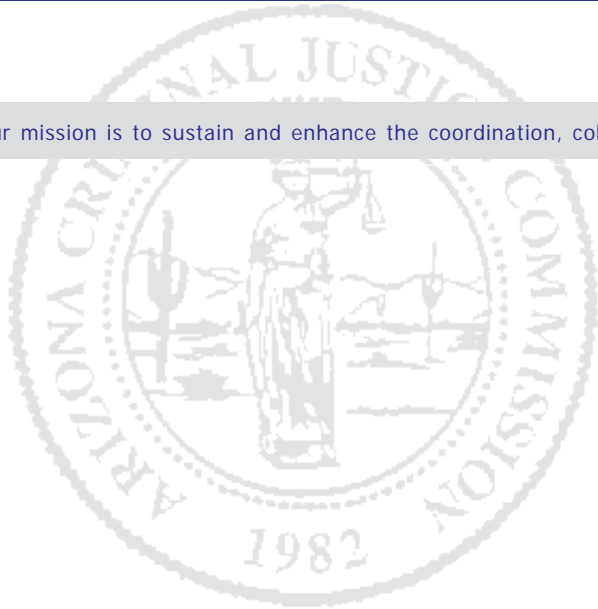


# Arizona Criminal Justice Commission

Office of the Executive Director

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the Criminal Justice System in Arizona



## *Legislative Summary*

*51st Arizona  
State Legislature*

*1st Regular Session*

# 2013

July

# ARIZONA CRIMINAL JUSTICE COMMISSION



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Oro Valley Police Department

Vice-Chairperson  
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County Supervisor

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Executive Director

GEORGE DIAZ  
Public Affairs Officer

ANGELA ABOLHASSANI  
Legislative Intern

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## Legislative Session Summary

### General Information

- The Fifty First, First Regular session lasted 151 days.
- 1,158 bills were introduced.
- 282 passed through the legislative process.
- 31 bills were vetoed.
- Those bills that passed with a general effective date are effective September 13, 2013.

### ACJC Priorities

This session ACJC had five agency priorities –

1. To comply with new program rules, Senate Bill 1234 expands how the county Victim Compensation Fund can be used for crime victims.
2. Expanding the Drug and Gang Prevention Resource Center Fund to support the Statistical Analysis Center.
3. Increasing the appropriation of the Victim Compensation and Assistance Fund.
4. Funding for the Criminal Justice Records Improvement Plan.
5. Increasing the appropriation of the State Aid to County Attorneys Fund and restoring the State Aid to Indigent Defense Fund appropriation authority.

Senate Bill 1234 (Chapter 102) was introduced by State Senator Adam Driggs. The bill's provisions will allow for the county Victim Compensation Fund to provide financial relief to the victims of injurious crimes for expenses that previously were excluded.

The appropriation from the Victim Compensation and Assistance Fund was increased to \$4,092,500.

Efforts related to the remaining initiatives were not successful. After not making any appropriations to counties over the last two years, \$500,000 was swept from the State Aid to Indigent Defense Fund for the purpose of capital post conviction prosecution. Furthermore, no appropriation authority was given for the funds remaining in the account.

While efforts were unsuccessful in gaining an appropriation for the Criminal Justice Records Improvement Plan, a greater awareness of the issue and a firm foundation of support for future endeavors were effectively established.

## **Executive Priorities**

Governor Brewer's priority of [expanding Medicaid](#) to over 300,000 Arizonans was successful after the legislation to do so was sent to the Governor for her signature on [June 13, 2013](#). The expansion is a requirement to acquire federal funding under the Affordable Care Act. A special session that Governor Brewer called on [June 11, 2013](#) carried the legislation for the state's \$8.8 billion dollar budget and Medicaid expansion.

Other priorities included transaction [privilege tax simplification](#), adding 150 caseworkers to Child Protective Services, and expanding state funding for School Resource Officers.

## **Legislative Priorities**

The House quickly established [funding for Child Protective Services](#), [Elected Official Retirement Plan reform](#), [state tax simplification](#), and the [fast-tracking of licensing for military](#). All four priorities were passed by the legislature and signed by the Governor.

The Senate's priorities were very similar however had some differences which included [unemployment benefits eligibility](#) and [transaction privilege tax exemptions](#).

## **Budget**

Arizona's \$8.8 billion dollar budget represents a compromise between the priorities of the Governor and the legislature. The Governor's recommended budget may be viewed [here](#) and the Joint Legislative Budget Committee's Appropriations Report [here](#).

ACJC's FY14 operating budget was \$5,500 more than appropriated in FY13, and includes one-time FY 2014 transfers, a proportionate share, for costs for replacement of the state's financial accounting system.



## Senate Bills Signed Into Law

### **SB1087 drug testing records; taxi drivers**

Requires preemployment and random annual drug testing for operators of a livery vehicle, taxi, or limousine.

Chapter 194

ARS Title(s): 41

Primary Sponsor(s): Sen. Burges

### **SB1094 notaries public; impersonation; violation**

Makes impersonating a notary public a class 2 misdemeanor.

Chapter 77

ARS Title(s): 41

Primary Sponsor(s): Sen. Reagan

### **SB1098 marijuana; cultivation; county zoning**

Redefines general agricultural purposes to not include the cultivation of cannabis or marijuana.

