

**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, February 3, 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

## **II. Minutes of January 20, 2017 Meeting**

- Approval of Minutes

**P-F-T**

## **III. Discussion of Committee Process**

**P-F-T**

- Review and discussion of process of Joint Legislative and Executive Committee

## **IV. ACJC Legislation**

**Andrew T. LeFevre**

- Review and discussion of ACJC approved legislation

**Info**

## **V. Review Introduced Criminal Justice Legislation** **Andrew T. LeFevre**

- Review, discussion, consideration and possible action on support of various criminal justice legislation:
  1. HB 2239 (Incompetent; Nonrestorable Defendants; Involuntary Commitment)

**S-O-N-M**

## **VI. 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.

## **VII. Date, Time, and Location of Next Meeting**

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

## **VIII. 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**

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
February 3, 2017	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the January 20, 2017 Meeting

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**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

**Joint Executive and Legislative Committees**  
**Minutes**  
**January 20, 2017**

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Friday, January 20, 2017 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  
Sean Duggan, Chief, Chandler Police Department, by conference call  
Dave Byers, Director, Administrative Office of the Courts by conference call  
K.C. Clark, Navajo County Sheriff, by conference call  
Shelia Polk, Yavapai County Attorney, by conference call  
Joe Burgman, Chief, Safford Police Department, by conference call  
Charles Ryan, Department of Corrections, Art Harding representing by conference call  
Frank Milstead, Director, Department of Public Safety by conference call  
Danny Sharp, Chief, Oro Valley Police Department

Other Participants:

Courtney Coolidge, Legislative Liaison, Department of Public Safety  
Amy Love, Deputy Director of Government Affairs, Arizona Supreme Court

ACJC Staff Participating:

Andy LeFevre, Executive Director  
Jaime Watson, Public Information Officer/Legislative Liaison  
Roxanne Harris, Legislative Intern

**I. Call to Order and Roll Call**

The meeting was called to order by Chairperson David Sanders at 1:31pm. Roll was taken and a quorum was declared present.

**II. Minutes of the November 4, 2016 Meeting**

Chairperson Sanders called for a motion on the minutes. Chief Sharp entered a motion to approve the minutes of the meeting held on November 4, 2016. The motion was seconded by Chief Brugman and was unanimously approved by the Committee.

**III. ACJC Approved Legislation**

Andy LeFevre, Executive Director presented updates on ACJC approved legislation for the 2017 legislative session.

Mr. LeFevre first provided an information update that HB2085, sponsored by Representative Farnsworth, moved out of the House Judiciary & Public Safety Committee with a do pass recommendation.

Mr. LeFevre provided an information update that ACJC approved HB2087, sponsored by Representative Farnsworth, moved out of the House Judiciary & Public Safety Committee with a do pass recommendation.

Mr. LeFevre provided an information update on the final ACJC approved legislation regarding the Victim Compensation and Protection Fund, informing committee members that the legislation will be sponsored by Representative Boyer but has not been introduced yet.

#### **IV. Review Introduced Criminal Justice Legislation**

Mr. LeFevre reviewed introduced legislation that may impact the criminal justice system or ACJC for the members' consideration.

Sheila Polk entered a motion to monitor House Bills 2098, 2109, 2110, 2111, 2170, and 2281. The motion was seconded by Daniel Sharp and was unanimously approved by the Committee.

David Byers entered a motion to support HB2243 with the caveats that the effective date of the bill should be postponed and the funding source should be outlined. The motion was seconded by Sheila Polk and was unanimously approved by the Committee.

Sheila Polk entered a motion to monitor HB2149 and HB2150. The motion was seconded by Daniel Sharp and unanimously approved by the Committee.

Sheila Polk entered a motion to monitor HB2118 which was seconded by Sean Duggan and unanimously approved by the Committee.

Sheila Polk entered a motion to monitor House Bills 2102, 2103, and 2101. The motion was seconded by Daniel Sharp and was unanimously approved by the Committee.

Sheila Polk entered a motion to monitor HB2289. The motion was seconded by Daniel Sharp and was unanimously approved by the Committee.

Sheila Polk entered a motion to monitor HB2291 and SB1069 which was seconded by Daniel Sharp and unanimously approved by the Committee.

