

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



2005 Legislative Report

2005

July

ARIZONA CRIMINAL JUSTICE COMMISSION



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2005 Legislative Summary

Arizona Criminal Justice Commission

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Arizona Criminal Justice Commission

2005 Legislative Report

Summary

The first session of the 47th Arizona State Legislature proved to be a busy one. There were 1,311 bills posted, with 392 bills passing through both the Senate and the House. Of those 392 bills, 334 were signed into law and 58 were vetoed. The Arizona Criminal Justice Commission tracked more than 200 bills that affected the criminal justice system.

Bills that will have a direct impact on ACJC

The Arizona Criminal Justice Commission sought sponsorship for one bill this session: **S 1376, Victim Compensation Fund; Subrogation**. This changed the section of statute on subrogation as it pertains to the Victim Compensation and Assistance Fund; it is rewritten to allow the state or qualified program to be reimbursed by the person who committed the criminal offense for compensation provided to the injured victim from the Compensation and Assistance Fund. This was a technical change.

S1040, Sexual assault of a spouse deleted the difference in statute that classified the sexual assault of a spouse as a lower felony (class 6) to the same felony for any other sexual assault (class 2) and establishes a class 1 misdemeanor for a person who falsely and intentionally reports a spousal sexual assault. There are several provisions regarding new reporting requirements for the Arizona Criminal Justice Commission:

- Requires the Department of Public Safety (DPS) to provide a copy of each disposition reporting form relating to sexual assaults and false reporting of sexual assault of a spouse to the Arizona Criminal Justice Commission (ACJC).
- Requires the ACJC to maintain the records submitted by DPS relating to sexual assault and false reporting of sexual assault that include the number of police reports filed, the number of charges and convictions, and the sentences imposed for each conviction.
- Requires the ACJC to identify the number of sexual assaults that involve a spouse, whether the victim was estranged from his or her spouse, and false reports relating to sexual assault of a spouse.
- Requires the ACJC to submit a report annually to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of State, and the Arizona State Library, Archives and Public Records.

Arizona Criminal Justice Budget: new reporting requirement added; critical issue of criminal justice records integration

During the session, the Arizona Criminal Justice Commission requested in its budget \$8 million for the critical issue of criminal justice records integration. The legislature denied this request. Instead, the legislature has required that ACJC request the funding from the state Office of Homeland Security. If the Office of Homeland Security denies the request for criminal justice records integration, ACJC is required to report to the legislature why this request was denied. (*See notation, last paragraph of ACJC Budget, next page*).

ARIZONA CRIMINAL JUSTICE COMMISSION BUDGET

	<u>2005-06</u>	<u>2006-07</u>
FTE positions	7.0	7.0
Operating lump sum appropriation	\$ 1,570,600	\$ 1,546,400
Rural state aid to county attorneys	157,700	157,700
Rural state aid to indigent defense	150,100	150,100
State aid to county attorneys	847,800	877,500
State aid to indigent defense	805,000	833,200
Victim compensation and assistance	<u>3,900,000</u>	<u>3,400,000</u>

Total appropriation

Arizona Criminal Justice Commission	\$ 7,431,200	\$ 6,964,900
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Fund sources:

State general fund	\$ 1,302,000	\$ 1,302,000
Criminal justice enhancement fund	576,400	552,200
Victim compensation and assistance fund	3,900,000	3,400,000
State aid to county attorneys fund	847,800	877,500
State aid to indigent defense fund	805,000	833,200

Performance measures:

Number of grants awarded in a timely manner to victim services providers	47	47
Customer satisfaction rating (Scale 1-10)	9.2	9.2

All victim compensation and victim assistance receipts received by the Arizona criminal justice commission in excess of \$3,900,000 in fiscal year 2005-2006 and \$3,400,000 in fiscal year 2006-2007 are appropriated to the crime victims program. Before the expenditure of any victim compensation and victim assistance receipts in excess of \$3,900,000 in fiscal year 2005-2006 and \$3,400,000 in fiscal year 2006-2007, the Arizona Criminal Justice Commission shall submit the intended use of the monies for review by the joint legislative budget committee.

Notwithstanding any other law, the amount appropriated for rural state aid to county attorneys and rural state aid to indigent defense shall be allocated to counties with populations of less than five hundred thousand persons.

The Arizona Criminal Justice Commission shall request funding from the office of homeland security for its criminal records integration project. If the office rejects this request, the Arizona Criminal Justice Commission shall provide the joint legislative budget committee with an explanation of why its request was rejected.

Other bills under consideration in 2005

There were other bills that, had they been signed into law, would have had an impact on the Arizona Criminal Justice Commission. These are included in this report because the issues may be ongoing and may return in future legislative sessions.

H2636, Criminal Justice Commission Membership sought to increase the Arizona Criminal Justice Commission membership to 23 from 19 by adding four new members: a public defender from Maricopa County, Pima County and a non-metro county; and one victims' rights advocate. All would be nominations made by the governor. The bill was later amended to add one public defender and one victims' rights advocate. The Commission chose to oppose this legislation and that message was delivered to the state legislature. The bill passed the House, passed the Senate Judiciary Committee but was never brought before the Senate Committee of the Whole (COW) for a vote.

S1270, school pupils; personal information; disclosure sought to prohibit school district or charter school employees from requesting information, survey or an evaluation regarding a student's personal or family's behavioral or mental health history without parental written consent. This was a concern to ACJC's Statistical Analysis Center because this legislation would have required an opt-in provision for the SAC's Arizona Youth Survey (AYS). The AYS is a biannual survey and report on youth substance abuse that is legislatively mandated. ACJC successfully worked with the bill's sponsor to amend the legislation to exclude ACJC's AYS. However, the bill was vetoed by the governor.

S1073, Sentencing Commission, was a striker that was offered late in the session. It sought to establish a state sentencing commission and set forth the composition and responsibilities of a sentencing commission. Among others, it would have included the chairman of the Arizona Criminal Justice Commission or the chairman's designee. The Sentencing Commission would have been tasked with several responsibilities, including:

- Develop guidelines and make recommendations to the legislature, the governor and the Supreme Court on sentencing and the release of offenders.
- Review and annually publish a report containing statistics on crimes, sentences, sentencing practices and demographics of inmates, probationers and parolees. The report must evaluate the impact of criminal justice and corrections policies on communities.
- Include recommendations to increase public safety, improve correctional outcomes, decrease costs, reduce the rate of reported crimes and address the concerns of crime victims.

The legislation made requirements of other criminal justice entities, including:

- Provides that upon the request of the Sentencing Commission, the Department of Public Safety shall make criminal records information available to the Sentencing Commission for research and analysis purposes.

- Requires the Administrative Office of the Courts, Department of Corrections, Department of Juvenile Corrections, the county attorneys, the county sheriffs and the chiefs of police to provide additional information and statistics to the Commission on request.

S1073 was opposed by various criminal justice entities, including prosecuting attorneys, police organizations, municipal governments, and victims' rights advocates. There was no appropriation tied to this legislation. The bill failed in the House Judiciary Committee.

ACJC-tracked legislation

The following pages provide brief summaries of the legislation that ACJC tracked over the first session of the 47th Arizona State Legislature. 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 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 (<http://www.azleg.state.az.us>). Hyperlinks to the bill information on ALIS are included in the electronic version of this report.

Any questions regarding this report should be directed to Mary Marshall, ACJC Public Information Officer, at mmarshall@azcjc.gov or at 602/364-1146.

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 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.

SENATE BILLS THAT PASSED

S1013: RESTORATION OF COMPETENCY (~~LICENSE PLATE STUDY COMMITTEE~~)

Transfers responsibility of payment for competency examinations ordered to be performed by county or municipal courts from the county or city to non-indigent defendants unless the prosecution requests the evaluation.

Stipulates that if the court finds the defendant unable to pay the cost of the competency evaluation, the county or city will pay for all or part of the evaluation. Requires the court to commit the defendant to the RTC program designated by the county board of supervisors (Board) if the court determines that confinement is necessary for treatment. Allows the court to commit the defendant to the State Hospital for RTC treatment if the Board has not designated an RTC program. Other provisions.

First sponsor: Sen. Jarrett. Others: Rep. Miranda, Sen. Allen.

Last action: 5/4, signed by governor. Chap. 252, Laws 2005.

ARS Titles Affected: 9, 11, 13.

S1031: FALSE REPORTING

Increases the penalty for a second or subsequent conviction of false reporting from a Class 1 misdemeanor to a Class 6 felony and provides that a person convicted of false reporting is liable for the expenses incurred as a result of the emergency response or investigation of the false reporting.

Sponsor: Sen. Tibshraeny.

Last action: 4/18, signed by the governor. Chap. 83, Laws 2005.

ARS Titles Affected: 13.

S1037: NUCLEAR EMERGENCY APPROPRIATIONS

Appropriates the sum of \$1,168,550 in fiscal year 2005-2006 and \$1,198,087 in FY 2006-2007, from the State General Fund to the Nuclear Emergency Management Fund. The bill also levies an assessment against each consortium of public service corporations and municipal corporations operating a commercial nuclear generation station in an amount equal to that appropriated to the Nuclear Emergency Management Fund, plus any interest. Emergency clause. Does not change statute; session law only.

First sponsor: Sen. Arzberger. Others: Rep. Brown, Sen. Allen, Cannell, Garcia, Hale, Hellon, Miranda, Mitchell.

Last action: 4/25, signed by the governor. Chap. 184, Laws 2005.

ARS Titles Affected: 41.

S1039: FEDERAL PEACE OFFICERS; CROSS CERTIFICATION

The cross-certification process allows federal peace officers employed by any agency of the United States to possess and exercise all law enforcement powers in this state for one year, including the ability to enforce the criminal laws of Arizona. Previous statute spelled out specific federal peace officers.

First sponsor: Sen. Huppenthal. Others: Sen. Brotherton, Jarrett.

Last action: 4/11, signed by the governor. Chap. 44, Laws 2005.

ARS Titles Affected: 13.

S1040: SEXUAL ASSAULT; MARITAL STATUS REPEAL (~~SEXUAL ASSAULT OF A SPOUSE~~)

Deleted the difference in statute that classified the sexual assault of a spouse as a lower felony (class 6) to the same felony for any other sexual assault (class 2); establishes a class 1 misdemeanor for a person who falsely reports a spousal sexual assault. There are several provisions regarding new reporting requirements for the Arizona Criminal Justice Commission.

First sponsor: Sen. Blendu. Others: Sen. Martin.

Last action: 4/25, signed by the governor. Chap. 185, Laws 2005.

ARS Titles Affected: 12, 13, 41.

S1042: OFFICER ORGANIZATIONS; DPS

Allows employees of the Department of Public Safety to form and join employee organizations, establishes meet and confer processes between the Department and employees, and prescribes rules for mediation. Officers may not disrupt delivery of services by strike or other coordinated methods of disruption. Contains a delayed repeal date of December 31, 2009.

First sponsor: Sen. Blendu. Others: Sen. Waring.

Last action: 4/18, signed by the governor. Chap. 84, Laws 2005.

ARS Titles Affected: 23.

S1044: SCHOOLS; CRIME REPORTS; PUPIL INTERVIEWS

Allows school district governing boards to adopt guidelines for the standardization of school report cards for schools within the district and to adopt policies that require parental notification when a law enforcement officer interviews a pupil on school grounds. Additionally, the bill clarifies the type of incidents that must be incorporated into the school report card.

First sponsor: Sen. Gray. Others: Rep. Anderson, Sen. Hellon, Verschoor.
Last action: 4/22, signed by the governor. Chap. 167, Laws 2005.
ARS Titles Affected: 15.

S1047: COMMUNITY RESTITUTION

Replaces the term “community service” with “community restitution” in several statutes, including a number relating to drug possession and use and to drunk driving. Specifies that by changing “community service” to “community restitution” the administration and operation of existing community service organizations will not be affected. Delayed effect date of Dec. 31, 2005.

First sponsor: Sen. Johnson. Others: Rep. Anderson, McLain, Murphy, Pearce, Jerry Weiers, Sen. Brotherton, Soltero, Verschoor.
Last action: 4/25, signed by governor. Chap. 187, Laws 2005.
ARS Titles Affected: 5, 8, 9, 11, 12, 13, 28, 31, 41, 46.

S1052: CHILDREN, UNBORN; PROTECTION

Specifies the criminal penalties for the death of an unborn child, including negligent homicide, second degree murder and first degree murder. Provides exceptions to the statutes relating to the death of an unborn child, in the following circumstances: a person performing a consented to abortion; a person performing medical treatment; a person who was the unborn child’s mother.

First sponsor: Sen. Jarrett. Others: Rep. Anderson, Barnes, Boone, Chase, Gray, McComish, Murphy, Paton, Quelland, Stump, Yarbrough, Sen. Bee, Bennett, Flake, Gray, Johnson, Martin, Tibshraeny, Verschoor.
Last Action: 4/25, signed by the governor. Chap. 188, Laws 2005.
ARS Titles Affected: 13, 31, 41.

S1058: IDENTITY THEFT (~~COMMUNITY PROPERTY~~)

Created aggravated identity theft as a class 3 felony. This was defined as stealing the identity of five or more people whether or not there was any economic loss or stealing the identity of one person and causing a minimum economic loss of \$3,000. Also created the crime of trafficking in the identity of another person and established this as a class 2 felony. This was defined

as selling or transferring information to third party for the purpose of identity theft. There was an exception for persons under 21 who used a false identification to purchase alcohol. Other provisions.

First sponsor: Sen. Blendu. Others: Sen. Cannell, Jarrett.
Last action: 4/25, signed by the governor. Chap. 190, Laws 2005.
ARS Titles Affected: 13.

S1059: CHARTER SCHOOLS; FINGERPRINTING

This legislation allows a volunteer or guest speaker without a valid fingerprint card to work directly with students at a charter school if they are accompanied by a person with a valid fingerprint card.

First sponsor: Sen. Waring. Others: Sen. Harper.
Last action: 4/11, signed by the governor. Chap. 47, Laws 2005.
ARS Titles Affected: 15.

S1071: DOMESTIC VIOLENCE FATALITY REVIEW

Allows political subdivisions to establish a Domestic Violence Fatality Review Team to examine incidents of domestic violence-related fatalities in order to understand better the dynamics of these fatalities; report to the Attorney General's Office its findings and recommendations as to how incidents of domestic violence related fatalities may be prevented and how the system can be improved; prohibits the report from containing information that identifies individuals in specific incidents of domestic violence-related fatalities. The Attorney General's Office will distribute the reports to legislative leaders, the governor and the chief justice by Jan. 31 each year. Review team meetings are closed to the public; sources of information and witness testimony before the review team are confidential.

Sponsor: Sen. Waring.
Last action: 4/18, signed by the governor. Chap. 87, Laws 2005.
ARS Titles Affected: 41.

S1086: RECORDS REDACTION; VICTIMS OF VIOLENCE

Adds a victim of domestic violence or stalking or a person who is protected under an order of protection or injunction against harassment to the list of those persons who may request through affidavit that prescribed information held by the county recorder, assessor, or treasurer be prohibited from public access. A judge must issue a court order instructing the county departments to perform the redactions. Eliminates provision for a peace officer, public defender, or prosecutor to file the combined affidavit with the commanding officer or agency head, as applicable.

Sponsor: Sen. Waring.

Last action: 4/11, signed by the governor. Chap. 49, Laws 2005.
ARS Titles Affected: 11, 16.

S1113: SEARCH WARRANTS; EXECUTION

Requires a search warrant to be executed within five calendar days of being issued and returned to the magistrate within three court business days of being executed. Previously, warrants had to be executed and returned within five days of issue. Provides that documents and records relating to the warrant need not be open to the public until it is returned or the warrant is deemed void, unless a magistrate orders time to be shortened or lengthened for good cause.

First sponsor: Sen. Huppenthal. Others: Sen. Aguirre, Brotherton, Jarrett, Martin.

Last action: 4/11, signed by the governor. Chap. 51, Laws 2005.
ARS Titles Affected: 13.

S1119: PARITY; DPS EMPLOYEE COMPENSATION (~~TECH CORRECTION; CRIMINAL SENTENCING~~)

Establishes the Parity Compensation Fund (Parity Fund) for salaries and benefits for Department of Public Safety (DPS) law enforcement personnel. Provides that 1.51 percent of vehicle license tax revenue that would otherwise go to the state highway fund is deposited into the Parity Fund. Requires DPS to administer the Parity Fund and consider the state revenues and state employee pay adjustments, when spending the monies from the Parity Fund. Becomes effective on the general effective date, retroactive to July 1, 2005.

Sponsor: Sen. Huppenthal.

Last action: 5/20, signed by the governor. Chap. 306, Laws 2005.
ARS Titles Affected: 28, 41.

S1126: PHARMACY BOARD OMNIBUS

Updates Arizona statutes relating to the regulation of pharmacy licensees and permittees as well as the regulation of prescription drugs and controlled substances. Adds two members to the Arizona State Board of Pharmacy (Board).

Sponsor: Sen. Allen.

Last action: 4/27, signed by the governor. Chap. 241, Laws 2005.
ARS Titles Affected: 13, 32, 36.