Chapter 101

ARS Title(s): 11

Primary Sponsor(s): Sen. Pierce, Sen. Yee, Rep. Fann Co-Sponsor(s): Rep. Borrelli, Rep. Goodale

### **SB1205 prisoner release money; procedures**

Dictates procedure for providing released prisoners with at least 50 dollars upon release under conditions depending on the money in the prisoners discharge account. Allows this money to be furnished on a stored value card, smart card, or similar instrument. Also raises the balance of a prisoner's dedicated discharge account from which deductions continue to be taken for compensation due to a prisoner from 50 to 100 dollars.

Chapter 44

ARS Title(s): 31

Primary Sponsor(s): Sen. Yee Co-Sponsor(s): Rep. Boyer

**SB1209 minors; tobacco-derived products**

Adds vapor product to the list of regulated tobacco-derived products under section 13.

Chapter 245  
ARS Title(s): 13

Primary Sponsor(s): Sen. Driggs, Sen. Lopez, Sen. Cajero Bedford, Sen. McGuire, Sen. Gallardo, Sen. Yarbrough, Sen. Hobbs, Sen. Landrum Taylor Co-Sponsor(s): Sen. McComish, Sen. Tovar, Sen. Murphy, Sen. Worsley, Sen. Pancrazi, Sen. Yee, Sen. Bradley, Sen. Reagan, Sen. Griffin, Sen. Shooter

**SB1234 victim compensation fund; use**

Removes the requirement that the County Attorney Victim Compensation Fund be used specifically for medical, counseling and funeral expenses and lost wages of crime victims.

Chapter 102  
ARS Title(s): 11

Primary Sponsor(s): Driggs

**SB1294 grand jury; length of term**

Makes the length of term for grand juries called in counties less than 200,000 persons increased to 180 days.

Chapter 46  
ARS Title(s): 21

Primary Sponsor(s): Sen. Burges, Rep. Campbell, Rep. Fann, Rep. Gallego, Sen. Hobbs, Sen. McGuire, Rep. Mitchell, Rep. Peshlakai, Rep. Thorpe, Sen. Yee

**SB1314 civil judgments; state; renewal**

Adds to the list of items excluded from statute allowing a party judged in favor to have a writ of execution or other process issued for its enforcement.

Chapter 79  
ARS Title(s): 12

Primary Sponsor(s): Sen. Yarbrough

**SB1345 civil judgments; state; renewal**

Clarifies that dangerous drug has the same meaning as prescribed in the Criminal Code.

Chapter 219

ARS Title(s): 4

Primary Sponsor(s): Sen. Shooter

**SB1408 fingerprint clearance cardholders: background checks**

Exempts a person who holds a valid Level 1 fingerprint clearance card from submitting a full set of fingerprints for the purpose of obtaining a state and federal criminal history records check. Allows the court to order an additional state and federal criminal records check for good cause.

Chapter 115

ARS Title(s): 8

Primary Sponsor(s): Sen. Murphy

**SB1443 marijuana; postsecondary education; medical research**

Clarifies that statute prohibiting the use or possession of marijuana on any public university, college, community college or postsecondary educational institution campus does not prohibit medical research projects involving marijuana that are conducted on one of these campuses as authorized by applicable federal approvals and on approval of any applicable university institutional review board.

Specifies that federal approvals may include the United States Food and Drug Administration, the United States Drug Enforcement Administration and the National Institutes on Drug Abuse.

Chapter 199

ARS Title(s): 15

Primary Sponsor(s): Sen. Yee, Sen. Lopez, Rep. Campbell

## House Bills Signed Into Law

### **HB2088 interstate compact for juveniles**

Grants authority to the Director of the Department of Juvenile Corrections as the state's Interstate Compact Commissioner and Compact Administrator, empowering him to facilitate the proper administration of the compact. Also makes courts, departments, agencies, and officers of the state responsible for the enforcement and implementation of the compact.

Chapter: 86  
ARS Title(s): 8

Primary Sponsor: Rep. Brophy McGee, Rep. Carter

### **HB2204 law enforcement; surviving spouse; insurance**

Entitles the surviving spouse or dependent of a law enforcement officer to receive payments for health insurance premiums from public monies of the officer's employer.

Chapter: 54  
ARS Title(s): 38

Primary Sponsors: Rep. Robson, Rep. Alston, Rep. Barton, Rep. Borrelli, Rep. Boyer, Rep. Carter, Rep. Coleman, Rep. Dial, Rep. Fann, Rep. Gallego, Rep. Livingston, Rep. McCune Davis, Rep. Stevens Co-Sponsor(s): Rep. Brophy McGee, Rep. Cardenas, Rep. Escamilla, Rep. Farnsworth, Rep. Goodale, Rep. Gray, Rep. Lovas, Rep. Mendez, Rep. Mitchell, Rep. Olson, Rep. Orr, Rep. Peshlaki, Rep. Petersen, Rep. Pierce, Rep. Pratt, Rep. Saldate, Rep. Seel, Rep. Shope, Rep. Smith, Rep. Steele, Rep. Townsend, Sen. McComish

### **HB2240 small claims division; jurisdiction; limits**

Expands the jurisdiction of the small claims division to civil actions in which the debt, damage, tort, injury or value of the personal property claims from below two thousand five hundred dollars to five thousand dollars.