David Byers entered a motion to monitor HB2133. The motion was seconded by Sheila Polk and unanimously approved by the Committee.

David Byers entered a motion to monitor HB2066 which was seconded by Sheila Polk and unanimously approved by the Committee.

David Byers entered a motion to support HB2151. The motion was seconded K.C. Clark and unanimously approved by the Committee.

Sheila Polk motioned to monitor HB2211. The motion was seconded by David Byers and unanimously passed by the Committee.

David Byers entered a motion to support HB2268. The motion was seconded by Sheila Polk and was unanimously passed by the Committee.

Sheila Polk motioned to monitor HB2212. The motion was seconded by David Byers and was unanimously passed by the Committee.

Sheila Polk recommended that SB1071 and HB 2290 be deferred to a future meeting and directed staff to provide more information on the legislation.

David Byers recommended that SB1072 be deferred to a future meeting and directed ACJC staff to provide more information on the legislation.

**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 joint meeting of the Legislative and Executive Committees will be held on Friday, February 3, 2016 at 1:30 pm via conference call.

**VII. Adjournment**

The meeting was adjourned at 1:40pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. LeFevre". The signature is fluid and cursive, with a large initial "A" and "L".

Andrew T. LeFevre  
Executive Director



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

**Request for Committee Action**

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<b>Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
February 3, 2017	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Review and discussion of Committee Process

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**TO:** Chairperson and Committee Members

**FROM:** Andy LeFevre, Executive Director

**RECOMMENDATION:**

N/A

**DISCUSSION:**

The Executive Committee and Legislative Committee shall discuss and review the process for reviewing and approving legislation.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

# IV

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

### Request for Committee Action

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Action Requested:	Type of Action Requested:	Subject:
February 3, 2017	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Review and discussion of ACJC approved and supported legislation

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**TO:** Chairperson and Committee Members

**FROM:** Andy LeFevre, Executive Director

**RECOMMENDATION:**

N/A

**DISCUSSION:**

An update on ACJC approved and supported legislation will be provided.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

Not Approve - Modify - Table



## **ACJC Approved Legislation**

### **1. HB 2085 (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 systems into its own section. These two provisions should have remained in 13-607 and this bill will remedy that oversight.

ARS Titles Affected: 13

First sponsor: Rep. E. Farnsworth

Status: Passed House Third Read 2/1; Moves onto the Senate

### **2. HB 2087 (Arizona Criminal Justice Commission; Continuation)**

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

ARS Titles Affected: 41

First sponsor: Rep. E. Farnsworth

Status: Passed House Third Read 1/30; Moves onto the Senate

### **3. HB 2375 (Victims; Medical Bills; Prohibited Acts)**

A "licensed health care provider" (defined) who provides health and medical services to a victim or claimant and who accepts the full allowable payment for those services from a victim compensation program is deemed to have accepted the payment as the full payment for those services, and is prohibited from collecting or attempting to collect any payment for those services from the victim or claimant.

ARS Titles Affected: 41

First Sponsor: Rep. Boyer

Status: No actions posted for this bill.

## **ACJC Supported**

### **1. HB 2243 (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

Status: Received do pass recommendation: House Federalism, Property Rights and Public Policy 1/25 at 2:00pm; 1/17 referred to House Judiciary and Public Safety

**2. HB 2151 (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

Status: Received a do pass recommendation: House Local and International Affairs 1/25 at 9:00am; 1/18 referred to House Appropriations

**3. HB 2268 (Sexual Assault Evidence; Submission; Reports)**

A health care facility that obtains written consent to release sexual assault kit evidence is required to notify the appropriate law enforcement agency within 24 hours after evidence collection. The law enforcement agency is required to take possession of the kit within five business days and submit the evidence to a public accredited crime laboratory for forensic analysis within 15 business days after its receipt. All kits submitted for analysis must be analyzed as soon as practicable if sufficient personnel and resources are available, and a public accredited crime laboratory is permitted to contract with a private accredited crime laboratory to perform the analysis. By August 30 of each year, each law enforcement agency and public accredited crime laboratory is required to report specified information about sexual assault kits to the Department of Public Safety, and the Commission is required to report a compilation of those reports to the Governor and the Legislature by December 1 of each year.