S1132: CHRONIC DISEASE AND PAIN MANAGEMENT TASK FORCE
Establishes a 19-member Chronic Disease and Pain Management Task Force. The House speaker and the Senate president will appoint the members: three senators, three representatives, eight health care professionals and five public members. The task force shall evaluate the laws that impact a person's access to pain management and review pain management education provided by professional licensing boards. The task force will report to the legislature by November 15, 2006. Does not change statute; session law only. Provides a delayed repeal date of December 31, 2006.

First sponsor: Sen. Allen. Others: Rep. Bradley, Chase, Sen. Cannell.
Last action: 4/18, signed by the governor. Chap. 90, Laws 2005.
ARS Titles Affected: 32, 36.

S1144: INDIGENT DEFENSE; FEES (~~INDIGENT DEFENSE; CAPITAL CASES; FEES~~)

States that expert witnesses and investigators appointed for indigent defendants shall be reimbursed at the rates that the county contracts for those services. Expands these services from capital cases to all felony charges. If a necessary expert witness has a skill or expertise not covered under county contract, the county may procure those services or ask the court to determine a reasonable fee for that witness.

First sponsor: Sen. Huppenthal. Others: Sen. Flake, Gould, Harper, Jarrett, Martin, Waring.
Last action: 4/20, signed by the governor. Chap. 145, Laws 2005.
ARS Titles Affected: 13.

S1152: RESTITUTION ORDERS; JUVENILES

- Clarifies that the juvenile court shall retain jurisdiction of the case after the juvenile turns 18 years old for the purpose of modifying the manner in which court ordered payments are to be made.
- States that after a juvenile turns 18, the juvenile court shall enter a juvenile restitution order in favor of:
 - The state for the unpaid balance of any costs, fees, surcharges or monetary assessments imposed, if any.
 - Each person entitled to restitution for the unpaid balance of any restitution.
- Eliminates the current requirement for the juvenile court to retain jurisdiction for 180 days after the juvenile reaches eighteen years of age for the purpose of entering judgment regarding unpaid fees and restitution.
- Requires the clerk of the court to send a copy of the juvenile restitution order to each person who is entitled to restitution.
- Allows a juvenile restitution order to be recorded and enforced as any civil judgment.

- Excludes a juvenile restitution order from requiring renewal pursuant to A.R.S. § 12-611 or A.R.S. § 12-612.
- Prescribes that a juvenile restitution order does not expire until paid in full.
- States that a juvenile restitution order is a criminal penalty for the purposes of a federal bankruptcy involving the juvenile.
- Requires the prosecutor's office to provide notice to the victim that a predisposition or disposition proceeding may occur immediately following adjudication.
- States that the court shall assess the parent of a delinquent a fee of \$25, unless the parent or a sibling of the juvenile is the victim.
If the juvenile has been diverted to a community based alternative program or to a diversion program administered by the juvenile court, the juvenile probation officer may assess the parent of a delinquent a fee of \$25, unless the parent or a sibling of the juvenile is the victim.

Effective Jan. 1, 2006.

First sponsor: Sen. Brotherton. Others: Rep. Burton Cahill, Lopez, Prezelski, Sen. Aguirre, Cannell, Mitchell.

Last action: 4/18, signed by the governor. Chap. 93, Laws 2005.

ARS Titles Affected: 8.

S1160: DUI ASSESSMENTS; DPS EQUIPMENT; GITEM (~~DUI ASSESSMENTS; DPS EQUIPMENT~~)

Striker offered: Creates additional assessments charged to individuals found guilty of operating boats, vehicles or aircrafts while intoxicated. Appropriates approximately \$6.9 million from the state General Fund in FY 2005-2006 to the Department of Public Safety (DPS) for protective body armor, electronic stun devices, other safety equipment and the Gang Intelligence Team Enforcement Mission (GITEM).

First sponsor: Sen. Waring. Others: Rep. Reagan, Sen. Bee, Bennett, Garcia, Harper, Jarrett, Verschoor.

Last action: 5/20, signed by the governor. Chap. 307, Laws 2005.

ARS Titles Affected: 5, 28.

S1166: ANIMAL AND ECOLOGICAL TERRORISM (~~DRUG & GANG POLICY COUNCIL~~)

Striker offered: Added animal or ecological terrorism that is intended to result in serious injury or death and if committed for financial gain to the definition of racketeering. Defines animal or ecological terrorism as any felony that involves at least three persons acting in concert intentionally inflicting property damage totaling more than \$10,000 to the property that is used by a person for the operation of a lawfully conducted animal activity or to a commercial enterprise that is engaged in a lawfully operated animal

facility or research facility. The crime must involve using a deadly weapon or causing serious physical injury. Effective Jan 1, 2006.

Sponsor: Sen. Verschoor.

Last action: 5/20, signed by the governor. Chap. 308, Laws 2005.

ARS Titles Affected: 13, 41.

S1168: EXECUTIVE CLEMENCY BOARD

Extends the statutory life of the Board of Executive Clemency 10 years to July 1, 2015, retroactive to July 1, 2005.

Sponsor: Sen. Verschoor.

Last action: 4/5, signed by the governor. Chap. 38, Laws 2005.

ARS Titles Affected: 13, 41.

S1182: COLD CASE FILE TASK FORCE

Creates a 13-member Cold Case File Task Force to review procedures used by law enforcement agencies in investigating recent homicides and investigating and preserving "cold-case" homicides. Task force is comprised of the Attorney General or designee as chairman, Department of Public Safety director or designee, two sheriffs, two county attorneys, two police chiefs and two representatives of victims' families, a crime-scene evidence technician, a cold-case law enforcement expert and a forensic pathologist. Allows the Task Force to use legislative staff, staff provided by the Attorney General and staff provided by the Department of Public Safety as necessary. The task force report to the governor and legislative leaders is due Dec. 31, 2007. Repeals the Task Force from and after September 30, 2008.

First sponsor: Sen. Huppenthal. Others: Sen. Allen, Gould, Gray, Johnson.

Last action: 4/18, signed by the governor. Chap. 96, Laws 2005.

ARS Titles Affected: 13, 41.

S1214: NUCLEAR GENERATING STATIONS; SECURITY

Expands the ability of an armed nuclear security guard to use physical force, including deadly physical force, in specific circumstances and allows an armed nuclear security guard to detain a person suspected of committing or attempting to commit specific offenses at a commercial nuclear generating station. Limits liability for guards acting under this provision.

First sponsor: Sen. Huppenthal. Others: Rep. Farnsworth, Lopes, Mason, Robson, Tully, Sen. Aguirre, Brotherton, Jarrett.

Last action: 4/11, signed by the governor. Chap. 54, Laws 2005.

ARS Titles Affected: 13.

S1240: DUI; IGNITION INTERLOCK DEVICES

Allows a person whose driving privilege has been suspended or revoked for a first offense of any of the following to apply for a special ignition interlock restricted driver license (IIDL) that allows the person to operate a motor vehicle during the period of suspension or revocation under specific circumstances. Effective Feb 1, 2006.

First sponsor: Sen. Gray. Others: Sen. Verschoor.
Last action: 5/20, signed by the governor. Chap. 312, Laws 2005.
ARS Titles Affected: 28.

S1251: ELDER ABUSE LIABILITY REFORM

Modifies Arizona's Adult Protective Services Act to limit the amount of attorney fees awarded in elder abuse cases, requires the court to follow common law principles when awarding punitive damages and to notify the Department of Health Services of elder abuse settlements or judgments. Requires the Department of Health Services to be notified when an elder abuse case brought against a nursing care institution or nursing care administrator is settled or a judgment is ordered.

First sponsor: Sen. Allen. Others: Rep. Aguirre, Alvarez, Barnes, Brown, Burns, Burton Cahill, Cajero Bedford, Chase, Gallardo, Gray, Konopnicki, Lopez, Lujan, Mason, McComish, Meza, Murphy, O'Halleran, Pearce, Pierce, Quelland, Reagan, Robson, Rosati, Sinema, Stump, Jim Weiers, Sen. Arzberger, Bennett, Burns, Cannell, Flake, Gould, Gray, Harper, Huppenthal, Leff, Martin, Tibshraeny.
Last action: 4/18, signed by the governor. Chap. 101, Laws 2005.
ARS Titles Affected: 12, 46.

S1254: DUI; VEHICLE IMMOBILIZATION

Requires a peace officer to impound or immobilize the vehicle of a driver who has been arrested for an alcohol-related offense and provides a peace officer with the option to immobilize or impound a vehicle for suspended driver license enforcement. Appropriates \$250,000 and five FTEs to the Motor Vehicle Division (MVD) from the Highway User Revenue Fund (HURF) for commercial driver license (CDL) schools to administer a CDL exam and motorcycle dealers to administer motorcycle license exams. Provides a peace officer with the option to immobilize rather than impound a vehicle for 30 days if the person is driving on a revoked or suspended license and that suspension is due to a DUI conviction, a previous conviction for driving on a suspended license or the accumulation of too many points as a result of convictions for moving violations.

Sponsor: Sen. Gray.
Last action: 5/20, signed by the governor. Chap. 313, Laws 2005.
ARS Titles Affected: 28.

S1267: JUVENILE VICTIMS' RIGHTS; STATEMENT

Requires juvenile court judges to read a statement outlining the rights of victims at the time each victim first appears in the court. Effective Jan. 1, 2006.

First sponsor: Sen. Brotherton. Others: Sen. Cannell, Garcia, Hale, Mitchell, Soltero.

Last action: 4/18, signed by the governor. Chap. 102, Laws 2005.

ARS Titles Affected: 8.

S1269: CONCEALED WEAPONS; COUNTY DETENTION OFFICERS

Allows active-duty county detention officers who have been weapons certified by their agency to receive permits to carry concealed weapons without having to complete a firearms safety training program approved by the Department of Public Safety.

First sponsor: Sen. Johnson. Others: Rep. McLain, Meza, Pearce, Smith, Yarbrough, Sen. Bee, Blendu, Harper, Huppenthal, Martin, Verschoor.

Last action: 4/11, signed by the governor. Chap. 57, Laws 2005.

ARS Titles Affected: 13.

S1271: SCHOOLS; GUN SAFETY PROGRAM

Allows school districts and charter schools to offer the Arizona Gun Safety Program as an elective, one-semester course where a pupil that has demonstrated the ability to safely discharge a firearm is deemed to have satisfactorily completed the course and will receive a certificate of accomplishment. Establishes minimum program requirements.

First sponsor: Sen. Johnson. Others: Rep. McLain, Pearce, Smith, Sen. Blendu, Gould, Harper, Verschoor.

Last action: 4/11, signed by the governor. Chap. 58, Laws 2005.

ARS Titles Affected: 15.

S1289: K-8 CURRICULUM; STRANGER DANGER

Allows school districts and charter schools to develop and incorporate instruction on the dangers of unsupervised interaction with strangers into existing K-8 curriculum.

First sponsor: Sen. Mitchell. Others: Sen. Allen, Blendu, Brotherton, Cannell, Garcia, Giffords, Gray, Hale, Hellon, Rios, Verschoor.

Last action: 5/6, signed by the governor. Chap. 265, Laws 2005.

ARS Titles Affected: 15.

**S1303: PROBATION OFFICERS; COMPENSATION;
OVERTIME (~~FOSTER CARE; EMERGENCIES~~)**

Grants probation officers and surveillance officers employed by the state or a political subdivision of this state overtime compensation and representation rights. Requires probation and surveillance officers employed by this state or a political subdivision of this state to receive overtime compensation for each hour worked over 80 hours in a two week work period. Grants probation and surveillance officers employed by this state or a political subdivision of this state the right to have representation during an interview with the employer if the interview could result in formal discipline.

Sponsor: Sen. Johnson.

Last action: 4/25, signed by the governor. Chap. 203, Laws 2005.

ARS Titles Affected: 23, 38.

S1311: CERTIFIED REPORTERS; VERBATIM RECORDS

Changes the name of Certified Court Recorders to Certified Reporters and adds provisions allowing voice writing as a method of recording and transcribing sworn proceedings. Adds an applicability clause stating the provisions apply from and after December 31, 2006.

Sponsor: Sen. Waring.

Last action: 4/18, signed by the governor. Chap. 107, Laws 2005.

ARS Titles Affected: 32.

S1312: COUNTY JAIL DISTRICTS; AUDITS

Allows the county board of supervisors the choice of auditing the County Jail Fund either by a certified public accountant (CPA) or in conjunction with the annual county audit. Previously, the audit was performed by a CPA independently of the county audit.

First sponsor: Sen. Huppenthal. Others: Sen. Bennett.

Last action: 4/11, signed by the governor. Chap. 59, Laws 2005.

ARS Titles Affected: 48.

S1338: SEX OFFENDER REGISTRATION

Requires sex offenders to register with the county sheriff both their physical address, and if different, the address where they receive mail and the landlord's address (if applicable). If the person receives mail at a post office box, the location and box number must be provided. An adult probation officer is prohibited from approving the residence of a felony sex offender on probation in Maricopa County in a multi-family dwelling unless the number of sex offenders residing in that dwelling is less than 10 percent of the number of dwelling units. No more than one level 3 offender may reside in a multi-family dwelling. Provides a 20-year presumptive term of incarceration for a

person convicted of sex trafficking of a person under 15 years of age, if the person is sentenced pursuant to the dangerous crimes against children section. Adds sex trafficking of a minor to the list of offenses that require a person to register as a sex offender.

First sponsor: Sen. Martin. Others: Sen. Bee, Harper, Waring.
Last action: 5/11, signed by the governor. Chap. 282, Laws 2005.
ARS Titles Affected: 13.

S1353: MEDICAL RECORDS; CONFIDENTIALITY

Removes inconsistencies in state statute relating to the privacy of medical records as required by federal law, specifically the Health Insurance Portability and Accountability Act (HIPAA). Clarifies that health care "payment records" are confidential and subject to the requirements related to confidential records and the disclosure of confidential information. Allows a health care provider to disclose medical or payment records or information contained in the records, without the written authorization of the patient, to any health care provider, not just the attending or consulting physician, who is currently providing treatment to the patient. Clarifies that health care providers may not release medical records unless a subpoena meets the requirements set forth in statute. Prescribes that medical records used for a court proceeding are confidential and not public record unless otherwise required by law. Requires the parties to designate which records are confidential. Other legal provisions.

First sponsor: Sen. Hellon. Others: Rep. Burton Cahill, Hershberger, Sen. Chevront.
Last action: 4/25, signed by the governor. Chap. 206, Laws 2005.
ARS Titles Affected: 12, 36.

S1367: RETIREMENT; PSPRS; DROP PLAN (~~RETIREMENT; PSPRS & CORP; BENEFITS~~)

Allows a member of the Public Safety Personnel Retirement System who has 20 years of service and who has been called to active military duty to join the deferred retirement option (DROP) as long as the member makes the election prior to resuming employment. Retroactive to July 1, 2002.

Sponsor: Sen. Martin.
Last action: 4/25, signed by the governor. Chap. 209, Laws 2005.
ARS Titles Affected: 38.

S1369: PEACE OFFICER IMPERSONATION

Establishes a class 4 felony for impersonating a peace officer during the commission of specific felony offenses, including manslaughter, murder, theft, weapons misconduct, burglary, arson, kidnapping and others.

Sponsor: Sen. Martin.

Last action: 4/18, signed by the governor. Chap. 110, Laws 2005.

ARS Titles Affected: 13.

S1372: HUMAN TRAFFICKING; FORCED LABOR

Establishes definitions and classifications for human trafficking and forced labor. Trafficking a person with the intent or knowledge that the person will be subject to forced labor/services, or benefiting from participation in a venture that has engaged in an act of sex trafficking or unlawfully obtaining labor or services is a class 2 felony. To knowingly recruit, entice, harbor, transport, provide or obtain a person with the intent to cause the person to engage in prostitution by force, fraud or coercion is a class 3 felony. To knowingly obtain the labor or services of a person by threat or withholding government documents is a class 4 felony.

First sponsor: Sen. Jarrett. Others: Rep. Anderson, Burges, Gray, Lopes, McClure, Nelson, Paton, Pearce, Pierce, Rios, Robson, Sen. Aguirre, Arzberger, Bee, Blendu, Brotherton, Burns, Chevront, Garcia, Gould, Gray, Hellon, Huppenthal, Johnson, Miranda, Rios, Soltero, Verschoor, Waring.

Last action: 3/14, signed by the governor. Chap. 2, Laws 2005.

ARS Titles Affected: 13.

S1376: VICTIM COMPENSATION FUND; SUBROGATION

Allows the state of Arizona and the applicable operational unit or qualified program to be subrogated to the rights of an individual who receives monies from the Fund to recover or receive monies or benefits from a third party, to the extent of the amount of money the individual receives from the Fund. Technical change.

First sponsor: Sen. Huppenthal. Others: Sen. Brotherton, Harper.

Last action: 4/22, signed by the governor. Chap. 175, Laws 2005

ARS Titles Affected: 41.