Chapter: 208  
ARS Title(s): 22

Primary Sponsor(s): Rep. Stevens, Rep. Thorpe Co-Sponsor(s): Rep. Smith

**HB2303 overtime compensation; law enforcement**

Redefines “person engaged in law enforcement activities” to include any law enforcement personnel responsible for directly assisting law enforcement offices in the performance of law enforcement activities with regard to overtime compensation.

Chapter: 200  
ARS Title(s): 23

Primary Sponsor(s): Rep. Farnsworth

**HB2307 postconviction relief; fees**

Strikes through a two hundred hour threshold and one hundred dollar hourly limit for counsel representing a capital defendant.

Chapter: 94  
ARS Title(s): 13

Primary Sponsor(s): Rep. Farnsworth

**HB2308 probate, omnibus**

Requires persons seeking appointment as a guardian or conservator to furnish a full set of fingerprints for a criminal background investigation by the court.

Chapter: 26  
ARS Title(s): 14

Primary Sponsor(s): Rep. Farnsworth

**HB2309 criminal offenses; sentencing**

Expands the purview of legislation applicable to acts committed by a juvenile to include a petty offense and a violation of a local criminal ordinance. Reduces the level of mitigated sentences for a category one repetitive offender on a Class 6 Felony and for a category two repetitive offender on a Class 3 Felony.

Chapter: 55  
ARS Title(s): 8, 12, 13, 32

Primary Sponsor(s): Rep. Farnsworth

**HB2326 firearms; records; prohibited acts**

Eliminates certain types of identifying information relating to firearms from being required to be maintained by a political subdivision.

Chapter: 141

ARS Title(s): 13

Primary Sponsor(s): Rep. Farnsworth

**HB2327 dangerous drugs; definition**

Expands the definition of dangerous drugs to include specific chemical configurations that compose synthetic cannabinoids and bath salts. Amends the list of controlled substances under Schedule I of the Arizona Uniform Controlled Substances Act (A.R.S. Title 36, Chapter 27, Article 2) to conform to the additions made in the definition of dangerous drugs under A.R.S. § 13-3401. Contains an emergency clause.

Chapter 28

ARS Title(s): 13, 32 and 36

Primary Sponsor(s): Farnsworth

**HB2389 peace officers; omnibus**

Expands eligibility to spouses or minor children of deceased PEACE officers to file an affidavit requesting county officers and the Department of Transportation to prohibit access to their residential address and telephone number contained in certain public records. Also adds that the Fireman's rule cannot deny a PEACE officer recovery on the basis of an intentional act by a tortfeasor.

Chapter: 211

ARS Title(s): 11, 12, 16, 28, 33, 38, 39, 41

Primary Sponsor(s): Rep. Pierce, Rep. Borrelli, Rep. Crandell

**HB2396 attorney general; compromises; settlements; deposit**

Credits monies resulting from compromises or settlements by or against the State to the State General Fund.

Chapter: 143

ARS Title(s): 35, 37, 41

Primary Sponsor(s): Rep. Kavanagh

**HB2442 fitness for duty; probation officers**

Defines a probation officer as a probation officer or surveillance officer. Includes probation officers in fitness for duty examination requirements and officer's rights.

Chapter: 201  
ARS Title(s): 38

Primary Sponsor(s): Rep. Olson

**HB2459 justice of the peace courts**

Creates many changes to justice of the peace courts including repealing and replacing statutes governing change of venue and bail; repealing statues governing summons, judgment on default, pleas and postponement trial; allows appeals to the superior court in cases where judgment exceeds \$200, increases the amounts of deposits required on commencement of civil action; modifies oath of juries; prohibits suing a person outside of their justice court precinct, and makes various changes to municipal courts.

Chapter: 212  
ARS Title(s): 22

Primary Sponsor(s): Rep. Boyer

**HB2462 bail bond agents; lists; loitering**

Changes the requirement for the list of persons authorized to post bail bonds to the county or city jails (list) to be updated to once a month. Directs the clerk of the court to monthly transmit the list electronically to the county and city jails. Requires the names and telephone numbers on the list to be rotated so they appear in a different order each month. Prohibits a sheriff from recommending any private person or private company to a person charged with aailable offense. Requires the sheriff or keeper of a county or city jail to accept a secured appearance bond from an employee of a bail bond agent with proper bail agency identification. Directs the sheriff or keeper of a county or city jail to remain open to accept a secured appearance bond for 24 hours every day, including holidays. Requires a sheriff or keeper of a county or city jail to directly accept the following for the release of persons in custody whom the court has authorized bail. Expands the definition of loitering to include persons intentionally soliciting bail bond business inside a court or immediately around or near the entrance of a county or city jail. Classifies the violation as a Class 3 misdemeanor (30 days/\$500). Clarifies that jail encompasses a county or city jail. Makes technical changes.

Chapter 21  
ARS Title(s): 13

Primary Sponsor(s): Gowan

**HB2516 peace officers; firearms; court**

Permits an officer acting in an official capacity to carry a firearm into the Arizona Supreme Court, court of appeals, superior courts, justice courts and municipal courts. Requires on-duty peace officers to carry official peace officer identification while attending court. Allows a presiding judge to establish rules or policies consistent with laws pertaining to the carrying of firearms by peace officers.