ARS Titles Affected: 13

First sponsor: Rep. Syms

Others: Rep. Barton, Rep. Bowers, Rep. Cobb, Rep. Cook, Rep. Engel, Sen. Hobbs, Rep. John, Rep. Leach, Rep. Livingston, Rep. Navarrete, Rep. Nutt, Rep. Payne, Rep. Rubalcava, Rep. Salman

Status: Received do pass recommendation: House Judiciary and Public Safety with amendment;

# V

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

### Request for Committee Action

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Action Requested:	Type of Action Requested:	Subject:
February 3, 2017	<input type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Review and discussion of ACJC approved and supported legislation

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**TO:** Chairperson and Committee Members

**FROM:** Andy LeFevre, Executive Director

#### RECOMMENDATION:

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

1. HB 2239 (Incompetent; Nonrestorable Defendants; Involuntary Commitment)

#### S-O-N-M

#### DISCUSSION:

The Joint Executive and Legislative Committee will discuss the recommendation to support.

#### FISCAL IMPACT:

N/A

#### ALTERNATIVES:

Not Approve - Modify - Table

## **Recommendation to Support**

### 1. **HB 2239 (Incompetent; Nonrestorable Defendants; Involuntary Commitment)**

Various changes related to defendants who are incompetent to stand trial. If a defendant is charged with a sexually violent offense and the county attorney requests, the court is authorized to order a screening of the defendant to determine if the defendant is a sexually violent person. If the court orders a screening, one of the mental health experts appointed by the court is required to be a competent professional (defined elsewhere in statute). If a mental health expert appointed by the court determines that a defendant is incompetent to stand trial and not restorable to competency within 21 months, the expert is required to determine whether the defendant may be a sexually violent person. If a mental health expert determines that a defendant is incompetent to stand trial, the information that must be included in the expert's report is expanded to include the nature of the mental health disorder, disease or defect or of any personality or other disorder that makes the defendant likely to be "dangerous" (defined) or a sexually violent person, and if the prognosis includes a determination that there is no substantial probability that the defendant will regain competency within 21 months, whether the defendant should be considered dangerous or may be a sexually violent person. If the court finds that a defendant is incompetent to stand trial and that there is no substantial probability that the defendant will regain competency within 21 months, any party is permitted to request that the court hold a hearing to determine if the defendant is dangerous and should be involuntarily committed. The court is also authorized to order an assessment of the defendant's eligibility for private insurance or public benefits that may be applied to the expenses of the defendant's medically necessary maintenance and treatment. If an incompetent defendant is found to be not restorable to competency, the state is permitted to request a hearing to determine if the defendant is dangerous, which must be established by clear and convincing evidence after examination by mental health experts, and should be involuntarily committed to a secure state mental health facility. The psychiatrist, psychologist or other competent professional of the Arizona State Hospital (ASH) or a licensed facility under the supervision of the ASH is required to annually examine each person who is involuntarily committed due to a determination that the defendant is dangerous. The person who conducts the annual examination is required to submit an examination report to the court, and the report is required to contain specified information, including whether the person remains dangerous. If the report indicates that the person is competent to stand trial or is no longer dangerous, the court is required to hold a hearing within 45 days after receiving the report to determine whether the person is competent or is no longer dangerous. If after a hearing the court finds that the person has been restored to competency, the court is required to order that the criminal proceedings resume. If the court finds that the person has not been restored to competency, the court is required to take specified actions depending on whether the court finds that the person is dangerous. If the Superintendent of ASH or the Director of the Department of Health Services determines that a person's mental illness, defect or disability has so changed that the person is no longer dangerous, the Superintendent or the Director is required to allow a person to petition the court for conditional release to a less restrictive alternative. If the court determines that conditional release to a less

restrictive alternative is in the best interest of the person, will adequately protect the community, and meets a list of specified conditions, the court must enter judgment and order the person's conditional release, and the court may impose any conditions on the person that the court determines are necessary. Circumstances under which the court may deny the request for conditional release to a less restrictive alternative are specified. Establishes circumstances under which the court may revoke a conditional release. More.

ARS Titles Affected: 13 36

First Sponsor: Rep. E. Farnsworth

Status: Received do pass recommendation: House Judiciary and Public Safety 2/1 at 2:00pm