S1382: SEX OFFENDERS; REGISTRATION

Mandates that any person who is required to register as a sex offender by the convicting jurisdiction must also register with the sheriff within 10 days of entering or remaining in any county in Arizona.

First sponsor: Sen. Martin. Others: Rep. Pierce, Sen. Gould, Harper, Huppenthal, Jarrett, Verschoor.

Last action: 4/22, signed by the governor. Chap. 176, Laws 2005.
ARS Titles Affected: 13

S1384: SEX OFFENDERS; LIFETIME PROBATION

Allows the court to impose lifetime probation if a felon sexual offender is convicted of the crime of not registering as a sex offender and if probation is imposed for that conviction.

First sponsor: Sen. Martin. Others: Rep. Pierce, Sen. Gould, Harper, Huppenthal, Jarrett, Verschoor.

Last action: 5/20, signed by the governor. Chap. 320, Laws 2005.
ARS Titles Affected: 13.

S1418: LAW ENFORCEMENT OFFICERS; DUE PROCESS

Asserts that an employer shall not discipline, retaliate against, or threaten to retaliate against a law enforcement officer for requesting a representative be present or for acting as a representative during an interview that could result in dismissal, demotion, or suspension of an officer. Requires an employer and officer to exchange copies of any documents not previously disclosed that may be introduced in an appeal hearing or names of witnesses that may be called to testified, no later than 10 days before the hearing, if the hearing is scheduled more than 20 days after the appeal notice. Other provisions.

First sponsor: Sen. Huppenthal. Others: Sen. Brotherton.

Last action: 4/18, signed by the governor. Chap. 112, Laws 2005.
ARS Titles Affected: 38.

S1420: UNINSURED DRIVERS; PENALTIES

Requires a peace office to impound a vehicle involved in an accident if the driver is not in compliance with mandatory insurance laws and the driver's license is suspended or revoked or the driver cannot produce evidence of a driver's license being issued by this or another jurisdiction. Removes a judge's discretion for a first time offense of driving without insurance to suspend a driver's license and registration for three months and to impose a civil penalty. Also, the mandatory civil penalty is increased to \$500. Removes a judges discretion for a second offense of driving without insurance within 36 months to suspend the driver's license and registration for 6 months and increases the mandatory civil penalty to \$750. Increases the minimum civil penalty to \$1,000 for the third and subsequent violations of driving without insurance within 36 months. Adds driving without a license to the list of reasons a peace office may cause the removal and impoundment of a vehicle.

First sponsor: Sen. Waring. Others: Rep. Barnes, Boone, Burton Cahill, Garcia, Hershberger, Lujan, Mason, McCune-Davis, Meza, Pearce, Reagan,

Stump, Sen. Allen, Arzberger, Bee, Bennett, Burns, Cannell, Chevront, Flake, Gould, Gray, Harper, Hellon, Huppenthal, Jarrett, Johnson, Leff, Martin, Tibshraeny, Verschoor.

Last action: 4/18, signed by the governor. Chap. 113, Laws 2005.
ARS Titles Affected: 28.

S1429: CAPITAL CASES; SENTENCING

Prescribes new aggravating circumstances that the trier of fact must consider in determining whether to impose a sentence of death, including commission to further the goals of or to join a street gang or syndicate; commission to prevent a person's cooperation with law enforcement; and commission in a "cold, calculated manner without pretense of moral or legal justification." Adds second degree burglary and terrorism to the list of serious offenses relating to mitigating and aggravating circumstances for a sentence of death or life imprisonment. Permits a licensed psychiatrist (formerly psychologist only) to conduct a prescreening evaluation in a capital felony case. Stipulates that if the defendant raises a mental health defense at trial or sentencing, upon motion of any party, the report regarding the capital defendant's prescreening evaluation for competency and sanity must be released. Broadens the definition of victim. Other provisions.

Sponsor: Sen. Huppenthal.

Last action: 5/20, signed by the governor. Chap. 325, Laws 2005.
ARS Titles Affected: 8, 13.

S1433: VICTIMS' RIGHTS OMNIBUS

Allows a victim, on request, to exercise all rights of a crime victim throughout the criminal justice process, in both juvenile dispositions and adult cases, if the criminal count(s) committed against the victim was dismissed because of a plea agreement. Requires the court, in addition to current requirements, to notify a victim who requests notification and provides contact information of any hearing on a proposed modification of the terms of probation or intensive probation of a delinquent or defendant. Requires the probation department, on request of the victim who has provided a current address or other contact information, to notify the victim of various status changes regarding the defendant. Stipulates that a victim, in a juvenile disposition or adult case, has standing to file a notice of appearance in an appellate proceeding seeking to enforce or challenge that victim's rights. Requires the counsel for the victim, on the filing of a notice of appearance and if present, to be included in all bench conferences that directly involve an enumerated constitutional victim's right and in chambers meetings and sessions with the court that directly involve an enumerated constitutional victim's right. Requires juvenile court judges to read a statement at the time each victim first appears in that court advising the victim of his or her rights under the Arizona Constitution. Places limitations on commutation. Other provisions.

First sponsor: Sen. Huppenthal. Others: Sen. Martin.
Last action: 5/4, signed by the governor. Chap. 260, Laws 2005.
ARS Titles Affected: 8, 13, 31.

S1444: FINGERPRINTING; UNIVERSITY SECURITY WORKER

Requires a finalist for state university security or safety-sensitive position at a state university to submit to the state university a full set of fingerprints to be used by the university to obtain a criminal records check as a condition of employment.

Sponsor: Sen. Bee.
Last action: 4/22, signed by the governor. Chap. 177, Laws 2005.
ARS Titles Affected: 15.

S1473: DRUGS; PRECURSOR CHEMICALS; VIOLATION

Set new restrictions on possession, purchase or sale of precursor chemicals (pseudoephedrine, norpseudoephedrine or phenylpropanolamine). Makes it a class 2 felony to knowingly manufacture methamphetamine under any circumstance that causes physical injury to a minor under 15 years of age. Other sentencing provisions. Makes the possession of equipment or chemicals for manufacturing methamphetamine a Class 2 felony. Requires the permittee (under the Board of Pharmacy) to keep all products in which pseudoephedrine is the single active ingredient behind a store counter or in a locked facility inaccessible to customers without the assistance of store personnel. Requires the Director of the Department of Health Services (DHS) to identify methamphetamine prevention programs in other states that may be implemented in Arizona. Prohibits state general fund monies from being expended for this program. Other provisions.

First sponsor: Sen. Leff. Others: Sen. Bennett, Huppenthal, Jarrett, Martin
Last action: signed by the governor. Chap. 327, Laws 2005.
ARS Titles Affected: 12, 13, 36, 41.

S1488: REFUSAL TO STATE NAME

Makes it unlawful for a person to refuse to give a full, true name upon the request of a peace officer who has lawfully detained the person based on reasonable suspicion that the person has committed, is committing or is about to commit a crime.

First sponsor: Sen. Tibshraeny. Others: Rep. Biggs, Gallardo, McClure, Nelson, Pearce, Robson, Yarbrough, Sen. Huppenthal, Jarrett.
Last action: 4/25, signed by the governor. Chap. 214, Laws 2005.
ARS Titles Affected: 13.

SENATE BILLS THAT FAILED

S1046: ORDERS OF PROTECTION; SERVICE

Would have authorized peace officers, magistrates and correctional officers to serve an order of protection (in addition to those already authorized to do so).

First sponsor: Sen. Johnson. Others: Rep. Anderson, Mason, Sen. Verschoor.
Last action: 1/20, further referred to Senate Family Services.

ARS Titles Affected: 13.

S1049: BAD CHECKS; FELONY

Would have established a class six felony for writing a bad check for \$5,000 or more if the person does not pay the check (plus 12 percent interest plus applicable fees) within 60 days of receiving notice that the bank has not honored the check. All other bad check offenses remain class 1 misdemeanors. Senate engrossed.

First sponsor: Sen. Arzberger. Others: Rep. Alvarez, Brown, Burns, Prezelski, Jim Weiers, Sen. Bennett, Brotherton, Cannell, Flake, Garcia, Hale, Hellon, Jarrett, Miranda, Mitchell.

Last action: 3/30, House Commerce and Economic Development held.

ARS Titles Affected: 13.

S1060: TRAFFIC VIOLATIONS; EMERGENCY SCENES

Would have established requirements for vehicles driving through emergency scenes. Violations would have resulted in a civil penalty with revenues going into a corresponding Emergency Scene Safety Fund. The fund would have been administered by the Governor's Office of Highway Safety to fund a public education campaign for emergency scene safety.

Sponsor: Sen. Waring

Last action: 1/13, referred to Senate Transportation, Appropriations.

ARS Titles Affected: 28.

S1073: SENTENCING COMMISSION (~~FAMILY LITERACY PROGRAMS, REQUIREMENTS~~)

Striker: Sought to establish a state sentencing commission and set forth the composition and responsibilities of a sentencing commission. Among others, it would have included the chairman of the Arizona Criminal Justice Commission or the chairman's designee as well as several of the

commissioners or their designees. There was no appropriation tied to this legislation.

First sponsor: Sen. Hellon. Others: Sen. Verschoor.
Last action: 3/31, failed House Judiciary.
ARS Titles Affected: 15.

S1093: CRIMINAL SENTENCING; AGGRAVATING FACTORS

Sought to modify the procedures for determining an aggravated sentence in a noncapital felony criminal case. Similar measure passed as [H2522](#).

Sponsor: Sen. Huppenthal
Last action: Senate COW approved with floor amendment #[3822](#).
ARS Titles Affected: 13.

S1114: TECH CORRECTION; PEACE OFFICER IMPERSONATION

Striker: would require an entity disposing of records to take reasonable steps to ensure the destruction of personal financial and health information and personal identification numbers (PINs) that are issued by governmental entities.

Sponsor: Sen. Huppenthal
Last action: 2/16, from Senate Judiciary with amendment #[3317](#).
ARS Titles Affected: 13.

S1115: REVENUE SHARING; TAXATION (~~TECH CORRECTION; INCARCERATION; VISITS~~)

Striker offered: Phases out revenue sharing for cities with a population of over 100,000, commensurately reduces state income taxes over five years and allows affected cities to impose their own municipal income tax. Also sets a floor amount of \$100,000 for distribution of revenue sharing for cities with a population of 1,500.

Sponsor: Sen. Huppenthal.
Last action: 3/1, from Senate Rules.
ARS Titles Affected: 13

S1143: IDENTITY THEFT (~~COMPETENCY EVALUATION; COSTS~~)

Striker offered: Created aggravated identity theft as a class 3 felony. This was defined as stealing the identity of five or more people whether or not there was any economic loss or stealing the identity of one person and causing a minimum economic loss of \$3,000. Also created the crime of trafficking in the identity of another person and established this as a class 2 felony. This was defined as selling or transferring information to third party

for the purpose of identity theft. There was an exception for persons under 21 who used a false identification to purchase alcohol. Senate engrossed version. Similar measure passed as [S1058](#).

First sponsor: Sen. Huppenthal. Others: Sen. Flake, Gould, Harper, Jarrett, Martin, Waring.

Last action: 4/25, House COW approved with amendment #[4258](#).

ARS Titles Affected: 13

[S1149](#): VICTIMS' RIGHTS; CRIMINAL OFFENSE DEFINITION

Clarifies that victims' rights laws apply to all felony cases and to those misdemeanor cases that involve physical injury, the threat of physical injury or a sexual offense.

First sponsor: Sen. Brotherton. Others: Rep. Burton Cahill, Lopez, Prezelski, Sen. Aguirre, Cannell, Miranda, Mitchell.

Last action: 2/1, further referred to Senate Judiciary.

ARS Titles Affected: 13

[S1150](#): VICTIMS' RIGHTS; POSTCONVICTION NOTICE

If a crime victim had previously requested that the courts provide him/her with postconviction notice of changes in the probation status of the criminal defendant and the defendant's probation is later revoked, the courts shall provide the victim with a new postconviction request form appropriate for a sentence of imprisonment. Similar provisions passed in [S1433](#).

First sponsor: Sen. Brotherton. Others: Rep. Burton Cahill, Lopez, Prezelski, Sen. Aguirre, Cannell, Miranda, Mitchell.

Last action: 2/7, Senate Judiciary held.

ARS Titles Affected: 13.

[S1151](#): CRIMINAL RESTITUTION ORDERS

Would require a criminal restitution order to include the defendant's full name and any known aliases, date of birth, social security number and last known address. Would require the clerk of the court to send a copy of the criminal restitution order to each person who is entitled to restitution. Also stipulate that the enforcement of a criminal restitution order includes the collection of interest, which accrues in the same manner as any civil judgment.

First sponsor: Sen. Brotherton. Others: Rep. Burton Cahill, Lopez, Prezelski, Sen. Aguirre, Cannell, Miranda, Mitchell.

Last action: 2/7, Senate Judiciary held.

ARS Titles Affected: 13.

S1153: PERSONNEL FILES; RIGHT TO COPIES

Would amend the labor code to allow a current employee or former employee who left within the previous 365 to request in writing a copy of the employee's personnel files. The employer would face a penalty if he/she did not comply.

First sponsor: Sen. Brotherton. Others: Rep. Burton Cahill, Lopez, Prezelski, Sen. Chevront, Garcia, Giffords, Miranda, Rios, Soltero.

Last action: 1/20, referred to Senate Commerce and Economic Development, Government.

ARS Titles Affected: 23.

S1158: UNCONSTITUTIONAL STATUTES; REPEAL

Striker offered relating to taxes on government leased property.

Sponsor: Sen. Tibshraeny

Last action: 4/6, held House Appropriations (Pearce)

ARS Titles Affected: 4, 9, 12, 13, 16, 35, 41

S1164: PHOTO RADAR; FREEWAYS (~~FREEWAY SPEED ENFORCEMENT; FUND~~)

State or local authority shall not use photo radar to identify speed limit violators without legislative approval. Conference engrossed.

First sponsor: Sen. Verschoor. Others: Rep. Biggs, Murphy, Paton, Sen. Aguirre, Jarrett, Martin.

Last action: 5/3, failed to pass House on reconsideration, 29-28.

ARS Titles Affected: 28.

S1175: VICTIMS' RIGHTS; SENTENCING

Stipulates that the court must not schedule sentencing within 15 days from the judgment of guilt so that the prosecutor may notify the victim of the victim's rights unless the case is a capital case or the prosecutor avows that reasonable efforts were made to notify the victim of the proceeding, that sentencing would immediately follow the judgment of guilt, and of the victim's rights.

First sponsor: Sen. Brotherton. Others: Rep. Burton Cahill, Lopez, Prezelski, Sen. Aguirre, Miranda, Mitchell.

Last action: 2/7, Senate Judiciary held.

ARS Titles Affected: 13.

S1179: SCHOOLS; POLICIES; BULLYING

Would direct school district governing boards to adopt and enforce procedures that prohibit pupils from harassing, intimidating and bullying other pupils.

Sponsor: Sen. Gray.

Last action: 3/30, failed House Education, 4-6.

ARS Titles Affected: 15.

S1205: ELECTION LAW; VARIOUS

Sought to make numerous changes to elections law.

Sponsor: Sen. Jarrett.

Last action: 3/30, from House Education do pass.

ARS Titles Affected: 15, 16, 19.

S1210: IDENTITY THEFT

Aggravated identity theft is installed in criminal statutes as a class 3 felony. It is defined as taking or using the identities of five persons for unlawful purpose whether any person suffered actual economic loss or the taking of the identity of one person and causing an economic loss of \$3,000 or more. Trafficking in the identity of another is defined as selling or transmitting personal identifying information and is a class 2 (second highest) felony. It is not considered identity theft for a person under 21 who illegally obtains liquor. A similar measure passed, [S1058](#).

First sponsor: Sen. Jarrett. Others: Sen. Arzberger, Bee, Bennett, Blendu, Brotherton, Burns, Gould, Harper, Huppenthal, Martin, Mitchell.

Last action: 3/2, referred to House Judiciary.

ARS Titles Affected: 13.

S1211: SEXUAL ASSAULT; SPOUSE

The difference in felony classification between first and subsequent offenses of sexual assault of a spouse is deleted, making any offense a class 2 felony. Similar measure was passed, [S1040](#).

First sponsor: Sen. Brotherton. Others: Sen. Giffords

Last action: 1/24, referred to Senate Judiciary

ARS Titles Affected: 13.

S1212: RETIREMENT; CORP; OVERTIME PAY

For the purposes of calculating retirement benefits for the Correction Officers Retirement Plan, salary would include overtime as well as base salary or base wages, shift differential pay and holiday pay. Would be effective July 1, 2007. Senate engrossed.

First sponsor: Sen. Huppenthal. Others: Rep. Knaperek, O'Halleran, Robson, Stump, Sen. Arzberger.

Last action: 3/29, from House Public Institution and Retirement do pass.

ARS Titles Affected: 38.

S1215: JUSTICE OF THE PEACE; DUTIES

Requires a Justice of the Peace (JP) to perform specific duties in cooperation with the presiding judge of the county and the presiding JP. Specified that the JP has final authority over the administrative management and operation of the court.