Chapter 177  
ARS Title(s): 38

Primary Sponsor(s): Rep Pierce

**HB2517 domestic violence; arrest**

Establishes a minimum age requirement of at least fifteen years before a peace officer is required, with certain exceptions, to make an arrest in domestic violence cases involving a deadly weapon or dangerous instrument. Includes websites for local resources in the list of available resources a peace officer must provide to the alleged or potential victim when responding to a domestic violence call.

Chapter 213  
ARS Title(s): 13

Primary Sponsor(s): Rep. Pierce

**HB2599 procurement code; amendments**

HB 2599 makes various changes to the Arizona Procurement Code (APC) including, Specifies that lobbying includes, for persons otherwise required to be registered as a lobbyist for compensation, attempting to influence the procurement of materials, services or construction by an agency, including the Office of the Governor. States that lobbying does not include communications between a public body and a self-employed person or an employee regarding procurement, unless the self-employed person or employee is otherwise required to register as a lobbyist or employed by a registered lobbyist. Extends the existing statutory entertainment ban on lobbying to include persons attempting to influence a procurement. Prohibits a person who was employed by a public body in a capacity where they had a significant procurement role



in procurement from lobbying that public body for a period of one year after ceasing employment with that body. Requires a registered lobbyist to disclose their registration to any public official or public body employee that they are lobbying regarding procurement.

Chapter 190  
ARS Title(s): 41

Primary Sponsor(s): Reps Pierce, Forese, Olson

**HB2600 judicial nominees; minimum requirements; records**

Requires the Commission on Appellate Court Appointments to submit the names of at least five nominees to the governor, when filling a vacancy in the Supreme Court or Appellate Court. Requires the Commission on Trial Court Appointments to submit the names of at least five nominees to the governor, when filling a vacancy for a superior court judge or a judge of a court of record, except for vacancies occurring in a county with a population less than two hundred fifty thousand people. Allows the Commissions, with a two-thirds vote, to reject an applicant and submit fewer than five names to the governor. Stipulates that if the Commissions submit five or more nominees, no more than sixty percent may be from the same political party and if fewer than five nominees are submitted, no more than two nominees may be from the same political party. Requires the voting records of all members of the Commissions to be recorded in the minutes and made public. Specifies that a voting record is required to include how each Commissioner voted.

Chapter 62  
ARS Title(s): 12

Primary Sponsor(s): Reps Pierce, Allen, Farnsworth, Forese, Lesko, Montenegro, Tobin, Murphy, Yarbrough, Yee

**HB2608 EORP; closure; defined contribution**

HB 2608 closes the current Elected Officials Retirement Plan (EORP) and establishes the Elected Officials' Defined Contribution Retirement System (EODC) and Disability Program.

Chapter 62  
ARS Title(s): 38

Primary Sponsor(s): Lovas, Allen, Boyer, Lesko, Mitchell, Montenegro, Petersen, Pierce J, Robson, Smith, Tobin, Burges, Pierce, Reagan, Worsley, Yarbrough

## Senate Bills That Failed

### **SB1048 death penalty; repeal**

Repeals the death penalty in the State of Arizona.

ARS Title(s): 12, 13, 21, 25, 31, 41

Primary Sponsor(s): Sen. Ableser, Sen. Gallardo, Sen. Hobbs, Sen. Meza

### **SB1049 firearms; prohibition; postsecondary institutions**

Expands the definition of “school” in regard to weapons misconduct to include post-secondary educational institutions, making possession of a firearm in post-secondary educational institutions a Class 6 Felony.

ARS Title(s): 13

Primary Sponsor(s): Sen. Ableser, Sen. Farley, Sen. Gallardo, Sen. Hobbs, Sen. Jackson, Sen. Meza, Sen. Tovar Co-Sponsor(s): Sen. Pancrazi

### **SB1050 prohibited weapon; large capacity magazine**

Expands the definition of a prohibited weapon to include a large capacity ammunition feeding device such as a semi-automatic weapon.

ARS Title(s): 13

Primary Sponsor(s): Rep. Ableser, Rep. Farley Rep. Gallardo, Rep. Hobbs, Rep. Jackson, Rep. Meza Co-Sponsor(s): Sen. Tovar

### **SB1052 special detainer actions; summons; time**

Requires a summons in a special detainer action to be conspicuously posted on the main entrance of a tenant’s residence within ne court day of issuance to complete alternative service of process.

ARS Title(s): 33

Primary Sponsor(s): Sen. Murphy

### **SB1053 process servers; assault**

Classifies knowingly assaulting a certified process server who is engaged in serving or attempting to serve process as aggravated assault.

ARS Title(s): 13

Primary Sponsor(s): Sen. Murphy, Sen. Pancrazi

**SB1054 process servers; motor vehicle records**

Allows the Arizona Department of Transportation (ADOT) to disclose highly restricted personal information to certified process servers in connection with the service of process without the express consent of the person to whom the information applies.

