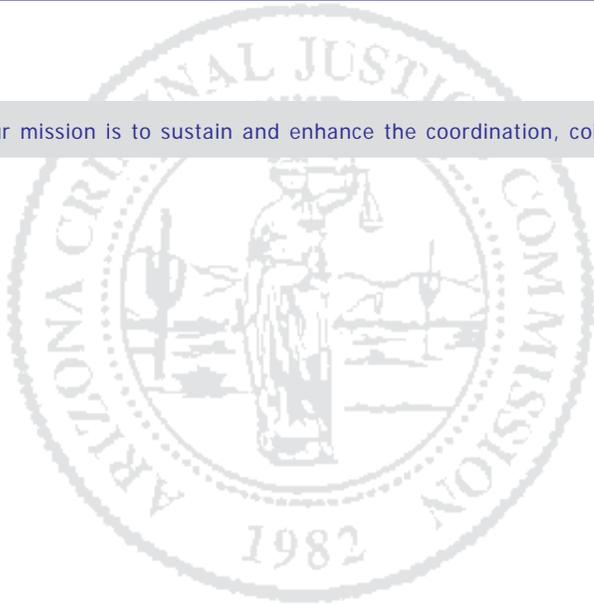


# Arizona Criminal Justice Commission

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*

*48th Arizona  
State Legislature*

*Second Regular Session*

2008

July

# ARIZONA CRIMINAL JUSTICE COMMISSION



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## **Arizona Criminal Justice Commission 2008 Legislative Report**

The second session of the 48<sup>th</sup> Arizona State Legislature ran longer than the previous, with sine die called on June 27, 2008. There were 1,380 bills posted, with 347 bills passing through both the Senate and the House. Of those 347 bills, 315 were signed into law and 32 were vetoed. The Arizona Criminal Justice Commission (ACJC) tracked more than 250 bills that affected the criminal justice system.

### **Criminal justice issues in 2008**

Legislation that drew public attention included bills that sought to bring more accountability to Child Protective Services (CPS). Several bills were passed in the Senate and House then signed by the governor. S1100 revises language allowing the court to request services from the Division of Child and Family Services when there is reason to believe a child may be the victim of abuse or neglect. H2594 requires a CPS worker to make a good faith effort to promptly obtain and abide by court orders that restrict or deny custody, contact or visitation by a parent or other person in the home with the child and includes other provisions. H2599 requires Child Protective Services (CPS) to notify and provide information to a law enforcement agency if it is reported that the child is at risk of serious harm and is missing. The information provided to law enforcement is required to be entered into state and national missing persons databases. H2602 allows the Department of Public Safety (DPS) to exchange criminal history records with the Department of Economic Security (DES) for the purpose of safety and risk assessment during a CPS investigation. H2453 stipulates that court proceedings relating to dependent children, permanent guardianship, and termination of parental rights are open to the public (unless good cause to close the proceedings is shown). H2455 Makes several changes to the child welfare statutes, including release of records and the establishment of joint protocols.

Also noteworthy: The Attorney General's Cold Case Task Force, convened via legislative mandate, held public meetings in 2007 and released its report December 28, 2007 (available at [www.azag.gov](http://www.azag.gov)). Following the release of the report, Sen. John Huppenthal sponsored three cold case bills: S1274 (ACJC; Cold Case Investigation Protocol), S1278 (Cold Case; Jurisdiction; Victim's Rights), and S1412 (Biological evidence; retention; preservation).

Two of the bills—S1274 and S1412—were signed into law. S1274 added the following to ARS 41-2405, one of ACJC's enabling statutes: "*Compile and disseminate information on best practices for cold case investigations, including effective victim communication procedures. For the purposes of this paragraph, "cold case" means a homicide or a felony sexual offense that remains unsolved for one year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads.*" To meet these requirements, ACJC will develop a page within its web site to include cold case best practices information. ACJC also will post information pertaining to cold case grant and training opportunities for local law enforcement. ACJC also will use its e-newsletter, *Views and News*, to publicize the web page and other information. In addition, ACJC will reach out to stakeholder organizations such as the Arizona County Attorneys and Sheriffs Association and the Arizona Association of Chiefs of Police to share this information with their memberships.

The other cold case bill, S1412, requires all identified biological evidence that is secured in connection with a felony sexual offense or homicide to be retained for specified periods of time. The legislation does not regulate the management of the evidence; the legislation requires that government entities with jurisdiction over the evidence establish policies and procedures to preserve evidence so that it can be DNA tested. This includes postconviction evidence as well as cold case evidence in

specific cases where there is no statute of limitation for prosecution. The legislation defines biological evidence. The Forensic Services Advisory Committee, chaired by retired Maricopa County Judge Ron Reinstein, contributed to the drafting of the legislation and will continue to examine these issues in future meetings.

One of the more comprehensive bills that impacts the criminal justice system is H2207, the sentencing reorganization bill. The classification and sentencing provisions of the Criminal Code (Title 13, Chapters 6 and 7) are reorganized. Sentencing provisions requiring math are replaced with charts. Related provisions are grouped in the same statute and unrelated provisions are grouped in separate statutes. Definitions common to multiple statutes in Title 13 are placed in one section (§13-105). Virtually all sentencing provisions in Chapter 7 are organized in a logical sequence. No substantive or philosophical changes are made to the sentencing code, with the exception of three minimum or maximum sentences that are rounded.

Several other criminal justice issues were addressed in this session—illegal immigration and human smuggling, accomplice liability, photo radar enforcement and DUI. Also, there were “fixes” to legislation passed last session, including S1332, which included a fix for the arrestee DNA provisions passed last year, and S1021, which adds a cross-reference to the sex offender community notification statutes pertaining to the annual probation hearing for a probationer who is under 22 years of age. This is a companion to the youthful sex offender legislation passed last session. H2745, Employer Sanctions Amendments, is an emergency measure that limits the prohibitions against knowingly or intentionally employing an unauthorized alien to employees hired after December 31, 2007, and excludes independent contractors from the definition of employee. This is in reference to the employer sanctions legislation passed in the previous session.

## **Budget issues**

While legislation impacting criminal justice statutes kept stakeholders busy, the most critical issue was the budget shortfall. Shortly after the first session of the 48<sup>th</sup> Legislature ended in June 2007, the legislature learned that the state was facing a shortfall in projected revenue from FY 07—more than \$200 million. The deficit grew to \$1.2 billion by early 2008. As a result, the legislature and the governor’s office immediately began addressing the budget crisis as the second session began. Appropriations hearings were held publicly, but many agency directors were not allowed to comment in public (on record) about the impact of proposed cuts to their respective agencies. Budget negotiations among a small group of legislators took place behind closed doors. On April 17, H2620 was referred to Senate Appropriations, where a striker amendment was proposed and adopted. The subject of the striker amendment was fiscal adjustments for the FY ‘07–‘08 budget. The legislation included hundreds of millions of dollars in budget cuts and fund transfers (sweeps). For nearly every agency head, this was the first look at proposed cuts to their agencies. The governor signed the legislation the next day.

ACJC cuts under H2620:

- \$900,000 for criminal justice information sharing. This was included in ACJC’s budget last year as a two-year total of \$1.7 million (\$900K in ‘08 and \$800K in ‘09). This money was designated for upgrades to the Arizona Disposition Reporting System (ADRS). This project is housed at DPS.
- \$100,000 for special prosecution programs. The total listed in the grant announcement when it was posted in March was \$994,200. With the reduction under HB 2620, the total will be \$894,200.

*The source for both of these items was general fund money. This is all pass-through funds—ACJC did not keep any of this money.*

Other cuts to ACJC programs under H2620:

- \$2 million fund sweep from the Victims Assistance and Compensation Fund (non-general fund money)
- \$1.2 million from the DUI Abatement Fund (ACJC contracts as the fiscal agent for the DUI Council—the Council makes determinations for awarding the money—also, non-general fund money).

These were direct cuts to programs under ACJC's purview; stakeholders faced budget cuts under separate line items in H2620.

Once the budget shortfall for FY '07-'08 was addressed in April, the legislature and the governor's office immediately began addressing the budget shortfall for FY '08-'09, which was estimated at \$2 billion. The budget process was conducted in the same manner that produced H2620, but the deadline was tight: unless the legislature and the governor could produce and sign an agreeable budget by June 30, the state government faced shutdown on July 1, the beginning of the fiscal year. On June 25, Senate Appropriations offered and adopted a budget striker amendment to H2209. The House and Senate passed the budget, and the governor signed it on June 27.

Impact of the budget cuts/sweeps under H2209 on ACJC's programs:

The legislature cut the following funding for these programs:

- \$2 million, which completely eliminates the money for County Meth project
- \$800,000, completely eliminates the funding for ADRS (through DPS)
- \$130,000, taken from Special Prosecution grants.

The legislature swept the following funds:

- \$100,000, taken from Criminal Justice Enhancement fund, which does not completely deplete this fund
- \$1,550,000 from state aid to county attorneys fund (Fill the Gap)
- \$1,550,000 from state aid to indigent defense fund (Fill the Gap).

Although this is a significant amount swept from the Fill the Gap program, the statute reads: "*41-2409. State aid; administration: By September 1 of each year, the commission shall distribute monies in the fund to each county according to the following composite index formula...*" This is the amount that has built up in the fund since last September, and it was swept. However, although counties will not receive the full amount in August, the account will continue to accumulate revenue and ACJC anticipates being able to make quarterly disbursements beginning in October 2008, and then every quarter after that. ACJC informed the stakeholders and will work with them accordingly.

Again, these were direct cuts to programs under ACJC's purview; stakeholders faced budget cuts under separate line items in H2209.

The Criminal Justice Budget Reconciliation Bill (BRB) for the FY '08-'09 (H2210) established the Public Safety Equipment Fund, which consists of monies from DUI, OUI and OAU assessments. The first \$3 million received each fiscal year is distributed as a continuing appropriation to DPS for protective armor, electronic stun devices and other safety equipment. These monies are exempt from lapsing. Appropriates \$500,000 from first monies received in the PSE Fund in FY 08-09 to the Arizona Criminal Justice Commission (ACJC) for distribution to state and local law enforcement and other governmental entities for fire suppression kits for Ford Crown Victoria vehicles to aid in the prevention of fires resulting from rear end collisions. ACJC must distribute the monies on a first

come, first served basis with a maximum of \$1,000 per vehicle. The bill contained other provisions impacting the criminal justice community, including allowing the Department of Public Safety (DPS) to charge law enforcement agencies for any crime laboratory services performed for that agency. The bill also requires DPS to enter into a contract or contracts with a private vendor or vendors to establish a state Photo Enforcement System consisting of cameras placed throughout the state to enforce statutes relating to vehicle traffic and speed. Establishes a civil penalty or fine of \$165 for a citation or notice of violation for state photo enforcement. Specifies that a court must not transmit abstracts of records of these violations to ADOT. Establishes the Photo Enforcement Fund which: consists of monies received from citations or notices of violation; is subject to legislative appropriation; monies are appropriated to DPS for administrative and personnel costs of the state; monies in the fund in excess of \$250,000 at the end of each calendar quarter must be deposited into the state general fund. These photo enforcement provisions apply retroactively to July 1, 2008. The bill also establishes a \$45 surcharge for individuals that choose to take defensive driving school. These monies must be deposited in the state general fund. The bill Renames the Arizona Public Safety Communications Commission as the Arizona Public Safety Communications Advisory Commission and moves the Commission from DPS to the Government Information Technology Agency (GITA).

### **Summary report of ACJC-tracked legislation**

The following pages provide brief summaries of the legislation that ACJC tracked. This includes bills that were signed into law, bills that failed to pass the state legislature, and bills that were vetoed by the governor. The summaries include the status of the bill, the ARS Title(s) Affected, and the bill's original sponsor(s). **Please note:** bills that are amended during the process may not be supported by the original sponsor. This is particularly true with striker bills in which all original language is stricken from the proposed bill and new language is inserted. Often, the new language has nothing to do with the original intent of the bill. Summary information in this report was gathered from the Arizona Legislative Information Services (ALIS) online ([www.azleg.gov](http://www.azleg.gov)). Any questions regarding this report should be directed to Mary Marshall, ACJC Public Information Officer, at [mmarshall@azcjc.gov](mailto:mmarshall@azcjc.gov) or at 602/364-1146.

## 2008 SENATE BILLS

The following section includes Senate bills that were signed into law, bills that failed to pass the state legislature, Senate concurrent resolutions and bills that were vetoed by the governor. The summaries include the status of the bill, the ARS Title(s) Affected and the bill's original sponsor(s). **Please note:** bills that are amended during the process may not be supported by the original sponsor. This is particularly true with striker bills in which all original language is stricken from the proposed bill and new language is inserted. Often, the new language has nothing to do with the original intent of the bill. Information is compiled from sources at Arizona Legislation Information Services (ALIS) online; full bill information can be found at [www.azleg.gov](http://www.azleg.gov).

### **BILLS THAT PASSED**

#### **S1011: SEXUAL PREDATORS; SCHOOLS; RESIDENCY RESTRICTIONS**

Subjects individuals to current residency restriction requirements if the individual is convicted of an offense committed in another jurisdiction that would be classified as a dangerous crime against children (DCAC) if committed in Arizona. Also specifies the manner in which measurements for residency restrictions are taken.

Primary sponsor: Sen. Tibshraeny.  
Signed by the governor, 4/4/08.  
ARS Title(s) Affected: 13.

#### **S1013: ARREST WARRANTS; CHILD SUPPORT; FIDUCIARY**

Removes the declaration that facsimiles of judicial officers' signatures that are applied to fiduciary and child support arrest warrants under the supervision of judicial officers are deemed to be the authorized signatures.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 4/4/08.  
ARS Title(s) Affected: 14, 25.

#### **S1016: UNLAWFUL SEXUAL CONDUCT; CORRECTIONAL FACILITIES**

Clarifies that a person commits unlawful sexual conduct by *intentionally* or *knowingly* engaging in any act of a sexual nature with an offender who is in the custody of the Arizona Department of Corrections (ADC), the Arizona Department of Juvenile Corrections, a private prison facility or a city or county jail.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 5/15/08.  
ARS Title(s) Affected: 13.

**S1018: RESTITUTION WRIT; JUDGMENT**

Changes to landlord-tenant statute clarifying that a court issues a writ of restitution if the defendant is found guilty of forcible entry and detainer or forcible detainer.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 4/04/08.  
ARS Title(s) Affected: 12.

**S1021: COMMUNITY NOTIFICATION; JUVENILE SEXUAL PREDATORS**

Adds a cross-reference to the sex offender community notification statutes pertaining to the annual probation hearing for a probationer who is under 22 years of age.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 4/4/08.  
ARS Title(s) Affected: 13.

**S1043: RETIREMENT; CORP; JUDICIAL DEPARTMENT (~~REAL ESTATE DISCLOSURE; LIENS~~)**

Original bill enables a real property escrow agent to provide a home buyer and seller with written information regarding their ability to purchase title insurance. Striker amendment allows the local board of the judiciary to designate a position with the Administrative Office of the Courts (AOC) as a Correctional Officers Retirement Plan (CORP) position and limits the designation of CORP positions to those that provide training or technical expertise to probation, surveillance or juvenile detention officers.

Primary sponsor: Sen. Tibshraeny.  
Signed by the governor, 5/12/08.  
ARS Title(s) Affected: 38.

**S1050: COURT REPORTER CERTIFICATION**

Authorizes the Arizona Supreme Court to adopt administrative rules to determine the duration of certification for court reporters.

Primary sponsor: Sen. Linda Gray.  
Signed by the governor, 4/21/08.  
ARS Title(s) Affected: 32.

**S1056: LAW ENFORCEMENT MERIT SYSTEM; CONTINUATION**

Continues the Law Enforcement Merit System Council for seven years.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 4/4/08.  
ARS Title(s) Affected: 41.

**S1057: LAW ENFORCEMENT OFFICER; DEFINITION;  
REPRESENTATION**

Excludes a detention, corrections, probation or surveillance officer who is a probationary employee from provisions relating to interviews that may lead to his/her dismissal, demotion or suspension or from provisions relating to evidence during an appeal of a disciplinary action.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 4/16/08.  
ARS Title(s) Affected: 38.

**S1067: ESCAPE; DEFINITION**

Excludes time spent on escape status when calculating if the offense was committed within 10 years for a Class 2 or 3 felony or five years for a Class 4, 5, or 6 felony. Also corrects conflicting versions of A.R.S. 13-604 relating to conviction of criminal street gang activity.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 4/14/08.  
ARS Title(s) Affected: 13, 41.

**S1068: CRIMINAL APPEALS**

Prohibits defendants from appealing the following if a defendant's absence prevented sentencing from occurring within 90 days after conviction and the defendant fails to prove by clear and convincing evidence that the absence was involuntary: final judgments of conviction or verdict of guilty except insane; and an order denying a motion for a new trial.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 4/14/08.  
ARS Title(s) Affected: 13.

**S1070: CONCEALED WEAPONS PERMIT; QUALIFICATIONS;  
INSTRUCTOR**

Requires a person who applies to DPS for a concealed weapons permit to provide adequate documentation to DPS showing that the person has satisfactorily completed a DPS authorized firearms safety training program. Defines *adequate documentation* as a certificate, card or document of completion from an authorized firearms safety training program, dated not more than five years earlier than the date of application, that has affixed to it the stamp, seal or signature of the instructor or organization that conducted the training program, or a current or expired permit issued by DPS. Provides that an organization's firearms safety training be conducted by instructors who are authorized by DPS or possess National Rifle Association instructor certifications in pistol and personal protection.

Primary sponsor: Sen. Chuck Gray. Co-sponsor: Sen. Linda Gray.  
Signed by the governor, 6/10/08.  
ARS Title(s) Affected: 13.

**S1100: CPS SERVICES; CHILD CUSTODY; COURT ORDER  
(~~INTEGRATED FAMILY COURT; COURT ORDERS~~)**

Revises language allowing the court to request services from the Division of Child and Family Services when there is reason to believe a child may be the victim of abuse or neglect. Reference HB 2594.

Primary sponsor: Sen. Landrum Taylor. Co-sponsors: Rep. Cloves Campbell Jr., Sen. Arzberger, Sen. Garcia, Sen. Linda Gray, Sen. McCune Davis, Sen. O'Halleran, Sen. Rios, Sen. Soltero.  
Signed by the governor, 4/28/08.  
ARS Title(s) Affected: 25.

**S1153: IMPROVISED EXPLOSIVE DEVICE; DEFINITION**

Reformats the definition of *prohibited weapon* and modifies it by including an *improvised explosive device* and any combination of parts or materials that is designed and intended for use in making or converting a device into an *improvised explosive device*; and specifying that a chemical or combination of chemicals, compounds or materials, including dry ice, that is possessed or manufactured for the purpose of generating a gas to cause a mechanical failure, rupture or bursting or an explosion or detonation of the chemical or combination of chemicals, compounds or materials is a *prohibited weapon*. The bill increases the penalty for misconduct involving simulated explosive devices.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 6/19/08.  
ARS Title(s) Affected: 13.