First sponsor: Sen. Jarrett. Others: Rep. Chase, Gray, Reagan, Stump, Sen. Allen, Bee, Blendu, Burns, Gray, Harper, Johnson, Verschoor.

Last action: 3/21, retained on Senate COW calendar.

ARS Titles Affected: 22.

S1217: CRIMINAL RESTORATION TO COMPETENCY

Requires the court to commit the defendant to the restoration to competency (RTC) program designated by the county board of supervisors (Board) if the court determines that confinement is necessary for treatment. Allows the court to commit the defendant to the state hospital for RTC treatment if the Board has not designated an RTC program. Authorizes the Board to enter into contracts with providers, including the state hospital, for RTC services. Allows the county RTC program to provide treatment to the defendant in the county jail or to obtain court orders to transport the defendant to other providers for RTC treatment, including the state hospital. Similar measure passed as [S1013](#).

First sponsor: Sen. Jarrett. Others: Rep. Pearce, Sen. Burns, Flake, Huppenthal, Johnson, Verschoor.

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

ARS Titles Affected: 11, 13.

S1219: VOTER REGISTRATION INFORMATION; CITIZENSHIP

Would incorporate into statute Proposition 200 requirements for proof of United States citizenship when registering to vote; stipulates the information provided to prove citizenship does not become public record.

First sponsor: Sen. Jarrett. Others: Sen. Arzberger, Blendu.

Last action: 3/1, referred to House Judiciary.
ARS Titles Affected: 16.

S1232: SEXUAL ASSAULT; DEFENSES

Establishes defenses to prosecution for certain sexual offenses against victims under the age of 15, when the defendant is of a similar age and the conduct is consensual.

Sponsor: Sen. Garcia.
Last action: 2/21, Senate Judiciary held.
ARS Titles Affected: 13.

S1242: EXECUTIVE CLEMENCY BOARD; COMMUTATIONS

Would grant the Board of Executive Clemency exclusive commutation authority if voters approve repealing the governor's power to commute sentences. See [SCR1022](#).

Sponsor: Sen. Gray.
Last action: 1/25, referred to Senate Judiciary.
ARS Titles Affected: 31.

S1243: DUI VIOLATIONS; IGNITION INTERLOCK

Would require the installation of an ignition interlock device (IID) for 12 months upon conviction of a first-time driving under the influence (DUI) offense and increases the amount of time that an IID must be installed for conviction of an extreme or aggravated DUI.

First sponsor: Sen. Gray. Others: Sen. Verschoor.
Last action: 2/8, from Senate Rules okay.
ARS Titles Affected: 28.

S1261: FILING FEES; INDIGENT LEGAL SERVICES

Would require each county treasurer to establish and administer an Indigent Legal Services Fund (Fund), used only to provide free legal services to indigent persons in civil cases. Would be funded through increases certain civil court fees from \$115 to \$120.

Sponsor: Sen. Brotherton.
Last action: 2/22, from Senate Judiciary do pass.
ARS Titles Affected: 11.

S1266: **OUTSOURCING; STATE JOBS**

Would prohibit any state agency, board, commission or department from outsourcing any state job either directly or indirectly to any location outside the United States.

First sponsor: Sen. Soltero. Others: Rep. Alvarez, Burton Cahill, Cajero Bedford, Chase, Garcia, Landrum Taylor, Lujan, Miranda, Prezelski, Rios, Sinema, Sen. Arzberger, Blendu, Brotherton, Garcia, Gould, Hale, Johnson, Mitchell, Rios.

Last action: 1/26, referred to Senate Government.

ARS Titles Affected: 41.

S1268: **PRIVATE PRISONS; CAPACITY; NOTICE**

Sought to expand regulations regarding private prisons, including prisoner transfers from other states and prisoners that pose a public health safety risk. Stipulated that a private prison must notify various state agencies in a timely manner if a major incident involving the public health or safety occurs. Required that the capacity of a private prison must comply with the American Corrections Association Accreditation capacity requirements. Notice of transfers of prisoners from private prisons in this state to other states must also be made. Established civil penalties for violations. Other provisions.

First sponsor: Sen. Brotherton. Others: Sen. Cannell, Garcia, Giffords, Mitchell.

Last action: 1/26, referred to Senate Government; Commerce and Economic Development.

ARS Titles Affected: 41.

S1276: **IMPROPER INFLUENCE; CONTACTING EMPLOYER**

Prohibits a person from knowingly influencing the vote of any member who is appointed to a state board, commission, council or advisory committee, an elected official of a political subdivision or a legislator by threatening to take an adverse action against or offering to confer any benefit to an employer, business partner or client of the public official. Set classifications for violations. Other provisions.

First sponsor: Sen. Martin. Others: Rep. Murphy, Sen. Gould, Huppenthal, Jarrett.

Last action: 3/24, from House Judiciary do pass.

ARS Titles Affected: 13, 41.

S1291: **FIREARM SHOW BACKGROUND CHECKS**

Sought to establish regulations requiring instant background checks at gun shows. Held show operators responsible for requiring exhibitors to conduct

background checks. Established civil penalties (up to \$10,000) for violations. Other provisions.

First sponsor: Sen. Mitchell. Others: Sen. Brotherton, Chevront, Garcia, Hale.

Last action: 1/26, referred to Senate Judiciary; Commerce and Economic Development.

ARS Titles Affected: 44.

S1296: SEXUAL PREDATORS; CLUSTERS

With some exceptions, an adult probation officer would be prohibited from approving the residence of a felony sex offender on probation in Maricopa County in a multi-family dwelling unless the number of sex offenders residing in that dwelling is less than 10 percent of the number of dwelling units. No more than one level 3 offender may reside in a multi-family dwelling. As passed Senate. Provisions incorporated into [S1338](#).

Sponsor: Sen. Leff

Last action: 3/22, referred to House Judiciary.

ARS Titles Affected: 13.

S1301: EMANCIPATION OF MINORS

Establishes a court process for a minor to request emancipation if the minor is at least 16; is a resident; is financially self-sufficient; acknowledges in writing that the minor read and understands prescribed information; and is not a court ward or in the state's custody. Other provisions. Senate engrossed. Was subject to an unrelated [striker](#) in the House.

First sponsor: Sen. Huppenthal. Others: Rep. Anderson, Downing, Hershberger, Lopes, Lujan, Sen. Brotherton, Cannell, Giffords, Martin, Mitchell, Soltero, Verschoor

Last action 3/30, from House Education with amendment #[4247](#).

ARS Titles Affected: 12, 28.

S1305: CONTRACTORS; UNLICENSED (~~EMPLOYEE RIGHTS; PROBATION OFFICERS~~)

Striker offered regulating unlicensed contractors.

First sponsor: Sen. Johnson. Others: Rep. Anderson, Burges, Chase, Lopez, Pearce, Rosati, Smith, Sen. Chevront, Gray, Jarrett, Verschoor.

Last action: 5/10, Senate adopted conference report.

ARS Titles Affected: 32.

S1321: SPEEDING VIOLATIONS; DRIVER POINT SYSTEM

Requires the MVD to assess one point rather than three points on a driver license for a violation of reasonable and prudent speed, except for the following: commercial driver license holders; speeding while approaching or crossing a school crossing; speeding while approaching or crossing an intersection; excessive speed violations.

Sponsor: Sen. Verschoor.

Last action: 2/24, from Senate Transportation with amendment.

ARS Titles Affected: 28.

S1324: MOTOR VEHICLES; SPEED LIMIT

With certain exceptions, this legislation would base the speed limit on any state highway on the speed at which 85 percent of the vehicles on the highway are traveling.

Sponsor: Sen. Verschoor.

Last action: 3/23, failed to pass Senate, 11-16.

ARS Titles Affected: 28.

S1326: PHOTO RADAR CONTRACTS

Prohibits a local authority from adding provisions to a new or renewed photo enforcement contract that compensates a photo enforcement vendor based on the number of citations issued.

Sponsor: Sen. Verschoor.

Last action: 2/15, Senate Transportation held.

ARS Titles Affected: 28.

S1328: PHOTO RADAR; DMV NOTIFICATION

Prohibits the court from transmitting an abstract of record of judgment or conviction for a photo enforcement violation if the driver admits responsibility or guilt and pays the civil penalty or criminal fine within 21 days after receiving notice of the traffic complaint by mail. Requires a person who is cited to pay the process server's fee if the process server is required to serve the complaint for a photo enforcement violation.

First sponsor: Sen. Verschoor. Others: Rep. Downing.

Last action: 3/1, from Senate Rules okay.

ARS Titles Affected: 28

S1329: SPEED LIMITS; HIGHWAYS

Increases the maximum speed limit that the Director of the Department of Transportation (ADOT) is authorized to approve from 75 to 80 miles per hour

(mph) on interstate highways outside urbanized areas. Would classify speeding in excess of 90 mph on an interstate whose speed limit is 80 as excessive speeding.

Sponsor: Sen. Verschoor.

Last action: 2/22, Senate Transportation held.

ARS Titles Affected: 28

S1330: SPEED LIMITS; INTERSTATE HIGHWAYS

Removes the 75 mph limit on the ADOT Director's ability to increase the maximum speed limit on the interstate system highways located outside of an urbanized area with a population of 500,000 or more persons.

Sponsor: Sen. Verschoor.

Last action: 4/12, failed to pass House, 15-44.

ARS Titles Affected: 28.

S1343: UNIFORM ARBITRATION ACT

Repeals, on January 1, 2006, the Uniform Arbitration Act adopted in 1962. Codifies the Revised Uniform Arbitration Act adopted in 2000 by the Uniform Law Commissioners prescribing a uniform process for resolving disputes through arbitration. Various provisions regarding arbitration are specified. As passed Senate.

First sponsor: Sen. Jarrett. Others: Rep. Boone, Burns, Pierce, Quellan, Smith, Sen. Brotherton, Huppenthal.

Last action: 3/31, from House Government Reform and Government Finance Accountability do pass.

ARS Titles Affected: 10, 12, 41.

S1345: CREDIT CARDS; FELONS

Would prohibit a convicted felon from being a joint holder or authorized user of a credit card issued to another person. Exceptions made for immediate family members.

Sponsor: Sen. Hellon

Last action: 2/1, referred to Senate Judiciary.

ARS Titles Affected: 13

S1357: SMUGGLING OF PERSONS

Added smuggling or trafficking of persons to the definition of racketeering and is established as a class 4 felony. Defined smuggling of persons as procuring the illegal entry of a person who is not a U.S. citizen or permanent

resident alien into this state. A separate human trafficking bill passed, [S1372](#).

First sponsor: Sen. Bee. Others: Rep. Paton, Sen. Harper, Jarrett, Tibshraeny, Verschoor, Waring.

Last action: 2/1, referred to Senate Judiciary.

ARS Titles Affected: 13.

[S1368](#): DPS EMPLOYEE COMPENSATION; PARITY

Establishes the Parity Compensation Fund (Parity Fund) for salaries and benefits for Department of Public Safety (DPS) law enforcement personnel. Provides that 1.51 percent of vehicle license tax revenue that would otherwise go to the state highway fund is deposited into the Parity Fund. Passed as a striker to [S1119](#).

First sponsor: Sen. Martin. Others: Rep. Chase, Lopez, Mason, McClure, Reagan, Rios, Robson, Rosati, Smith, Sen. Blendu, Harper, Jarrett, Mitchell.

Last action: 2/1, referred to Senate Judiciary, Appropriations.

ARS Titles Affected: 28, 41.

[S1371](#): PRISONERS; EARLY RELEASE CREDITS

Each nonviolent offender who is admitted to the custody of the Arizona Department of Corrections (ADC) for the prisoner's first term of imprisonment and determined to be a low-custody risk shall be allowed an earned release credit of one day for every two days served. Exceptions would apply.

First sponsor: Sen. Garcia. Others: Rep. Anderson, Konopnicki, Rios, Sen. Blendu, Brotherton.

Last action: 2/1, referred to Senate Judiciary.

ARS Titles Affected: 41.

[S1421](#): RESTITUTION; ECONOMIC LOSS DEFINITION

Would include future lost earnings of victim in the definition of economic loss used to calculate restitution in criminal cases. It would exclude damages for pain and suffering and punitive damages.

Sponsor: Sen. Huppenthal.

Last action: 2/21, Senate Judiciary held.

ARS Titles Affected: 8, 13.

S1423: DEATH PENALTY; MINORS

It is illegal for a judge to impose the death sentence on a person who was younger than 18 at the time of the crime. Conditional enactment. Note: U.S. Supreme Court overturned the death penalty for minors in 2005.

Sponsor: Sen. Aguirre.

Last action: 2/21, Senate Judiciary, discussion only.

ARS Titles Affected: 13.

S1424: PRISONERS; HEALTH CARE FACILITIES

Would exempt the patient-per-room capacity of medical and healthcare facilities from Department of Health Services (DHS) regulations if the institution provides medical and health services exclusively to persons incarcerated, detained or confined under court order or court jurisdiction. Similar measure passed as [H2206](#).

First sponsor: Sen. Burns. Others: Rep. Rios, Stump, Sen. Bee, Harper, Jarrett, Rios, Waring.

Last action: 3/10, Senate COW approved with floor amendment #[3918](#), a substitute for amendment #[3603](#); the rules technical amendment was withdrawn.

ARS Titles Affected: 36.

S1430: VICTIMS' RIGHTS; STANDING TO INVOKE

Would give a crime victim the right to intervene in any appellate proceeding seeking to enforce any right or challenge an order denying a right guaranteed to victims. See [S1433](#), Victims Omnibus bill.

Sponsor: Sen. Huppenthal.

Last action: 2/21, Senate Judiciary held.

ARS Titles Affected: 13.

S1431: VICTIMS' RIGHTS; STATEMENT OF RIGHTS

A crime victim must be formally advised by the judge that he has the right to justice and due process and a prompt conclusion of the case. See [S1433](#), Victims Omnibus bill.

Sponsor: Sen. Huppenthal.

Last action: 2/21, Senate Judiciary held.

ARS Titles Affected: 13.

S1432: VICTIMS' RIGHTS; APPELLATE PROCEEDINGS

Would give a crime victim the right to be heard at any appellate or post-conviction hearing. Includes minors in the definition of victim. See [S1433](#), Victims Omnibus bill.

Sponsor: Sen. Huppenthal.

Last action: 2/21, Senate Judiciary held.

ARS Titles Affected: 13.

S1437: ADULT ENTERTAINMENT CARDS

It is unlawful for a person to knowingly sell or distribute a prepaid adult entertainment card to a minor (class 1 misdemeanor).

Sponsor: Sen. Johnson

Last action: 2/1, referred to Senate Commerce, Family Services.

ARS Titles Affected: 13.

S1438: CONCEALED WEAPONS PERMITS

Would repeal the statutory language that defines carrying a deadly weapon without a permit as weapons misconduct. Other changes.

First sponsor: Sen. Johnson. Others: Rep. Barnes, Knaperek, Pearce, Stump, Jim Weiers, Sen. Bee, Burns, Gould, Gray, Harper, Jarrett, Martin, Verschoor.

Last action: 2/1, referred to Senate Judiciary

ARS Titles Affected: 8, 12, 13.

S1475: PUBLIC OFFICERS; PERSONAL ACTION; LIABILITY

Would direct that a person is responsible for any injury to emergency personnel caused by the person's failure to identify immediate and known hazards on the person's property if the conduct that causes the injury occurs after the person knows or should have known of the emergency personnel; the conduct that causes the injury violates a statute, ordinance or regulation; the conduct that causes the injury did not precipitate either the response or the presence of the emergency personnel; the person intentionally, knowingly or recklessly engages in conduct that causes injury to emergency personnel; or the conduct that causes the injury was not reasonably foreseeable to the emergency personnel.

First sponsor: Sen. Huppenthal. Others: Rep. Barnes, Chase, Gallardo, Sen. Martin.

Last action: 2/21, Senate Judiciary held.

ARS Titles Affected: 12.

S1481: RESTORATION OF RIGHTS; PROHIBITED POSSESSORS

Would require the order of restoration of a person's civil rights to be entered into the Arizona Criminal Justice Information System, allowing them to carry firearms.

First sponsor: Sen. Giffords. Others: Rep. Garcia, Hershberger, Lopez, Prezelski, Sen. Hale, Martin, Mitchell.
Last action: 2/21, Senate Judiciary held.
ARS Titles Affected: 13.

S1482: AGGRAVATED SHOPLIFTING

Sought to increase penalties for shoplifting if the act was committed under a variety of aggravating circumstances.

First sponsor: Sen. Giffords. Others: Rep. Paton, Sen. Hale, Martin, Mitchell.
Last action: 2/2, referred to Senate Judiciary.
ARS Titles Affected: 13.

S1484: MOTOR VEHICLES; SEAT BELTS

Would repeal provisions that restrict a peace officer's ability to stop a vehicle for a seat belt violation unless the officer had reason to believe that another violation had occurred.

First sponsor: Sen. Giffords. Others: Rep. Barnes, Bradley, Garcia, Hershberger, Lopez, Prezelski, Sen. Brotherton, Cannell, Hale, Mitchell.
Last action: 2/2, referred to Senate Transportation.
ARS Titles Affected: 28.