ARS Title(s): 28

Primary Sponsor(s): Sen. Murphy, Sen. Pancrazi

**SB1055 process servers; privileges**

Authorizes certified process servers, who are engaged in serving or attempting to serve process, to enter and remain lawfully on real property and enter unannounced and remain lawfully in a planned community or condominium association.

ARS Title(s): 11

Primary Sponsor(s): Sen. Murphy, Sen. Pancrazi

**SB1056 process servers; public records; confidentiality**

Adds certified process servers to the list of persons eligible to request that certain personal information be redacted from public record.

ARS Title(s): 11, 16, 28

Primary Sponsor(s): Sen. Murphy, Sen. Pancrazi

**SB1071 modification of legal decision-making**

Creates adequate cause to support a hearing or motion to modify legal decision-making for orders issued between 2008 and 2013.

ARS Title(s): 25

Primary Sponsor(s): Sen. Barto

**SB1086 peace officer training; motorcycle profiling**

Requires that PEACE officer training include courses emphasizing a prohibition against motorcycle profiling as a basis for taking any law enforcement action against an individual.

ARS Title(s): 41

Primary Sponsor(s): Sen. Burges

**SB1095 Kayenta public safety facility; appropriation**

Appropriates \$3,500,000 from the state general fund for the construction of the Kayenta public safety facility in Navajo Nation.

ARS Title(s): An Act

Primary Sponsor(s): Sen. Jackson Co-Sponsor(s): Rep. Gonzales, Rep. Hale, Rep. Peshlakai, Rep. Steele

**SB1096 public safety training academy; appropriation**

Appropriates \$4,200,000 from the state general fund for the establishment of the Chinle public safety training academy in Navajo Nation.

Primary Sponsor(s): Sen. Jackson, Rep. Hale Co-Sponsor(s): Rep. Gonzales, Rep. Peshlakai, Rep. Steele

**SB1097 Chinle adult detention facility; appropriation**

Appropriates \$4,200,000 from the state general fund to complete the construction of the Chinle adult detention facility in Navajo Nation.

Primary Sponsor(s): Sen. Jackson, Rep. Hale Co-Sponsor(s): Rep. Gonzales, Rep. Peshlakai, Rep. Steele

**SB1101 procurement code; fraud; attorney general**

Authorizes the Attorney General to serve a person a written demand to appear and be examined under oath, produce a document, or object for inspection if the Attorney General has reasonable cause to believe the person has information or a document or object relevant to an investigation for procurement violations.

ARS Title(s): 41

Primary Sponsor(s): Sen. Yee

**SB1112 Arizona firearms; prohibited enforcement**

Prohibits the enforcement of federal laws on personal firearms, firearm accessories, or ammunition by public servants.

ARS Title(s): 13

Primary Sponsor(s): Sen. Ward, Sen. Burges, Sen. Crandell, Rep. Borrelli, Rep. Seel, Rep. Townsend Co-Sponsor(s): Sen. Griffin, Sen. Shooter, Rep. Boyer, Rep. Gray, Rep. Petersen

**SB1120 immigration; law enforcement; repeal**

Repeals language concerning the treatment individuals intentionally employing or transporting unauthorized aliens. Also strikes out the establishment of the Gang and Immigration Intelligence Team Enforcement Mission Fund.

ARS Title(s): 12, 13, 23, 24, 28

Primary Sponsor(s): Sen. Gallardo

**SB1181 drug possession; medical assistance; probation**

The Court must place a person convicted of personal possession or use of a controlled substance or drug paraphernalia on probation if that person was charged as a result of medical assistance sought while experiencing a drug related overdose, or seeking medical assistance for another person experiencing a drug related overdose. If the persona successfully completes probation, the Court will set aside the judgment of guilt.

ARS Title(s): 13

Primary Sponsor(s): Sen. Ableser

**SB1202 out-of-wedlock children; fathers; rights**

If the father of a child born out of wedlock has officially acknowledged paternity according to statutory requirements or if the father's name is states on the birth certificate, the father is presumed to have the same rights regarding custody as the child's mother unless custody or access is determined by the court in a child custody proceeding. Statutes defining custodial interference no longer apply to school officials.

ARS Title(s): 13, 25

Primary Sponsor(s): Sen. Murphy Co-Sponsor(s): Sen. Barto, Sen. Landrum Taylor

**SB1218 text messaging while driving; prohibition**

Makes using a wireless communication device to send or receive a written message while operating a motor vehicle a nonmoving traffic violation. Violators are subject to a \$100 civil penalty for the first violation and \$300 for a second or subsequent violation. If involved in a motor vehicle accident the penalty is \$300. Includes an emergency clause.

ARS Title(s): 28

Primary Sponsor(s): Sen. Farley Co-Sponsor(s): Rep. Campbell, Rep. Steele, Sen. Tovar

**SB1269 primary enforcement; seat belt law**

Strikes out language prohibiting a PEACE officer from stopping a motorist suspected of a seat belt violation unless the officer has "reasonable cause."

ARS Title(s): 28

Primary Sponsor(s): Sen. Farley Co-Sponsor(s): Sen. Ableser, Sen. Hobbs, Sen. Jackson, Rep. Steele

**SB1273 alcohol, drug abuse, courts; treatment**

Establishes Alcohol and Drug Abuse Pilot Project Fund for the creation/expansion of the drug court program in Coconino, Navajo and Apache Counties. Self repeals July 1, 2018. Peace officers permitted to transport an intoxicated person in a public place who may be a danger to self or others to the nearest available approved treatment facility if there is no local alcoholism reception center available.

