

Legislative Committee of the Arizona Criminal Justice Commission
Minutes
January 12, 2018

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Friday, January 12, 2018 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 230 Phoenix, AZ 85007.

Members Present:

David Sanders, Chairperson, Pima County Chief Probation Officer
David Byers, Director, Administrative Office of the Courts
Mark Napier, Pima County Sheriff, by conference call
Danny Sharp, Chief, Oro Valley Police Department, by conference call
Sheila Polk, ACJC Vice-Chair, Yavapai County Attorney
Joe Brugman, Safford Police Chief, by conference call
Charles Ryan, Department of Corrections, by conference call

ACJC Staff Present:

Jaime Watson, Public Information Officer/Legislative Liaison
Andrew LeFevre, ACJC Executive Director

Other Meeting Participants:

Jerry Landau, Director of Government Affairs, Arizona Supreme Court, by conference call

I. Call to Order and Roll Call

The meeting was called to order by Chairperson David Sanders at 1:32 pm. Roll was taken and a quorum was declared present.

II. Minutes of the October 24, 2017 Meeting

Chairperson Sanders called for a motion on the minutes. David Byers entered a motion to approve the minutes of the meeting held on October 24, 2017. The motion was seconded by Sheila Polk and was unanimously approved by the Committee.

III. ACJC Bills

Jaime Watson, Public Information Officer/Legislative Liaison reported that ACJC's Protective Order Improvement Bill was introduced by the Chairman of the House Judiciary and Public Safety, Representative Farnsworth as HB 2249. To increase safety, access, efficiency and to improve the delayed service and NCIC entry, ACJC proposed the following legislative changes in regards to Order of Protection HB 2249:

- i. Keep Plaintiff address and contact information confidential by default
- ii. The Court shall forward the Order of Protection to the service agency through the Protection Order System
- iii. Make the Supreme Court the holder of the Order of Protection Record
- iv. Allow for a victim notification system that can give plaintiff's real time information on their case
- v. Service Agency has 72 hours to file affidavit, declaration, acceptance or return of service with the court

- vi. Emergency Orders of Protection expire within 72 hours
- vii. Judicial Officers document Emergency Orders
- viii. Delayed effective Date of January 1, 2020

Jaime Watson, Public Information Officer/Legislative Liaison reported that ACJC's legislative proposal to amend ACJC reporting requirements for sexual assault was introduced by the Chairman of the House Judiciary and Public Safety Committee, Representative Farnsworth as HB 2477. Arizona Revised Statute §41-2406 requires ACJC annually report on total number of sexual assaults reported to law enforcement and subsequent case information available within the state criminal history record repository. Statute also requires ACJC report the total number of sexual assaults involving a spouse. In July 2005, Senate Bill 1040 repealed A.R.S. §13-1406.01, titled Sexual Assault of a Spouse. ACJC is not able to track spousal relationships (including estranged relationships) in sexual assault cases due to the repealing of the statute, as well as lack of victim-offender relationship identifier information in the criminal history record repository. A.R.S. §41-2406 mandates ACJC to provide total number of false reports of sexual assault involving a spouse. ACJC cannot verify all A.R.S. §13-2907.03 charges are entered into the criminal history record repository. Ms. Polk directed staff to work on possible amendment language that will allow ACJC more flexibility to report additional information regarding sexual assault.

IV. Review Introduced Criminal Justice Legislation

Jaime Watson, Public Information Officer/Legislative Liaison presented session updates and important deadlines. On Day 5 of session, 577 bills had posted. On January 11, 2018, the House 7 bill intro limit began at 5pm. The House Bill Introduction Deadline is February 2, 2018.

Jaime Watson, Public Information Officer/Legislative Liaison presented a summary of bills that specifically affect ACJC:

HB 2001 Indigent Defense Fund; Distribution; Purpose: ACJC 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. HB 2001 was referred to House Local and International Affairs; and House appropriations. House Local and International Affairs hearing on January 17, 2018. Director Byers moved to support and the motion was seconded by Shelia Polk. The motion unanimously passed.

SB 1035 Municipal Courts; Maximum Revenue; Transfer: By August 1 of each year, each municipal court is required to determine the amount of net revenues received in the prior fiscal year by 120 percent, and is required to transmit this amount to the city or town treasurer, who must transmit it to the State Treasurer for deposit in the Victim Compensation and Assistance Fund. SB 1035 was assigned to Senate Judiciary. Chief Sharp believes courts should take position. Sheila Polk believes ACJC shall remain neutral and weigh in for expertise. Sheila Polk moved to monitor the bill and Chief Sharp seconded the motion. The motion unanimously passed.

SB 1078 Arizona Criminal Justice Commission; Membership: Increases the number of members of the Arizona Criminal Justice Commission to 17 members by adding one person who leads an indigent defense agency, one person who leads a private nonprofit juvenile justice organization, and one licensed psychiatrist or psychologist with experience working in the criminal justice system. Session law provides for the initial terms of the new members. SB 1078 will be heard in Senate Judiciary on January 18, 2018. Chief Sharp motioned to oppose the bill and maintain ACJC's commitment to review the membership structure in one year. Sheriff Napier seconded the motion and the motion unanimously passed.

SB 1061 Medical Marijuana Fund; Appropriation: The Department of Health Services is required to adopt rules to address registered nonprofit medical marijuana dispensaries that relocated outside of their original community health analysis area and the labeling and testing of edible medical marijuana products. The Department of Health Services is required to review current application and renewal fees for dispensaries and dispensary agents and adopt rules to modify the fees if necessary. Appropriates \$5 million from the Medical Marijuana Fund in FY2018-19 to the Arizona Criminal Justice Commission to provide grants to law enforcement agencies in Arizona to enforce crimes relating to drug trafficking and distribution. Due to voter protection, this legislation requires the affirmative vote of at least $\frac{3}{4}$ of the members of each house of the Legislature for passage. SB 1061 assigned to Senate Commerce and Public Safety on January 9, 2018. Shelia Polk motioned to monitor the bill and Director Byers seconded. The motion unanimously passed.

HB 2069 Private Prisons; Contracts; Termination: Authorization for the Department of Corrections to contract with private institutions for prison facilities or the operation of prison facilities is deleted. Statutes regulating the establishment of private prison facilities and regulating adult incarceration private contractors are repealed. The Director of the Department is required to provide written notice to each private prison contractor that has a contract to house prisoners that the state is exercising its right to terminate the contract within 90 days written notice, terminate all contracts with private prison facilities at the earliest possible date after the effective date of this legislation, and relocate all prisoners to a state prison facility. By January 1, 2019, the Arizona Criminal Justice Commission is required to research and provide a report to the Governor and the Legislature on the prisoner capacity of state prison facilities and make recommendations for state prison facilities expansion, if necessary. HB 2069 was assigned to House Judiciary and Public Safety Committee on January 9, 2018. Sheila Polk motioned to monitor the bill and Director Byers seconded. The motion unanimously passed.

HB 2313 Sentencing; Monetary Obligations: Fine Mitigation: Part of Fair Justice Bills. Permits judge to mitigate a fine if it causes hardship. ACJC remains neutral and continue to monitor HB 2313. Sheila Polk motioned to monitor the bill and Chief Sharp seconded the motion. The motion unanimously passed.

VII. Call to the Public

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

VIII. Date, Time, and Location of Next Meeting

The next legislative update will be scheduled on January 26, 2018 at 1:30 pm.

IX. Adjournment

The meeting was adjourned at 2:46 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. LeFevre". The signature is fluid and cursive, with the first name being the most prominent.

Andrew T. LeFevre
Executive Director

Audio recording is available upon request.