S1486: HATE CRIMES; MISDEMEANORS

Would allow an increased sentence for a misdemeanor crime if the act were committed because of the victim's race, creed, color, or religion.

First sponsor: Sen. Giffords. Others: Sen. Hale, Mitchell.
Last action: 2/3, referred to Senate Judiciary.
ARS Titles Affected: 13.

S1498: PUBLIC RECORDS; REQUESTORS; LAWSUITS

Prohibits a public body from commencing a civil action for declaratory judgment or decree against a requestor of public records unless the requestor consents to the civil action for declaratory relief in order to settle a dispute over the requestor's right to inspect or copy the public records.

First sponsor: Sen. Martin. Others: Rep. Downing, Gray, Paton, Pierce, Stump, Sen. Blendu, Burns, Garcia, Gould, Gray, Harper, Huppenthal, Mitchell, Tibshraeny, Verschoor.

Last action: 2/17, Senate Government held.

ARS Titles Affected: 39.

S1499: PUBLIC RECORDS; PUBLIC ACCESS (~~PUBLIC ACCESS COUNSELOR~~)

Would establish the Office of the Public Access Advisor (Office) in the ASLAPR and requires the Public Access Advisor (Advisor) to administer the Office. Requires the Advisor to be a practicing attorney, work full time on the duties of the Office and prohibits the Advisor from being actively engaged in any other occupation, practice, profession or business. Establishes the Public Access Advisor Selection Committee (Selection Committee) made up of members representing ASLAPR, political subdivisions, newspapers, businesses and the public that rely on access to public records and open meetings. Other provisions.

First sponsor: Sen. Martin. Others: Rep. Downing, Gray, Paton, Pierce, Stump, Sen. Allen, Arzberger, Bee, Blendu, Burns, Garcia, Giffords, Gould, Gray, Harper, Huppenthal, Mitchell.

Last action: 5/11, failed to pass House, 22-32.

ARS Titles Affected: 39, 41.

S1503: MOTOR VEHICLES; SPEED LIMIT ENFORCEMENT

Specifies that driving at a speed in excess of the maximum speed limit posted on a state highway is a civil traffic violation.

First sponsor: Sen. Verschoor. Others: Rep. Chase, Lopez, McComish, Reagan, Sen. Giffords, Harper.

Last action: 3/2, failed to pass on Senate reconsideration vote.

ARS Titles Affected: 28.

S1512: CROSS-CERTIFICATION; HOMELAND SECURITY

The cross-certification process allows federal peace officers employed by any agency of the United States to possess and exercise all law enforcement powers in this state for one year, including the ability to enforce the criminal laws of Arizona. Previous statute spelled out specific federal peace officers. Similar measure passed, [S1039](#).

First sponsor: Sen. Giffords. Others: Sen. Mitchell.

Last action: 2/3, referred to Senate Judiciary.

ARS Titles Affected: 13.

SENATE CONCURRENT RESOLUTIONS

A concurrent resolution is processed through both 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.

SCR1013: JUSTICES AND JUDGES RETIREMENT AGE

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: mandatory retirement age of justices and judges of courts of record is raised to 75 from 70.

First sponsor: Sen. Brotherton. Others: Rep. Burton Cahill, Lopez.

Last action: 1/20, referred to Senate Judiciary.

ARS Titles Affected: 98.

SCR1020: BUDGET STABILIZATION; SPENDING LIMIT

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: on approval of the voters and on proclamation of the governor, prohibits the legislature from appropriating, starting FY 2007-2008, state revenues that exceed the amount of state revenues appropriated in the preceding year, with adjustments made for changes in population, cost of living and transfers of government functions.

First sponsor: Sen. Martin. Others: Rep. Murphy, Sen. Burns, Flake, Harper, Jarrett.

Last action: 2/28, from Senate Finance do pass.

ARS Titles Affected: 98.

SCR1022: COMMUTATION; REPEAL GOVERNOR AUTHORITY

Would propose an amendment to the Arizona Constitution repealing the governor's authority to grant commutation of sentences. Proposed amendment would appear on November 2006 ballot. Companion bill, [S1242](#), would authorize the Board of Executive Clemency with sole authority to grant commutation.

First sponsor: Sen. Gray. Others: Sen. Blendu, Verschoor.

Last action: 1/25, referred to Senate Judiciary.

ARS Titles Affected: 98.

SCR1023: JUDICIAL RETIREMENT AGE

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: repeal the mandatory retirement age of 70 for justices and judges to retire.

First sponsor: Sen. Gray. Others: Rep. Bradley, Downing, Miranda, Sen. Cannell, Harper, Rios.

Last action: 1/25, referred to Senate Judiciary.

ARS Titles Affected: 98.

SCR1025: COURT JUDGMENTS; LEGISLATIVE APPROVAL

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: a court is prohibited from ordering the following judgments, orders or judicial decrees (collectively judgments), unless the legislature approves the judgment by concurrent resolution:

- entering a judgment that requires a statutory change at the time of judgment
- entering a judgment totaling one million dollars or more that will require a single expenditure or multiple expenditures of state monies.

Sponsor: Sen. Blendu.

Last action: 2/21, failed Senate Judiciary, 4-4.

ARS Titles Affected: 98.

SCR1032: SUPERIOR COURT DISTRICTS; ELECTION

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot, would ask voters whether to repeal the requirement that superior court judges be appointed instead of elected in counties with populations that exceed 250,000; instead, superior court judges in these counties would be elected from districts within the counties that correspond as closely as possible to county supervisor districts.

Sponsor: Sen. Verschoor.

Last action: 2/1, referred to Senate Judiciary.

ARS Titles Affected: 98.

SCR1038: JUSTICES AND JUDGES; SENATE CONFIRMATION

Proposed amendment to the Arizona Constitution would substantially change the method of nominating and appointing judicial nominees. Some provisions included changes to Judicial Nominating Commissions; would remove the current procedures for nominating and filling a judicial vacancy; provides judicial terms of office beginning on or after January 1, 2007, will be as

follows: for Supreme Court justices or Court of Appeals judges, 10 years; and for all superior court judges, six years. Other provisions.

First sponsor: Sen. Tibshraeny. Others: Rep. Allen, Burges, Murphy, Nelson, Nichols, Pierce, Stump, Tully, Jerry Weiers, Yarbrough, Sen. Bee, Bennett, Blendu, Flake, Gould, Gray, Harper, Huppenthal, Johnson, Martin, Verschoor.
Last action: 3/28, referred to House Judiciary.
ARS Titles Affected: 98.

SCR1031: PATRIOT ACT OPPOSITION

Proclaims the opposition of the Arizona Legislature to the USA PATRIOT Act and related executive orders.

First sponsor: Sen. Johnson. Others: Rep. Alvarez, Bradley, Burges, Kirkpatrick, Landrum Taylor, Lopez, Meza, Miranda, Pearce, Prezelski, Sinema, Smith, Sen. Bee, Brotherton, Chevront, Flake, Garcia, Gould, Hale, Mitchell, Rios, Soltero.
Last action: 2/8, from Senate Judiciary with amendment #[3176](#).
ARS Titles Affected: 99.

SENATE BILLS VETOED BY THE GOVERNOR

S1118: VOTERS; PROVISIONAL BALLOT (~~TECH CORRECTION; EXECUTIONER ID~~)

In accordance with provisions of Proposition 200, a voter must present either one form of identification (ID) that contains the name, address and photograph of the person, or two different forms of ID that contain the name and address of the person. S1118 sought to require voters to present specified forms of identification for voting provisional ballots. Acceptable forms of identification for the purpose of voting provisional ballots included: a valid Arizona driver's license, birth certificate; U.S. passport, a valid vehicle registration or certificate of Arizona automobile insurance, a naturalization certificate, a utility bill, bank statement, government check or paycheck or authorized tribal identification. The governor vetoed the bill, stating that conflicts with federal law and could result in properly registered Arizona citizens being denied the right to vote.

Sponsor: Sen. Huppenthal.
Last action: 4/1, vetoed by the governor.
ARS Titles Affected: 16.

S1188: AGENCY BUDGETS; RESPONSIBILITIES

Would require budget units, at the time of their sunset review, to link mission statements and strategic objectives to their overall agency budgets, and to prioritize activities according to Joint Legislative Budget Committee recommendation. The governor vetoed the bill, stating that the legislature already requires agencies to prepare five-year strategic plans as well as annual agency, program, and subprogram strategic plans and that executive agencies would be required to maintain a separate accounting structure to comply with this legislation (unfunded mandate). She commented that the bill required executive branch agencies to conform their reports to a format defined by the staff of the Joint Legislative Budget Committee. She noted that the Joint Legislative Budget Committee staff is not constitutional

First sponsor: Sen. Martin. Others: Sen. Jarrett.
Last action: 4/25, vetoed by the governor.
ARS Titles Affected: 35, 41.

S1306: IMMIGRATION LAWS; LOCAL ENFORCEMENT (~~CHILD ABUSE; RESTITUTION~~)

Would have authorized Arizona peace officers to enforce federal immigration laws. The governor vetoed the bill, saying that the legislation would not solve the state's immigration problem and would place an unfunded mandate on state and local law enforcement. She outlined a plan to convene a law enforcement summit over the summer to address immigration enforcement.

First sponsor: Sen. Johnson. Others: Rep. Burges, Chase, Pearce, Jerry Weiers, Sen. Bee, Blendu, Gray, Harper, Jarrett, Verschoor.
Last action: 5/20, vetoed by the governor.
ARS Titles Affected: 41.

S1333: ANIMAL AND ECOLOGICAL TERRORISM

Adds to the definition of racketeering: animal or ecological terrorism that results in/is intended to result in serious physical injury or death; and animal or ecological terrorism if committed for financial gain. The governor vetoed this bill, saying the legislation defined animal and ecological terrorism too broadly and would include reckless behavior as well as intentional behavior. Another version of this legislation was enacted as [S1166](#).

First sponsor: Sen. Verschoor. Others: Rep. Biggs, Farnsworth, Sen. Arzberger, Bee, Blendu, Burns, Flake, Gould, Gray, Harper, Huppenthal, Jarrett, Johnson, Martin.
Last action: 3/15, vetoed by the governor.
ARS Titles Affected: 13, 41.

S1339: CIVIL RIGHTS DIVISION; SUBPOENAS

Sought to place tougher restrictions on the Civil Rights Division in investigating civil rights cases. Provisions included changing the length of time a person has to petition the Division to revoke, limit or modify the subpoena for investigations concerning fair housing from five days to 15 days; changing the length of time a person has to petition the Division to revoke, limit or modify the subpoena for all investigations under the chapter of employment discrimination (except fair housing) from five to 30 days; stipulates that the Division shall not communicate with any person who is represented by counsel except with the consent of the person's counsel or pursuant to a subpoena that is served on the person's counsel. Other provisions. The governor vetoed the bill, stating that the bill places unnecessary restrictions on the Attorney General's Office's investigations of civil rights cases.

First sponsor: Sen. Martin. Others: Sen. Bee.
Last action: 4/25, vetoed by the governor.
ARS Titles Affected: 41.

S1363: FIREARMS; BARS; POSTED NOTICES

Allows possession of a firearm on the premises of an on-sale liquor retailer if the licensee has not posted a notice prohibiting it. Prohibits persons in possession of a firearm on the premises of an on-sale liquor retailer from consuming spirituous liquor. The governor vetoed the bill, saying that although she supports the second amendment, she could not support this

legislation because the concerns of law enforcement and the property owners that would be affected by this legislation were not addressed.

First sponsor: Sen. Harper. Others: Rep. Biggs, Burges, Jones, Knaperek, Mason, McLain, Nelson, Nichols, O'Halleran, Pearce, Quelland, Rosati, Smith, Stump, Jerry Weiers, Sen. Arzberger, Blendu, Flake, Gray, Johnson, Martin, Verschoor.

Last action: 4/25, vetoed by the governor.

ARS Titles Affected: 4, 5, 28

S1270: **SCHOOLS; PUPIL PERSONAL INFORMATION**

Sought to prohibit school district or charter school employees from requesting information or an evaluation regarding a student's personal or family's behavioral or mental health history without parental written consent. This included anonymous surveys where individual students could not be identified (an exception was made for the legislatively mandated Arizona Youth Survey). The governor vetoed the bill, stating that the bill was too broad and is susceptible to an interpretation that could prevent teachers from making necessary assessments of a child's ability to learn and function in the classroom. She also expressed concern that bill could unduly restrict the ability of teachers and administrators to react in emergency situations where students pose a threat to themselves or others.

First sponsor: Sen. Johnson. Others: Rep. Allen, Anderson, Biggs, Boone, Chase, Gorman, Groe, Mason, Nichols, Pearce, Pierce, Stump, Sen. Bee, Blendu, Burns, Flake, Gray, Hale, Harper, Jarrett, Martin, Verschoor.

Last action: 4/25, vetoed by the governor.

ARS Titles Affected: 15.

S1511: **SECURE AND VERIFIABLE IDENTIFICATION**

Would prohibit law enforcement, a department, agency, commission, board or districts of Arizona that require identification for services from accepting or recognizing any identification document unless the document was issued by a political subdivision of this state, a federally recognized Indian tribe, a state or federal authority. Specified that political subdivisions shall not rely on anything but verifiable identification for the purposes of issuing a form of identification, license, permit or official document. The governor vetoed the bill, stating that the bill is poorly drafted, overly broad, and would lead to unintended consequences. The governor expressed concern that no foreign government-issued documents, even passports, could be accepted or recognized by state and local government or law enforcement officials.

First sponsor: Sen. Martin. Others: Rep. Murphy, Jerry Weiers, Sen. Gould, Gray, Harper, Jarrett.

Last action: 5/6, vetoed by the governor.

ARS Titles Affected: 41.

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 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.

HOUSE BILLS THAT PASSED

H2070: SEXUAL PREDATORS; RELEASE; NOTICE (~~TECH CORRECTION; TOWNS; APPOINTED OFFICIALS~~)

Striker offered: Requires any agency with jurisdiction to determine if a person might be a sexually violent person (SVP) if the person has been convicted of a sexually violent offense; found guilty except insane of a sexually violent offense; charged with a sexually violent offense and was determined to be incompetent to stand trial. Requires that if the agency determines the person might be an SVP, the agency must refer the person in writing to the county attorney at least 30 days before the person's anticipated release.

Sponsor: Rep. Nelson.

Last action: 4/18, signed by the governor. Chap. 118, Laws 2005.

ARS Titles Affected: 36.

H2087: PRISON INMATES; COMMUNITY RELEASE PROGRAM

This legislation clarifies that the entity contracted with the Department of Corrections to provide services to inmates eligible for the Community Accountability Pilot Program shall not provide housing, but may provide guidance in obtaining housing. Facilities operating under the pilot program shall be known as Community Accountability Reporting Centers. The Community Accountability Pilot Program (pilot program), which allows the Department of Corrections to contract with a private or nonprofit entity to provide eligible inmates with supervision and treatment services was established under Laws 2004, Chapter 204.

Sponsor: Rep. Konopnicki

Last action: 4/18, signed by the governor. Chap. 119, Laws 2005.

ARS Titles Affected: 41.

H2091: FINGERPRINTING; PROTECTING VULNERABLE PERSONS

Currently, five state agencies—Administrative Office of the Courts, Department of Economic Security (DES), Department of Education, Department of Health Services, and the Department of Juvenile Corrections—license people who work with children and vulnerable adults and require background checks on the employees rendering the care and services. H2091 specifies categories of people who have contact with children or vulnerable adults who must participate in the Department of Public Safety fingerprint clearance card system. Includes an expansion of DES employees; persons who are adopting children; adult and child developmental foster home licensees; and foster parents. Current DES employees who have contact with children must obtain clearance or a good cause exception by July 1, 2006. Expands fingerprint data exchange with FBI.

Sponsor: Rep. Konopnicki

Last action: 5/4, signed by the governor. Chap. 246, Laws 2005.

ARS Titles Affected: 8, 41.

H2115: DRIVER LICENSE SUSPENSION (~~TECH-CORRECTION-~~ BARBERS)

Striker offered: Requires that ADOT must suspend the driver's license or driving privileges of a person who is convicted of knowingly purchasing or providing liquor to a minor.

Sponsor: Rep. Reagan.

Last action: signed by the governor. Chap. 268, Laws 2005.

ARS Titles Affected: 4, 28.

H2166: CORPSES; ABANDONMENT

HB 2166 establishes a Class 5 felony for transferring or removing a dead body or body parts with the intent of abandoning or concealing the body or body parts. This is punishable by a fine of up to \$150,000 and a presumptive prison sentence of 18 months. The intent of the law is to allow for criminal charges to be brought against anyone disposing of a body where the death has occurred under questionable circumstances. Section 11-593, A.R.S., requires any person who has knowledge of the death of a human being to promptly notify the police if the death occurs suddenly when in apparent good health or in a suspicious, unusual or unnatural manner or death resulting from violence. H2166 law makes exceptions as provided by law, such as for the funeral industry.