ARS Title(s): 36, 42

Primary Sponsor(s): Sen. Crandell, Sen. Burges, Sen. Farley, Sen. Gallardo, Sen. Hobbs, Sen. Jackson, Sen. Tovar Co-Sponsor(s): Sen. Pancrazi, Sen. Ward, Sen. Barton, Sen. Boyer, Sen. Fann, Sen. Gray

**SB1303 dependent children; proceedings**

Many changes in policy relating to dependent children. Must provide reunification services to any parent who is incarcerated, detained, deported or participating in a residential substance abuse treatment program. Authorizes the court to order

reunification services for up to 6 months if reasonable services have not been provided to parent. Requires court to considerer mitigating factors (including parent's incarceration or deportation) in determining whether a parent has substantially neglected or willfully refused to participate in reunification services. The status of a parent who is incarcerated or deported cannot by itself prevent the court from seeking to reunite the family.

ARS Title(s): 8

Primary Sponsor(s): Sen. Lopez, Sen. Bradley, Sen. Gallardo, Co-Sponsor(s): Sen. Jackson Jr., Sen. Landrum Taylor, Sen. Tovar

**SB1307 custodial parents; arrest; child care**

Requires an arresting officer or booking agency to inquire not more than three hours after a person is arrested if the person is a custodial parent with responsibility for a minor child. If the persona is a custodial parent with a minor child, they are entitled to make two completed telephone calls arranging for the care of the minor child or children in the parent's absence. Requires any law enforcement agency to post a sign with information about this right in English and any other language that is spoken by a substantial number of the public served by that agency or place of detainment. A public officer who knowingly deprives an arrested person of this right is guilty of a class 3 misdemeanor.

ARS Title(s): 13

Primary Sponsor(s): Sen. Lopez, Sen. Bradley, Sen. Gallardo, Sen. Hobbs, Sen. Landrum Taylor, Sen. Tovar Co-Sponsor(s): Sen. Jackson Jr.

**SB1309 firearm sales; transfers; background checks**

Requires parties to a prospective "assault weapon" sale or transfer to complete the transaction through a licensed firearms dealer with some exceptions. The dealer must process the sale or transfer and comply with all requirements of federal, state and local law as if the dealer were a party to the transaction including a background check on both parties. The dealer may charge up to a \$20 fee for this service. If the dealer cannot legally deliver the weapon to the purchaser or subsequently return the weapon to the seller, the dealer must deliver it to law enforcement. Violations are a class 2 misdemeanor.

ARS Title(s): 13

Primary Sponsor(s): Sen. Lopez, Sen. Bradley, Sen. Gallardo, Sen. Hobbs, Sen. Landrum Taylor Co-Sponsor(s): Sen. Jackson Jr., Sen. Tovar

## House Bills That Failed

### **HB2002 missing child; reporting; offense**

Makes failing to report a minor under six years of age missing for more than twenty-four hours as missing to a law enforcement agency a Class 5 Felony.

ARS Title(s): 13

Primary Sponsor: Rep. Ugenti

### **HB2070 community restitution work program credits**

Makes participation in a community restitution work program eligible for credit towards the payment of any fine, penalty, surcharge or assessment determined by the court if a person does not have the financial resources to complete payment.

ARS Title(s): 13

Primary Sponsor: Rep. Coleman Co-Sponsor(s): Rep. Borrelli, Rep. Mitchell

### **HB2084 civil actions; limitations; sexual offenses**

Covers civil action arising from sexual offenses, making it possible to make an action for recovery of damages based on physical, psychological or other injury or conditions suffered.

ARS Title(s): 12

Primary Sponsor: Rep. Campbell

### **HB2085 gang; immigration intelligence; mission; funding**

Creates a gang and immigration intelligence team enforcement mission fund.

ARS Title(s): 12, 28, 41, 42, 43

Primary Sponsor: Rep. Campbell

### **HB2090 AHCCCS; peace officers**

Permits the Arizona Care Cost Containment System (AHCCCS) to use PEACE Officers to investigate fraud, abuse, and criminal conduct involving the health care system.



ARS Title(s): 36

Primary Sponsor: Rep. Brophy McGee, Co-Sponsor(s): Rep. Carter

**HB2126 private prisons; regulation**

Expands duties and requirements for private prisons managed by the State Department of Corrections. Specifically these duties relate to the reporting of major incidents, employing security officers, and housing of prisoners. Also requires the private prison to deliver a report each month to the Directors of the Department of Public Safety and Department of Corrections.

ARS Title(s): 41

Primary Sponsor (s): Rep. Campbell, Rep. Mach, Rep. Wheeler, Rep. Alston Co-Sponsor(s): Rep. Gabaldón, Rep. Gallego, Rep. Hernandez, Rep. McCune Davis, Rep Dalessandro, Rep. Ontondo

**HB2127 private prisons security officers; certification**

Requires that all security officers working at a private prison have proper, minimum required certification.