**S1156: AUTOMOBILE THEFT AUTHORITY; PUBLIC RECORDS**

Provides that all personal or vehicle information voluntarily submitted to the Arizona Automobile Theft Authority (AATA), for the purposes of reducing auto theft, be confidential and not available for public disclosure. Also changes the statutory reference from Title 39 to Title 41 of Arizona Revised Statutes.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 5/12/08.  
ARS Title(s) Affected: 39.

**S1165: SALVAGE TITLE; STOLEN VEHICLE TITLE**

Allows an insurance company to apply for a "stolen vehicle certificate of title" in the same manner as for a salvage certificate of title or nonrepairable vehicle certificate of title. Allows for an insurance company to apply for a salvage certificate of title or nonrepairable vehicle certificate of title within thirty days after acceptance by the owner of an offer in settlement of a total loss if the insurance company is unable to obtain a properly endorsed certificate of title or a lien satisfaction, if applicable. Other provisions.

Primary sponsor: Sen. Gorman.  
Signed by the governor, 6/06/08.  
ARS Title(s) Affected: 28.

**S1167: OFF-HIGHWAY VEHICLES; USER FEE (~~FUNERAL ESCORT VEHICLES~~)**

Original bill specifies additional requirements for funeral escort vehicles and uniforms of funeral escort drivers (these provisions were included in H2249, which was signed into law). Strike everything amendment establishes regulations for operating an off-highway vehicle, including licensing and registration requirements, mandatory purchase of an indicia, vehicle equipment requirements and operating regulations.

Primary sponsor: Sen. Linda Gray.  
Signed by the governor, 6/27/08.  
ARS Title(s) Affected: 28, 41.

**S1185: CREDIT REPORT; SCORE; SECURITY FREEZE**

Establishes procedures and requirements for a consumer to request and a credit reporting agency to place or lift a security freeze on the consumer's credit report.

Primary sponsor: Sen. Aguirre. Co-sponsors: Rep. Brown, Rep. Cajero Bedford, Rep. Hershberger, Rep. Lopes, Rep. Lujan, Rep. McClure, Rep. Miranda, Rep. Rios, Rep. Robson, Rep. Sinema, Rep. Tom, Rep. Ulmer, Sen. Aboud, Sen. Carolyn Allen, Sen. Arzberger, Sen. Linda Gray, Sen. Leff, Sen. McCune Davis, Sen. O'Halleran, Sen. Rios, Sen. Soltero, Sen. Verschoor.  
Signed by the governor, 4/16/08.  
ARS Title(s) Affected: 44.

**S1186: JUDICIAL PERFORMANCE REVIEWS; COURT COMMISSIONERS**

Requires the Arizona Supreme Court to adopt and administer a process for evaluating Superior Court Commissioners in counties with a population of 250,000 persons or more. Stipulates that review process, established by court rules, must include written performance standards and performance reviews that survey opinions of persons who have knowledge of the Commissioner's performance. Requires the public to be afforded the opportunity for participation in the evaluation process through public hearings, dissemination of evaluation reports, and any other methods as the court deems advisable.

Primary sponsor: Sen. Chuck Gray. Co-sponsor: Sen. Linda Gray.  
Signed by the governor, 4/28/08.  
ARS Title(s) Affected: 12.

**S1274: ACJC; COLD CASE INVESTIGATION PROTOCOL**

Requires the Arizona Criminal Justice Commission (ACJC) to gather and disseminate information pertaining to best practices for cold case investigations.

Primary sponsor: Sen. Huppenthal.  
Signed by the governor, 4/22/08.  
ARS Title(s) Affected: 41.

**S1332: DNA TESTING; ARREST**

Changes the point at which a person who is charged with a felony or specified misdemeanor offense must submit a DNA sample. Now a person charged with a felony or specified misdemeanor offense and who is summoned to appear in court for an initial appearance shall report, within five days of release on bail or on the person's own recognizance, to the law enforcement agency that arrested the person or its designee to provide a DNA sample. Inserts into the juvenile statute the offenses that require the submission of a DNA sample upon arrest. If a person does not comply, the court shall revoke the person's release.

Primary sponsor: Sen. Chuck Gray.  
Signed by the governor, 6/19/08.  
ARS Title(s) Affected: 13.

**S1336: SEXUAL CONDUCT; MINOR; SCHOOL TEACHER**

Adds teachers, clergymen, and priests to the list of persons for whom sexual conduct with a minor who is at least fifteen years of age is a Class 2 felony.

Primary sponsor: Sen. Bee.  
Signed by the governor, 5/15/08.  
ARS Title(s) Affected: 13.

**S1339: LAW ENFORCEMENT; PROBATION; OFFICERS; INVESTIGATIONS**

Allows for law enforcement officers and probation officers to be subject to a polygraph test during the course of an investigation of the officer that may lead to dismissal, demotion or suspension, if differing statements made by the officer must be reconciled with information known by the officer's employer. Other provisions.

Primary sponsor: Sen. Linda Gray. Co-sponsors: Rep. Kavanagh, Rep. McClure, Rep. Nelson, Rep. Tobin, Sen. Blendu, Sen. Miranda, Sen. Soltero.  
Signed by the governor, 5/12/08.  
ARS Title(s) Affected: 38.

**S1354: ACCOMPLICE LIABILITY**

Expands accomplice liability to include any offense that is a natural and probable or reasonably foreseeable consequence of the offense for which the person was an accomplice.

Primary sponsor: Sen. Pesquiera. Co-sponsors: Sen. Burton Cahill, Sen. McCune Davis.  
Signed by the governor, 6/27/08.  
ARS Title(s) Affected: 13.

**S1355: ATTEMPTED DANGEROUS CRIMES AGAINST CHILDREN**

Adds certain preparatory offenses committed against minors who are under 12 years of age to the list of dangerous crimes against children in the second degree that are classified as class 3 felonies with enhanced sentencing.

Primary sponsor: Sen. Pesquiera. Co-sponsors: Rep. Sinema, Sen. Aboud, Sen. Aguirre, Sen. Burton Cahill, Sen. McCune Davis.

Signed by the governor, 5/12/08.  
ARS Title(s) Affected: 13.

**S1401: SCHOOL SAFETY PROGRAM; RESERVE OFFICERS**

Allows the Arizona Department of Education (ADE) to permit a law enforcement agency to assign a full-authority Arizona Peace Officer Standards and Training Board (AZPOST) certified reserve peace officer to participate in the School Safety Program.

Primary sponsor: Sen. Bee.  
Signed by the governor, 4/22/08.  
ARS Title(s) Affected: 15.

**S1412: BIOLOGICAL EVIDENCE; RETENTION; PRESERVATION**

Requires all identified biological evidence that is secured in connection with a felony sexual offense or homicide to be retained for specified periods of time. Allows probative samples of biological evidence to be stored and defines “cold case” and “biological evidence.”

Primary sponsor: Sen. Huppenthal. Co-sponsors: Sen. Allen, Sen. Linda Gray, Sen. Johnson.  
Signed by the governor, 6/24/08.  
ARS Title(s) Affected: 13.

**S1456: PUBLIC RECORDS; STORAGE**

Allows each state agency or any of the state’s political subdivisions to implement a program for the production or reproduction of records on microfiche, digital imaging or other electronic media.

Primary sponsor: Sen. Gould. Co-sponsor: Rep. Groe.  
Signed by the governor, 4/22/08.  
ARS Title(s) Affected: 39, 41.

**S1476: PROBATION; FACILITIES; SAFE COMMUNITIES ACT**

Allows the court to adjust the period of a defendant’s supervised probation for earned time credit. Requires the Legislature to annually appropriate up to 40 percent of any cost savings related to a reduction in probation revocations, to be deposited in the Adult Probation Services Fund of each county, if there is a reduction in the percentage of supervised probationers who are convicted of a new felony offense.

Primary sponsor: Sen. Huppenthal. Co-sponsor: Sen. Linda Gray.  
Signed by the governor, 6/27/08.  
ARS Title(s) Affected: 12, 13, 41.

## **BILLS THAT FAILED**

### **S1003:      **SERIOUS SENTENCES; CONSECUTIVE SENTENCING****

States if multiple sentences of imprisonment are imposed on a person at the same time and at least one of the sentences is for a serious offense as defined in ARS 13-604, the sentences imposed by the court shall run consecutively.

Primary sponsor: Sen. Waring.

Last action: 1/14/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

### **S1004:      **EXTREME DUI; JAIL****

Prohibits the suspension of the jail sentence of a person convicted of extreme driving under the influence (DUI). Recodifies provisions allowing a judge to order a person convicted of first and second extreme DUI to submit to continuous alcohol monitoring or twice daily alcohol testing. Repeals language as necessary to remove conflicting statutory language. Reference H2090.

Primary sponsor: Sen. Waring.

Last action: 3/24/08, referred to House Transportation in addition to House Government and House Commerce.

ARS Title(s) Affected: 28.

### **S1005:      **DUI; HOME DETENTION; INELIGIBILITY****

A person convicted of DUI shall not be placed under home detention, in a prisoner work, community restitution work or home detention program.

Primary sponsor: Sen. Waring.

Last action: 1/14/08, referred to Senate Public Safety and Human Services.

ARS Title(s) Affected: 5, 9, 11.

### **S1007:      **DUI; AGGRAVATED; SENTENCES****

States person is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in prison if he/she has been convicted of a violation of ARS 28-1381, ARS 28-1382 or ARS 28-1383.

Primary sponsor: Sen. Waring.

Last action: 1/14/08, referred to Senate Public Safety and Human Services.

ARS Title(s) Affected: 28.

### **S1008:      **DRIVERS LICENSE SUSPENSIONS; ACCIDENTS****

Initially provided a mechanism for law enforcement officers to suspend a license on arrest of DUI. Striker requires a law enforcement officer to immediately suspend the license of a person involved in a traffic accident that involved serious physical injury or death under certain circumstances. Reference S1184.

Primary sponsor: Sen. Waring.

Last action: 2/26/08, failed in Senate Transportation.

ARS Title(s) Affected: 28.

**S1017: CAPITAL OUTLAY; FY2008-2009 (~~FIREARMS; PEACE OFFICERS~~)**

Original language prohibits entities from restricting peace officers from carrying firearms, except as permitted by law. Became a striker vehicle in House Appropriations (appropriated funds to the Department of Public Safety for the design, construction and implementation of a microwave communications system upgrade).

Primary sponsor: Sen. Chuck Gray.

Last action: 6/25/08, from House Rules okay.

ARS Title(s) Affected: 38.

**S1033: DUI; COMMUNITY RESTITUTION; DRIVER LICENSE**

Prohibits the Arizona Department of Transportation, Motor Vehicle Division (MVD) from issuing a new license to a person convicted of a second regular Driving Under the Influence (DUI) offense or second Extreme DUI offense unless the person completes community restitution or alternative sanctions ordered by the court. Also provides that the driver's license suspension period does not begin until the offender's term of incarceration for a moving violation ends. The bill contains a delayed effective date of December 31, 2008.

Primary sponsor: Sen. Waring.

Last action: 3/24/08, referred to House Transportation in addition to House Government and House Commerce.

ARS Title(s) Affected: 28.

**S1036: CRIMINAL OFFENSES; CONSECUTIVE SENTENCING**

Expands the basis by which a consecutive sentence is imposed upon an individual under the jurisdiction of the Arizona Department of Corrections (ADC) to include non-felony offenses committed while the individual is under the jurisdiction of the ADC. Currently, the consecutive term is applied to additional sentences resulting only from felony offenses.

Primary sponsor: Sen. Waring.

Last action: 3/18/08, from House Public Institutions and Retirement, do pass.

ARS Title(s) Affected: 13.

**S1037: GRAFFITI; PARENT RESPONSIBILITY (~~DISABLED PERSONS; ORGANIZATIONS; LICENSE PLATES~~)**

Striker allows, under certain conditions, the court to order a juvenile's parent or guardian to assist the juvenile in the performance of community restitution if the juvenile is convicted of a second or subsequent graffiti offense. Reference H2701.

Primary sponsor: Sen. Harper.

Last action: 6/04/08, passed Senate conference, transmitted to the House.

ARS Title(s) Affected: 8.

**S1060: LAW ENFORCEMENT OFFICERS; INTERVIEWS**

Permits law enforcement officers and probation officers the rights to representation, evidence on appeal, change of hearing officer or administrative law judge and definitions during an interview if the law enforcement or probation officer reasonably believes that the interview

could result in dismissal, demotion or suspension. This section also prohibits the admissibility of any evidence collected during an interview in violation with this section

Primary sponsor: Sen. Waring.

Last action: 1/14/08, referred to Senate Public Safety and Human Services; Senate Government.

ARS Title(s) Affected: 38.

**S1062: SENTENCING; NATURAL LIFE IMPRISONMENT**

If the state seeks the death penalty for a first degree murder charge, the individual sentenced shall not have the option of a life sentence, but rather a sentence of death or natural life.

Primary sponsor: Sen. Waring.

Last action: 4/10/08, held in House Judiciary.

ARS Title(s) Affected: 13.

**S1065: THEFT; MEANS OF TRANSPORTATION; JAIL**

Person convicted of theft of means of transportation and sentenced to probation on the first offense shall be sentenced to a term of one year in the county jail. The sentence shall not be deleted or suspended and shall commence on the day of sentencing.

Primary sponsor: Sen. Chuck Gray.

Last action: 1/14/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

**S1066: THEFT; MEANS OF TRANSPORTATION; SENTENCE**

A person who commits theft of means of transportation as a second offense shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except pursuant to ARS 31-233, subsection A or B until the sentence imposed by the court has been served or the sentence is commuted.

Primary sponsor: Sen. Chuck Gray.

Last action: 1/14/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

**S1069: BOARD OF FINGERPRINTING; FINGERPRINTING REQUIREMENTS**

Requires persons serving on the Board of Fingerprinting to obtain a fingerprint clearance card pursuant to current statute. Reference H2254.

Primary sponsor: Sen. Chuck Gray.

Last action: 1/14/08, referred to Senate Government.

ARS Title(s) Affected: 41.

**S1072: AHCCCS; PROOF OF CITIZENSHIP**

Requires an Arizona Health Care Cost Containment System (AHCCCS) Administration employee to make a written report to federal immigration authorities if the employee discovers any violation of federal immigration law by an applicant. Failure to report illegal status is a class 2 misdemeanor.

Primary sponsor: Sen. Harper. Co-sponsors: Rep. Pearce, Sen. Burns, Sen. Huppenthal.

Last action: 2/11/08, from Senate Public Safety and Human Service, do pass.

ARS Title(s) Affected: 36.

**S1077: MISSING PERSONS; LAW ENFORCEMENT DUTIES**

Adds chapter 44 of ARS Title 41 to add procedure for the reporting and handling of cases involving missing persons or unidentified human remains. Also defines a missing person and unidentified human remains.

Primary sponsor: Sen. Allen.

Last action: 1/14/08, referred to Senate Public Safety and Human Services and Senate Judiciary.

ARS Title(s) Affected: 41.

**S1080: OPERATING UNDER THE INFLUENCE; WATERCRAFT**

Increases penalties for persons convicted of operating a watercraft while intoxicated (OUI). Specifies OUI, extreme OUI and aggravated OUI. Eliminates the penalty for persons who refuse to submit to an alcohol or drug test. Reference H2643.

Primary sponsor: Sen. Linda Gray. Co-sponsors: Rep. Groe, Rep. Pearce, Rep. Jim Weiers, Sen. Huppenthal, Sen. O'Halleran, Sen. Verschoor.

Last action: 3/25/08, referred to House Government, House Commerce, and House Transportation.

ARS Title(s) Affected: 5, 28.

**S1090: FINGERPRINTING; AIDING CONVICTION**

Includes "aiding" in the commission of specified crimes as cause for prohibiting the issuance of a fingerprint clearance.

Primary sponsor: Sen. Linda Gray.

Last action: 1/16/08, referred to Senate Rules.

ARS Title(s) Affected: 41.

**S1094: LIQUOR NEAR CASH REGISTERS; PROHIBITION**

Prohibits a retail store or employee of a retail store to display spirituous liquor within 30 feet of a cash register. Does not apply to spirituous liquor in storage containers.

Primary sponsor: Sen. Garcia.

Last action: 1/16/08, referred to Senate Commerce and Economic Development.

ARS Title(s) Affected: 4.

**S1099: PARTIAL-BIRTH ABORTION; DEFINITION**

An emergency measure that changes the definition of partial-birth abortion and increases, from a class 6 felony to a class 5 felony, the penalty for a physician who knowingly performs a partial-birth abortion. Reference S1048 and H2769.

Primary sponsor: Sen. Linda Gray. Co-sponsors: Rep. Adams, Rep. Barnes, Rep. Barto, Rep. Biggs, Rep. Burges, Rep. Kavanagh, Rep. McComish, Rep. Murphy,

Rep. Pearce, Rep. Stump, Rep. Tobin, Rep. Yarbrough, Sen. Bee, Sen. Blendu, Sen. Burns, Sen. Flake, Sen. Gorman, Sen. Gould, Sen. Chuck Gray, Sen. Harper, Sen. Huppenthal, Sen. Johnson, Sen. Verschoor, Sen. Waring.  
Last action: 3/25/08, held in COW.  
ARS Title(s) Affected: 13.

**S1103: LOBBYISTS; PROHIBITED ACTS**

Any designated public lobbyist or authorized public lobbyist shall not knowingly provide false information to any public official. Violation is a class 1 misdemeanor and prohibits a lobbyist from acting as a lobbyist, designated or authorized public lobbyist for a period of three years after the date of the conviction. Reference S1462.

Primary sponsor: Sen. McCune Davis.  
Last action: 1/16/08, referred to Senate Government.  
ARS Title(s) Affected: 41.

**S1127: LIQUOR LICENSES; INSURANCE; DRUG PARAPHERNALIA**

Every person who applies for a spirituous liquor license, or a transfer or renewal of a spirituous liquor license shall provide documentation to the department that the person has obtained liability insurance in at least the minimum coverage amount determined by the director. Includes drug paraphernalia, as defined, sold, used or displayed on the licensed premises as grounds for revocation, suspension and refusal of license renewal.

Primary sponsor: Sen. McCune Davis.  
Last action: 1/23/08, referred to Senate Commerce and Economic Development.  
ARS Title(s) Affected: 4.

**S1132: FIREARMS; RESTAURANTS; POSTING**

Allows possession of a pistol on the premises of a restaurant licensee if the licensee has posted a notice providing permission. Prohibits persons in possession of a pistol on the premises of a restaurant licensee from consuming spirituous liquor.

Primary sponsor: Sen. Harper. Co-sponsor: Sen. Gorman.  
Last action: 4/09/08, referred to House Judiciary.  
ARS Title(s) Affected: 4, 5, 13, 28.

