

**NOTICE OF PUBLIC MEETING
OF THE
JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S § 38-431.02, notice is hereby given to the members of the **Legislative Committee** of the Arizona Criminal Justice Commission and to the general public that the **Joint Executive Committee** and **Legislative Committee** will hold a meeting open to the public on **Friday, January 20, 2017** beginning at **1:30 p.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 230, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

Agenda for the meeting is as follows:

I. Call to Order and Roll Call **Chairperson David Sanders**

Executive Committee Members:

Sean Duggan, Chairperson
Sheila Polk, Vice Chairperson
David Byers
Joe Brugman
Charles Ryan
David Sanders

Legislative Committee Members:

David Sanders, Chairperson
David Byers
K.C. Clark
Barbara LaWall
Frank Milstead
Daniel Sharp

II. Minutes of November 4, 2016 Meeting

- Approval of Minutes

P-F-T

III. ACJC Approved Legislation

Andrew T. LeFevre

- Review and discussion of ACJC approved legislation

Info

IV. Review Introduced Criminal Justice Legislation Andrew T. LeFevre

- Review, discussion, consideration and possible action on support of various criminal justice legislation:

1. H2098 civil forfeiture; public defender appointment

S-O-N-M

2. H2109 forfeiture; monies; assets; prohibited distribution

S-O-N-M

3. H2110 uncontested civil forfeiture; repeal

S-O-N-M

4. H2111 anti-racketeering funds; administration; revenue department

S-O-N-M

5. H2170 anti-racketeering monies; police training

S-O-N-M

6. H2281 anti-racketeering monies; auth uses; prohibitions

S-O-N-M

7. H2243 anti-racketeering revolving funds; electronic reports

S-O-N-M

8. H2149 mental health; injunction; firearm possession

S-O-N-M

9. H2150 firearm sales; transfers; background checks

S-O-N-M

10. H2118 firearms transfers; compact

S-O-N-M

11. H2102 private prison security officers; certification

S-O-N-M

12. H2103 private prison study committee

S-O-N-M

13. H2101 private prison contractors; public records

S-O-N-M

14. H2289 vacating felony conviction; expungement; records

S-O-N-M

15. H2290 provisional licenses; criminal convictions

S-O-N-M

16. S1071 provisional licenses; criminal convictions

S-O-N-M

17. H2291 vacating felony conviction; record destruction

S-O-N-M

18. S1069 vacating felony conviction; record destruction

S-O-N-M

19. H2133 correctional facilities; community notification

S-O-N-M

20. H2066 aggravated dui; sentence; county jail

S-O-N-M

21. S1072 administrative decisions; scope of review

S-O-N-M

22. S2151 indigent defense fund; distribution; purpose

S-O-N-M

V. Call to the Public

Those wishing to address the Committee need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

VI. Date, Time, and Location of Next Meeting

- The next Legislative Committee meeting will be held at the call of the Chairperson

VII. Adjournment

A copy of the agenda background material provided to Committee members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.



**JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
January 20, 2017	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the November 4, 2016 Meeting

TO: Chairperson and Committee Members

FROM: David Sanders, Chairperson

RECOMMENDATION:

The Committee approve the minutes of the Legislative Committee meeting held on November 4, 2016.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Legislative Committee Minutes

November 4, 2016

A public meeting of the Legislative Committee of the Arizona Criminal Justice Commission was convened on Friday, November 4, 2016 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 230, Phoenix, AZ 85007.

Members Present:

David Sanders, Chairperson, Pima County Chief Probation Officer, by conference call
Dave Byers, Director, Administrative Office of the Courts, Jerry Landau representing by conference call
K.C. Clark, Navajo County Sheriff, by conference call
Chris Gibbs, Mayor, City of Safford, by conference call
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing by conference call
Frank Milstead, Director, Department of Public Safety by conference call
Danny Sharp, Chief, Oro Valley Police Department by conference call

Other Participants:

Courtney Coolidge, Legislative Liaison, Department of Public Safety

ACJC Staff Participating:

Andy LeFevre, Executive Director
Tony Vidale, Deputy Director
Jaime Watson, Public Information Officer/Legislative Liaison
Joynnilynn Scott, Legislative Intern

I. Call to Order and Roll Call

The meeting was called to order by Chairperson David Sanders at 11:01 a.m. Roll was taken and a quorum was declared present.

II. Minutes of the November 5, 2015 Meeting

Chairperson Sanders called for a motion on the minutes. Mayor Gibbs entered a motion to approve the minutes of the meeting held on November 5, 2015. The motion was seconded by Ms. Mayer and was unanimously approved by the Committee.