ARS Title(s): 41

Primary Sponsor (s): Rep. Campbell, Rep. Wheeler Co-Sponsor(s): Rep. Alston , Rep. Gabaldón, Rep. Gallego, Rep. Hernandez, Rep. Mach, Rep. McCune Davis, Rep Dalessandro, Rep. Ontondo

**HB2128 adult incarceration contracts; cost comparison**

Puts forth criteria for judging the services provided by private contractors on a biennial basis to determine whether the services provided are equal to or better than the State's on a cost-benefit basis. These cost comparisons are then submitted to the joint Legislative Budget Committee.

ARS Title(s): 41

Primary Sponsor (s): Rep. Campbell, Rep. Wheeler, Co-Sponsor(s): Rep. Alston, Rep. Mach, Rep. Hernandez, Rep. McCune Davis, Rep Dalessandro, Rep. Otondo

**HB2129 private prisons; prisoner transfer; prohibition**

Redefines private prison and legally binds private prisons to only accept transfers of adult prisoners from within the state.

ARS Title(s): 41

Primary Sponsor(s): Rep. Campbell, Rep. Wheeler, Rep. Alston, Co-Sponsor(s): Rep. Dalessandro, Rep. Hernandez, Rep. McCune Davis, Rep. Otondo

**HB2130 private prisons; prisoners; facility; limits**

Prohibits private prisons from building, purchasing, or expanding their facilities.

ARS Title(s): 41

Primary Sponsor(s): Rep. Campbell, Rep. Wheeler, Co-Sponsor(s): Rep. Alston, Rep. Dalessandro, Rep. Hernandez, Rep. McCune Davis, Rep. Otondo

**HB2131 private prison study committee**

Establishes the private prison study committee.

Primary Sponsor(s): Rep. Campbell, Rep. Gallego, Rep. Wheeler Co-Sponsor(s): Rep. Alston, Rep. Dalessandro, Rep. Gabaldón, Rep. Hernandez, Rep. McCune Davis, Rep. Otondo

**HB2132 auditor general; private prison monitoring**

Provides for a special audit by the Auditor General of the State Department of Corrections.

Primary Sponsor(s): Rep. Campbell, Rep. Wheeler Co-Sponsor(s): Rep. Alston, Rep. Dalessandro, Rep. Gabaldón, Rep. Hernandez, Rep. McCune Davis, Rep. Otondo

**HB2133 private prison contractors; public records**

Requires private prisons to make the same information required from state, county, and municipally operated prisons and jails public upon request, including all records relating to their costs, operations, staff and inmates.

ARS Title(s): 41

Primary Sponsor(s): Rep. Campbell, Rep. Wheeler, Co-Sponsor(s): Rep. Alston, Rep. Dalessandro, Rep. Gabaldón, Rep. Gallego, Rep. Hernandez, Rep. Mach, Rep. McCune Davis, Rep. Otondo

**HB2218 unlawful exposure; sexually transmitted diseases**

Defines acts of unlawful exposure by a person with the human immunodeficiency virus or a sexually transmitted disease as a Class 6 Felony.

ARS Title(s): 13

Primary Sponsor(s): Rep. Alston, Rep. Gonzalez Co-Sponsor(s): Rep. Mendez

**HB2236 border security; drug trafficking; appropriation**

Grants appropriating to country sheriffs to assist local drug control operations to prevent drug trafficking.

ARS Title(s): 41

Primary Sponsor(s): Rep. Stevens, Rep. Smith, Rep. Thorpe

**HB2239 collateral source evidence; admissibility**

Allows the defendant in an action to recover damages for personal injury, wrongful death, or damage to or destruction of property to introduce evidence establishing the costs or losses of the plaintiff are subject to reimbursement of indemnification from a collateral source.

ARS Title(s): 12

Primary Sponsor(s): Rep. Stevens

**HB2288 state regulation of firearms**

Adds state and state agencies to the list of government bodies prohibited from enacting certain rules regulating or requiring licensing or registration of firearms or ammunition.

ARS Title(s): 13

Primary Sponsor(s): Rep. Smith

**HB2291 Arizona firearms; prohibited enforcement**

Prohibits enforcement of any United States government regulations of a personal firearm, a firearm accessory, or ammunition by a public servant, federally licensed dealer, or official, agent or employee of the federal government. The attorney general is appointed to defend any citizen of Arizona who is prosecuted by the United States government for violation of a federal law relating to firearms.

ARS Title(s): 13

Primary Sponsor(s): Rep. Smith, Rep. Kwasman, Rep. Seel, Rep. Stevens, Rep. Thorpe

**HB2322 rule making; restrictions**

Prohibits state agencies from adopting a new rule or an amendment to an existing rule which would restrain or burden the free exercise of vested rights. Any person subject to a civil or criminal proceeding arising from the enforcement of a rule in violation shall have a defense to the enforcement action.

ARS Title(s): 41

Primary Sponsor(s): Rep. Farnsworth

**HB2360 drug possession; medical assistance; probation**

Specifies the court shall place a person convicted of personal possession or use of a controlled substance or drug paraphernalia on probation if that person was experience an overdose and in need of medical assistance or in good faith seeking medical assistance for another person experiencing an overdose.