**S1136: PRISONERS; INCARCERATION; COUNTY JAIL**

Revises sentencing of incarceration for persons serving one year or less in the Department of Corrections to serve the term in the county jail. Persons sentenced to term of incarceration for more than one year shall serve the term in the state Department of Corrections. Establishes that the director shall provide medical and health services and may provide psychiatric care and treatment for those in the care of the Department of Corrections.

Primary sponsor: Rep. Chevront. Co-sponsor: Sen. Chuck Gray.  
Last action: 1/24/08, referred to Senate Public Safety and Human Services and Senate Appropriations.  
ARS Title(s) Affected: 5, 13, 28, 31.

**S1140: LAW ENFORCEMENT; SAFETY EQUIPMENT; APPROPRIATION**

Redirects additional assessments paid by DUI offenders to the Public Safety Equipment (PSE) Fund, instead of the state General Fund (GF). Appropriates the first \$3,000,000 received each fiscal year to the Department of Public Safety (DPS) for protective armor, electronic stun devices and other safety equipment and exempts the monies from lapsing. Appropriates the first \$500,000 received by the PSE Fund in FY 2008-2009 to the Arizona Criminal Justice Commission (ACJC) for distribution to state and local law enforcement for active or passive fire suppression kits for Ford Crown Victoria vehicles, distributed on a first-come, first-served basis. Reference H2210.

Primary sponsor: Sen. Waring.

Last action: 2/18/08, from Senate Public Safety and Human Services, do pass.

ARS Title(s) Affected: 5, 28, 41.

**S1142: PRIVATE PRISONS; REGULATION**

Sets forth regulations for private prisons relating to housing of inmates, liability insurance coverage, transportation of inmates and employment of prison guards.

Primary sponsor: Sen. Blendu.

Last action: 2/20/08, referred to Senate Public Safety and Human Services.

ARS Title(s) Affected: 41.

**S1154: SIMULATED EXPLOSIVE DEVICES; CLASSIFICATION**

Increases the penalty for misconduct involving simulated explosive devices from a class 1 misdemeanor to a class 4 felony.

Primary sponsor: Sen. Chuck Gray.

Last action: 2/18/08, held in Senate Judiciary.

ARS Title(s) Affected: 13.

**S1155: JURISDICTION; SMALL CLAIMS DIVISIONS**

Prohibits an action that is filed in the small claims division from being transferred to the justice court for any reason.

Primary sponsor: Sen. Chuck Gray.

Last action: 1/24/08, referred to Senate Judiciary.

ARS Title(s) Affected: 22.

**S1161: CONCEALED WEAPONS PERMIT; FEE**

Sets the fee for renewing a concealed weapons permit at \$65, removing the discretion of DPS to charge a fee as determined by DPS.

Primary sponsor: Sen. Chuck Gray. Co-sponsors: Sen. Blendu, Rep. Nelson.

Last action: 1/24/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

**S1184: DUI; TREATMENT; EDUCATION; IGNITION INTERLOCK**

Requires the Arizona Department of Transportation's (ADOT) Motor Vehicle Division (MVD) to order a person whose license is suspended as a result of a driving under the

influence offense to complete treatment as a condition of license reinstatement. Requires a law enforcement officer to serve an order of suspension that is effective seven days after it is served if the officer has probable cause to believe a person was under the influence and caused a traffic accident resulting in death or serious physical injury. Reference S1008.

Primary sponsor: Sen. Linda Gray. Co-sponsors: Rep. Groe, Rep. Schapira, Sen. Verschoor.

Last action: 3/25/08, referred to House Government; House Commerce; and House Judiciary.

ARS Title(s) Affected: 28.

**S1187: BUDGET RECONCILIATION; CRIMINAL JUSTICE  
(~~AGGRAVATED ASSAULT; PEACE OFFICERS~~)**

Original language increases the penalties for committing aggravated assault against a peace officer. Striker establishes a \$45 surcharge for individuals that choose to take defensive driving school. These monies must be deposited in the Public Safety and Criminal Justice Fund. Establishes the Public Safety and Criminal Justice Fund and requires the monies to be distributed as follows: The first \$3 million as a continuing appropriation to the Department of Public Safety and also appropriates 19 FTEs. All other monies must be spent on Homeland Security projects. Requires the Department of Administration to submit an expenditure plan for review by the JLBC prior to expenditure of any monies not previously reviewed by JLBC. Other provisions.

Primary sponsor: Sen. Chuck Gray. Co-sponsor: Sen. Linda Gray.

Last action: 6/25/08, House COW approved, as amended.

ARS Title(s) Affected: 13.

**S1190: COUNTY SHERIFFS; POWERS AND DUTIES**

Expands the duties of the sheriff to include transportation of prisoners to court for appearances in that county.

Primary sponsor: Sen. Chuck Gray.

Last action: 3/03/08, stricken from Senate consent calendar.

ARS Title(s) Affected: 11.

**S1191: NONPAYMENT OF FINES; FEES; CONSEQUENCES**

Classifies as a class 2 misdemeanor failure to comply with an order to pay a fine, a fee or incarceration costs and permits the court to file a written complaint and issue a summons or warrant of arrest for the defendant's appearance.

Primary sponsor: Sen. Chuck Gray.

Last action: 2/25/08, failed in Senate Judiciary.

ARS Title(s) Affected: 13.

**S1192: PERJURY; CLASSIFICATION**

Allows the state to withdraw from an immunity agreement or plea agreement and reinstate the original charge against a person if that person commits a violation that is related to the immunity or plea agreement. It also redefines the felony class of perjury under specified circumstances.

Primary sponsor: Sen. Chuck Gray.  
Last action: 4/16/08, failed in House Appropriations.  
ARS Title(s) Affected: 13.

**S1207: VICTIMS' RIGHTS; PUBLIC RECORDS; REDACTIONS**

Regarding a victim's right to privacy concerning public record information, redaction of information would also exclude any records that contain more than one person's information and law enforcement is unable to determine which person is the victim.

Primary sponsor: Sen. Chuck Gray.  
Last action: 1/28/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 13.

**S1214: CONCEALED WEAPONS; SCHOOL GROUNDS**

Allows a person with a valid concealed carry weapons (CCW) permit to possess a concealed firearm on the grounds of a community college or university.

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Barnes, Rep. Biggs, Rep. Clark, Rep. Crump, Rep. Groe, Rep. Nichols, Rep. Pearce, Sen. Blendu, Sen. Verschoor.  
Last action: 3/11/08, from Senate Rules, amended.  
ARS Title(s) Affected: 13.

**S1231: REIMBURSEMENT COSTS; DUI AND DRUG OFFENSES**

Requires a person convicted of certain drug offenses to reimburse the political subdivision that is responsible for the costs that are associated with the person's conviction.

Primary sponsor: Sen. Linda Gray.  
Last action: 3/25/08, referred to House Judiciary.  
ARS Title(s) Affected: 13, 28.

**S1257: JUDICIAL SALARIES; UNDETERMINED CAUSES; NOTICE**

A judge or commissioner shall not receive payment unless the judge certifies that no cause, action or case before the judge or commissioner remains pending and undetermined for 60 days after it has been submitted for decision.

Primary sponsor: Sen. Chuck Gray.  
Last action: 1/31/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 12.

**S1259: MATERIAL WITNESSES; JUVENILES; RELEASE CONDITIONS**

Allows the court to temporarily detain a juvenile undocumented alien in juvenile detention if the juvenile is considered a material witness.

Primary sponsor: Sen. Chuck Gray.  
Last action: 1/31/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 13.

**S1275: LAW ENFORCEMENT OFFICERS; ARREST; RESPONSIBILITY**

Officers must maintain safety and welfare for minor children whose parent or guardian has been arrested. The officer must determine that if the child is released to another individual, the person is appropriate and responsible and must retrieve information of the individual to maintain a record of custody.

Primary sponsor: Sen. Huppenthal.

Last action: 1/31/08, referred to Senate Public Safety and Human Services.

ARS Title(s) Affected: 13.

**S1278: COLD CASE; JURISDICTION; VICTIM'S RIGHTS**

A sheriff or county attorney shall have the right to investigate a cold case homicide in any county in the state. Also permits a victim to request jurisdictional change of a cold case investigation. The sheriff or county attorney shall provide copies of all records and evidence that the sheriff maintains on a cold case as defined in statute.

Primary sponsor: Sen. Huppenthal.

Last action: 1/31/08, referred to Senate Judiciary.

ARS Title(s) Affected: 11, 13.

**S1319: DRUG OFFENSES; PROBATION; PARENTING CLASS**

Requires a person convicted of personal possession or use of a controlled substance or drug paraphernalia, who is placed on probation, to attend an appropriate parenting class if the person is a parent, guardian or custodian of a child under age 18 at the time of the offense.

Primary sponsor: Sen. Pesquiera. Co-sponsors: Rep. Prezelski, Rep. Young Wright, Sen. Aboud, Sen. Arzberger, Sen. Chuck Gray, Sen. Linda Gray, Sen. Hale, Sen. Landrum Taylor, Sen. Miranda, Sen. Rios, Sen. Soltero.

Last action: 3/17/08, stricken from Senate consent calendar.

ARS Title(s) Affected: 13.

**S1333: ORGANIZED RETAIL THEFT**

Classifies organized retail theft as a class 5 felony. Defines organized retail theft as theft of merchandise by a person or persons using themselves, an emergency exit, or device to facilitate in the theft with the intent to resell or trade the merchandise for money or goods. Classifies association with organized retail theft as a "continuing criminal episode" if the merchandise valued is \$1,500 or more and the thefts occurred three times or more in a consecutive 90-day period.

Primary sponsor: Sen. Chuck Gray.

Last action: 2/04/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

**S1335: AGGRAVATED DOMESTIC VIOLENCE; VIOLATION**

Reduces, from three offenses to two, the number of domestic violence offenses of which a person must have been convicted within seven years to be guilty of aggravated domestic violence.

Primary sponsor: Sen. Bee.  
Last action: 3/12/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**S1363: MARRIAGE LICENSE FEES; DOMESTIC VIOLENCE**

Adds in addition to other court fees, the court clerk will charge a fee for each filing of a certified copy or abstract of marriage application or license for which the fee presently is charged. The fees collected will then be transferred to the state treasurer for deposit in the domestic violence shelter fund established by ARS 36-3002.

Primary sponsor: Sen. Aboud. Co-sponsors: Sen. Aguirre, Sen. Pesquiera, Rep. Sinema.  
Last action: 2/04/08, referred to Senate Public Safety and Human Services.  
ARS Title(s) Affected: 12, 36.

**S1365: ANIMAL FIGHTING**

Classifies animal fighting as a class 5 felony. Also prohibits the owning, possessing, keeping or training any animal with the intent that such animal engage in an exhibition of fighting with another animal. Does not include exhibition of animals for things such as hunting, ranching, farming, rodeos, shows and security services. Reference H2153.

Primary sponsor: Sen. Aboud. Co-sponsors: Sen. Aguirre, Sen. Pesquiera, Rep. Sinema.  
Last action: 2/04/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 13.

**S1367: MISDEMEANORS; SENTENCING; AGGRAVATING CIRCUMSTANCES**

Gives the courts the ability to increase a sentence if the defendant commits a misdemeanor offense and the crime was committed based on the victim's race, color, religion, national origin, sexual orientation, gender or disability or if the defendant's malice was based on the assumption thereof.

Primary sponsor: Sen. Aboud. Co-sponsors: Sen. Aguirre, Sen. Arzberger, Rep. Cloves Campbell Jr., Sen. Hale, Sen. McCune Davis, Sen. Miranda, Sen. O'Halleran, Sen. Pesquiera, Sen. Rios, Rep. Sinema, Sen. Soltero.  
Last action: 2/04/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 13.

**S1374: EMPLOYER SANCTIONS**

An emergency measure that limits the prohibitions against knowingly or intentionally employing an unauthorized alien to employees hired after December 31, 2007, and excludes independent contractors from the definition of employee. Requires the Arizona Attorney General (AG) to establish a Voluntary Employer Enhanced Compliance Program. Establishes requirements pertaining to employers that pay hourly wages or salary by cash. Prohibits, after September 30, 2008, an agency or political subdivision from issuing a license to an individual who does not establish the individual's legal presence and a government entity from awarding a contract to any contractor or subcontractor that fails to use E-Verify.

Establishes the crime of knowingly accepting the false identity of another person or entity and expands the definitions of identity theft and trafficking in the identity of another person or entity. Reference H2745.

Primary sponsor: Sen. Burns.

Last action: 4/24/08, Senate COW approved as amended.

ARS Title(s) Affected: 13, 23.

**S1386: DOMESTIC VIOLENCE; DEFINITION**

Excludes persons who are residing or have resided together as roommates but were not involved in a romantic or sexual relationship in the definition of domestic violence.

Primary sponsor: Sen. Linda Gray.

Last action: 2/27/08, held in Senate Public Safety and Human Services.

ARS Title(s) Affected: 13.

**S1395: ELECTIONS; BALLOT PROCESSING; SCANNERS (~~ORDERS OF PROTECTION; ANIMALS~~)**

Original bill allows courts to grant an order of protection allowing the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent. Reference H2681. Striker amendment establishes an optional procedure for counties to scan and store images of ballots.

Primary sponsor: Sen. Johnson. Co-sponsors: Sen. Aboud, Sen. Aguirre, Sen. Allen, Sen. Cheuvront, Sen. Harper, Sen. Huppenthal, Sen. Soltero, Sen. Verschoor.

Last action: 2/27/08, from Senate Judiciary, amended.

ARS Title(s) Affected: 13.

**S1396: SEX OFFENDERS; COMMUNITY NOTIFICATION; REVIEW**

After placing a sex offender on a notification level, the sheriff or police department must provide the offender with the notification level and the right to review that level. Also sets guidelines for the review process and duties of the review board and police departments/sheriff's office.

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Pearce, Rep. Cloves Campbell Jr.

Last action: 2/06/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

**S1400: GUN-FREE ZONES; LIABILITY**

Holds any agency or political subdivision of this state or any person, organization or entity that establishes a gun-free zone liable for damages that result from criminal conduct that occurs against an individual in the gun-free zone if a reasonable person believes that possession of a firearm could have helped the individual defend against the criminal conduct. Defines codes for criminal conduct and gun-free zones.

Primary sponsor: Sen. Johnson. Co-sponsors: Rep. Barnes, Sen. Blendu, Rep. Burges, Rep. Clark, Sen. Gould, Rep. Kavanagh, Rep. Pearce, Sen. Verschoor, Rep. Yarbrough.

Last action: 2/06/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

**S1405: EQUINE TRIPPING; VIOLATION (~~ELECTION LAW; EARLY VOTING; PPE~~)**

Classifies tripping an equine for sport or entertainment as a class 1 misdemeanor (presumptive sentence is up to 6 months in jail and a fine of up to \$2,500). Reference H2539.

Primary sponsor: Sen. Chuck Gray.

Last action: 4/30/08, passed House ready for Senate action on amendments.

ARS Title(s) Affected: 13.

**S1408: PROHIBITED POSSESSORS; UNDOCUMENTED ALIENS**

Removes references to federal law regarding undocumented aliens possessing firearms and enumerates undocumented and nonimmigrant aliens as prohibited possessors. Reference H2486.

Primary sponsor: Sen. Verschoor.

Last action: 3/11/08, Senate COW, approved as amended.

ARS Title(s) Affected: 13.

**S1432: DOMESTIC VIOLENCE; CHILD CUSTODY**

Modifies considerations for determining child custody when a parent is acting in good faith to protect a child from domestic violence and establishes the burden of proof necessary to overcome the presumption that domestic violence is contrary to the best interests of the child.

Primary sponsor: Sen. Leff.

Last action: 4/21/08, held in House Judiciary.

ARS Title(s) Affected: 25.

**S1445: DRIVER'S LICENSE SUSPENSIONS; INCARCERATION**

If a person is sentenced to a term of incarceration for a moving traffic violation and that person's driver license is suspended as a result of the conviction, the period of suspension begins after completion of the term of incarceration and the Department of Motor Vehicles shall not reinstate that person's driver license until the person provides proof that the person has been released from confinement for at least the prescribed period of suspension.

Primary sponsor: Sen. Waring.

Last action: 2/07/08, referred to Senate Transportation.

ARS Title(s) Affected: 28.

**S1451: TECH CORRECTION; LASER POINTERS**

Technical change to crime of aiming laser pointer at a peace officer. Likely striker vehicle.

Primary sponsor: Sen. Gould.  
Last action: 2/11/08, referred to Senate Rules.  
ARS Title(s) Affected: 13.

**S1459: PROBATION; DRUG OFFENSES; UNDOCUMENTED ALIENS**

Requires the court to order, as an initial term of probation, undocumented aliens convicted of a first or second drug offense to be imprisoned in the county jail for 30 days. Contains requirements for enactment for initiatives and referendums (Prop 105).

Primary sponsor: Sen. Gould. Co-sponsors: Rep. Groe, Sen. Harper.  
Last action: 3/20/08, failed to pass Senate.  
ARS Title(s) Affected: 13.

**S1460: SEX CONDUCT; MINOR; JAIL**

Increases the penalty of sexual conduct with a minor who is at least 15 years of age from a class 6 felony to a class 4 felony. As a term of probation, the court shall sentence a person convicted of sexual conduct with a minor to one year in the county jail.

Primary sponsor: Sen. Gould. Co-sponsors: Rep. Groe, Sen. Harper.  
Last action: 3/25/08, referred to House Judiciary.  
ARS Title(s) Affected: 13

**S1462: LOBBYISTS; MISLEADING PUBLIC OFFICIALS; VIOLATION**

Prohibits, and classifies as a class 1 misdemeanor, knowingly providing false information to a public official, board or commission (public official) or withholding information with the intent to prejudice a decision by a public official. Reference S1103.

Primary sponsor: Sen. Gould.  
Last action: 2/19/08, from Senate Government, do pass.  
ARS Title(s) Affected: 13.

**S1474: JUSTICE COURT FEES; COURT FACILITIES**

Allows the presiding justice of the peace, with concurrence of the Board of Supervisors, to approve a \$15 increase for warrant and civil default fees.

Primary sponsor: Sen. Gould. Co-sponsor: Rep. Groe.  
Last action: 3/13/08, failed to pass Senate.  
ARS Title(s) Affected: 41.

**S1483: CENTRAL STATE REPOSITORY; HATE CRIMES**

Requires the state central repository to include crimes committed against person based on the individual's gender identity or expression or sexual orientation.

Primary sponsor: Sen. Burton Cahill. Co-sponsor: Rep. Meza.  
Last action: 2/11/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 41.

**S1500: UNBORN CHILDREN; METHAMPHETAMINE ADDICTED MOTHERS**

Establishes procedures for the detention and treatment of an expectant mother believed to be using methamphetamine (meth). Establishes the crime of child abuse against an unborn child.