III. Legislative Proposals

Andy LeFevre, Executive Director presented proposed legislation for the 2017 legislative session. The Committee was asked to review, discuss and support the draft legislation for recommendation to the Commission.

Mr. LeFevre introduced the first item of legislation which fixed a technical error in ARS §13-607 to add reference to theft and shoplifting in the requirements that a court at the time of sentencing to permanently affix a defendant's fingerprint to the sentence document or minute order, or record the defendant's two-fingerprint biometric-based identifier in the case file. Ms. Mayer entered a motion to recommend to the full Commission that they support the legislation. The motion was seconded by Chief Sharp and was unanimously approved by the Committee.

Mr. LeFevre introduced the second item of legislation Amends ARS §41-2407 to require a medical provider that accepts the full allowable payment from the Victim Compensation Program to accept such payment as payment in full for those services and may not attempt to collect any further payment from the victim or claimant for those same services. It also creates a stay of debt collection activities by medical providers once a person files a claim under the Victim Compensation Program. Chief Sharp entered a motion to recommend to the full Commission that they support the legislation. The motion was seconded by Mayor Gibbs. Chief Sharp indicated that ACJC staff should have the flexibility to ascertain if an expansion of the definition of “medical provider” is necessary to accomplish the goals of the legislation. The bill was unanimously approved by the Committee.

IV. Discussion of the Role of the Legislative Committee During Legislative Session to Provide Direction to Staff on Legislation

Mr. LeFevre provided an overview of the possible role that members of the Legislative Committee could have during the legislative session to provide guidance to ACJC staff on introduced legislation on behalf of the Commission.

Committee members discussed how other organizations hold meetings/conference calls to discussed legislation during the session. Members requested that the full Commission discuss what their comfort level is for the appropriate number of Commission Members necessary to provide guidance to staff.

V. Call to the Public

Chairperson Sanders made a call to the public. No members of the public addressed the Committee.

VI. Date, Time, and Location of Next Meeting

The next Legislative Committee Meeting will be held at the call of the Chairperson.

VII. Adjournment

The meeting was adjourned at 11:28 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew T. LeFevre', written in a cursive style.

Andrew T. LeFevre
Executive Director

Audio recording is available upon request



**JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
January 20, 2017	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Review and discussion of ACJC approved legislation

TO: Chairperson and Committee Members

FROM: Andy LeFevre, Executive Director

RECOMMENDATION:

Information Only

DISCUSSION:

Review ACJC approved legislation:

1. H2805
2. H2087
3. Victim Protection

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

Review of Arizona Criminal Justice Commission Approved Legislation

1. H2085 SENTENCING DOCUMENT; FINGERPRINT; MISDEMEANOR OFFENSES

Is a technical fix to A.R.S. §13-607 that adds back in reference to sections 13-1802 (theft) and 13-1805 (shoplifting) that were taken out two sessions ago when ACJC passed legislation that moved fingerprinting requirements for the Arizona Computerized Criminal History system into its own section. These two provisions should have remained in 13-607 and this bill will remedy that oversight.

2. H2087 ARIZONA CRIMINAL JUSTICE COMMISSION; CONTINUATION

The statutory life of the Arizona Criminal Justice Commission is extended ten years to July 1, 2027. Retroactive to July 1, 2017.

3. Victim Compensation and Assistance Fund

Victim Compensation and Assistance Fund; Payments for Services Amends ARS §41-2407 to require a medical provider that accepts the full allowable payment from the Victim Compensation Program to accept such payment as payment in full for those services and may not attempt to collect any further payment from the victim or claimant for those same services. It also creates a stay of debt collection activities by medical providers once a person files a claim under the Victim Compensation Program.

IV

JOINT EXECUTIVE COMMITTEE AND LEGISLATIVE COMMITTEE OF THE ARIZONA CRIMINAL JUSTICE COMMISSION

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
January 20, 2017	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Proposal

TO: Chairperson and Committee Members

FROM: Andy LeFevre, Executive Director

RECOMMENDATION:

The Executive Committee and Legislative Committee recommend to the Commission the support of proposed monitored legislation.

DISCUSSION:

The following ACJC proposed legislation to monitor for the 2017 legislative session will be presented in an effort to gain direction from the Commission.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

Recommendation to Monitor; Bill Summaries

4. H2098 CIVIL FORFEITURE; PUBLIC DEFENDER APPOINTMENT

The list of proceedings and circumstances at which a public defender is required to defend, advise and counsel any person who is entitled to counsel and who is not financially able to employ counsel is expanded to include all seizure and forfeiture proceedings held under the criminal code.