First sponsor: Rep. Mason. Others: Rep. Biggs, Boone, Landrum Taylor, Sen. Harper.

Last action: 4/13, signed by the governor. Chap. 69, Laws 2005.

ARS Titles Affected: 13.

H2206: PRISONERS; HEALTH CARE FACILITIES

This law exempts the patient-per-room capacity of medical and healthcare facilities from Department of Health Services (DHS) regulations if the institution provides medical and health services exclusively to persons incarcerated, detained or confined under court order or court jurisdiction. The bill, as introduced, contains an emergency clause.

First sponsor: Rep. Konopnicki. Others: Rep. Brown, Chase, Rios, Sen. Flake.
Last action: 4/1 signed by the governor. Chap. 15, Laws 2005.
ARS Titles Affected: 36.

H2242: MENTAL HEALTH SERVICES; LEGAL REPRESENTATIVE

Requires certain persistently and acutely disabled (PAD) persons who are undergoing court-ordered treatment to undergo the same annual review process as gravely disabled persons. Provides PAD and gravely disabled persons access to court-appointed independent evaluators for the purposes of certain hearings and changes certain procedural rules for these hearings. Imposes additional requirements on Regional Behavioral Health Authorities (RBHAs) and medical directors when PAD and gravely disabled persons are released from court-ordered treatment. Allows the Department of Economic Security (DES) to offer guardianship services for persons within developmental disabilities and establishes requirements for guardianship providers.

First sponsor: Rep. Hershberger. Others: Rep. Bradley, O'Halleran, Sen. Giffords.
Last action: 5/20, signed by the governor. Chap. 291, Laws 2005.
ARS Titles Affected: 36.

H2254: MVD RECORDS; PEACE OFFICER PHOTOS

Prohibits the Motor Vehicle Division (MVD) from releasing a photograph of a peace officer if the peace officer has requested that persons be prohibited from accessing the peace officer's residential address and telephone number in any record maintained by the department.

First sponsor: Rep. Gray. Others: Rep. Rios, Sen. Flake, Gray, Miranda, Soltero.
Last action: 4/22, signed by the governor. Chap. 181, Laws 2005.
ARS Titles Affected: 28.

H2259: IMMIGRATION LAW VIOLATION

Expands the list of aggravating circumstances for sentencing to include if the defendant was in violation of federal immigration law at the time the offense was committed.

First sponsor: Rep. Gray. Others: Rep. McClure, Pearce, Pierce.
Last action: 4/18, signed by the governor. Chap. 133, Laws 2005.
ARS Titles Affected: 13.

H2305: JURIES; EXCUSE FROM SERVICE

Provides additional circumstances that would qualify a prospective juror for either a temporary or permanent excuse from jury service. Allows persons age 75 and older to request permanent excuse from jury service.

Sponsor: Rep. Nelson.
Last action: 4/13, signed by the governor. Chap. 74, Laws 2005.
ARS Titles Affected: 21.

H2325: CONCEALED WEAPONS PERMIT; LIFETIME ISSUANCE

The bill was originally drafted change the concealed weapons (CCW) permit issuance from four years to a lifetime issuance unless the permit was revoked. Law enforcement was opposed to the original language of the bill. As signed by the governor, H2325 changes the four-year permit to a period of five years. It also reduces the length of the firearms safety training program that persons wishing to get a CCW permit must initially complete from 16 hours to eight hours. The new law extends the permit's expiration date for military personnel stationed overseas until 90 days after the end of the person's overseas deployment.

First sponsor: Rep. Gray. Others: Rep. Biggs, Chase, McClure, Murphy, Pierce, Reagan, Sen. Jarrett.
Last action: 4/25, signed by the governor. Chap. 225, Laws 2005
ARS Titles Affected: 13.

H2337: VICTIM NOTIFICATION; DISMISSED COUNTS

The law allows a person to exercise all rights granted to a victim of a criminal offense if the offense against the victim has been charged, but the count(s) was dismissed because the defendant accepted a plea agreement to other charges. It requires the prosecutor to notify the probation department if the victim has requested rights.

First sponsor: Rep. Smith. Others: Rep. Allen, Anderson, Barnes, Biggs, Boone, Farnsworth, Murphy, Paton, Pearce, Pierce, Quelland, Rosati, Stump, Yarbrough.
Last action: 4/20, signed by the governor. Chap. 154, Laws 2005.
ARS Titles Affected: 13.

H2450: CONCEALED WEAPONS CERTIFICATION (~~VEHICLE REPOSSESSION REGULATION~~)

Striker amendment: Allows the Department of Public Safety (DPS) to issue certificates of firearms proficiency according to the Arizona Peace Officer Standards and Training Board (AZPOST) firearms qualification for the purposes of implementing the Law Enforcement Officers Safety Act of 2004 (HR 218). Requires the Director of DPS to adopt rules, including fees, relating to concealed weapons permits and certificates of firearms proficiency.

Sponsor: Rep. Murphy

Last action: 4/18, signed by the governor. Chap. 138, Laws 2005.

ARS Titles Affected: 13.

H2469: EMERGENCY VEHICLE RIGHT-OF-WAY

Expands procedures required by law for drivers who encounter emergency vehicles. New provisions include: drivers must stay at least 300 feet behind any police vehicle involved in an emergency until the vehicle moves to the right-hand lane or curb; prohibits drivers from approaching or driving parallel to a police vehicle when the police vehicle is giving signal with lights and siren; and other provisions. Defensive driving schools may include in courses information relating to following emergency vehicles.

First sponsor: Rep. Konopnicki. Others: Rep. McClure, Paton, Quelland, Robson, Rosati, Smith, Jim Weiers, Sen. Aguirre, Giffords, Harper, Mitchell.

Last action: 4/18, signed by the governor. Chap. 139, Laws 2005.

ARS Titles Affected: 28.

H2522: AGGRAVATING FACTORS; TRIER OF FACT

Modifies the procedures for determining an aggravated sentence in a noncapital criminal case. In *Blakely v. Washington* (2004), the U.S. Supreme Court held that the court only may impose a "statutory maximum" sentence "solely on the basis of the facts reflected in the jury verdict or admitted by the defendant." The statutory maximum is the maximum sentence the court may impose without additional findings. Thus, aggravating circumstances utilized to increase a sentence beyond a "statutory maximum" must be found by a jury, unless that right is waived or admitted by the parties.

Provisions:

- Directs that a defendant is eligible for an upper term of a sentence if one or more of the aggravating circumstances are found by the jury beyond a reasonable doubt.
- Provides that if the jury finds at least one aggravating circumstance beyond a reasonable doubt, the trial court may find by a preponderance of the evidence additional aggravating factors in determining the defendant's sentence.
- Requires the trier of fact to determine and the court to consider all aggravating circumstances used to increase a defendant's sentence.

- Modifies one of the aggravating circumstances to whether the victim or, if the victim has died as a result of the defendant's conduct, the victim's immediate family has suffered physical, emotional or financial harm.
- Permits the state to allege other factors as aggravating circumstances that are relevant to the defendant's character or background or to the nature or circumstances of the crime.
- Stipulates that any term of imprisonment beyond the statutory presumptive term, including those provided for in exceptional circumstances, may be imposed only if the trier of fact finds aggravating circumstances are present. In the case of exceptional circumstances, the trier of fact must find beyond a reasonable doubt that at least two aggravating factors are present.
- Defines the "trier of fact" as a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.

Sponsor: Rep. Farnsworth.

Last action: 4/1, signed by the governor. Chap. 20, Laws 2005.

ARS Titles Affected: 13

H2528: CIVIL ACTIONS; CRIMINAL CONDUCT

Provides that the statute of limitations for any civil cause of action brought by a victim of a criminal offense against the defendant is extended for one year from the final disposition of the criminal proceedings, regardless of whether the defendant is convicted of the criminal conduct. Makes technical changes.

First sponsor: Rep. Nichols. Others: Rep. Allen, Quelland, Stump, Yarbrough.

Last action: 4/18, signed by the governor. Chap. 141, Laws 2005

ARS Titles Affected: 12.

H2592: ILLEGAL ALIENS; WORK CENTERS; PROHIBITION

Prohibits a city, town or county from constructing or maintaining a work center that facilitates the knowing employment of an alien who is not entitled to lawful residence in the United States.

First sponsor: Rep. Rosati. Others: Rep. Barnes, Biggs, Burges, Gray, Groe, McLain, Murphy, Quelland, Stump, Jerry Weiers.

Last action: 5/20, signed by the governor. Chap. 285, Laws 2005

ARS Titles Affected: 9, 11.

H2620: FUNDING; DRUG COURTS PROGRAMS (~~FINGERPRINTING, FOSTER & ADOPTIVE PARENTS~~)

Striker offered: The sum of \$1,000,000 is appropriated from the state general fund in fiscal year 2006-2007 to the administrative office of the

courts for the purposes of funding juvenile and adult drug courts established by the presiding judge of the superior court.

Original sponsor: Rep. Konopnicki. Others: Rep. Brown, Burns, Downing, Lopez.

Last action: 5/20, signed by the governor. Chap. 296, Laws 2005.

ARS Titles Affected: 13.

H2647: LIQUOR; OMNIBUS

Violations:

- Allows the director to suspend or terminate a licensee's use of a drive-thru based on clear and convincing evidence, if a violation occurs involving the drive-thru.
- Makes it unlawful for an employee of a licensee to accept any compensation or consideration of any kind to either permit a person under 21 years of age to enter any prohibited portion of a premises or to sell or give spirituous liquor to a person under 21 years of age. Persons in violation are guilty of a class 1 misdemeanor and are required to pay a fine of not less than \$500.
- Makes it unlawful to purchase, offer for sale or use any device or machine that mixes spirituous liquor with any gas to produce a vaporized product for the purpose of consumption by inhalation. Persons in violation are guilty of a class 2 misdemeanor. (This addresses the AWOL machine.)
- Makes it unlawful for a retail licensee to sell spirituous liquor to a person if the licensee or employee knows the person intends to resell the spirituous liquor (bootlegging). Persons in violation are guilty of a class 1 misdemeanor.
- Establishes a fine of at least \$250 for a person under the age of 21 who is convicted of misrepresenting that person's age with an identification to buy spirituous liquor, soliciting another person to purchase, give or sell spirituous liquor to the underage person, or gaining access to a licensed establishment by the use of a fake identification or another person's identification.

Other provisions:

- Requires, instead of allows, the director of the Department of Liquor to issue bar, beer and wine bar and liquor store licenses. Licenses must be issued pursuant to a random selection method and according to a set schedule in fiscal years FY05 through FY10. Allows wholesalers and producers to provide small samples of beer, wine and distilled spirits to retail customers on an off-sale retailer's premises under set guidelines.

First sponsor: Rep. McComish. Others: Rep. Chase, Gallardo, Jones, Konopnicki, Meza, Reagan, Robson, Sen. Burns, Miranda.

Last action: 5/11, signed by the governor. Chap. 284, Laws 2005.

ARS Titles Affected: 4.

**H2713: STUN GUNS; CRIMES AND ASSAULT (~~TECH CORRECTION,~~
~~BANKING DEPARTMENT~~)**

Striker offered: Adds the use of a stun gun during the commission of an offense to the list of aggravating factors for sentencing purposes in felony and capital cases.

Makes it unlawful for a person to sell an authorized remote stun gun without keeping an accurate sales record as to the identity of the purchaser. Requires the identification to be verified with a government-issued identification. Secondary sales are exempt from this requirement. Makes it unlawful to knowingly use or threaten to use a stun gun against a law enforcement officer engaged in official duty. (Class 4 felony)

Expands the definition of aggravated assault to include knowingly taking or attempting to exercise control over any of the following if the victim is a peace officer engaged in the execution of official duties:

- A peace officer's firearm or another officer's firearm. (Class 3 felony)
- Any weapon other than a firearm that a peace officer or another officer is using or attempting to use. (Class 5 felony)
- Any implement that a peace officer or other officer is using or attempting to use. *Implement* is defined as any object capable of or designed to restrain or injure and individual but does not include handcuffs. (Class 6 felony).

First sponsor: Rep. Jim Weiers. Others: Rep. Knaperek, Quelland.

Last action: 4/20, signed by governor. Chap. 166, Laws 2005.

ARS Titles Affected: 13.

HOUSE BILLS THAT FAILED

H2058: JP QUALIFICATIONS

This legislation would have established minimum age and educational requirements for a justice of the peace; no qualifications for JP currently exist in statute.

Sponsor: Rep. Rios.

Last action: 1/10, referred to House Judiciary, Government Reform.

ARS Titles Affected: 22.

H2088: DRUG COURT PROGRAMS; FUNDING

Provided an appropriation for the next two fiscal years to the Administrative Office of the Courts to fund drug court programs. Appropriation was passed as [H2620](#).

Sponsor: Rep. Konopnicki.

Last action: 1/11, referred to House Judiciary, Appropriations (Pearce).

ARS Titles Affected: 13.

H2107: FALSE REPORTING

Reclassified the crime of false reporting as a class 6 (lowest) felony from class 1 (highest) misdemeanor.

Sponsor: Rep. Nelson.

Last action: 1/11, referred to House Judiciary, Government Reform.

ARS Titles Affected: 13.

H2109: VICTIMS' RIGHTS; STANDING TO INVOKE

Sought to allow crime victims the ability to invoke their rights in appellate proceedings. Similar measure passed in [S1433](#).

Sponsor: Rep. Tully.

Last action: withdrawn from House Judiciary and additionally referred to Appropriations (Boone), Appropriations (Pearce).

ARS Titles Affected: 13.

H2119: PHOTO ENFORCEMENT; CIVIL PENALTIES

Would have provided that if a person were served notice of a civil traffic complaint for a speeding violation resulting from a photo radar and within 21 days the person admitted responsibility and pays the fine, the Motor Vehicle Department would maintain for 12 months the abstract of the record but

would not disclose the record or use the record for any license suspension, revocation or cancellation except as otherwise provided. Other exceptions were listed. Established a maximum fine of \$200 for speeding violations enforced by photo radar. House engrossed version.

Sponsor: Rep. Biggs. Others: Rep. Anderson, Quelland.
Last action: 3/22, referred to Senate Transportation
ARS Titles Affected: 28.

H2147: FORFEITURE; BURDEN; ATTORNEY FEES; COUNSEL

Would have changed the provisions of seizing property under racketeering statutes to allow that property could not be seized until a person was convicted. It also required the state to prove by a preponderance of evidence that an interest in the property is not exempt from forfeiture. Provided for attorneys fees to a claimant who prevails in a forfeiture action.

Sponsor: Rep. Gray.
Last action: 1/12, referred to House Judiciary, Federal Mandates and Property Rights.
ARS Titles Affected: 13.

H2165: VULNERABLE ADULTS; FINANCIAL ABUSE

Expanded definition of theft of the assets of an incapacitated or vulnerable adult (currently only "intimidation" and "deception" are defined). The new definitions included "undue influence," defined as emotional exploitation, taking unfair advantage or taking grossly oppressive advantage of another person.

First sponsor: Rep. Mason. Others: Rep. Boone, Gray, Landrum Taylor.
Last action: 1/12, referred to House Judiciary, Human Services
ARS Titles Affected: 13, 46.

**H2175: CLANDESTINE DRUG LABORATORIES; METH (WELLS;
~~NOTICE OF INTENT; CONFORMING)~~**

Striker offered: Sought to amend 12-1000, clandestine drug laboratories; notice; cleanup; residual contamination; civil penalty; immunity; restitution; violation; classification. The amendment increased regulation over precursor chemicals used to manufacture methamphetamine. Required that property owners must remediate their property if a drug lab was found on the premises within 12 months. Violation of this requirement could result in the state placing a lien on the property to recover the costs of cleanup. Other provisions. An alternative methamphetamine bill was signed into law; see [S1473](#).

Sponsor: Rep. O'Halleran.

Last action: from House Natural Resources and Agriculture with amendment [#3652](#).

ARS Titles Affected: 12, 13.

[H2179](#): ANIMAL FIGHTING (~~WATER, ACTIVE MANAGEMENT AREAS~~)

Established animal fighting for gain or amusement as a class 5 felony.

Sponsor: Rep. O'Halleran

Last action: from House Natural Resources and Agriculture with amendment [3644](#).

ARS Titles Affected: 13.

[H2202](#): APPROPRIATION; LAW OFFICERS TRAINING CENTER

Sought to provide \$3 million for construction of a regional law officers training center at the Signal Peak Campus of Central Arizona College in Pinal County.

First sponsor: Rep. Chase. Others: Rep. Bradley, Brown, Downing, Gallardo, Hershberger, Konopnicki, Landrum Taylor, Rios.

Last action: 1/31, from House Public Institutions and Retirement do pass.

ARS Titles Affected: 34.

[H2231](#): SERVICES TO INDIGENT DEFENDANTS; FEES

Provided that the county board of supervisors would establish contract rates for investigators and expert witnesses on behalf of an indigent defendant in a capital case. Currently, the court establishes these rates. Similar measure passed as [S1144](#).

Sponsor: Rep. Farnsworth.

Last action: 2/10, referred to Senate Judiciary.

ARS Titles Affected: 13.