Primary sponsor: Sen. Gorman. Co-sponsors: Rep. Anderson, Rep. Biggs, Rep. Kavanagh, Rep. Nichols, Rep. Yarbrough, Sen. Aguirre, Sen. Blendu, Sen. Burns, Sen. Chuck Gray, Sen. Linda Gray, Sen. Harper, Sen. Verschoor.

Last action: 3/20/08, from Senate Rules okay.

ARS Title(s) Affected: 8, 13.

**S1505: PHOTO ENFORCEMENT ZONES; SIGNAGE**

Requires the placement of additional signs indicating that a photo radar system is present and operational to be placed 600 feet before the photo radar system. Requires a citation issued for a violation detected by photo radar to include a signed statement by a sworn law enforcement officer indicating that photo radar signage standards and specifications were met during the operation of the photo radar system at the time of the violation. Other provisions. Reference H2662, H2722 and SCR 1033.

Primary sponsor: Sen. Gorman. Co-sponsors: Rep. Biggs, Rep. Groe, Rep. Nichols, Rep. Pearce, Sen. Blendu, Sen. Gould.

Last action: 2/18/08, from Senate Transportation, do pass.

ARS Title(s) Affected: 28.

## **SENATE CONCURRENT RESOLUTIONS**

A concurrent resolution is processed through both the senate and the house but is not signed by the governor. It may provide for the following:

- An expression of opinion, commemoration, congratulations or sentiment of both houses.
- Submittal of a referendum to the voters.
- Legislative action involving the process of amending the Arizona or United States Constitution.

NOTE: None of the resolutions passed; however, other resolutions did pass. One criminal justice memorial was passed. For a full list of resolutions and memorials, please visit [www.azleg.gov](http://www.azleg.gov).

### **SCR1001: JUDICIAL APPOINTMENT COMMISSIONS; NON-ATTORNEY MEMBERS**

Subject to voter approval, constitutionally prohibits a person who has been admitted to the practice of law from serving as a non-attorney member of the Commission on Appellate Court Appointments (Appellate Court Commission) and the Commission on Trial Court Appointments (Trial Court Commission).

Primary sponsor: Sen. Chuck Gray.

Last action: 2/06/08, from Senate Judiciary as amended.

ARS Title(s) Affected: 98.

### **SCR1006: JURY TRIAL; ELIGIBILITY**

Upon voter approval, would amend the Arizona Constitution, granting every individual in a criminal prosecution the right to a jury trial.

Primary sponsor: Sen. Chuck Gray. Co-sponsor: Sen. Blendu.

Last action: 1/24/08, referred to Senate Judiciary.

ARS Title(s) Affected: 98.

### **SCR1007: HOMELAND SECURITY FORCE; COMMITTEE**

Subject to voter approval, statutorily creates a Homeland Security Committee, Force and Fund.

Primary sponsor: Sen. Harper.

Last action: 1/28/08, held in Senate Government.

ARS Title(s) Affected: 97.

### **SCR1009: PUBLIC AGENCY LOBBYISTS**

Subject to voter approval, statutorily prohibits a public officer or employee, consultant or independent contractor retained by or for a public officer, employee, agency or department, board or commission (agency) or any political subdivision of the state from lobbying or expending public resources to lobby the legislature with certain exceptions.

Primary sponsor: Sen. Linda Gray. Co-sponsors: Rep. Anderson, Rep. Burgess, Rep. Clark, Rep. Farnsworth, Rep. Pearce, Rep. Jim Weiers, Rep. Yarbrough, Sen. Blendu, Sen. Burns, Sen. Gould, Sen. Huppenthal, Sen. Johnson.  
Last action: 2/04/08, held in Senate Government.  
ARS Title(s) Affected: 97.

**SCR1010: JURY DETERMINATION; FACT; LAW**

Upon voter approval, declares juries as judges of law and matters of fact in criminal cases.

Primary sponsor: Sen. Chuck Gray. Co-sponsor: Rep. Nelson.  
Last action: 1/24/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 97.

**SCR1013: JUDICIAL APPOINTMENT COMMISSIONS; CHIEF JUSTICE**

Upon voter approval, changes the status of the chief justice of the state Supreme Court from being a voting member of the Supreme Court on the Commission on Appellate Court Appointments and the Commission on Trial Court Appointments to a nonvoting member.

Primary sponsor: Sen. Chuck Gray. Co-sponsor: Rep. Nelson.  
Last action: 1/28/08, referred to Senate Judiciary.  
ARS Title(s) Affected: 97.

**SCR1033: SPEEDING CITATION; PHOTO ENFORCEMENT SYSTEMS**

Subject to voter approval, statutorily limits the issuance of photo enforcement system citations to speed violations for vehicles traveling faster than 85 percent of the vehicles on the highway and specifies how to determine the minimum speed limit that will result in a citation. Reference S1505, H2662 and H2722.

Primary sponsor: Sen. Gould.  
Last action: 2/13/08, from Senate Transportation, do pass.  
ARS Title(s) Affected: 97.

**SCM1004: FEDERAL TAX INTERCEPT PROPOSAL**

SCM 1004 requests that the U.S. Congress enact legislation authorizing the U.S. Department of Treasury to intercept federal tax refunds in order to pay overdue victim restitution and other financial obligations ordered by state and local courts.

Primary sponsor: Sen. Tibshraeny. Co-sponsors: Rep. Nelson, Rep. Paton, Rep. Pearce, Rep. Prezelski, Rep. Robson, Rep. Jerry Weiers, Sen. Carolyn Allen, Sen. Chevront, Sen. Linda Gray, Sen. Johnson, Sen. Verschoor.  
Last action: 4/01/08, sent to the secretary of state.  
ARS Title(s) Affected: 99.

## **BILLS VETOED BY THE GOVERNOR**

### **S1048: PARTIAL BIRTH ABORTIONS; DEFINITION**

Changes the definition of partial-birth abortion and establishes a penalty for a physician who knowingly performs a partial-birth abortion. Reference S1099 and H2769.

Primary sponsor: Sen. Linda Gray.

Vetoed by the governor, 6/27/08.

ARS Title(s) Affected: 13.

### **S1106: CONCEALED WEAPONS PERMIT; RENEWAL OPTION**

Allows concealed weapon permit holders to obtain a permit that is valid for the holder's lifetime unless the permit is suspended or revoked.

Primary sponsor: Sen. Chuck Gray. Co-sponsors: Rep. Biggs, Rep. Burges, Rep. Clark, Rep. Kavanagh, Rep. Mason, Rep. McComish, Rep. Nichols, Rep. Jerry Weiers, Sen. Blendu, Sen. Gould, Sen. Linda Gray, Sen. Harper.

Vetoed by the governor, 5/27/08.

ARS Title(s) Affected: 13.

## 2008 HOUSE BILLS

The following section includes House bills that were signed into law, bills that failed to pass the state legislature, House concurrent resolutions and bills that were vetoed by the governor. The summaries include the status of the bill, the ARS Title(s) Affected and the bill's original sponsor(s). **Please note:** bills that are amended during the process may not be supported by the original sponsor. This is particularly true with striker bills in which all original language is stricken from the proposed bill and new language is inserted. Often, the new language has nothing to do with the original intent of the bill. Information is compiled from sources at Arizona Legislation Information Services (ALIS) online; full bill information can be found at [www.azleg.gov](http://www.azleg.gov).

### **BILLS THAT PASSED**

#### **H2003: TRAFFIC SURVIVAL SCHOOL; MAXIMUM ENROLLMENT**

Limits the number of enrollees attending a Traffic Survival School (TSS) training class. Also removes the cap of 40 students and allows as many students as the lawful fire safety capacity of the facility.

Primary sponsor: Rep. Reagan.  
Signed by the governor, 4/11/08.  
ARS Title(s) Affected: 28.

#### **H2036: STATE HOSPITAL EMPLOYEES; DISEASE TESTING**

Allows an employee of the Arizona State Hospital (State Hospital) or the employing agency to petition the court for an order authorizing testing of a State Hospital patient for specified diseases, under certain conditions.

Primary sponsor: Rep. Thrasher. Co-sponsors: Rep. Chad Campbell, Rep. Chabin, Rep. McClure, Rep. McGuire, Rep. Pancrazi, Rep. Schapira, Rep. Sinema, Rep. Ulmer, Sen. O'Halleran.  
Signed by the governor, 5/15/08.  
ARS Title(s) Affected: 13.

#### **H2042: SCHOOLS; EMPLOYEES; SERIOUS CRIMES (~~DOA; ENERGY CONSERVATION STANDARDS~~)**

Striker amendment requires a public school employee or applicant who is arrested for or convicted of an offense that would preclude the individual from receiving a fingerprint clearance card to immediately notify his or her current or prospective employer. It also requires the State Board of Education (SBE) to adopt rules to revoke a teaching certificate for at least 10 years if the employee or prospective employee who is arrested fails to make the required notification or the employee fails to surrender the certificate or fingerprint clearance card if convicted.

Primary sponsor: Rep. Robson.  
Signed by the governor, 5/20/08.  
ARS Title(s) Affected: 15.

**H2093: SCHOOL CROSSINGS**

Establishes two new subsections to clarify that school crosswalk signs must indicate doubling of the civil penalty as a condition of doubling the fine. Adds an assessment equal to the amount of the civil penalty when the violation occurs where the words “civil penalty will be doubled” is included on the portable school crossing signs.

Primary sponsor: Rep. Biggs.  
Signed by the governor, 5/01/08.  
ARS Title(s) Affected: 28.

**H2109: INTERSTATE COMPACT; ANNUAL ASSESSMENT**

Eliminates the \$25,500 cap for Arizona’s annual assessment as a member state of the interstate compact for the supervision of adult offenders and requires monies to be funded through the adult probation services fund.

Primary sponsor: Rep. Yarbrough. Co-sponsors: Rep. Driggs, Rep. Gallardo, Sen. Johnson, Sen. Miranda.  
Signed by the governor, 6/06/08.  
ARS Title(s) Affected: 12, 31.

**H2120: RETIREMENT; CORP; DPS DETENTION OFFICERS**

Allows detention officers employed by DPS to participate in CORP retirement plan.

Primary sponsor: Rep. McClure.  
Last action: 5/01/08, signed by governor  
ARS Title(s) Affected: 38

**H2129: INTERNET AGE MISREPRESENTATION**

Classifies *unlawful age misrepresentation* as a class 3 felony and as a dangerous crime against children if the victim is under the age of 15.

Primary sponsor: Rep. McClure.  
Signed by the governor, 4/28/08.  
ARS Title(s) Affected: 13.

**H2207: SENTENCING; REORGANIZATION**

The classification and sentencing provisions of the Criminal Code (Title 13, Chapters 6 and 7) are reorganized. Sentencing provisions requiring math are replaced with charts. Related provisions are grouped in the same statute and unrelated provisions are grouped in separate statutes. Definitions common to multiple statutes in Title 13 are placed in one section (§13-105). Virtually all sentencing provisions in Chapter 7 are organized in a logical sequence. No substantive or philosophical changes are made to the sentencing code, with the exception of three minimum or maximum sentences that are rounded.

Primary sponsor: Rep. Farnsworth. Co-sponsors: Rep. Adams, Rep. Biggs, Rep. Burns, Rep. Driggs, Rep. Konopnicki, Rep. Lujan, Rep. Miranda, Rep. Sinema.  
Signed by the governor, 7/07/08.

ARS Title(s) Affected: 8, 11, 12, 13, 15, 20, 25, 31, 41, 46.

**H2210: BUDGET RECONCILIATION; CRIMINAL JUSTICE FY09**

Raises various Superior Court and JP fees approximately 44 percent. Allows the Supreme Court to increase various appellate court fees. Continues the time payment fee. Allows the Department of Public Safety (DPS) to charge law enforcement agencies for crime laboratory services performed for that agency. Continues to redirect monies distributed from the Criminal Justice Enhancement Fund to the Crime Laboratory Assessment Fund. Requires DPS to enter into a contract or contracts with private vendor(s) to establish a state Photo Enforcement System consisting of cameras placed throughout the state to enforce statutes relating to vehicle traffic and speed. Establishes a civil penalty or fine of \$165 for a citation or notice of violation for state photo enforcement. Specifies that a court must not transmit abstracts of records of these violations to ADOT. Establishes the Photo Enforcement Fund that consists of monies received from citations or notices of violation; is subject to legislative appropriation; monies are appropriated to DPS for administrative and personnel costs of the state; monies in the fund in excess of \$250,000 at the end of each calendar quarter must be deposited into the state general fund. These photo enforcement provisions apply retroactively to July 1, 2008. Establishes the Public Safety Equipment Fund (PSE) which consists of monies from DUI, OUI and OAUI assessments. The first \$3 million received each fiscal year is distributed as a continuing appropriation to DPS for protective armor, electronic stun devices and other safety equipment. These monies are exempt from lapsing. Appropriates \$500,000 from first monies received in the PSE Fund in FY 08-09 to the Arizona Criminal Justice Commission (ACJC) for distribution to state and local law enforcement and other governmental entities for fire suppression kits for Ford Crown Victoria vehicles to aid in the prevention of fires resulting from rear end collisions. ACJC must distribute the monies on a first come, first served basis with a maximum of \$1,000 per vehicle. Other provisions.

Primary sponsor: Rep. Burns.

Signed by the governor, 6/27/08.

ARS Title(s) Affected: 5, 12, 13, 22, 28, 41.

**H2248: ELECTRONIC COMMUNICATIONS; HARASSMENT; ORDERS; PROTECTION**

Requires the court to review any evidence of harassment by electronic contact or communication that is submitted to the court by plaintiffs who are filing petitions for injunctions prohibiting harassment or for orders of protection.

Primary sponsor: Rep. Robson.

Signed by the governor, 5/15/08.

ARS Title(s) Affected: 12, 13.

**H2249: MILITARY PROCESSION RIGHT-OF-WAY**

Provides regulations for those participating in and directing a military procession. The bill requires the sheriff to approve the markings on funeral escort vehicles (FEVs) and the uniforms of the drivers of FEVs to ensure that they don't resemble those of law enforcement.

Primary sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Burges, Rep. Clark, Rep. Gallardo, Rep. Tobin, Rep. Tom.  
Signed by the governor, 4/28/08.  
ARS Title(s) Affected: 28.

**H2254: FINGERPRINTING BOARD; GOOD CAUSE EXCEPTIONS**

Requires the members and staff of the Arizona Board of Fingerprinting (Board) to have valid fingerprint clearance cards and stipulates that the Board's hearing officers are to make recommendations, instead of determining, whether to grant or deny good cause exceptions.

Primary sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Burges, Rep. Clark, Rep. Gallardo, Rep. Tobin, Rep. Tom.  
Signed by the governor, 5/08/08.  
ARS Title(s) Affected: 41.

**H2288: INITIATIVE AND REFERENDUM AMENDMENTS**

Modifies deadlines and procedures relating to initiatives and referendums, affecting the solicitation, verification, and counting of signatures. It also outlines the notification duties of the Secretary of State pertaining to political committees.

Primary sponsor: Rep. Stump. Co-sponsors: Rep. Barto, Rep. Clark, Rep. Gallardo, Rep. McClure.  
Signed by the governor, 5/27/08.  
ARS Title(s) Affected: 16, 19.

**H2321: IDENTITY THEFT; FACTUAL INNOCENCE**

Outlines procedures relating to judicial determinations of factual innocence and factual improper party status. Allows a person or prosecuting attorney to petition the superior court for a judicial determination of factual innocence if either of the following occurred as a result of the person's personal identifying information being taken: the person's name was used by another person who was arrested, cited or charged with a criminal offense; or the person's name was entered in a judgment of guilt in a criminal case. Other provisions.

Primary sponsor: Rep. Driggs. Co-sponsors: Rep. Adams, Rep. Cajero Bedford, Rep. Cloves Campbell Jr., Rep. Clark, Rep. Crandall, Rep. Crump, Rep. Gallardo, Rep. McGuire, Rep. Pancrazi, Rep. Schapira, Rep. Thrasher, Sen. Aguirre.  
Signed by the governor, 5/23/08.  
ARS Title(s) Affected: 12.

**H2444: AGGRAVATED ASSAULT; CONSTABLES**

Adds constables and persons summoned and directed by constables to the list of persons against whom assault is classified as aggravated assault.

Primary sponsor: Rep. Kavanagh. Co-sponsor: Rep. Pearce.  
Signed by the governor, 5/12/08.  
ARS Title(s) Affected: 13.

**H2445: AUTO REGISTRATION; THIRD PARTIES; FEES (~~TECH CORRECTION; APPEALS~~)**

Original bill makes a technical correction to criminal appeals. Striker amendment modifies the current fees a third party can retain for services provided for the Arizona Department of Transportation (ADOT).

Primary sponsor: Rep. Pearce.  
Signed by the governor, 6/06/08.  
ARS Title(s) Affected: 28.

**H2453: CHILDREN; OPEN COURT PROCEEDINGS**

Stipulates that court proceedings relating to dependent children, permanent guardianship, and termination of parental rights are open to the public. Requires the court to ask the parties at the first hearing in any dependency, permanent guardianship, or termination of parental rights proceeding if there are any reasons why the proceeding should be closed. Allows a court to close a hearing if good cause is shown.

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Adams, Rep. Burges, Rep. Murphy.  
Signed by the governor, 6/24/08.  
ARS Title(s) Affected: 8.

**H2454: CPS INFORMATION; PUBLIC RECORDS**

Makes several changes to the statutes governing the release of CPS information.

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Adams, Rep. Burges, Rep. Murphy.  
Signed by the governor, 6/24/08.  
ARS Title(s) Affected: 8.

**H2455: CPS FILES; CRIMINAL INVESTIGATIONS (~~CPS; CRIMINAL INVESTIGATIONS~~)**

Makes several changes to the child welfare statutes, including release of records and the establishment of joint protocols. Stipulates that all files, records, reports and other papers compiled in accordance with A.R.S. 8-541 are subject to disclosure pursuant to A.R.S. 8-807. Removes existing language regarding files, records and reports that are open to inspection. States that a CPS worker may interview a child without the prior written consent of the parent, guardian or custodian if the interview is conducted pursuant to the protocols established in A.R.S. 8-817. Other provisions.

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Adams, Rep. Burges.  
Signed by the governor, 6/24/08.  
ARS Title(s) Affected: 8.

**H2478: REDACTION ORDERS; EXPIRATION; NOTICE; FUNDS**

Requires specific persons to be notified six months prior to the expiration of a court-ordered redaction of their personal information from public records. Also states that monies in the Anti-Racketeering Revolving Fund may be used for the payment of relocation expenses for law enforcement officers.

Primary sponsor: Rep. Adams. Co-sponsors: Rep. Crandall, Rep. Crump, Rep. Konopnicki.

Signed by the governor, 4/28/08.