ARS Titles Affected: 11

First sponsor: Rep. Thorpe

5. H2109 FORFEITURE; MONIES; ASSETS; PROHIBITED DISTRIBUTION

Any monies obtained as a result of a seizure or forfeiture that involved a drug or gambling offense are prohibited from being distributed to or used by any law enforcement agency. If the property forfeited is money that cannot be specifically identified, the court is required to order the monies distributed to crime victims who have not received the full amount of restitution that was ordered by a court before any remaining monies are distributed to law enforcement agencies.

ARS Titles Affected: 13

First sponsor: Rep. Thorpe

6. H2110 UNCONTESTED CIVIL FORFEITURE; REPEAL

Repeals statute allowing the state to make uncontested civil forfeiture available to owners of and interest holders in personal property and regulating that process.

ARS Titles Affected: 13

First sponsor: Rep. Thorpe

7. H2111 ANTI-RACKETEERING FUNDS; ADMINISTRATION; REVENUE DEPARTMENT

Authority to administer the Anti-Racketeering Revolving Fund is transferred to the Department of Revenue (DOR), from the Attorney General, and authority to administer each County Anti-Racketeering Revolving Fund is transferred to the Department of Revenue (DOR), from the County Attorney. A department or agency that receives monies from either Fund is subject to random audit by DOR and must provide a full accounting for monies received from the Fund.

ARS Titles Affected: 13

First sponsor: Rep. Thorpe

8. H2170 ANTI-RACKETEERING MONIES; POLICE TRAINING

Requires five percent of the monies deposited in the Anti-Racketeering Revolving Fund and five percent of the monies deposited in each County Anti-Racketeering Revolving Fund to be transferred to the State Treasurer for deposit in the Peace Officers' Training Fund.

ARS Titles Affected: 13

First sponsor: Rep. Thorpe

9. H2281 ANTI-RACKETEERING MONIES; AUTH USES; PROHIBITIONS

Monies in the Anti-Racketeering Revolving Fund and in each county anti-racketeering revolving fund can no longer be used to fund gang prevention programs, substance abuse prevention programs, or programs that provide assistance to victims of a criminal offense. Monies in the Funds are prohibited from being used for providing a gift to any individual or group, or for any political or promotional purpose. The Attorney General is required to investigate all allegations of unlawful use of Fund monies, and is required to cause an annual audit to be made of the Funds and each entity that receives monies from the Funds.

ARS Titles Affected: 13

First sponsor: Rep. Thorpe

10. H2243 ANTI-RACKETEERING REVOLVING FUNDS; ELECTRONIC REPORTS

The quarterly report that each government entity receiving monies from the Anti-Racketeering Revolving Fund is required to file with the Attorney General, and the summary report of that information that the Attorney General is required to file quarterly with the Arizona Criminal Justice Commission must be made in an electronic format. The Commission is required to compile the reports quarterly, instead of annually, and submit a single comprehensive electronic report to the Governor and the Legislature.

ARS Titles Affected: 13

First sponsor: Rep. E. Farnsworth

11. H2149 MENTAL HEALTH; INJUNCTION; FIREARM POSSESSION

An immediate family member or a peace officer is authorized to file a verified petition with a magistrate, justice of the peace or superior court judge for an injunction that prohibits a person from possessing, controlling, owning or receiving a firearm. Any court may issue or enforce a mental health injunction against firearm possession, regardless of the location of the person. Information that must be included in the petition is specified. If the court finds that there is clear and convincing evidence to issue a mental health injunction against firearm possession, the court must issue the injunction. Information that must be included in the injunction is specified. Provides for enforcement. More.

ARS Titles Affected: 12

First sponsor: Rep. Friese

Others: Rep. Alston, Rep. Engel, Rep. Gabaldon, Rep. Powers Hannley, Rep. Rios

12. H2150 FIREARM SALES; TRANSFERS; BACKGROUND CHECKS

If neither party to a prospective firearms sale or transfer is a licensed firearms dealer, the parties must complete the transaction through a licensed firearms dealer. Some exceptions. The dealer must process the sale or transfer and comply with all requirements of federal, state and local law as if the dealer were a party to the transaction, including a background check on both parties. If the dealer cannot legally deliver the weapon to the purchaser, the dealer must return the weapon to the seller. If the dealer cannot legally return the weapon to the seller, the dealer must deliver the weapon to law enforcement.

The dealer may charge a fee of up to \$20 for the costs incurred in facilitating the sale or transfer. Violations are a class 5 (second-lowest) felony.