ARS Title(s): 13

Primary Sponsor(s): Rep. Mendez, Rep. Gallego Co-Sponsor(s): Rep. Alston

**HB2377 prohibited possessor, voluntary commitment; restoration**

Expands definition of prohibited possessor to mean a person who has been hospitalized for evaluation, care and treatment and who's right to possess a firearm has not been restored. The prohibited professor in this position may apply to a court where they reside to restore their right to possess a firearm.

ARS Title(s): 13

Primary Sponsor(s): Rep. Campbell

**HB2378 destruction; forfeited or unclaimed weapons**

Allows firearms o be sold or disposed of in the same manner as any other unclaimed property. Forfeited weapons no longer required to be sold within one year after forfeiture, although must be sold to businesses authorized under local, federal, and state law.

ARS Title(s): 12, 13

Primary Sponsor(s): Rep. Campbell

**HB2379 prohibited possessor; order of protection**

Expands definition of prohibited possessor to mean a person who has been issued an order of protection at a hearing prohibiting that person from possessing a firearm.

ARS Title(s): 13

Primary Sponsor(s): Rep. Campbell

**HB2380 concealed carry; permit requirements; offense**

Violations subject to this legislation will be issued to the Department of public Safety for the immediate suspension of a person's firearm permit. The Department of Safety will issue such permits if a person satisfactorily completes a firearms safety training program they have approved, excluding PEACE officers and active duty county detention officers. Also sets the standards against which the Department of Public Safety will approve a firearms safety training program.

ARS Title(s): 13

Primary Sponsor(s): Rep. Campbell

**HB2381 firearms; sales; transfers; background checks**

The sale or transfer of an assault weapon must be completed through a licensed firearms dealer complying with all requirements of federal, state, and local law. Violations are a class 1 misdemeanor. Operators of "firearm shows" are required to notify all firearms exhibitors in writing and pose signs at the show stating that a national instant criminal background check must be completed before all firearms sales or transfers.

ARS Title(s): 13, 44

Primary Sponsor(s): Rep. Campbell

**HB2383 domestic violence; arrest; predominant aggressor**

Specifies age of arrested persons to at least fifteen years of age. Requires PEACE officers to make an attempt after arresting both parties for domestic violence to determine if either party was the predominant aggressor, after which the officer may

choose not to arrest the party identified as not being the predominant aggressor. Lays out considerations for the PEACE officer to consider when determining whether one party is the predominant aggressor.

ARS Title(s): 13

Primary Sponsor(s): Rep. Pierce Co-Sponsor(s): Rep. Miranda

**HB2386 utilities; tampering**

Adds intentionally “tampering with utility property” to acts that constitute criminal damage, a class 2 misdemeanor. Where the damage causes an imminent safety hazard, the act is a class 4 felony.

ARS Title(s): 13, 40

Primary Sponsor(s): Rep. Pierce

**HB2387 recovery of attorney fees**

Modifies how a prevailing party is determined as it pertains to the award of attorney’s fees in civil actions.

ARS Title(s): 12

Primary Sponsor(s): Rep. Pierce

**HB2388 law enforcement; protective armor; costs**

Provides for the reimbursement for and replacement of protective armor for law enforcement officers by the relevant law enforcement agency.

ARS Title(s): 38

Primary Sponsor(s): Rep. Pierce, Rep. Borrelli, Rep. Gallego, Rep. Seel, Rep. Stevens

**HB2421 identifying information; peace officers; spouses**

Expands eligibility to spouse of a PEACE officer to file an affidavit to request county officers and the Department of Transportation to prohibit access to their residential address and telephone number contained in certain public records.

ARS Title(s): 11, 16, 28, 39

Primary Sponsor(s): Rep. Borrelli, Rep. Thorpe, Rep. Townsend Co-Sponsor(s): Rep. Brophy McGee, Rep. Cardenas, Rep. Carter, Rep. Fan, Rep. Kwasman, Rep. Larkin, Rep. Lesko, Rep. Livingston, Rep. Orr, Rep. Otondo, Rep. Petersen, Rep. Shope, Sen. Bradley

**HB2424 salvia divinorum; unlawful acts**

Raises the age for using the substance salvia divinorum to eighteen. Makes it unlawful to sell, dispense, distribute, furnish, or administer salvia divinorum, or give or offer to sell for those purposes to any person under twenty-one years of age under a class 2 misdemeanor.

ARS Title(s): 13

Primary Sponsor(s): Rep. Meyer, Rep. Wheeler Co-Sponsor(s): Rep. Mach, Rep. Otondo

**HB2431 state guard; firearm equipment**

Technical revision of the definition of a semi-automatic firearm. Makes State Guards eligible to possess particularly suited firearms or equipment for the purpose of maintaining proficiency. Particularly suited firearm or equipment is defined to cover semi-automatic firearms.

ARS Title(s): 13, 26

Primary Sponsor(s): Rep. Seel

**HB2463 appearance bonds; exoneration**

Requires a surety to relieve a defendant from liability on the appearance bond if one of several circumstances applies.

ARS Title(s): 13

Primary Sponsor(s): Rep. Gowan

**HB2466 posttraumatic stress; training; police; judges**

Requires the Supreme Court to establish a training program for all judges certified by the Director of the Department of Health Services on recognizing and understanding posttraumatic stress disorder.

ARS Title(s): 12, 41

Primary Sponsor(s): Rep. Thorpe