ARS Title(s) Affected: 11, 13, 16, 28.

**H2480: AGGRAVATED LURING; MINORS; SEXUAL EXPLOITATION**

Establishes the offense of aggravated luring of a minor for sexual exploitation, classified as a class 2 felony subject to sentencing as a dangerous crime against children if the victim is under 15 years of age, and requires a person to register as a sex offender upon conviction.

Primary sponsor: Rep. Adams. Co-sponsors: Rep. Burges, Rep. Chad Campbell, Rep. Crandall, Rep. Crump, Rep. Konopnicki, Rep. Murphy.

Signed by the governor, 5/20/08.

ARS Title(s) Affected: 13.

**H2481: HEALTH CARE DISTRICTS; DIRECTORS (~~FIREARMS; MISCONDUCT INVOLVING WEAPONS; AMMUNITION~~)**

Original language defined *ammunition* and classifies the knowing possession of ammunition by a prohibited possessor as misconduct involving weapons. Striker language requires the board of directors of a special health care district to serve staggered four-year terms, except that the term for directors elected from Supervisorial Districts 3 and 4 in the 2008 general election is two years.

Primary sponsor: Rep. Rep. Adams. Co-sponsors: Rep. Chad Campbell, Rep. Crandall, Rep. Crump, Rep. Konopnicki.

Signed by the governor, 7/07/08.

ARS Title(s) Affected: 43.

**H2485: ANIMALS; UNLAWFUL PUBLIC SALE**

Establishes a civil penalty of not more than fifty dollars for the unlawful public sale of animals by knowingly selling an animal on any public highway, street, park or adjacent public property; or any commercial private property without the consent of the property owner or lessee. Restricts the unlawful public sale of animals to those counties with a population of 800,000 persons or more. Provides some exemptions.

Primary sponsor: Rep. Jim Weiers.

Signed by the governor, 7/07/07.

ARS Title(s) Affected: 13.

**H2486: WEAPONS; PROHIBITED POSSESSORS; UNDOCUMENTED ALIENS**

Changes the definition of a *prohibited possessor* relating to undocumented aliens that are traveling with or without documentation in Arizona for business or pleasure; or studying in Arizona and who maintain a foreign residence. Makes some exemptions. Reference S1408.

Primary sponsor: Rep. Jim Weiers. Co-sponsor: Rep. Robson.

Signed by the governor, 3/21/08.

ARS Title(s) Affected: 13.

**H2488: DEFENSIVE DRIVING SCHOOLS**

Provides that as of January 1, 2009, an eligible individual may attend any defensive driving school (DDS) that is certified by the Arizona Supreme Court and complies with the court's automation and reporting requirements. Specifies that a law enforcement officer or other jurisdiction that issues a civil traffic citation shall provide notice to the individual stating that the individual may attend any Supreme Court-certified DDS.

Primary sponsor: Rep. Jim Weiers. Co-sponsor: Rep. Robson.  
Signed by the governor, 4/15/08.  
ARS Title(s) Affected: 28.

**H2554: JUSTICE COURTS; CRIMINAL ACTIONS; JURISDICTION**

Expands, for purposes of determining jurisdiction in a justice of the peace court, the restriction of calculating a penalty assessment to include other added assessments. Excludes time payment fees from being considered part of the fine for purposes of determining jurisdiction.

Primary sponsor: Rep. Biggs.  
Signed by the governor, 4/29/08.  
ARS Title(s) Affected: 22.

**H2566: SCHOOLS; STUDENT TEACHERS; TUTORS; FINGERPRINTING**

An emergency measure that requires student teachers and tutors to have a valid fingerprint clearance card prior to participating in field experience.

Primary sponsor: Rep. Anderson.  
Signed by the governor, 4/28/08.  
ARS Title(s) Affected: 15.

**H2574: AIRPORTS, DESIGNATED SECURITY AREAS; WEAPONS**

Makes it a Class 1 misdemeanor to intentionally carry, possess, or exercise control over a deadly weapon in a secured area of an airport. Defines a *secured area of an airport* as any area of an airport specified in an airport security program that is authorized and approved by the U.S. Transportation Security Administration. Reference H2380.

Primary sponsor: Rep. Jerry Weiers. Co-sponsors: Sen. Linda Gray.  
Signed by the governor, 4/28/08.  
ARS Title(s) Affected: 28.

**H2587: EXTENSION OF CREDIT; IDENTITY THEFT**

Requires lenders to take reasonable steps to verify a consumer's identity before lending money or extending credit. Defines "reasonable steps" as any commercially reasonable action taken by an extender of credit that is intended to improve identity verification or confirmation or to lessen the likelihood of a violation of statute. Other provisions.

Primary sponsor: Rep. Robson. Co-sponsors: Rep. Ableser, Rep. Adams, Rep. Barnes, Rep. Biggs, Rep. Boone, Rep. Brown, Rep. Cajero Bedford, Rep. Cloves Campbell Jr., Rep. Chabin, Rep. Clark, Rep. Crandall, Rep. Crump, Rep. Desimone, Rep. Driggs, Rep. Gallardo, Rep. Konopnicki, Rep. Lopes, Rep.

Mason, Rep. McComish, Rep. McGuire, Rep. Murphy, Rep. Nelson, Rep. Nichols, Rep. Pancrazi, Rep. Prezelski, Rep. Reagan, Rep. Schapira, Rep. Sinema, Rep. Stump, Rep. Thrasher, Rep. Ulmer, Rep. Jim Weiers, Rep. Jerry Weiers, Rep. Yarbrough, Sen. Chuck Gray.

Signed by the governor, 4/16/08.

ARS Title(s) Affected: 44.

**H2594: CPS; COURT ORDERS**

Requires a CPS worker to make a good faith effort to promptly obtain and abide by court orders that restrict or deny custody, contact or visitation by a parent or other person in the home with the child. States that as part of their good faith effort, a CPS worker shall ask the parent, guardian or custodian under investigation if a current court order exists. Reference S1100.

Primary sponsor: Rep. Adams. Co-sponsors: Rep. Anderson, Rep. Barto, Rep. Clark, Rep. Farley, Rep. Murphy.

Signed by the governor, 5/12/08.

ARS Title(s) Affected: 8.

**H2599: CPS; MISSING CHILDREN REPORTS**

Requires Child Protective Services (CPS) to notify and provide information to a law enforcement agency if it is reported that the child is at risk of serious harm and is missing. The information provided to law enforcement is required to be entered into state and national missing persons databases.

Primary sponsor: Rep. Adams. Co-sponsors: Rep. Anderson, Rep. Clark, Rep. Farley, Rep. Murphy.

Signed by the governor, 5/07/08.

ARS Title(s) Affected: 8.

**H2602: CRIMINAL HISTORY RECORDS; DES**

Permits the Department of Public Safety (DPS) to exchange criminal history records with the Department of Economic Security (DES) for the purpose of safety and risk assessment during a Child Protective Services (CPS) investigation.

Primary sponsor: Rep. Adams. Co-sponsors: Rep. Anderson, Rep. Farley, Rep. Murphy.

Signed by the governor, 4/28/08.

ARS Title(s) Affected: 41.

**H2623: CONSTABLES; PEACE OFFICERS STATUS**

Includes constables in the Title 13 definition of a peace officer. States that a constable who is elected or appointed by the county Boards of Supervisors has the authority of a peace officer only in the performance of the constable's official duties and stipulates that deputies appointed by constables must meet minimum peace officer qualifications set forth by the Arizona Peace Officer Standards and Training Board.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Barto, Rep. Burges, Rep. Burns, Rep. Gallardo, Rep. Groe, Rep. Kavanagh, Rep. McLain, Rep. Murphy, Rep. Nelson, Rep. Reagan, Sen. Allen, Sen. Flake, Sen. Linda Gray, Sen. Hale, Sen. Harper.

Signed by the governor, 5/01/08.

ARS Title(s) Affected: 13, 41.

**H2634: CONCEALED WEAPONS PERMIT; FELONY CONVICTIONS**

Allows DPS to issue a permit to an applicant who, among other requirements, meets the following conditions: has a felony conviction that has been expunged, set aside or vacated; or the applicant's rights have been restored and the applicant is currently not a prohibited possessor under state or federal law.

Primary sponsor: Rep. Murphy. Co-sponsors: Rep. Burges, Rep. Chad Campbell, Rep. Crump, Rep. Groe, Rep. Kavanagh, Rep. Mason, Rep. Nichols, Rep. Pearce, Rep. Reagan, Rep. Sinema, Rep. Stump, Rep. Yarbrough.

Signed by the governor, 6/12/08.

ARS Title(s) Affected: 13.

**H2643: DUI, OUI; RESTAURANT LIQUOR LICENSES (~~LIQUOR;~~  
~~RESTAURANT LICENSES, CONTINUED OPERATION~~)**

Makes omnibus changes to statutes related to operating a watercraft under the influence and driving under the influence. Continues, until FY 2012-2013, the Arizona Department of Liquor License and Control's (ADLLC) ability to approve the continuation of a restaurant license (modified restaurant license) for an establishment that derives between 30 and 40 percent of its gross revenue from food sales. Reference S1080.

Primary sponsor: Rep. Crandall.

Signed by the governor, 6/06/08.

ARS Title(s) Affected: 4.

**H2677: REAL ID ACT; IMPLEMENTATION PROHIBITED**

Prohibits Arizona from participating in the Federal REAL ID Act of 2005 (REAL ID), which sets forth federal standards for state-issued drivers license and identification cards.

Primary sponsor: Rep. Burges. Co-sponsors: Rep. Biggs, Rep. Chad Campbell, Rep. Clark, Rep. Crump, Rep. Farnsworth, Rep. Gallardo, Rep. Murphy, Rep. Nichols, Rep. Pearce, Rep. Sinema, Rep. Jerry Weiers, Sen. Aboud, Sen. Carolyn Allen, Sen. Blendu, Sen. Burns, Sen. Chuck Gray, Sen. Linda Gray, Sen. Harper, Sen. Johnson, Sen. Verschoor.

Signed by the governor, 6/17/08.

ARS Title(s) Affected: 28.

**H2694: SCHOOLS; FINGERPRINTING; CONTRACT EMPLOYEES**

Requires a school district to obtain fingerprints from a contractor, subcontractor, vendor or an employee of a contractor, subcontractor, or vendor who is contracted to work on school grounds at least five times per month.

Primary sponsor: Rep. Kavanagh. Co-sponsor: Rep. Reagan.  
Signed by the governor, 5/20/08.  
ARS Title(s) Affected: 15.

**H2701: COUNTY GRAFFITI ABATEMENT; PROCEDURES**

Allows the courts to order a juvenile's parent or guardian to help the juvenile perform community restitution if the juvenile is guilty of a second graffiti offense and certain conditions are met, allows a retail business to determine how to restrict the retail display of potential graffiti tools. Other provisions. Reference S1037.

Primary sponsor: Rep. Burns. Co-sponsors: Rep. Chad Campbell, Rep. Konopnicki.  
Signed by the governor, 7/07/08.  
ARS Title(s) Affected: 11.

**H2745: EMPLOYER SANCTIONS AMENDMENTS**

An emergency measure that limits the prohibitions against knowingly or intentionally employing an unauthorized alien to employees hired after December 31, 2007, and excludes independent contractors from the definition of employee. Requires the Arizona Attorney General (AG) to establish a Voluntary Employer Enhanced Compliance Program. Establishes requirements pertaining to employers that pay hourly wages or salary by cash. Prohibits, after September 30, 2008, an agency or political subdivision from issuing a license to an individual who does not establish the individual's legal presence and a government entity from awarding a contract to any contractor or subcontractor that fails to use E-Verify. Establishes the crime of knowingly accepting the identity of another person or entity and expands the definitions of identity theft and trafficking in the identity of another person or entity. Reference H2341, H2342, S1374.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Anderson, Rep. Barnes, Rep. Barto, Rep. Biggs, Rep. Boone, Rep. Burges, Rep. Clark, Rep. Crandall, Rep. Crump, Rep. Desimone, Rep. Farnsworth, Rep. Groe, Rep. Kavanagh, Rep. Murphy, Rep. Nelson, Rep. Nichols, Rep. Robson, Rep. Stump, Rep. Tobin, Rep. Jim Weiers, Rep. Jerry Weiers, Rep. Yarbrough, Sen. Blendu, Sen. Burns, Sen. Flake, Sen. Chuck Gray, Sen. Linda Gray, Sen. Johnson, Sen. Verschoor.  
Signed by the governor, 5/01/08.  
ARS Title(s) Affected: 13, 23, 41.

**H2842: DROP HOUSE; HUMAN SMUGGLING; FORGERY**

Assigns a class 4 felony to persons or companies that own, sell, lease or broker a transaction involving property or real property that the person or company knows will be used as a *drop house*. Provides a defense to prosecution for unlawful transactions involving drop house properties.

Primary sponsor: Rep. Driggs. Co-sponsors: Rep. Adams, Rep. Crandall, Rep. Kavanagh, Rep. Murphy, Rep. Paton.  
Signed by the governor, 5/07/08.  
ARS Title(s) Affected: 13.

## **BILLS THAT FAILED**

### **H2001: SMOKING IN VEHICLE WITH MINOR**

Prohibits smoking in a vehicle with a minor under the age of 18. Violation is a civil offense.

Primary sponsor: Rep. Schapira. Co-sponsor: Rep. Thrasher.

Last action: 1/14/08, referred to House Transportation.

ARS Title(s) Affected: 28.

### **H2009: CHILD BIGAMY; CHILD CUSTODY**

States court cannot grant custody to a guardian or parent if there is sufficient evidence of child bigamy.

Primary sponsor: Rep. Lujan.

Last action: 1/31/08, from House Human Services, do pass.

ARS Title(s) Affected: 25.

### **H2011: VICIOUS ANIMALS; ATTACKS**

Adds domestic or pet animals as victims of an attack by a vicious animal. Increases the penalty for a second or subsequent attack to a class 6 felony and requires the owner of the vicious animal to do both of the following; have a microchip placed in the animal, and have the animal surgically altered to prevent breeding.

Primary sponsor: Rep. Lujan.

Last action: 1/14/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

### **H2012: DRIVER LICENSES; OUT OF STATE; ID PURPOSES**

Prohibits the state and its political subdivisions from accepting a driver's license issued by another state as a primary source of identification, if the issuing state does not require that a person be lawfully present in the United States in order to receive a driver's license.

Primary sponsor: Rep. Nichols. Co-sponsor: Rep. Pearce.

Last action: 2/18/08, from House Homeland Security and Property, do pass.

ARS Title(s) Affected: 41.

### **H2024: MEGAN EVANS' LAW**

Requires carbon monoxide (CO) warning stickers to be affixed to motorized watercraft sold in Arizona.

Primary sponsor: Rep. Tom. Co-sponsors: Rep. Bradley, Rep. Chabin, Rep. McGuire, Rep. Miranda, Rep. Tobin.

Last action: 2/18/08, referred to House Judiciary.

ARS Title(s) Affected: 5.

**H2047: SEAT BELT LAW; PRIMARY ENFORCEMENT**

Removes section that states a peace officer may not stop or issue a citation for violation of seat belt law (ARS 28-909) unless there is reasonable cause to believe another violation has occurred, making the seat belt statute a primary law. Reference H2447.

Primary sponsor: Rep. McClure.

Last action: 1/14/08, referred to House Transportation and House Natural Resources and Public Safety.

ARS Title(s) Affected: 28.

**H2063: GIITEM APPROPRIATION; TRANSFER (~~EMPLOYER SANCTIONS; FEDERAL CITATION; CORRECTION~~)**

Original language included emergency measure that modifies a reference to Federal law from 8 United States Code (USC) 1324b to 8 USC 1324a(b), requiring employers to verify the identity of employees. Reference H2745, S1374. Striker amendment sought to transfer \$2 million from the DPS Gang Intelligence and Immigration Team Enforcement Mission (GIITEM) to the Maricopa County Sheriff's Office for immigration enforcement activities.

Primary sponsor: Rep. Pearce.

Last action: 6/25/08, failed Senate Appropriations.

ARS Title(s) Affected: 23.

**H2090: EXTREME DUI ; VIOLATION**

Resolves a conflict between Chapters 195 and 219 of Laws 2007 regarding a judge's discretion when imposing jail time for Extreme Driving Under the Influence (EDUI) if the blood alcohol content (BAC) is greater than 0.15 but less than 0.20. The bill also establishes a separate violation code for persons who drive with a BAC of 0.20 or higher. Reference S1004.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Anderson, Rep. Barto, Rep. Groe, Rep. Schapira.

Last action: 1/31/08, from House Transportation, do pass.

ARS Title(s) Affected: 28.

**H2092: TRANSPORTATION PLANS; BALLOT (~~MOTOR VEHICLE ACCIDENTS; DEATH; INJURY~~)**

Original bill adds two additional moving traffic violations to those with increased penalties if the violation results in an accident causing serious physical injury or death. In addition, it adds persons without a valid driver's license to the category of persons ineligible to operate a motor vehicle for sentencing purposes if death or serious physical injury results from the accident. Striker amendment requires that any state or county transportation plan that is subject to voter approval and that contains more than one transportation mode to be delineated on the ballot by each transportation mode. Also requires the ballot to be written to allow the voter to vote separately for each transportation mode on the ballot. The bill also requires that each transportation mode cost be listed separately.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Anderson, Rep. Barto, Rep. Murphy, Sen. Gorman.

Last action: 3/17/08, failed to pass House.  
ARS Title(s) Affected: 28.

**H2095: EXTREME DUI; SENTENCE**

Repeals ARS 28-1382, driving or actual physical control while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification.

Primary sponsor: Rep. Biggs. Co-sponsors: Rep. Schapira, Rep. Groe.  
Last action: 2/25/08, referred to House Transportation and House Commerce.  
ARS Title(s) Affected: 28.

**H2114: UNATTENDED CHILD IN MOTOR VEHICLE**

If a person willingly, knowingly, or recklessly leaves a child under the age of 10 in a motor vehicle unsupervised by another person at least 14 years of age, they are subject to a class 3 misdemeanor unless a second or subsequent violation occurs, which would result in a class 2 misdemeanor.

Primary sponsor: Rep. McClure.  
Last action: 1/14/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2115: FALSE REPORTING; TECHNICAL CORRECTION**

Makes technical change. Likely striker amendment vehicle.

Primary sponsor: Rep. McClure.  
Last action: 1/15/08, referred to House Rules.  
ARS Title(s) Affected: 13.

**H2119: RETIREMENT; CORP; TRIBAL DISPATCHERS; DETENTION OFFICERS**

Allows detention officers employed by tribal governments to participate in CORP and sets guidelines for membership.

Primary sponsor: Rep. McClure.  
Last action: 3/19/08, referred to Senate Financial Institutions, Insurance and Retirement.  
ARS Title(s) Affected: 38.