ARS Titles Affected: 13

First sponsor: Rep. Friese

Others: Rep. Blanc, Rep. Chavez, Rep. Engel, Rep. Espinoza, Rep. Navarrete, Rep. Powers Hannley, Rep. Rios

13. H2118 FIREARMS TRANSFERS; COMPACT

The state of Arizona enacts, adopts and agrees to be bound by a uniform firearms transfer compact, which prohibits member states from creating, imposing or enforcing any fee, tax, penalty, mandate or regulation governing, punishing, restricting, conditioning or otherwise burdening in any respect or at any time the transfer of firearms by any person in addition to those imposed by federal law, with some exceptions. Any law, regulation or policy existing on the effective date of the compact which is in conflict with this prohibition is repealed and held for naught to the extent of the conflict. Provides for construction, enforcement, withdrawal from and severability of the compact.

ARS Titles Affected: 13

First sponsor: Rep. Thorpe

Others: Rep. Barton, Rep. Lawrence

14. H2102 PRIVATE PRISON SECURITY OFFICERS; CERTIFICATION

Security officers employed by a private prison contractor are required to be certified by the Arizona Peace Officer Standards and Training (AZPOST) Board by completing the same basic training course, physical examinations and criminal background investigations as correctional officers employed by the Department of Corrections. A contract for adult incarceration cannot be entered into unless the private prison contractor only uses security officers who are AZPOST certified. A security officer employed by a private prison has no authority or jurisdiction outside of the grounds of a private prison facility. A person who exercises the authority or performs the duties of a peace officer and who is not AZPOST certified as a peace officer is guilty of a class 1 (highest) misdemeanor.

ARS Titles Affected: 41

First sponsor: Rep. Andrade

Others: Rep. Alston, Rep. Bolding, Rep. Cardenas, Rep. Clark, Rep. Espinoza, Rep. Fernandez, Rep. Gabaldon, Rep. Rubalcava

15. H2103 PRIVATE PRISON STUDY COMMITTEE

Establishes a 19-member Private Prison Study Committee to research and report on the impact of private prisons on the safety of the public and prisoners, the economic efficiency of housing prisoners in private facilities, and the provision of constitutionally appropriate services for prisoners at private prisons. The Committee must submit a report to the Governor and the Legislature by December 31, 2017 and self-repeals October 1, 2018.

ARS Titles Affected: 41

First sponsor: Rep. Andrade
Others: Rep. Alston, Rep. Bolding, Rep. Cardenas, Rep. Chavez, Rep. Clark, Rep. Epstein, Rep. Espinoza, Rep. Fernandez, Rep. Gabaldon, Rep. Hernandez, Rep. Rubalcava

16. H2101 PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS

Private prisons that contract with any governmental entity must make public all records relating to costs, operations, staff and inmates to the same extent required of publicly operated prisons or jails.

ARS Titles Affected: 41

First sponsor: Rep. Andrade

Others: Rep. Alston, Rep. Bolding, Rep. Cardenas, Rep. Chavez, Rep. Clark, Rep. Espinoza, Rep. Fernandez, Rep. Gabaldon, Rep. Hernandez, Rep. Rubalcava

17. H2289 VACATING FELONY CONVICTION; EXPUNGEMENT; RECORDS

A person convicted of a class 5 (second-lowest) or class 6 (lowest) felony is permitted to petition the court that pronounced sentence to vacate the judgment of conviction and expunge any records related to that conviction. The person may file the petition no less than five years after the date the person fulfills the conditions of probation or sentence. Information that must be included in the petition is listed. Does not apply to a person convicted of a list of specified criminal offenses.

ARS Titles Affected: 13

First sponsor: Rep. Rivero

18. H2290 PROVISIONAL LICENSES; CRIMINAL CONVICTIONS

A "licensing authority" (defined) is required to issue to an otherwise qualified applicant who has been convicted of an offense either the regular license or a provisional license that is valid for at least 90 days but not more than 360 days. The licensing authority may revoke a provisional license if the licensee commits a new offense, commits an act or omission causing the licensee's community supervision, probation or parole to be revoked, or violates the law or rules governing the practice of the occupation for which the provisional license is issued. If the licensee does not violate these terms, the licensing authority is required to issue the regular license upon expiration of the provisional license term. Does not apply to a person who is convicted of specified criminal offenses.