[H2232](#): IDENTITY THEFT

Created aggravated identity theft as a class 3 felony. This was defined as stealing the identity of five or more people whether or not there was any economic loss or stealing the identity of one person and causing a minimum economic loss of \$3,000. Also created the crime of trafficking in the identity of another person and established this as a class 2 felony. This was defined as selling or transferring information to third party for the purpose of identity theft. There was an exception for persons under 21 who used a false identification to purchase alcohol. House engrossed version. Similar measure passed as [S1058](#).

Sponsor: Rep. Farnsworth.
Last action: 2/10, referred to Senate Judiciary.
ARS Titles Affected: 13.

H2233: CAPITAL CASES; AGGRAVATING FACTORS

Sought to expand the list of aggravating circumstances used in capital cases to include commission of the offense in connection with a gang activity, preventing a person from cooperating with law enforcement or being a witness, and commission in a "cold, calculated manner without pretense of moral or legal justification." This added second degree burglary and terrorism to the list of serious offenses. See [S1429](#).

Sponsor: Rep. Farnsworth.
Last action: 3/14, held in Senate Judiciary.
ARS Titles Affected: 13.

H2234: RESTITUTION; ECONOMIC LOSS DEFINITION

Defined economic loss as any loss that is incurred by a person as the result of the commission of an offense and included lost interest, earnings and other losses that would not have been incurred if the crime did not occur. It did not include losses incurred by the offender, damages for pain and suffering or punitive damages. It included the future lost earnings of the victim.

Sponsor: Rep. Farnsworth.
Last action: 2/16, referred to Senate Judiciary.
ARS Titles Affected: 13.

H2235: AGGRAVATED DUI; SENTENCES

Required that persons convicted of aggravated DUI committed with a passenger under age 15 must serve (formerly "be sentenced to") the minimum four-month prison term.

Sponsor: Rep. Farnsworth.
Last action: 3/22, to Senate consent calendar. Stricken from consent calendar by Bee.
ARS Titles Affected: 28.

H2236: COMPETENCY EVALUATION EXAMS; COSTS

Required criminal suspects to pay for court-ordered mental competency examination unless the person is indigent. Currently, the city pays the fee if the examination is ordered by a municipal court judge. Otherwise, the county picks up the cost. As passed by the House. Similar measure passed as [S1013](#).

Sponsor: Rep. Farnsworth.
Last action: 3/22, from Senate Rules okay.
ARS Titles Affected: 9, 11, 13.

H2295: ANIMAL AND ECOLOGICAL TERRORISM

Striker offered: Adds the following to the definition of racketeering: animal or ecological terrorism that results in (or is intended to result in) serious physical injury or death; animal or ecological terrorism if committed for financial gain. Another version of this legislation was enacted as [S1166](#).

First sponsor: Rep. Biggs. Others: Rep. Anderson, Murphy, Nichols, Rosati, Stump, Sen. Verschoor.
Last action: Substituted [S1333](#) on third reading.
ARS Titles Affected: 13.

H2301: THEFT OF GAS

Pumping gasoline into a vehicle and knowingly leaving the station without paying was set as a class 3 misdemeanor.

First sponsor: Rep. Alvarez. Others: Rep. Lopes, Sinema, Sen. Garcia.
Last action: 1/13, referred to House Judiciary.
ARS Titles Affected: 13.

H2302: CRUELTY TO ANIMALS

Would establish misdemeanor and felony penalties for intentionally failing to furnish an animal with food, water or shade consistent with accepted veterinary practices and procedures.

First sponsor: Rep. Nelson. Others: Rep. Gallardo, McClure, Prezelski, Reagan, Jerry Weiers.
Last action: 1/13, referred to House Judiciary, Natural Resources and Agriculture.
ARS Titles Affected: 13.

H2304: SEX OFFENDERS; REGISTRATION; LIFETIME PROBATION

Imposed a term of lifetime probation, if a term of probation is imposed, on persons convicted of failing to meet the registration requirements for convicted sex offenders.

First sponsor: Rep. Nelson. Others: Rep. Allen, Quelland, Jerry Weiers, Yarbrough.
Last action: 1/31, do pass from House Public Institutions and Retirement.
ARS Titles Affected: 13.

H2310: SENTENCING; AGGRAVATORS; HATE CRIME

If a person is convicted of a misdemeanor and the court finds that the defendant committed the crime out of malice toward a victim based on race, color, religion or sexual orientation, the sentence may be increased up to 50 percent.

First sponsor: Rep. Lopez. Others: Rep. Aguirre, Alvarez, Bradley, Burton Cahill, Cajero Bedford, Downing, Gallardo, Landrum Taylor, Lopes, Lujan, Miranda, Prezelski, Sinema, Tom, Sen. Giffords, Soltero.

Last action: 1/13, referred to House Judiciary.

ARS Titles Affected: 13.

H2315: DEATH PENALTY; JURIES

Would replace *court* with *trier of fact* in determining whether to impose a sentence of life or natural life on the defendant when the trier of fact unanimously finds no aggravating circumstances in the aggravation phase; or the death penalty was not alleged or was alleged but not imposed. Would replace *court* with *jury* in determining whether to impose a sentence of life or natural life on the defendant when the jury in the penalty phase determines unanimously that the death penalty is not appropriate; the new jury impaneled in the aggravation phase is unable to reach a unanimous verdict; or the new jury impaneled in the penalty phase is unable to reach a unanimous verdict as to the imposition of the death penalty. Other provisions.

First sponsor: Rep. Sinema. Others: Rep. Aguirre, Downing, Gallardo, Garcia, Kirkpatrick, Landrum Taylor, Lopes, Lopez, Lujan, Prezelski, Tom.

Last action: 2/8, from House Public Institutions and Retirement do pass.

ARS Titles Affected: 13.

H2318: ERRONEOUS CONVICTIONS; CIVIL ACTION

Sought to amend Title 31, Arizona Revised Statutes, by adding chapter 5, Compensation for erroneous convictions, to establish law for persons wrongly convicted to receive compensation from the state, regardless of whether the state or any political subdivision acted recklessly or negligently in gaining a wrongful conviction.

First sponsor: Rep. Sinema. Others: Rep. Aguirre, Cajero Bedford, Downing, Gallardo, Garcia, Kirkpatrick, Landrum Taylor, Lopes, Lopez, Lujan, Paton, Prezelski, Tom.

Last action: 1/13, referred to House Judiciary, Public Institutions and Retirement, and Appropriations (Pearce).

ARS Titles Affected: 31.

H2320: JP COURTS; PRODUCTIVITY CREDITS; COMPENSATION

Set circumstances under which Maricopa County supervisors may pay a Justice of the Peace (JP) judicial productivity-credit compensation even if the JP's credits are below the prescribed level.

Sponsor: Rep. Tully.

Last action: 1/18, referred to House Judiciary, Appropriations (Pearce).

ARS Titles Affected: 22.

H2332: LEGISLATIVE VACANCIES; CITIZENS PANEL

Would bar relatives of members of the legislature from serving on the citizens panel that is appointed by the county board of supervisors to recommend three qualified persons to fill a legislative vacancy. Also precluded the panel from considering a relative of one of its members. The panel's meetings would be subject to the state's open meeting law, and a record of its proceedings would be kept.

First sponsor: Rep. Tom. Others: Rep. Aguirre, Downing, Gallardo, Kirkpatrick, Lopez, Lujan, Meza, Prezelski, Sinema.

Last action: 1/18, referred to House Judiciary, Government Reform, Public Institutions and Retirement.

ARS Titles Affected: 41.

H2338: LEGISLATIVE VACANCY; COUNTY PARTICIPATION

If the legislative district with a vacancy includes more than one county, the Board of Supervisors of each county other than the county of residence of the person elected to or appointed to the office immediately before the vacancy shall appoint within three days after a vacancy one member to the citizens panel.

First sponsor: Rep. Tom. Others: Rep. Aguirre, Downing, Gallardo, Kirkpatrick, Lopez, Lujan, Meza, Prezelski, Sinema.

Last action: 1/18, referred to House Judiciary, Government Reform, Public Institutions and Retirement.

ARS Titles Affected: 41.

H2342: ADMINISTRATIVE LAW JUDGES; CONFIDENTIALITY

Added administrative law judge to the definition of judge in statutes restricting the availability of personal identification information contained in property and voting registration records.

First sponsor: Rep. McClure. Others: Rep. Allen, Gray, Groe, O'Halleran, Paton, Sen. Bee, Miranda.

Last action: 1/31, from House Public Institutions and Retirement do pass.

ARS Titles Affected: 11, 13, 16, 39.

H2370: JAIL EDUCATION PROGRAMS; FUNDING

Increased the base amount used to partially fund jail education programs from \$14,400 to \$20,000 per accommodation school. Appropriated an undetermined amount in FY 2005-06 from the state General Fund to the county jail education funds for the purpose of funding equalization assistance for persons in county jail education programs.

First sponsor: Rep. Bradley. Others: Rep. Aguirre, Alvarez, Cajero Bedford, Chase, Downing, Gallardo, Garcia, Hershberger, Landrum Taylor, Lopez, Meza, Prezelski, Sen. Garcia, Giffords.

Last action: 2/17, from House Education do pass. Withdrawn from House County, Municipalities and Military Affairs.

ARS Titles Affected: 15.

H2384: EMPLOYMENT; ILLEGAL ALIENS; LICENSE REVOCATION

Would allow the state to suspend or revoke a business license or charter for businesses that repeatedly employ illegal aliens. Also allowed for other sanctions, including fines and imprisonment.

Sponsor: Rep. Pearce.

Last action: 1/18, referred to House Judiciary, House Commerce.

ARS Titles Affected: 23.

H2386: FEDERAL IMMIGRATION LAWS; LOCAL ENFORCEMENT

Authorized law enforcement officers to investigate, apprehend, detain or remove aliens in the United States, including transporting aliens across state lines, in the enforcement of U.S. immigration laws.

Sponsor: Rep. Yarbrough.

Last action: 1/18, referred to House Judiciary (see [S1306](#)).

ARS Titles Affected: 41.

**H2388: FOREIGN CONVICTIONS; FORMER JEOPARDY
ELIMINATED**

Provided that if a criminal offense is within the jurisdiction of Arizona and a foreign country, a conviction or acquittal for that offense in the foreign country is not a bar to the prosecution or indictment of the offense in Arizona (double jeopardy would not apply). Prohibited international treaties or laws from being violated to secure the return of a person convicted or acquitted in a foreign country in order to prosecute the person in Arizona.

First sponsor: Rep. Pearce. Others: Rep. Biggs, Boone, Rosati, Smith, Stump, Yarbrough.

Last action: 2/17, held in House Judiciary.

ARS Titles Affected: 13.

**H2389: BAIL; UNDOCUMENTED IMMIGRANTS (~~ILLEGAL ALIENS;~~
~~VIOLENT CRIMES; BAIL~~)**

Original language would deny bail to illegal aliens; enactment was conditional on passage and voter ratification of [HCR2028](#). Striker offered: Would allow bail to be denied to persons accused of committing a class 1, 2, or 3 felony if the person has entered or remained in the United States illegally.

First sponsor: Rep. Pearce. Others: Rep. Allen, Anderson, Biggs, Burges, Gray, Pierce, Rosati, Smith, Stump, Yarbrough.

Last action: 5/10, retained on Senate COW calendar.

ARS Titles Affected: 13.

H2403: JUDGES; AUTOMATIC INCREASE ELIMINATED

Sought to eliminate a provision for automatically adding superior court judges based on population growth.

First sponsor: Rep. Pearce. Others: Rep. Barnes, Gray, Sen. Johnson.

Last action: 2/22, referred to Senate Judiciary.

ARS Titles Affected: 12.

H2405: PROBATION; COUNTIES; OFFICERS; FUNDING

Sought to transfer probation management duties and oversight from the courts to the county board of supervisors.

First sponsor: Rep. Pearce. Others: Rep. Anderson, Barnes.

Last action: 1/20, referred to House Counties, Municipalities and Military Affairs, House Judiciary, House Appropriations (Pearce).

ARS Titles Affected: 8, 11, 12, 13, 31, 41.

H2408: CLASS 6 FELONIES; RECLASSIFICATION

Reclassified some class 6 felonies as class 1 misdemeanors. Also raised the financial threshold for particular thefts and damages with regard to criminal classification.

First sponsor: Rep. Pearce. Others: Rep. Allen, Anderson, Barnes, Gray.

Last action: 1/20, referred to House Judiciary.

ARS Titles Affected: 13.

H2409: CONCEALED WEAPONS; RECIPROCITY AGREEMENTS

Requires DPS to enter into reciprocity agreements with other states so that Arizona CCW permit holders may carry concealed weapons in other states if the other state conducts criminal history records checks of applicants and requires either of the following: an applicant to complete a firearms safety course of at least three hours; or an applicant to provide evidence of

competence in the use of a firearm. Requires Arizona residents obtain CCW permits issued by DPS to carry a concealed weapon in Arizona and specifies that a permit issued to an Arizona resident by another state does not authorize the Arizona resident to carry concealed in Arizona. Other provisions. As passed by the Senate.

First sponsor: Rep. Pearce. Others: Rep. Barnes, Gray, Sen. Johnson.
Last action: 4/19, free conference committee. Senate conferees: Huppenthal, Martin and Brotherton; House conferees: Pearce, Downing, Gray.
ARS Titles Affected: 13.

H2447: SENTENCING; THIRD SERIOUS OFFENSE

Provides that a person who has already been convicted of a serious offense shall be sentenced to twice the minimum term upon conviction of a second serious offense (serious offense was defined in the proposed legislation). Provides a sentence of 35 calendar years for a person who has been convicted of two prior serious offenses upon conviction of a third serious offense, as amended in House Appropriations (Pearce).

First sponsor: Rep. Murphy. Others: Rep. Barnes, Biggs, Burges, Gray, Groe, Pearce, Quelland, Jerry Weiers, Sen. Harper, Martin, Verschoor.
Last action: 3/21, retained on House COW calendar.
ARS Titles Affected: 13.

H2481: APPROPRIATION; SOUTHERN REGIONAL CRIME LABORATORY

Appropriated \$1.6 million from the state General Fund in FY2005-06 for the certificates of participation costs for the lease purchase of the design and construction of a southern regional crime laboratory and related infrastructure.

First sponsor: Rep. Downing. Others: Rep. Gallardo, Konopnicki, Paton.
Last action: 1/31, held in House Public Institutions and Retirement.
ARS Titles Affected: 34.

H2504: VEHICLE RESTRAINT VIOLATION; ENFORCEMENT

Repealed provisions that restricted a peace officer's ability to stop a vehicle for a seat belt violation unless the officer had reason to believe that another violation had occurred.

First sponsor: Rep. Cajero Bedford. Others: Rep. Aguirre, Alvarez, Downing, Gallardo, Huffman, Miranda, Tom, Sen. Gray, Miranda.
Last action: 1/24, referred to House Transportation, Government Reform, Judiciary.
ARS Titles Affected: 28.

H2517: GITEM APPROPRIATION

Appropriation of \$4.2 million to the Department of Public Safety (DPS) for the Gang Intelligence Team Enforcement Mission program (GITEM). Though H2517 did not pass, an appropriation of \$3,897,000 from the general fund to DPS for the Gang Intelligence Team Enforcement Mission (GITEM) was added to [S1160](#), which was signed by the governor.

First sponsor: Rep. Chase. Others: Rep. Aguirre, Garcia, Hershberger, Kirkpatrick, Lopez, Lujan, McCune-Davis, Miranda, Pierce, Prezelski, Reagan, Sinema, Sen. Bee, Brotherton, Harper, Jarrett, Miranda, Soltero.
Last action: 2/15, from House Public Institutions and Retirement do pass.
ARS Titles Affected: 41.

H2529: RACKETEERING; DEFINITION

The definition of racketeering would be expanded to include the following if done for financial gain: assault, aggravated assault, sexual assault, endangerment of a vulnerable adult, and surreptitious recording. Bill was subjected to a striker amendment that exempted pupils from the requirement to achieve a passing score on the AIMS test in order to graduate from high school if the pupil met specific criteria outlined in the amendment.

First sponsor: Rep. Nichols. Others: Rep. Allen, Mason, Quelland, Stump, Yarbrough.
Last action: 2/24, held in House Judiciary.
ARS Titles Affected: 13.

H2530: UNAUTHORIZED ASSEMBLY OF VEHICLES; PENALTIES

Local governments are authorized to adopt ordinances that prohibit unauthorized assembly of vehicles that restricts traffic flow and impedes access to a business or residence or the deployment of law enforcement or emergency vehicles or services. Established civil penalties for violations.

First sponsor: Rep. Garcia. Others: Rep. Bradley, Chase, Gallardo, Landrum Taylor, Lopez, Lujan, McCune-Davis, McLain, Miranda, Nelson, Pierce, Sinema, Jerry Weiers, Sen. Brotherton.
Last action: 1/31 referred to House Transportation, County, Municipalities and Military Affairs.
ARS Titles Affected: 28.