**H2121: RESTORATION; CIVIL RIGHTS; TECHNICAL CORRECTION**

Makes a technical change. Likely striker amendment vehicle.

Primary sponsor: Rep. McClure.  
Last action: 1/15/08, referred to House Rules.  
ARS Title(s) Affected: 13.

**H2122: CREDIT CARD FRAUD; TECHNICAL CORRECTION**

Clarifies that a person commits fraudulent use of a credit card if a person falsely represents oneself as the holder of the card and uses it to obtain or attempts to obtain anything of value.

Primary sponsor: Rep. McClure.

Last action: 3/04/08, held in House Public Institutions and Retirement.

ARS Title(s) Affected: 13.

**H2124: ESCAPE; TECHNICAL CORRECTION**

Technical correction adding any confinement in a secure care facility as a facility for which a term of imprisonment can be imposed for escape. Likely striker vehicle.

Primary sponsor: Rep. McClure.

Last action: 1/15/08, referred to House Rules.

ARS Title(s) Affected: 13.

**H2125: CRIMINAL GARNISHMENT; TECHNICAL CORRECTION**

Makes a technical change. Likely striker vehicle.

Primary sponsor: Rep. McClure.

Last action: 1/15/08, referred to House Rules.

ARS Title(s) Affected: 13.

**H2153: ANIMALS; FIGHTING**

Changes current statutory references of theft of a dog for the purpose of *dog fighting* to include animals and *animal fighting*. Clarifies that the law regarding animal fighting does not apply to trained animals that engage in actions to protect livestock from predation. Reference S1365.

Primary sponsor: Rep. Paton.

Last action: 1/29/08, from House Government, do pass.

ARS Title(s) Affected: 13.

**H2222: FIREARMS; MISCONDUCT; REAL PROPERTY**

Allows an individual to carry a deadly weapon on property rented by the individual including common areas of the rental property and any means of transportation parked in any of the aforementioned areas.

Primary sponsor: Rep. McClure.

Last action: 1/28/08, held House Homeland Security and Property Rights.

ARS Title(s) Affected: 13.

**H2240: TECHNICAL CORRECTION; COMMUNICATION SERVICE INFORMATION**

Makes a technical correction. Likely striker vehicle.

Primary sponsor: Rep. Jim Weiers.

Last action: 1/16/08, referred to House Rules.

ARS Title(s) Affected: 13.

**H2258: FALSE IDENTIFICATION; VIOLATION (~~CIVIL AIR PATROL;~~  
~~HANGAR SPACE~~)**

Striker amendment specifies that a person commits unlawful possession of government issued identification if the person knowingly possesses or uses identification that purports to have been issued by a government agency and the person knew or should have known that the government agency did not or would not authorize the issuance of the identification to the person who is in possession of the identification. Excludes persons under 21 years of age who use false identification to purchase alcohol.

Primary sponsor: Rep. Nichols.

Last action: 6/25/08, from Senate Appropriations, amended.

ARS Title(s) Affected: 13.

**H2287: DPS; GOVERNOR'S HIGHWAY SAFETY OFFICE**

Moves the Governor's Office of Highway Safety under the direct supervision of DPS and establishes procedure for the Traffic Safety Advisory Council.

Primary sponsor: Rep. Schapira.

Last action: 1/22/08, referred to House Natural Resources and Public Safety, House Transportation.

ARS Title(s) Affected: 28, 41.

**H2292: ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP**

Changes the number of members from 14 to 19 to include three public defenders and one victim's rights advocate.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Lujan, Rep. Cloves Campbell Jr., Rep. Gallardo, Rep. Lopes, Rep. Miranda, Rep. Prezelski, Rep. Rios.

Last action: 1/22/08, referred to House Judiciary.

ARS Title(s) Affected: 41.

**H2293: FIRST DEGREE MURDER; JUVENILES; SENTENCING**

If a defendant commits first degree murder under the age of 18 and is tried as an adult for the crime, the state shall sentence the defendant to the Department of Corrections for a term of life and shall not allow for release under any basis until a period of 25 years has been served.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Lujan, Rep. Chad Campbell, Rep. Gallardo, Rep. Lopes, Rep. Miranda, Rep. Prezelski, Rep. Meza, Rep. Bradley.

Last action: 1/22/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2297: DEATH PENALTY; REPEAL; NATURAL LIFE**

Repeals the sentence of death for capital cases. Establishes victims' rights for capital cases. Makes various changes to statutes relating to postconviction and capital cases.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Lujan, Rep. Chad Campbell, Rep. Gallardo, Rep. Lopes, Rep. Prezelski, Rep. Meza, Rep. Bradley.

Last action: 1/22/08, referred to House Judiciary.

ARS Title(s) Affected: 12, 13.

**H2298: DEATH PENALTY; JURIES**

Replaces the term “trier of fact” with “jury” in sentences of death, life or natural life. Establishes that the state must sentence a defendant to life or natural life if the jury could not reach a unanimous verdict of life or natural life sentence.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Prezelski, Rep. Bradley, Rep. Lopes, Rep. Meza.

Last action: 1/22/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2299: CRIMINAL RECORDS; EXPUNGEMENT**

Allows individuals who arrested to petition the court for expungement of criminal records if certain circumstances are met. Creates grounds for expungement of conviction if certain requirements are met; establishes the process for criminal conviction records expungements.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Cloves Campbell Jr., Rep. Gallardo, Rep. Lopes, Rep. Meza, Rep. Prezelski.

Last action: 1/22/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2300: VICTIMS' LEAVE; EMPLOYMENT RIGHTS**

An employer shall allow an employee who is a victim of a crime to leave work to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Chad Campbell, Rep. Cloves Campbell Jr., Rep. Gallardo, Rep. Lopes, Rep. Lujan, Rep. Meza, Rep. Miranda, Rep. Prezelski, Rep. Rios, Rep. Ulmer.

Last action: 1/28/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2301: HUMAN TRAFFICKING; TASK FORCE**

Establishes a human trafficking task force. Designates membership, powers, duties and authority. Sunset date of July1, 2018.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Bradley, Rep. Chad Campbell, Rep. Cloves Campbell Jr., Rep. Lujan, Rep. Meza, Rep. Miranda, Rep. Prezelski, Rep. Rios.

Last action: 1/22/08, referred to House Homeland Security and Property Rights.

ARS Title(s) Affected: 41.

**H2304: SMUGGLING; HUMAN BEINGS**

Prevents a person being smuggled from being charged with any preparatory offenses; excludes the smuggled individual from the classification/definition of persons trafficking humans.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Bradley, Rep. Chad Campbell, Rep. Cloves Campbell Jr., Rep. Gallardo, Rep. Lopes, Rep. Lujan, Rep. Meza, Rep. Miranda, Rep. Prezelski.

Last action: 1/22/08, referred to House Homeland Security and Property Rights.  
ARS Title(s) Affected: 13.

**H2313: JUVENILES; INTERROGATIONS; RECORDINGS**

Specifies that statements made by a juvenile while in the custody of law enforcement officer or agency must be electronically recorded in its entirety and not altered. Excludes the following: statements made in open court, spontaneous statements, statements made during custodial interrogations out of state, routine questioning, statements made while in detention, statements given and officers were unaware the juvenile committed any criminal offense, and statements that would otherwise be inadmissible. Requires the state to preserve all electronic statements until conviction is final and all appeals have been exhausted.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Bradley, Rep. Chad Campbell, Rep. Cloves Campbell Jr., Rep. Gallardo, Rep. Lopes, Rep. Lujan, Rep. Meza, Rep. Miranda, Rep. Prezelski.

Last action: 1/22/08, referred to House Judiciary.  
ARS Title(s) Affected: 8.

**H2314: DRIVING ON HIGHWAYS; SPEED LIMITS**

Reduces the speed limit on the highways outside of urbanized areas for vehicles with a declared gross weight of 26,000 lbs. or more and for vehicles drawing a pole trailer that weighs 6,000 or more pounds.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Chad Campbell, Rep. Lopes, Rep. Meza.

Last action: 1/22/08, referred to House Transportation.  
ARS Title(s) Affected: 28.

**H2315: HOMICIDE INTERROGATIONS; RECORDINGS**

Requires that a written or oral statement made by a homicide suspect must be electronically recorded. Excludes statements made in open court, spontaneous statements, statements made during custodial interrogations out of state, routine questioning, statements made while in detention, statements given and officers were unaware a death occurred, and statements that would otherwise be inadmissible. Requires the state to preserve all electronic statements until conviction is final and all appeals have been exhausted.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Chad Campbell, Rep. Gallardo, Rep. Lopes, Rep. Meza, Rep. Miranda, Rep. Prezelski.

Last action: 1/22/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2316: OFFICER INQUIRIES; HOTELS AND DAY LABOR CENTERS  
(~~HOMESTEAD EXEMPTION; EMANCIPATED MINORS~~)**

Original intent of this bill allowed emancipated minors to use homestead exemption. The strike everything amendment requires transient lodging establishment and day labor service agencies to allow law enforcement officer to examine daily registers for locating sex offenders that have failed to register and persons charged with a criminal offense.

Primary sponsor: Rep. Nichols.

Last action: 3/17/08, referred to House Judiciary.

ARS Title(s) Affected: 33.

**H2329: INCAPACITATED OR VULNERABLE ADULTS; SENTENCING**

Prevents a person convicted of a dangerous crime committed against an incapacitated or vulnerable adult from receiving: suspension of sentence, probation, pardon, or release until the person's sentence is served or commuted.

Primary sponsor: Rep. Mason.

Last action: 1/22/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2341: EMPLOYEE VERIFICATION; BASIC PILOT PROGRAM**

Requires employers to use the basic pilot program for employee verification if the court finds the employer violated verification eligibility statute. Reference H2745, S1374.

Primary sponsor: Rep. Konopnicki. Co-sponsor: Rep. Ulmer.

Last action: 2/21/08, referred to House Government.

ARS Title(s) Affected: 23.

**H2342: EMPLOYER SANCTIONS; INDEPENDENT CONTRACTORS**

Defines independent contractor and excludes independent contractors from the definition of "employee" as this relates to the employer sanctions provisions under ARS 23-211. Reference H2745, S1374.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. Pancrazi, Rep. Ulmer, Sen. Aguirre, Sen. Arzberger, Sen. Flake.

Last action: 2/21/08, referred to House Government.

ARS Title(s) Affected: 23.

**H2343: EMPLOYER SANCTIONS; COMPLAINTS**

Adds definitions for false and frivolous complaints under employer sanction complaints. Sets standards for verifying the validity of complaints against an employer suspected of violating employer sanctions statutes.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. Pancrazi, Rep. Ulmer, Sen. Aguirre, Sen. Arzberger, Sen. Flake, Sen. O'Halleran.

Last action: 2/21/08, referred to House Government.

ARS Title(s) Affected: 23.

**H2344: EMPLOYER SANCTIONS; JUDICIAL FINDINGS**

Specifies the county attorney must show beyond a reasonable doubt the violation to hire an unauthorized alien was intentional. Requires that a second act brought against an employer must be based on judicial finding, and expands the definition of knowingly and willingly hiring an unauthorized alien. Reference H2745, S1374.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. Pancrazi, Rep. Ulmer, Sen. Aguirre, Sen. Arzberger, Sen. Flake.

Last action: 2/21/08, referred to House Government.

ARS Title(s) Affected: 23.

**H2345: EMPLOYER SANCTIONS; ENFORCEMENT**

Removes the authority of the attorney general from investigating a complaint of hiring unauthorized aliens, notifying immigration/customs and local law enforcement of the unauthorized alien, and notifying the county attorney of the complaint. Reference H2745, S1374.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. Brown, Rep. Pancrazi, Rep. Ulmer, Sen. Aguirre, Sen. Allen, Sen. Arzberger, Sen. Flake, Sen. O'Halleran.

Last action: 2/21/08, from House Human Services, do pass.

ARS Title(s) Affected: 23.

**H2346: EMPLOYER SANCTIONS; HIRING UNAUTHORIZED ALIENS**

Replaces the term "employ" with "hire," making it illegal to hire an unauthorized alien. Reference H2745, S1374.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. Brown, Rep. Pancrazi, Rep. Ulmer, Sen. Aguirre, Sen. Allen, Sen. Arzberger, Sen. Flake.

Last action: 2/21/08, referred to House Government.

ARS Title(s) Affected: 23.

**H2358: FIREARMS; SCHOOL GROUNDS; PENALTY**

Increases the penalty for a violation of carrying a loaded or unloaded firearm (if ammunition is readily accessible) on school grounds to a class 5 felony.

Primary sponsor: Rep. Alvarez. Co-sponsors: Rep. Bradley, Rep. Cajero Bedford, Rep. Cloves Campbell Jr., Rep. Lopez, Rep. Meza, Rep. Miranda, Rep. Rios, Rep. Tom.

Last action: 1/24/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2374: DOMESTIC VIOLENCE; DATING RELATIONSHIPS**

Expands the definition of domestic violence and defines the significance of the relationship of the victim and the defendant.

Primary sponsor: Rep. Hershberger. Co-sponsor: Sen. Rios.

Last action: 1/24/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2375: FINANCIAL INSTITUTION RECORDS; DISCLOSURE; NOTICE**

Prohibits a financial institution from releasing any financial records to a government entity unless there is written consent from the customer or a subpoena for records or a search warrant requesting the records. Allows the customer to file a motion to quash the subpoena.

Primary sponsor: Rep. Crump. Co-sponsors: Rep. Adams, Rep. Konopnicki, Rep. Pearce.

Last action: 1/24/08, referred to House Financial Institutions.

ARS Title(s) Affected: 6.

**H2380: FIREARMS; AIRPORT DESIGNATED SECURITY AREA**

Defines an airport designated security area and prohibits the carrying, possessing or exercising control of a deadly weapon in an airport designated security area. Reference H2574.

Primary sponsor: Rep. Jerry Weiers. Co-sponsor: Sen. Linda Gray.

Last action: No action taken.

ARS Title(s) Affected: 13

**H2388: SCHOOLS; BUDGETS; ACTUAL UTILITY COSTS (~~LIQUOR PRODUCERS, WHOLESALERS, ELECTRONIC DEVICES~~)**

Original language specified it is lawful for a liquor producer or wholesaler to furnish electronic devices that record identification information to licensees free of charge without violating bribery laws. (The electronic devices allow liquor retailers to verify the age of customers in an effort to prevent underage drinking.). The striker amendment establishes a new method for the calculation of utilities funding for school districts for FY 2009-10 through FY 2020-21.

Primary sponsor: Rep. Reagan.

Last action: 2/27/08, referred to House Appropriations.

ARS Title(s) Affected: 15.

**H2396: TEXT MESSAGING WHILE DRIVING; PROHIBITION**

Defines cellular phones and PDAs; prohibits the use of cellular phone or PDA to send or receive text messages. Excludes law enforcement, safety and public transit personnel, persons operating emergency vehicles, persons reporting criminal or reckless behavior, a person believed to be in danger, and all of the following in an emergency situation: an emergency response operator hospital, physician's office or health clinic, provider of ambulance services, provider of fire fighting services, law enforcement agency. Reference H2397, H2414, H2734.

Primary sponsor: Rep. Farley. Co-sponsors: Rep. Gallardo, Rep. Kavanagh, Rep. Nelson, Rep. Pancrazi, Rep. Prezelski, Rep. Thrasher, Rep. Ulmer, Sen. Aboud, Sen. Aguirre, Sen. Arzberger, Sen. Soltero.

Last action: 1/28/08, referred to House Transportation.

ARS Title(s) Affected: 28.

**H2397: CELLULAR TELEPHONES; USE WHILE DRIVING**

Prohibits the use of a cellular phone while operating a motor vehicle, unless used with a hands free device. Excludes law enforcement, safety and public transit personnel, persons operating emergency vehicles, persons reporting criminal or reckless behavior, a person believed to be in danger, and all of the following in an emergency situation: an emergency response operator hospital, physician's office or health clinic, provider of ambulance services, provider of fire fighting services, law enforcement agency. Reference H2396, H2414, H2734.

Primary sponsor: Rep. Farley. Co-sponsors: Rep. Driggs, Rep. Gallardo, Rep. Prezelski, Sen. Aboud, Sen. Aguirre, Sen. Soltero.

Last action: 1/28/08, referred to House Transportation.

ARS Title(s) Affected: 28.

**H2405: CHILD PASSENGER BOOSTER SEATS**

Requires that a child between five years old and under nine years old to be restrained in a booster seat in all vehicles designed to carry 10 or fewer passengers and manufactured in 1972 or later. Violation is a civil offense. Reference H2415.

Primary sponsor: Rep. Farley. Co-sponsors: Rep. Bradley, Rep. Gallardo, Rep. Lopes, Rep. Pancrazi, Rep. Paton, Rep. Prezelski, Rep. Thrasher, Rep. Ulmer, Sen. Aboud, Sen. Aguirre, Sen. Arzberger.

Last action: 1/24/08, referred to House Transportation.

ARS Title(s) Affected: 28.

**H2407: HARASSMENT; CLASSIFICATION; DEFINITION**

Classifies harassment as a class 5 felony if the victim was a minor and offender was at least 18 years of age and knew or had reason to know the victim was a minor. Expands the definition of harassment and make technical changes.

Primary sponsor: Rep. Hershberger. Co-sponsor: Rep. Bradley.

Last action: 2/21/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2411: MINOR PASSENGERS; VEHICLE CARGO SECTIONS**

Prohibits a passenger under the age of 18 from riding in the cargo area of a motor vehicle unless all the seats in the vehicle are occupied. Violation is a civil offense.

Primary sponsor: Rep. Kavanagh.

Last action: 1/24/08, referred to House Transportation and House Health.

ARS Title(s) Affected: 28.

**H2412: CRIMINAL TRESPASS; DAY LABORERS**

Expands the definition of criminal trespass in the first degree to include specific activities involving the solicitation of day labor employment. Defines terms.

Primary sponsor: Rep. Kavanagh. Co-sponsor: Sen. Harper.

Last action: 6/26/08, failed to pass Senate (reconsideration).

ARS Title(s) Affected: 13.

**H2414: CELLULAR TELEPHONES; MINORS; DRIVING USE**

Prohibits a person under the age of 18 from using a cellular phone while operating a motor vehicle. Excludes use of cellular phone in cases where: persons reporting criminal or reckless behavior, a person believed to be in danger and all of the following in an emergency situation: an emergency response operator hospital, physician's office or health clinic, provider of ambulance services, provider of fire fighting services, law enforcement agency. Reference H2396, H2397, H2734.

Primary sponsor: Rep. Garcia. Co-sponsors: Rep. Bradley, Rep. Crandall, Rep. Lopez, Rep. McGuire, Rep. Prezelski, Rep. Rios, Rep. Sinema, Sen. Hale, Sen. Rios.

Last action: 1/28/08, referred to House Transportation.

ARS Title(s) Affected: 28.

