

**Legislative Committee of the Arizona Criminal Justice Commission**  
**Minutes**  
**October 24, 2017**

A public meeting of the Joint Executive and Legislative Committees of the Arizona Criminal Justice Commission was convened on Tuesday, October 24, 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  
David Byers, Director, Administrative Office of the Courts, by conference call  
K.C. Clark, Navajo County Sheriff, by conference call  
Mark Napier, Pima County Sheriff, by conference call  
Danny Sharp, Chief, Oro Valley Police Department, Aaron Lesuer representing by conference call

ACJC Staff Present:

Jaime Watson, Public Information Officer/Legislative Liaison  
Marc Peoples, Program Manager  
Peter Henning, Program Manager

Other Meeting Participants:

Elizabeth Ortiz, Executive Director, Arizona Prosecuting Attorney's Advisory Council  
Jerry Landau, Director of Government Affairs, Arizona Supreme Court

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

The meeting was called to order by Chairperson David Sanders at 10:08am. Roll was taken and a quorum was declared present.

**II. Minutes of the April 7, 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 April 7, 2017. The motion was seconded by Aaron Lesuer and was unanimously approved by the Committee.

**III. Protection Order (PO)/ Injunction Against Harassment (IAH) Project**

Jaime Watson, Public Information Officer/Legislative Liaison presented a summary of the Protection Order/Injunction Against Harassment Project Assessment Project. As a part of the project, ACJC staff met with local practitioners around the state to discuss local business processes with practitioners representing Victim Advocates, Courts, Law Enforcement and Constables. From these focus groups, ACJC developed recommendations and legislative proposals to improve the Protective Order Process in Arizona. Ms. Watson reported that through this process ACJC learned that about half of Orders of Protections issued in Arizona are unserved and the average time from issuance to NCIC entry is about 21 days. It was reported that in order to decrease the amount of time between issuance and entry into NCIC and to increase the numbers of Orders of Protection served, ACJC recommends the following proposals: 1) 1. A terminology change of plaintiff/defendant to petitioner/respondent to mirror national practices, 2) implement

an electronic order of protection system that allows petitioners to complete a petition remotely 3) court initiate service and transfer protective order to the serving agency, 4) make court the holder of the order of protection record, 5) allow for a victim notification system that can give petitioners real time information on their case, 6) allow for service of protection orders during incidental contact.

A video was shown to the committee about the protective order process in Indiana.

Marc Peoples, Program Manager presented the proposed new process for Protective Orders.

#### **IV. (PO)/ (IAH) Draft Legislation Review**

Jaime Watson, Public Information Officer/Legislative Liaison presented the draft legislative proposals for the Protection Order/Injunction Against Harassment Project: 12-1809 Injunction against harassment, 12-1810 Injunction against workplace harassment, 13-3602 Order of Protection, and 13-3624 Emergency order of protection. The Committee studied the draft proposals.

David Byers motioned to support the concept with direction that ACJC staff continue to work on the draft language for 13-3602. The motion was seconded by Mark Napier and unanimously passed by the Committee.

David Byers motioned to support the concept of 13-3624 with direction that ACJC staff continue to work on the draft language. Mark Napier seconded the motion and the motion was unanimously passed by the Committee.

David Byers motioned to support the concept of 12-1809 with direction that ACJC staff continue to work on the draft language. Mark Napier seconded the motion and the motion was unanimously passed by the Committee.

David Byers motioned to support the concept of 12-1810 with direction that ACJC staff continue to work on the draft language. Mark Napier seconded the motion and the motion was unanimously passed by the Committee.

#### **V. Sexual Assault Records Draft Legislation Review**

Jaime Watson presented the proposed draft legislation to amend A.R.S. §41-2406, Sexual Assault Records; Reports. A.R.S. §41-2406 requires ACJC to annually report on the total number of sexual assaults reported to law enforcement and subsequent case information available in the state criminal history record repository. State statute also requires that the total number of sexual assaults involving a spouse be reported. It was reported that ACJC is not able to track spousal relationships (including estranged relationships) in sexual assault cases due to the repealing of the statute of A.R.S. §13-1406.01, titled *Sexual Assault of a Spouse*, as well as lack of victim-offender relationship identifier information in the criminal history record repository. A.R.S. §41-2406 also mandates ACJC to provide the total number of false reports of sexual assault involving a spouse. Ms. Watson reported that false reporting of sexual assault involving a spouse (i.e., A.R.S. §13-2907.03) is a misdemeanor offense and is not a fingerprintable offense based on

A.R.S. §41-1750 criminal history record requirements. Thus, ACJC cannot verify all A.R.S. §13-2907.03 charges are entered into the criminal history record repository. The Committee studied the draft proposal.

Mark Napier moved to support the deletions from the current statute. David Byers seconded the motion and the Committee unanimously passed the motion.

**VI. Call to the Public**

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

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

The next legislative update will be scheduled at a later date if needed.

**VII. Adjournment**

The meeting was adjourned at 11:03 pm.

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.