ARS Titles Affected: 41

First sponsor: Rep. Rivero

19. S1071 PROVISIONAL LICENSES; CRIMINAL CONVICTIONS

A "licensing authority" (defined) is required to issue to an otherwise qualified applicant who has been convicted of an offense either the regular license or a provisional license that is valid for at least 90 days but not more than 360 days. The licensing authority may revoke a provisional license if the licensee commits a new offense, commits an act or omission causing the licensee's community supervision, probation or parole to be revoked, or violates the law or rules governing the practice of the occupation for which

the provisional license is issued. If the licensee does not violate these terms, the licensing authority is required to issue the regular license upon expiration of the provisional license term. Does not apply to a person who is convicted of specified criminal offenses.

ARS Titles Affected: 41

First sponsor: Sen. Burges

20. H2291 VACATING FELONY CONVICTION; RECORD DESTRUCTION

A person convicted of a class 4, 5 or 6 felony is authorized to petition the court that pronounced sentence to vacate the judgment of conviction and expunge any records relating to that conviction. The person may file the petition no less than five years after the date the person fulfills the conditions of probation or sentence. Information that must be included in the petition is listed. Does not apply to a person convicted of a list of specified criminal offenses.

ARS Titles Affected: 13

First sponsor: Rep. Rivero

21. S1069 VACATING FELONY CONVICTION; RECORD DESTRUCTION

A person convicted of a class 4, 5 or 6 felony is authorized to petition the court that pronounced sentence to vacate the judgment of conviction and expunge any records relating to that conviction. The person may file the petition no less than five years after the date the person fulfills the conditions of probation or sentence. Information that must be included in the petition is listed. Does not apply to a person convicted of a list of specified criminal offenses.

ARS Titles Affected: 13

First sponsor: Sen. Burges

22. H2133 CORRECTIONAL FACILITIES; COMMUNITY NOTIFICATION

Before incurring any obligation for the establishment of any "correctional facility" or any "change of use" (both defined) of a correctional facility, or for the establishment of any private incarceration facility or community correctional center, the Department of Corrections is required to give at least 60 days' written notice to a list of specified persons, including property owners and government officials. Information that must be included in the notice is specified. The Dept is required to post a sign that is at least four feet by eight feet in a conspicuous location on the proposed site for 15 calendar days before a required public hearing, and the sign must give notice of the date, time and location of the hearing.

ARS Titles Affected:

First sponsor: Rep. J. Allen

Others: Sen. Barto

23. H2066 AGGRAVATED DUI; SENTENCE; COUNTY JAIL

Persons convicted of a violation of aggravated driving under the influence may serve their sentence in a county jail. Municipalities and counties are authorized to establish a

medium security facility for the confinement of persons convicted of driving under the influence.

ARS Titles Affected: 28

First sponsor: Rep. Shope

24. S1072 ADMINISTRATIVE DECISIONS; SCOPE OF REVIEW

When the court reviews a final administrative decision, the court is required to decide all questions of fact and law without regard to any previous determination that may have been made on the question in an administrative hearing. Applies in any action for judicial review of an agency action that is authorized by law. Previously, the court was required to affirm the agency action unless after reviewing the evidence the court concluded that the action was not supported, was contrary to law, or was arbitrary and capricious.

ARS Titles Affected: 12

First sponsor: Sen. Petersen

Others: Sen. Burges, Sen. Fann, Sen. D. Farnsworth, Rep. E. Farnsworth, Rep. Finchem, Rep. Grantham, Rep. Kern, Rep. Mitchell, Sen. Smith, Sen. Worsley

25. H2151 INDIGENT DEFENSE FUND; DISTRIBUTION; PURPOSE

The Arizona Criminal Justice Commission is required to distribute monies in the State Aid to Indigent Defense Fund each fiscal year to each county for the sole purpose of providing state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

ARS Titles Affected: 11

First sponsor: Rep. Cardenas

26. H2211 ALCOHOL; DRUG MONITORING PROGRAM; ESTABLISHMENT

Establishes a Statewide Continuous Sobriety and Drug Monitoring Program in the Attorney General's Office, requires the Attorney General to adopt rules to implement the Program, including rules for Program fees, and specifies Program requirements, including a requirement to use a primary testing methodology for the presence of alcohol or drugs that best facilitates the ability to apply immediate sanctions for noncompliance and that is available at an affordable cost. The Program is the preferred pretrial release and monitoring program for offenders who are charged with or convicted of either a second or subsequent offense involving driving under the influence or any crime in which alcohol or drug abuse was a contributing factor in the commission of the crime. The Board of Executive Clemency and the Department of Corrections may require a prisoner's participation in the Program as a condition of community supervision, parole or other authorized release if the prisoner was convicted of either a second or subsequent offense involving driving under the influence or any crime in which alcohol or drug abuse was a contributing factor in the commission of the crime. More.

ARS Titles Affected: 13

First sponsor: Rep. Carter