**H2415: CHILD RESTRAINTS; BOOSTER SEATS**

Requires that a child between five years old and nine years old to be restrained in a booster seat in all vehicles designed to carry 10 or fewer passengers and manufactured in 1972 or later. Violation is a civil offense. Reference H2405.

Primary sponsor: Rep. Garcia. Co-sponsors: Rep. Bradley, Rep. Lopez, Rep. McGuire, Rep. Prezelski, Rep. Sinema, Sen. Hale, Sen. Rios.

Last action: 1/28/08, referred to House Transportation.

ARS Title(s) Affected: 28.

**H2429: MISCONDUCT INVOLVING WEAPONS; POLLING PLACES**

Specifies that a person commits misconduct involving a weapon when knowingly remaining within 75 feet of the main outside entrance of an election polling place carrying a deadly weapon on the day of an election.

Primary sponsor: Rep. Gallardo.

Last action: 1/28/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2430: PROHIBITED POSSESSORS; GUN STORAGE**

Expands definition of prohibited possessor to include a person who is convicted of violations included in H2431.

Primary sponsor: Rep. Gallardo.

Last action: 1/28/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2431: LOADED FIREARMS; STORAGE**

It is unlawful for a person to keep or store a loaded firearm if the person has knowledge that a minor is likely to gain access to the firearm unless the firearm is locked securely or believed to be in a secure location or is on the person or within direct reach. Does not apply if minor gains possession of the firearm upon illegal entry. Violation of this offense is a class 1 misdemeanor unless the minor kills himself or another person (class 3 felony), or injures himself or another person (class 4 felony).

Primary sponsor: Rep. Gallardo.  
Last action: 1/28/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2436: TECHNICAL CORRECTION; SENTENCING**

Makes a technical correction. Likely striker vehicle.

Primary sponsor: Rep. Gallardo.  
Last action: 1/22/08, referred to House Rules.  
ARS Title(s) Affected: 13.

**H2447: SEAT BELT VIOLATIONS**

Removes section that states a peace officer may not stop or issue a citation for violation of seat belt law (ARS 28-909) unless there is reasonable cause to believe another violation has occurred, making the seat belt statute a primary law. Reference H2407.

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Ableser, Rep. Bradley, Rep. Brown, Rep. Cajero Bedford, Rep. Garcia, Rep. Pancrazi, Rep. Schapira, Sen. Aboud, Sen. Pesquiera.  
Last action: 1/24/08, referred to House Transportation and House Health.  
ARS Title(s) Affected: 28.

**H2448: ANIMAL CRUELTY; LAW ENFORCEMENT ANIMALS**

The court shall consider serious physical injury or death of a law enforcement animal as an aggravating factor for sentencing.

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Ableser, Rep. Bradley, Rep. Brown, Rep. Cajero Bedford, Rep. Cloves Campbell Jr., Rep. Garcia, Rep. McGuire, Rep. Pancrazi, Rep. Sinema, Sen. Aboud, Sen. Pesquiera.  
Last action: 1/28/08, referred to House Natural Resources and Public Safety and House Judiciary.  
ARS Title(s) Affected: 12, 13, 41.

**H2450: BREAST FEEDING; WORKPLACE; JURY DUTY**

Excludes mothers who are breastfeeding infants from being potential jurors for one year. Requires employers to provide a reasonable location for mothers to express breast milk other than a bathroom stall.

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Bradley, Rep. Brown, Rep. Cajero Bedford, Rep. Cloves Campbell Jr., Rep. Chabin, Rep. Garcia, Rep. McGuire, Rep. Pancrazi, Rep. Rios, Rep. Sinema, Sen. Aboud, Sen. Pesquiera.  
Last action: 1/28/08, referred to House Judiciary and House Commerce.  
ARS Title(s) Affected: 21.

**H2461: ARIZONA RANGERS; LIMITED AUTHORITY STATUS**

If performing law enforcement assistance and support services, An Arizona ranger may engage in patrol or investigative activities performed to detect, prevent or suppress crime or to enforce criminal or traffic laws of this state or a county, city or town of this state, but only

under the supervision of a peace officer. An Arizona ranger may direct traffic without supervision of a peace officer. Other provisions.

Primary sponsor: Rep. Burns.

Last action: 1/29/08, referred to House Natural Resources and Public Safety.

ARS Title(s) Affected: 13, 28, 41.

**H2463: DEPARTMENT OF CORRECTIONS; EMPLOYEE ORGANIZATIONS**

Would allow employees of the state Department of Corrections to organize a union in the same manner that the employees of the Department of Public Safety do. Prohibits strikes and walkouts.

Primary sponsor: Rep. Burns. Co-sponsors: Rep. Ableser, Rep. Alvarez, Rep. Barto, Rep. Chad Campbell, Rep. Clark, Rep. Gallardo, Rep. Pancrazi, Rep. Prezelski, Rep. Schapira, Rep. Thrasher, Sen. Johnson.

Last action: 2/21/08, referred to House Public Institutions and Retirement; House Government.

ARS Title(s) Affected: 23.

**H2464: WEAPONS; MISCONDUCT; APPLICATION**

Prescribes that certain violations of misconduct involving weapons do not apply to Community Corrections Officers and Special Investigators who are weapons qualified by the State Department of Corrections.

Primary sponsor: Rep. Burns. Co-sponsors: Rep. Ableser, Rep. Alvarez, Rep. Barto, Rep. Chad Campbell, Rep. Clark, Rep. Gallardo, Rep. Pancrazi, Rep. Prezelski, Rep. Thrasher, Sen. Johnson.

Last action: 3/05/08, from House Natural Resources and Public Safety.

ARS Title(s) Affected: 13.

**H2472: TECHNICAL CORRECTION; RESIDENCY RESTRICTIONS**

Makes a technical correction. Likely striker vehicle.

Primary sponsor: Rep. Nelson.

Last action: 1/22/08, referred to House Rules.

ARS Title(s) Affected: 13.

**H2490: OFF-HIGHWAY VEHICLES; MINORS; RESTRICTIONS**

Prohibits a person under 18 years of age from operating an all terrain or off road vehicle between the hours of midnight and 5 a.m., and from operating an all terrain or off road vehicle without a driver's license unless accompanied by an adult 18 years or older with a valid drivers license. Does not apply to the use of hunting, farming, ranching or agriculture purposes.

Primary sponsor: Rep. McGuire. Co-sponsors: Rep. Ableser, Rep. Alvarez, Rep. Brown, Rep. Chad Campbell, Rep. Chabin, Rep. Gallardo, Rep. Garcia, Rep. Hershberger, Rep. Kavanagh, Rep. Lopez, Rep. Lujan, Rep. Miranda, Rep.

Nelson, Rep. Pancrazi, Rep. Rios, Rep. Schapira, Rep. Tom, Sen. Miranda, Sen. Rios, Sen. Soltero.

Last action: 1/29/08, referred to House Transportation and House Natural Resources and Public Safety.

ARS Title(s) Affected: 28.

**H2492: LAW ENFORCEMENT MERIT SYSTEM; MEMBERSHIP**

Increases the number of members serving on the Law Enforcement Merit System Council from three to five.

Primary sponsor: Rep. McGuire. Co-sponsors: Rep. Ableser, Rep. Alvarez, Rep. Brown, Rep. Chad Campbell, Rep. Gallardo, Rep. Garcia, Rep. Hershberger, Rep. Kavanagh, Rep. Lopez, Rep. Lujan, Rep. Miranda, Rep. Nelson, Rep. Pancrazi, Rep. Rios, Rep. Schapira, Rep. Tom, Sen. Miranda, Sen. Rios, Sen. Soltero.

Last action: 3/17/08, referred to Senate Judiciary.

ARS Title(s) Affected: 41.

**H2493: SOLID WASTE DUMPING**

Requires any person, firm or corporation that places any trash or other debris on private or public property not owned by them or under their control to pay a fine or civil penalty of not less than \$500. Such persons or entities retain ownership of the trash until it is disposed of as required by law. If a person, firm or corporation is required to remove any trash or debris pursuant to this section, then they shall provide the city or town with a receipt from a disposal facility to indicate that it has been disposed of as required by law.

Primary sponsor: Rep. McGuire. Co-sponsors: Rep. Ableser, Rep. Alvarez, Brown, Rep. Cajero Bedford, Rep. Chad Campbell, Rep. Gallardo, Rep. Garcia, Rep. Kavanagh, Rep. Lopez, Rep. Lujan, Rep. McClure, Rep. Miranda, Rep. Nelson, Rep. Pancrazi, Rep. Schapira, Rep. Sinema, Rep. Tom, Rep. Ulmer, Sen. Miranda, Sen. Rios, Sen. Soltero.

Last action: 3/12/08, withdrawn from House Government.

ARS Title(s) Affected: 9, 11, 13, 49.

**H2509: SCRAP METAL AUTHORITY**

Establishes the Scrap Metal Authority for the purpose of addressing problems of scrap metal theft. Authorizes membership, powers and duties. Sunsets the Scrap Metal Authority on July 1, 2018.

Primary sponsor: Rep. Konopnicki. Co-sponsors: Rep. Adams, Rep. Anderson, Rep. Brown, Rep. Burns, Rep. Chabin, Rep. Crandall, Rep. Desimone, Rep. Nichols, Rep. Stump, Rep. Thrasher.

Last action: 1/28/08, referred to House Natural Resources and Public Safety.

ARS Title(s) Affected: 41, 44.

**H2528: RESTITUTION; ECONOMIC LOSS DEFINITION**

Would allow crime victims to claim future lost earnings as an economic loss for the purposes of determining restitution.

Primary sponsor: Rep. Farnsworth.  
Last action: 1/29/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2529: WRITS OF EXECUTION; NOTICE; SERVICE**

At any time after an entry of judgment, the party in whose favor a judgment is given may request that the court issue a notice of writ of execution. A notice of a writ of execution shall describe the judgment and may be served by the sheriff, a constable or a person duly authorized to serve process.

Primary sponsor: Rep. Farnsworth.  
Last action: 2/21/08, referred to House Judiciary.  
ARS Title(s) Affected: 22.

**H2530: COMPETENCY; DURATION OF ORDER**

Increases the length of a court order relating to competency restoration from 21 months to 24 months.

Primary sponsor: Rep. Farnsworth.  
Last action: 2/21/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2533: CAPITAL CASES; AGGRAVATING FACTORS**

Adds killing as part of a gang initiation to the list of aggravating factors for determination of capital punishment.

Primary sponsor: Rep. Farnsworth.  
Last action: 1/29/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2534: DUI; HOMICIDE; SENTENCING**

Increases the presumptive, minimum, and maximum sentences for a person who commits either a class 2 or 3 felony with intent to promote, further or assist any criminal conduct by a criminal street gang by five years. Also, if a person causes the death of a person while driving and his/her blood alcohol content (BAC) is .20 or more, the sentence imposed shall be at least five years more than the presumptive term; does not allow persons convicted the eligibility for suspension, commutation, or release until the sentence is served in its entirety.

Primary sponsor: Rep. Farnsworth.  
Last action: No action taken.  
ARS Title(s) Affected: 13, 31, 41.

**H2536: FIREARMS; VEHICLES; EMPLOYER PARKING AREA**

Allows a person to transport, store, or possess a firearm in a locked and closed vehicle parked in an employer's parking lot, garage or designated parking area. Does not include a public or private employer that provides parking restricted to public access by security station, gate, or any other means of restriction; motor vehicles owned or leased by employer and used by the employee for business purposes; any premises whereby possessing, transporting or storing a

firearm is prohibited by state or federal law. Employer is not liable for damages resulting from storing, transporting, or possessing a firearm in a motor vehicle.

Primary sponsor: Rep. Paton.

Last action: 2/21/08, referred to House Homeland Security and Property Rights.

ARS Title(s) Affected: 13.

**H2539: EQUINE TRIPPING; VIOLATION**

Classifies tripping an equine for sport or entertainment as a class 1 misdemeanor (presumptive sentence is up to 6 months in jail and a fine of up to \$2,500). Reference S1405.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Prezelski.

Last action: 4/01/08, referred to Senate Judiciary.

ARS Title(s) Affected: 13.

**H2540: FRAUDULENT SCHEMES AND ARTIFICES; CLASSIFICATION**

Separates fraudulent schemes and artifices into separate felony classifications depending on benefit of value, classifying crimes worth less than \$25,000 as class 3, 4, 5 and 6 felonies.

Currently, all are class 2 felonies.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Chad Campbell, Rep. Gallardo, Rep. Lujan, Rep. Meza, Rep. Miranda, Rep. Prezelski.

Last action: 1/22/08, referred to House Rules.

ARS Title(s) Affected: 13.

**H2545: STRANGULATION AND SUFFOCATION; STUDY COMMITTEE**

Establishes the Strangulation and Suffocation Study Committee to research and report on the prevalence of intentional strangulation or suffocation in domestic violence situations.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Gallardo, Rep. Lujan, Rep. Schapira, Rep. Tobin, Sen. Tibshraeny.

Last action: 1/29/08, referred to House Judiciary.

ARS Title(s) Affected: 41.

**H2546: SUBPOENA; GRAND JURY; ISSUANCE**

Permits the county attorney, attorney general, municipal prosecutor or city prosecutor to issue a subpoena duces tecum only after receiving authorization from a grand jury.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Brown, Rep. Chad Campbell, Rep. Desimone, Rep. Farley, Rep. Gallardo, Rep. Lopes, Rep. Lujan, Rep. Prezelski, Rep. Schapira.

Last action: 1/29/08, referred to House Judiciary.

Last action: 1/29/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2547: COUNTY ANTI-RACKETEERING REVOLVING FUNDS; ADS**

Prohibits the use of monies from the county anti racketeering revolving fund from being used as an advertisement featuring the name or likeness of any public official.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Brown, Rep. Chad Campbell, Rep. Desimone, Rep. Farley, Rep. Gallardo, Rep. Lopes, Rep. Lujan, Rep. Prezelski, Rep. Schapira, Rep. Thrasher.  
Last action: 1/29/08, referred to House Judiciary and House Government.  
ARS Title(s) Affected: 13.

**H2548: COUNTY ATTORNEY; SPECIAL PROSECUTOR; APPOINTMENT**

Requires the county attorney to request another county attorney or the Attorney General to prosecute a case where the county attorney has a special conflict of interest. If the Attorney General or county attorney declines, the court must designate a special prosecutor to the case and compensate accordingly.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Brown, Rep. Chad Campbell, Rep. Desimone, Rep. Farley, Rep. Gallardo, Rep. Lopes, Rep. Lujan, Rep. Prezelski, Rep. Schapira, Rep. Thrasher.  
Last action: 1/29/08, referred to House Judiciary and House Government.  
ARS Title(s) Affected: 13.

**H2561: CATALYTIC CONVERTERS; SCRAP METAL DEALERS**

Adds defacing of catalytic converters for the purpose of obtaining ferrous metals or nonferrous metals to the crime of aggravating criminal damage.

Primary sponsor: Rep. Anderson  
Last action: 1/29/08, referred to House Natural Resources and Public Safety.  
ARS Title(s) Affected: 13, 44.

**H2583: PRISONERS; TRANSITIONS PROGRAMS**

Requires five percent of a prisoner's gross wages must be used exclusively to fund the Transition Program and its offices if the compensation due to the prisoner equals or exceeds two dollars per hour and the prisoner was not convicted of a DUI.

Primary sponsor: Rep. Konopnicki.  
Last action: 4/16/08, failed to pass Senate.  
ARS Title(s) Affected: 31.

**H2612: DANGEROUS CRIMES AGAINST CHILDREN; SENTENCING**

Increases the mandatory sentence for persons at least 18 years or older, convicted of a dangerous crime against children in the first degree involving sexual assault of a minor who is 12 years of age or younger or sexual conduct with a minor who is 12 years of age or younger, to natural life imprisonment without eligibility for work release, commutation, or work furlough.

Primary sponsor: Rep. Mason. Co-sponsors: Rep. Ableser, Rep. Groe, Rep. Nichols, Rep. Tobin.  
Last action: 1/31/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2624: ILLEGAL ALIENS; PUBLIC BENEFITS; REIMBURSEMENT**

Requires illegal aliens employed in Arizona to reimburse the state for the costs of public benefits they receive as well as costs incurred by criminal actions brought against them.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Burges, Rep. Groe, Rep. Kavanagh, Rep. Murphy, Sen. Harper.

Last action: 2/28/08, held in House Judiciary.

ARS Title(s) Affected: 1.

**H2625: ILLEGAL ALIENS; COMMERCIAL TRANSACTIONS**

Prohibits landlords from knowingly or recklessly renting or leasing dwellings to illegal aliens, authorizes the forfeiture of property used to transport or house a person who is in Arizona in violation of 8 United States Code (U.S.C.) § 1325, and allows the denial, suspension or revocation of licenses issued to dealers or sales finance companies that have been convicted of or that are engaging in certain illegal activities.

Primary sponsor: Rep. Pearce.

Last action: 3/26/08, retained on House COW calendar.

ARS Title(s) Affected: 13, 33, 44.

**H2627: RETIRED PEACE OFFICERS; BACKGROUND INVESTIGATIONS**

Allows a peace officer who retired in good standing from an Arizona law enforcement agency within the previous 12 months to be rehired without AZPOST requiring a background investigation or polygraph examination.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Adams, Rep. Kavanagh, Sen. Chuck Gray, Sen. Huppenthal, Sen. Waring.

Last action: 2/27/08, held in House Natural Resources and Public Safety.

ARS Title(s) Affected: 13.

**H2628: CARRYING FIREARMS; EXCEPTIONS**

Changes the definition of prohibited possessor, prescribes sentencing and release from confinement procedures for a prohibited possessor, and describes the circumstances in which persons with concealed weapons permits are prohibited from carrying a firearm.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Brown, Rep. Chad Campbell, Rep. Desimone, Rep. Farley, Rep. Gallardo, Rep. Lopes, Rep. Lujan, Rep. Prezelski, Rep. Schapira, Rep. Thrasher.

Last action: 1/29/08, referred to House Judiciary and House Government.

ARS Title(s) Affected: 13.

**H2639: CPS INVESTIGATIONS; CONFIDENTIALITY**

Notwithstanding any law to the contrary, a parent or guardian who is the subject of an investigation may waive his/her right to confidentiality and is not subject to civil or criminal liability for waiving that right.

Primary sponsor: Rep. Murphy. Co-sponsors: Rep. Crump, Rep. Nichols, Rep. Pearce.

Last action: 1/31/08, referred to House Human Services.

ARS Title(s) Affected: 8.

**H2660: OBSCENE OR DANGEROUS MATERIAL; LIABILITY (~~JOINT-SEVERAL LIABILITY; CRIMINAL OFFENSES~~)**

Finds a person or party liable for damages if the person or party produces, publishes or distributes dangerous or obscene written, audio, video or digital material or material that causes another to commit terrorism or a felony offense.

