - P.3d - 2014 WL 1797592

Defendant was charged with violating city ordinance prohibiting public intoxication. The Municipal Court dismissed the charge, and city appealed. The Superior Court reversed, and defendant appealed.

The Court of Appeals held that the ordinance was preempted by statute.

City ordinance prohibiting being “under the influence of alcohol” in public was preempted by statute prohibiting local laws criminalizing or having as an element of an offense being a common drunkard or being found in an intoxicated condition. Ordinance conflicted with statute, since a person who was “intoxicated” was in fact “under the influence” to a particular, greater degree, and statute addressed a matter of statewide concern, signaling legislature’s determination that alcoholism should be treated as a disease and not criminalized unless a person under the influence of alcohol engages in specified activities such as driving or operating other types of vehicles or equipment.