Primary sponsor: Rep. Nichols.  
Last action: 4/07/08, failed in Senate Judiciary.  
ARS Title(s) Affected: 12.

**H2661: HUMAN TRAFFICKING**

It is unlawful to obtain the labor services of an individual by abusing or threatening to abuse the law or legal process against that person or another person. Expands the definitions of sex trafficking to include using force or fraud to coerce an adult into “participation in the production of pornography, sexually explicit performance or other forms of commercial sexual activity or sexual exploitation” or enticing a minor into these activities.

Primary sponsor: Rep. Sinema. Co-sponsors: Rep. Chad Campbell, Rep. Cloves Campbell Jr., Rep. Farley, Rep. Gallardo, Rep. Lujan, Rep. Prezelski, Rep. Schapira, Rep. Thrasher, Rep. Ulmer.  
Last action: 2/21/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2662: PHOTO ENFORCEMENT; REGISTERED OWNER RESPONSIBILITY**

Establishes procedures for photo radar traffic violations. Prohibits the photo enforcement system from photographing the driver or other occupants of the vehicle. Reference H2722, S1505 and SCR1033.

Primary sponsor: Rep. Paton.  
Last action: 2/21/08, referred to House Transportation and Appropriations.  
ARS Title(s) Affected: 28.

**H2667: CRIMINAL CODE; GRAND JURIES (~~INTERPRETERS FOR THE DEAF; LICENSURE~~)**

Striker amendment requires the state grand jury to investigate and return indictments for offenses or violations of law arising out of or in connection with any violation of child or vulnerable adult abuse, under specific circumstances.

Primary sponsor: Rep. Schapira.  
Last action: 4/15/08, from Senate Rules okay.  
ARS Title(s) Affected: 13, 21.

**H2674: RAPE VICTIMS; PREGNANCY PREVENTION**

A healthcare professional providing care for a female rape victim must provide the patient with medical information about emergency contraception or refer the patient to another physician if the professional has religious tenets against emergency contraception.

Primary sponsor: Rep. Lopez. Co-sponsors: Rep. Alvarez, Rep. Bradley, Rep. Cajero Bedford, Rep. Chad Campbell, Rep. Cloves Campbell Jr., Rep. Chabin, Rep. Desimone, Rep. Garcia, Rep. Lujan, Rep. McGuire, Rep. Pancrazi, Rep. Rios, Rep. Sinema, Rep. Thrasher, Rep. Tom, Rep. Ulmer, Sen. Aboud, Sen. Garcia, Sen. Pesquiera, Sen. Rios, Sen. Soltero.

Last action: 2/05/08, referred to House Health.

ARS Title(s) Affected: 32.

**H2681: ORDER OF PROTECTION; ANIMALS**

Permits the courts to allow grant a petitioner of an order of protection, the exclusive care or control of an animal that resides with the petitioner or respondent. Reference S1395.

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Ableser, Rep. Chabin, Rep. Gallardo, Rep. Hershberger, Rep. Lopes, Rep. McClure, Rep. Prezelski, Rep. Schapira, Rep. Sinema, Rep. Thrasher, Rep. Ulmer, Rep. Yarbrough.

Last action: 2/04/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2687: VICTIM'S RIGHTS; STATEMENT OF RIGHTS**

Courts shall post victims' rights in both English and Spanish outside every courtroom entrance and the judge shall read the rights prior to every criminal proceeding.

Primary sponsor: Rep. Thrasher. Co-sponsors: Rep. Ableser, Rep. Alvarez, Rep. Bradley, Rep. Brown, Rep. Burges, Rep. Cajero Bedford, Rep. Chad Campbell, Rep. Cloves Campbell Jr., Rep. Chabin, Rep. Crandall, Rep. Desimone, Rep. Farley, Rep. Gallardo, Rep. Garcia, Rep. Hershberger, Rep. Kavanagh, Rep. Lopes, Rep. Lopez, Rep. Lujan, Rep. McGuire, Rep. Miranda, Rep. Nelson, Rep. Pancrazi, Rep. Prezelski, Rep. Rios, Rep. Schapira, Rep. Sinema, Rep. Tobin, Rep. Tom, Rep. Ulmer, Rep. Jerry Weiers, Rep. Young Wright.

Last action: 2/05/08, referred to House Judiciary.

ARS Title(s) Affected: 13.

**H2695: SPIRITUOUS LIQUOR; MINORS; UNLICENSED GATHERINGS**

Prohibits a retailer from selling or furnishing spirituous liquor to having knowledge that the person will furnish the spirituous liquor to a person under the legal drinking age. Prohibits a person from; allowing the use of unlicensed premises for an event knowing that spirituous liquor will be given to an underage person. Prohibits operating or working at an event conducted as a business and furnishing, or allowing another person under the business to furnish spirituous liquor to underage persons. Establishes penalties for each violation.

Primary sponsor: Rep. Kavanagh. Co-sponsor: Rep. Chad Campbell.

Last action: 4/10/08, from Senate Commerce and Economic Development as amended.

ARS Title(s) Affected: 4.

**H2704: CHILD SAFETY**

Modifies child welfare statutes by expanding the definitions of abuse and neglect, increases the time that a child protective services (CPS) worker may enter a report in the CPS Central

Registry, and requires the court to determine at a child's dependency adjudication hearing if a substantiated finding of abuse or neglect exists.

Primary sponsor: Rep. Hershberger. Co-sponsors: Rep. Anderson, Rep. Bradley, Rep. Chad Campbell, Rep. Desimone, Rep. McGuire, Sen. Hale, Sen. Landrum Taylor, Sen. Rios, Sen. Soltero.

Last action: 3/31/08, referred to Senate Judiciary.

ARS Title(s) Affected: 8.

**H2707: IDENTIFYING INFORMATION; THEFT; PENALTIES**

Increases the list of protected personal information for an entity to redact prior to discarding or disposing and includes information kept electronically. Violation is a civil offense and is determined per document with a set maximum per violation.

Primary sponsor: Rep. Chad Campbell. Co-sponsors: Rep. Ableser, Rep. Cajero Bedford, Rep. Cloves Campbell Jr., Rep. Chabin, Rep. Farley, Rep. Lopes, Rep. Lopez, Rep. Lujan, Rep. Pancrazi, Rep. Rios, Rep. Schapira, Rep. Sinema, Rep. Thrasher.

Last action: 2/05/08, referred to House Commerce.

ARS Title(s) Affected: 44.

**H2722: PHOTO ENFORCEMENT TRAFFIC COMPLAINTS**

Establishes requirements for photo enforcement notices of violations, complaints and findings of responsibility for speed violations. Also requires local authorities that are authorized by the state to use a photo enforcement system on a state highway to transmit any profits to the state treasurer for deposit in the Arizona Highway Patrol Fund. Reference S1505 and H2662.

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Ableser, Rep. Chabin, Rep. Gallardo, Rep. Hershberger, Rep. Lopes, Rep. McClure, Rep. Prezelski, Rep. Schapira, Rep. Sinema, Rep. Thrasher, Rep. Ulmer, Rep. Yarbrough.

Last action: 2/14/08, failed in House Transportation.

ARS Title(s) Affected: 28, 41.

**H2727: LEVEL 1 FINGERPRINT CLEARANCE CARDS (~~FINGERPRINT CLEARANCE CARDS~~)**

Creates a separate fingerprint clearance card for foster and prospective foster and adoptive parents in accordance with the Adam Walsh Child Protection and Safety Act (Act) and for people required by the Department of Economic Security to have a fingerprint clearance card. Changes, from "may" to "shall," the school district and charter school requirement to refuse to hire or to terminate certain non-certificated personnel.

Primary sponsor: Rep. Hershberger. Co-sponsors: Rep. Anderson, Rep. Barto, Rep. Bradley, Rep. Burges, Rep. Chad Campbell, Rep. Desimone, Rep. McGuire, Rep. Murphy, Sen. Linda Gray, Sen. Hale, Sen. Huppenthal, Sen. Landrum Taylor, Sen. Rios, Sen. Soltero.

Last action: 6/27/08, transmitted to the Senate.

ARS Title(s) Affected: 8, 41.

**H2734: DISTRACTED DRIVING**

A person commits distracted driving by doing any of the following while operating a motor vehicle: any activity that is not related to the operation of the motor vehicle, including using an electronic device other than a hands-free electronic device, reading, writing, consuming food or beverages, changing clothing or personal grooming. Violation is a civil offense. Reference H2396, H2397, H2414.

Primary sponsor: Rep. Tobin. Co-sponsor: Rep. McLain.  
Last action: 2/11/08, referred to House Transportation.  
ARS Title(s) Affected: 28.

**H2746: DEATH SENTENCES; MORATORIUM**

Places a moratorium on death sentences for persons convicted of first degree murder from effective date until December 31, 2023. All monies saved shall be distributed to the Arizona Criminal Justice Commission, who will distribute the funds to local law enforcement agencies to fund cold case investigations.

Primary sponsor: Rep. Bradley. Co-sponsors: Rep. Ableser, Rep. Alvarez, Rep. Chabin, Rep. Farley, Rep. Gallardo, Rep. Garcia, Rep. Hershberger, Rep. Lopes, Rep. Lopez, Rep. Lujan, Rep. Meza, Rep. Miranda, Rep. Pancrazi, Rep. Prezelski, Rep. Schapira, Rep. Sinema.  
Last action: 2/11/08, referred to House Judiciary.  
ARS Title(s) Affected: 13.

**H2824: DRIVER LICENSES; SUSPENSION**

If a law enforcement officer believes that a person operating a motor vehicle has a medical, psychological or physical condition that could cause harm to another person, the officer may serve notice to suspend the person's driver license; the notice is effective upon serving. The officer shall issue 15-day permit to drive. The individual may request a hearing to appeal the suspension.

Primary sponsor: Rep. McLain.  
Last action: 2/21/08, referred to House Transportation.  
ARS Title(s) Affected: 28.

## **HOUSE CONCURRENT RESOLUTIONS**

A concurrent resolution is processed through both the senate and the house but is not signed by the governor. It may provide for the following:

- An expression of opinion, commemoration, congratulations or sentiment of both houses.
- Submittal of a referendum to the voters.
- Legislative action involving the process of amending the Arizona or United States Constitution.

NOTE: None of these resolutions and memorials passed; however, other resolutions did pass. For a full list of resolutions and memorials, please visit [www.azleg.gov](http://www.azleg.gov).

### **HCR2001: HIGHWAY USER REVENUE FUND USES**

A 2008 ballot question that would amend the Arizona Constitution, allowing monies from the highway users revenue fund to be utilized for any transportation project.

Primary sponsor: Rep. Chad Campbell.

Last action: 1/14/08, referred to House Transportation and House Counties, Municipalities and Military Affairs.

ARS Title(s) Affected: 98.

### **HCR2021: NONLIABILITY FOR DAMAGES; CRIMINAL ACTS**

Amends the Arizona Constitution to specify that a person is not liable for damages in any civil action that a plaintiff incurs while the plaintiff is attempting to commit, is committing or fleeing from a criminal act.

Primary sponsor: Rep. Kavanagh. Co-sponsors: Rep. Pearce, Sen. Harper.

Last action: 2/21/08, held in House Judiciary.

ARS Title(s) Affected: 98.

### **HCR2024: JUDGES; MERIT SELECTION; POPULATION THRESHOLD (~~TECH CORRECTION; AIRCRAFT; LICENSE TAX~~)**

Striker eliminates merit selection for superior court judges and establishes a process for the election of superior court judges in counties with a population of 800,000 persons or more.

Primary sponsor: Rep. Pearce.

Last action: 4/17/08, from House Appropriations, amended.

ARS Title(s) Affected: 98.

### **HCR2039: ILLEGAL ALIENS; ENFORCEMENT AND TRESPASSING**

If approved by the voters, prohibits officials, agencies and personnel of counties, cities and towns from adopting a policy ordinance or law that does not permit its officials and employees to fully comply with and, to the full extent permitted by federal law, assist in the enforcement of the federal immigration laws and establishes the crime of *trespassing by illegal aliens*.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Barnes, Rep. Biggs, Rep. Burges, Rep. Crump, Rep. Farnsworth, Rep. Groe, Rep. Kavanagh, Rep. McComish, Rep. Murphy, Rep. Robson, Rep. Jim Weiers, Rep. Yarbrough, Sen. Burns, Sen. Harper, Sen. Johnson, Sen. Verschoor.  
Last action: 4/08/08, approved in House COW, amended.  
ARS Title(s) Affected: 97.

**HM2002: MATTHEW SHEPARD ACT; URGE ADOPTION**

Urges Congress to adopt the Matthew Shepard Act, allowing local law enforcement the ability to prosecute hate crimes, including crimes based solely on an individual's gender, sexual orientation, gender identity or disability.

Primary sponsor: Rep. Ableser. Co-sponsors: Rep. Bradley, Rep. Cajero Bedford, Rep. Chad Campbell, Rep. Chabin, Rep. Farley, Rep. Gallardo, Rep. Lopes, Rep. Lopez, Rep. Lujan, Rep. Meza, Rep. Prezelski, Rep. Schapira, Rep. Sinema, Rep. Young Wright.  
Last action: 2/18/08, referred to House Judiciary.  
ARS Title(s) Affected: 99.

## **BILLS VETOED BY THE GOVERNOR**

### **H2263: PARENTAL CONSENT; ABORTION**

Requires a pregnant minor to prove to a superior court judge by clear and convincing evidence that she is sufficiently mature to give informed consent to an abortion without consulting her parent or guardian.

Primary sponsor: Rep. Nichols. Co-sponsor: Rep. Mason.  
Vetoed by the governor, 4/04/08.  
ARS Title(s) Affected: 36.

### **H2359: BORDER OFFICERS; STATE LAWS; ENFORCEMENT**

Authorizes county sheriffs to enter into agreements with CBP without the approval of the county board of supervisors. Agreements must relate to matters that have no financial impact to the county and must be for the primary purpose of facilitating inter-agency communication.

Primary sponsor: Rep. Paton. Co-sponsors: Rep. Adams, Rep. Burns, Rep. Hershberger, Rep. McClure, Sen. Bee.  
Vetoed by the governor, 4/29/08.  
ARS Title(s) Affected: 9, 11.

### **H2389: FIREARMS; DEATH PENALTY; SEX WITH MINOR (MISCONDUCT INVOLVING WEAPONS; MEANS; TRANSPORTATION)**

Original bill removes persons who, without a permit, knowingly carry a deadly weapon concealed within immediate control of a person in or on a means of transportation from the list of persons who commit misconduct involving weapons. Striker amendment makes omnibus changes with regard to: concealed carry permit (CCW) requirements; penalties for a prohibited possessor and a person convicted of sexual conduct with a minor; and sentencing for first degree murder and sexual conduct with a minor.

Primary sponsor: Rep. Kavanagh.  
Vetoed by the governor, 7/07/08.  
ARS Title(s) Affected: 8, 12, 13, 15.

### **H2395: DUI; OUI (RETIREMENT; PSPRS; INVESTMENTS; MANAGEMENT)**

Increases penalties for persons convicted of operating a watercraft while intoxicated. Requires the Arizona Department of Transportation's (ADOT) Motor Vehicle Division (MVD) to order a person whose license is suspended as a result of a driving under the influence offense to complete alcohol or other drug screening as a condition of license reinstatement. Requires the time period that an ignition interlock device (IID) is ordered to be reduced by six months under certain circumstances. Expands circumstances in which an officer must serve an order of license suspension. Other provisions.

Primary sponsor: Rep. Jim Weiers. Co-sponsor: Rep. Robson.  
Vetoed by the governor, 4/29/08.  
ARS Title(s) Affected: 38.

**H2626: WEAPONS; PEACE OFFICERS; POSSE; RESERVES**

Allows a sheriff to authorize a member of their volunteer posse to carry a deadly weapon without a concealed carry weapon permit (CCW). The bill also authorizes a retired peace officer to carry a concealed weapon without a CCW.

Primary sponsor: Rep. Pearce.  
Vetoed by the governor, 7/07/08.  
ARS Title(s) Affected: 11, 13, 38.

**H2629: JUSTIFICATION; DEFENSIVE DISPLAY OF FIREARM**

Justifies the defensive display of a firearm when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against use or attempted use of unlawful physical force or deadly physical force. Defines defensive display of a firearm. Other provisions.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Barnes, Rep. Biggs, Rep. Burges, Rep. Clark, Rep. Crump, Rep. Farnsworth, Rep. Groe, Rep. Kavanagh, Rep. McClure, Rep. McComish, Rep. Murphy, Rep. Nelson, Rep. Nichols, Rep. Tobin, Rep. Jerry Weiers, Sen. Gould, Sen. Chuck Gray, Sen. Harper, Sen. Johnson.  
Vetoed by the governor, 5/27/08.  
ARS Title(s) Affected: 13.

**H2630: CONCEALED WEAPONS; PETTY OFFENSE**

Changes the classification of misconduct involving weapons in which the person carries a deadly weapon, except a pocket knife, concealed on this person without a permit or in which the person carries a deadly weapon concealed within immediate control of any person in or on a means of transportation to a petty offense. Provides exceptions for serious offenses.

Primary sponsor: Rep. Pearce. Co-sponsors: Rep. Barnes, Rep. Biggs, Rep. Brown, Rep. Burges, Rep. Clark, Rep. Crump, Rep. Driggs, Rep. Farnsworth, Rep. Groe, Rep. Kavanagh, Rep. McClure, Rep. McComish, Rep. Murphy, Rep. Nelson, Rep. Nichols, Rep. Tobin, Rep. Jerry Weiers, Sen. Gould, Sen. Harper, Sen. Johnson.  
Vetoed by the governor, 4/29/08.  
ARS Title(s) Affected: 13.

**H2769: PARTIAL-BIRTH ABORTION; DEFINITION**

Makes several clarifying and substantive changes to the partial-birth abortion section of statute including changing the classification of the crime to a class 5 felony and the definition of partial-birth abortion. Reference S1099 and S1048.

Primary sponsor: Rep. Tobin. Co-sponsors: Rep. Anderson, Rep. Barnes, Rep. Barto, Rep. Brown, Rep. Crump, Rep. McClure, Rep. McComish, Rep. McGuire, Rep. Murphy, Rep. Nichols, Rep. Rios, Rep. Jerry Weiers, Sen. Blendu, Sen. Harper, Sen. O'Halleran, Sen. Waring.  
Vetoed by the governor, 4/04/08.  
ARS Title(s) Affected: 13.

**H2807: IMMIGRATION; LOCAL ENFORCEMENT**

Requires sheriffs and police departments to implement a program, addressing the violations of federal immigration laws. Prohibits officials, agencies or personnel of counties, cities or towns from being limited in sending, receiving or maintaining information related to immigration status.

Primary sponsor: Rep. Nelson.

Vetoed by the governor, 4/28/08. House failed to override the veto, 30-25, on 5/13/08.

ARS Title(s) Affected: 11.