H2532: TRANSPORTING MINOR PASSENGERS IN TRUCKS

Prohibited a person driving a pickup truck or motortruck on a highway from transporting a person under 18 years of age in or on the bed of the pickup truck or motortruck. Allows for some exceptions.

First sponsor: Rep. Jerry Weiers. Others: Rep. Aguirre, Burges, Cajero Bedford, Chase, Gallardo, Garcia, Knaperek, Landrum Taylor, Lopez, Lujan, McLain, Murphy, Paton, Prezelski, Smith, Sen. Harper.
Last action: 4/14 retained on Senate COW calendar.
ARS Titles Affected: 28.

H2539: HUMAN TRAFFICKING VIOLATIONS (~~SMUGGLING OF PERSONS~~)

Striker offered: Amended Section 13-604.01, A.R.S., to prohibit trafficking in persons for the purpose of forced labor or services and sexual exploitation.

First sponsor: Rep. Paton. Others: Rep. Alvarez, Biggs, Burns, Farnsworth, Gallardo, Hershberger, Lopez, McClure, Meza, Pearce, Pierce, Rosati, Sinema, Tully, Sen. Bee.

Last action: 3/8, [S1372](#) substituted for H2539 on third read.
ARS Titles Affected: 13.

H2551: PAY DAY LOANS; MILITARY MEMBERS (~~DRUG TREATMENT ALTERNATIVES; DEFERRED SENTENCING~~)

Original language amended Title 13, chapter 6, A.R.S., by adding a section that provided a drug treatment alternative to prison. A striker amendment deleted the provision entirely, replacing it with language regulating pay day loans to military personnel and their spouses.

Original sponsor: Rep. McClure.

Last action: 3/29, referred to Senate Commerce and Economic Development.
ARS Titles Affected: 6, 26.

H2561: RACING ON HIGHWAYS; VEHICLE IMPOUNDMENT

A person convicted of racing on a public highway may have his/her vehicle impounded for up to 90 days.

First sponsor: Rep. Rosati. Others: Rep. Allen, Anderson, Barnes, Bradley, Burges, Cajero Bedford, Chase, Downing, Garcia, Gray, Konopnicki, Landrum Taylor, Lopez, McComish, McLain, Murphy, Nichols, Paton, Reagan, Robson, Stump, Yarbrough, Sen. Gray, Martin, Verschoor.

Last action: 2/3, referred to House Transportation, Judiciary.
ARS Titles Affected: 28.

H2567: CIVIL TRAFFIC VIOLATIONS; SERVICE

Required that if a traffic complaint is mailed, it shall only be sent by certified mail, return receipt requested and delivered to the addressee only, to the address provided by the person charged with the violation.

Sponsor: Rep. Rios.
Last action: 2/3, referred to House Transportation.
ARS Titles Affected: 28.

H2568: DRIVER LICENSES; NOT CITIZENSHIP PROOF

Sought to delete prohibitions against the MVD from issuing driver licenses to non-citizens. Would have allowed driver licenses, permits and identification cards to be issued to foreign nationals who present sufficient identification, permissible forms of which may include consular identification or foreign passports. Added that an Arizona driver license, permit or MVD-issued identification card is not proof of citizenship.

Sponsor: Rep. Rios.
Last action: 2/3, referred to House Transportation, Judiciary.
ARS Titles Affected: 28.

H2573: CONCEALED WEAPONS; PEACE OFFICERS

Would establish blanket authorization allowing a peace officer (or retired peace officer) to carry a concealed weapon at any time.

First sponsor: Rep. Murphy. Others: Rep. Allen, Biggs, Burges, Burns, Chase, Gorman, Groe, Jones, Lujan, McClure, McComish, Nichols, Paton, Pearce, Quelland, Robson, Rosati, Smith, Sen. Aguirre, Blendu, Giffords, Harper, Huppenthal, Martin, Mitchell.
Last action: 2/3, referred to House Judiciary.
ARS Titles Affected: 13.

H2575: IDENTITY THEFT; DAMAGES; NOTICE

A business that has customers' personal identifying information stolen must notify its customers within 48 hours of discovering the theft and advise them what to do to protect unauthorized use of the information.

Sponsor: Rep. McClure.
Last action: referred to House Judiciary, Commerce.
ARS Titles Affected: 13.

H2576: CIVIL FORFEITURE AFTER CONVICTION

Property seized for alleged racketeering wherein a civil remedy is sought cannot be forfeited until the person against whom the claim is made is convicted in a criminal proceeding.

Sponsor: Rep. McClure.
Last action: 2/3, referred to House Judiciary, Government Reform.
ARS Titles Affected: 13.

H2577: DISCLOSURE OF PERSONAL INFORMATION; MVD

Would require the Motor Vehicle Department to restrict release of a customer's personal information unless the customer signs a release. Various exceptions were provided.

Sponsor: Rep. Jones.

Last action: 2/7, referred to House Transportation.

ARS Titles Affected: 28.

H2581: VIDEO GAMES; SALES TO MINORS; PROHIBITION

Would establish a class 1 misdemeanor for vendors that sell or rent a video game to a minor that depicts nudity, sexual conduct or other content harmful to minors. A second offense would be classified as a class 6 felony.

Sponsor: Rep. Landrum Taylor.

Last action: 2/7, referred to House Judiciary, Commerce.

ARS Titles Affected: 13.

H2582: LIQUOR ESTABLISHMENTS; DISTANCE WAIVERS

If a municipality submits a written request for waiver to the Department of Liquor Licenses and Control stating that the proposed location is in a downtown business district, then the prohibition against liquor licensees from located their business within 300 feet of a school (public or private) or a school playground does not apply. This provision was added as an amendment to [H2647](#).

First sponsor: Rep. Prezelski. Others: Rep. Lopes, McComish, Sinema, Sen. Chevront, Hellon, Soltero.

Last action: 2/7, referred to House Commerce, Counties, Municipalities and Military Affairs.

ARS Titles Affected: 4.

H2608: ASSAULT; AIDS

Would establish various felony classifications for a person with AIDS or a sexually transmitted disease (STD) to assault another person in a manner that projects or transfers bodily fluids or to engage in sexual conduct with anyone without disclosing the fact, or with a person of diminished mental capacity, or with a person under age 18.

First sponsor: Rep. Nichols. Others: Rep. Allen.

Last action: 2/9, referred to House Judiciary, Human Services.

ARS Titles Affected: 12, 13.

H2610: PROBATION; SURVEILLANCE OFFICERS; OVERTIME

Would allow probation and surveillance officers employed by local governments to receive overtime pay. Also allowed these officers to form/join unions and includes probation and surveillance officers in the definition of *law enforcement officer* for the purposes of providing rights to representation.

First sponsor: Rep. Smith. Others: Rep. Jones, Kirkpatrick.

Last action: 2/15, from House Public Institutions and Retirement do pass.

ARS Titles Affected: 23, 38.

H2611: FINE; NONPAYMENT; CREDIT

Would raise the limit of the rate of credit which a person imprisoned for nonpayment of a fine shall receive toward the unpaid fine from \$10 to \$50 for each day of imprisonment.

First sponsor: Rep. Smith. Others: Rep. Barnes, Boone.

Last action: 2/22, from House Public Institutions and Retirement do pass.

ARS Titles Affected: 31.

H2612: FOREIGN INMATES; VIOLENT CRIMES; RELEASE

Requires the Arizona Department of Corrections (ADC) to notify the Department of Justice (DOJ) and the Immigration and Customs Enforcement (ICE) Bureau of the pending release of a foreign national convicted of a violent crime. Stipulates that ADC shall continue housing the inmate until released to the DOJ or ICE for no longer than 120 days beyond the projected release date.

First sponsor: Rep. Smith. Others: Rep. Anderson, Barnes, Boone, Burges, Gorman, McComish, Pearce, Jerry Weiers.

Last action: 2/21, House Public Institutions and Retirement held.

ARS Titles Affected: 41.

H2614: JUVENILES; INTERROGATIONS; ELECTRONIC RECORDING

Would make a juvenile's statement to law enforcement presumptively inadmissible in a court proceeding unless the statement is recorded electronically. The state could rebut the presumption of inadmissibility.

First sponsor: Rep. Downing. Others: Rep. Anderson, Knaperek, Konopnicki.

Last action: 2/9, referred to House Judiciary, Human Services.

ARS Titles Affected: 8.

**H2636: ARIZONA CRIMINAL JUSTICE COMMISSION;
MEMBERSHIP**

Membership in the Arizona Criminal Justice Commission increases to 23 from 19 by adding four new members: a public defender from Maricopa County, Pima County and a non-metro county; and one victims' rights advocate. All would be nominations made by the governor.

First sponsor: Rep. Smith. Others: Rep. Konopnicki, Quelland, Sen. Bee, Soltero.

Last action: 3/29, from Senate Judiciary with amendment #[4215](#).

ARS Titles Affected: 13, 41.

H2640: CONTRACTORS; VIOLATIONS; CLASSIFICATIONS

Assesses a class 6 felony (1 year/\$150,000) against a licensed contractor or any person contracting without a license for violations of statute that relate to contracting without a license, fraud, wrongful acts, evading contracting law, or acting as agent or partner with the intention of evading contracting law under specific circumstances outlined in the proposed legislation. Also Stipulates a class 1 misdemeanor (6 months/\$2,500) when a person does not comply with an order of the Registrar of Contractors.

First sponsor: Rep. McComish. Others: Rep. Murphy, Nichols, Reagan, Robson, Stump, Yarbrough.

Last action: 2/23, House Commerce held.

ARS Titles Affected: 32.

H2649: SERIOUS DRUG OFFENDER; METH; DEATH PENALTY

Would allow the death penalty for a serious drug crime (prescribed) involving methamphetamine that is part of a pattern of crime.

First sponsor: Rep. Barnes. Others: Rep. Paton, Quelland, Smith, Yarbrough.

Last action: 2/9, referred to House Judiciary.

ARS Titles Affected: 13.

H2655: PERSONAL FLOTATION DEVICES; VIOLATION

Violation of the law requiring watercraft to carry personal flotation devices for all on board would be reclassified as a class 2 misdemeanor instead of a petty offense.

First sponsor: Rep. Burton Cahill. Others: Rep. Aguirre, Garcia, Hershberger, Lopez, Meza, Sinema, Sen. Cannell, Hellon.

Last action: 2/9, referred to House Judiciary.

ARS Titles Affected: 5.

H2657: HUMAN TRAFFICKING

Would make it unlawful to knowingly engage in human trafficking with the intent to force a person to perform labor or services. Another human trafficking bill, [S1372](#), was passed and signed into law.

First sponsor: Rep. Gallardo. Others: Rep. Aguirre, Alvarez, Cajero Bedford, Chase, Downing, Garcia, Lopez, Lujan, McCune-Davis, Meza, Reagan, Sinema.

Last action: 2/9, referred to House Judiciary.

ARS Titles Affected: 13.

H2659: ASSISTING A CRIMINAL STREET GANG

Makes assisting a criminal street gang a class 3 felony (currently a class 4 felony).

First sponsor: Rep. Gallardo. Others: Rep. Garcia, Lujan, McCune-Davis, Meza.

Last action: 2/17, House Judiciary held.

ARS Titles Affected: 13.

H2660: SERIOUS DRUG OFFENSE; DEFINITION

Adds conspiracy or attempt to violate prescribed laws to the definition of serious drug offense.

First sponsor: Rep. Gallardo. Others: Rep. Garcia, Lujan, McCune-Davis, Meza.

Last action: 2/9, referred to House Judiciary.

ARS Titles Affected: 13.

H2661: LOADED FIREARMS; STORAGE

Would make it illegal to keep a loaded firearm if a minor is likely to have access to it unless the firearm is kept in a locked box or otherwise secured.

First sponsor: Rep. Gallardo. Others: Rep. Garcia, Lujan, McCune-Davis, Meza, Sinema.

Last action: 2/9, referred to House Judiciary.

ARS Titles Affected: 13.

H2662: PROHIBITED POSSESSOR; FIREARMS STORAGE

A person would be forbidden to possess a firearm if convicted of a proposed law that would make it illegal to keep a loaded firearm if a minor is likely to have access to it unless the firearm is kept in a locked box or otherwise secured.

First sponsor: Rep. Gallardo. Others: Rep. Lujan, McCune-Davis, Meza, Sinema.

Last action: 2/9, referred to House Judiciary.

ARS Titles Affected: 13.

H2666: MISCONDUCT INVOLVING WEAPONS

Required malicious intent to be considered a violation of weapons misconduct law by persons carrying a concealed weapon without a CCW permit.

Currently, anyone carrying a concealed weapon without a permit is in violation of weapons misconduct law.

First sponsor: Rep. Quelland. Others: Rep. Smith, Sen. Gray, Johnson, Martin, Verschoor.

Last action: House COW approved with amendment [#3361](#) and floor amendments [#3656](#) and [#3657](#).

ARS Titles Affected: 13.

H2667: RESTRICTED DRIVER'S LICENSES; DUI

Would allow persons whose licenses are suspended or revoked to apply to the Motor Vehicles Department for restricted driving privileges requiring a DUI interlock device. Similar measure passed as [S1240](#).

First sponsor: Rep. Smith. Others: Rep. Quelland.

Last action: 2/14, referred to House Transportation.

ARS Titles Affected: 28.

H2668: DEFENSIVE DRIVING SCHOOLS; ELIGIBILITY

Would repeal law prohibiting the holder of a commercial driver license from enrolling in the defensive driving diversion program.

Sponsor: Rep. Smith.

Last action: 2/17, referred to House Transportation

ARS Titles Affected: 28.

H2672: VULNERABLE ADULTS; EMOTIONAL ABUSE

Would expand the definition of emotional abuse to include abuse of more than one such adult.

First sponsor: Rep. Burns. Others: Rep. Burges, Knaperek, Konopnicki, Lopes, Murphy, O'Halleran, Paton, Stump.

Last action: 2/14, referred to House Judiciary.

ARS Titles Affected: 13.

H2677: SEX OFFENDERS; RESIDENCE; ADDRESS

Would require sex offenders to register with the county sheriff both their physical address, and if different, the address where they receive mail. If the person receives mail at a post office box, the location and box number must be provided. House engrossed version. Similar measure passed as [S1338](#).

First sponsor: Rep. Paton. Others: Rep. Groe, McClure, Sen. Bee.
Last action: 3/29, Senate Judiciary, no action.
ARS Titles Affected: 13, 36.

H2689: METHAMPHETAMINES; DRUG LABS; ABUSE

Would increase regulation over precursor chemicals used to manufacture methamphetamine. Required that property owners must remediate their property if a drug lab was found on the premises within 12 months. Violation of this requirement could result in the state placing a lien on the property to recover the costs of cleanup. Other provisions. An alternative methamphetamine bill was signed into law; see [S1473](#).

First sponsor: Rep. O'Halleran. Others: Rep. Burns, Jones, Kirkpatrick, Mason.
Last action: 2/9, referred to House Judiciary, Appropriations (Pearce).
ARS Titles Affected: 12, 13, 15, 32, 36, 41.

H2692: MALT BEVERAGES; KEG SALES; REQUIREMENTS

Established new requirements for keg identification numbers, name and address of buye in order for a vendor to sell malt beverages by the keg (a container of five gallons or more).

First sponsor: Rep. Downing. Others: Rep. Aguirre, Alvarez, Anderson, Bradley, Burges, Hershberger, Konopnicki, Lopes, Lopez, Mason, McCune-Davis, McLain, Meza, Nichols, Pearce.
Last action: 2/9, referred to House Commerce, Government Reform.
ARS Titles Affected: 4.

H2708: TRAFFICKING OF HUMANS

Would make it unlawful to knowingly engage in human trafficking with the intent to force a person to perform labor or services or for prostitution. Another human trafficking bill, [S1372](#), was passed and signed into law.

First sponsor: Rep. Sinema. Others: Rep. Aguirre, Alvarez, Bradley, Chase, Gallardo, Garcia, Kirkpatrick, Lujan, Meza, Tom.
Last action: 2/9, referred to House Judiciary.
ARS Titles Affected: 13.

H2724: PUBLIC RECORDS RECOVERY

Would establish a method by which a public officer may recover missing records from private parties who are allegedly in possession of the record.

First sponsor: Rep. Prezelski. Others: Rep. Brown, Mason, Sen. Flake

Last action: 2/24, from House Government Reform do pass.

ARS Titles Affected: 39.

HOUSE CONCURRENT RESOLUTIONS

A concurrent resolution is processed through both 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.

HCR2013: SUPERIOR COURT PRESIDING JUDGES

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: would require the superior court judges (in any county with more than two) to periodically select one judge to serve as the presiding judge (currently the presiding judge is appointed by the state supreme court).

Sponsor: Rep. Gray.

Last action: 2/3, House Judiciary failed 1-8.

ARS Titles Affected: 98.

HCR2014: SUPREME COURT; JURISDICTION

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: to allow the legislature or the people through initiative or referendum to amend or repeal rules adopted by the Supreme Court regarding procedural or evidentiary matters.

First sponsor: Rep. Gray. Others: Rep. Biggs, Murphy.

Last action: 2/3, House Judiciary held.

ARS Titles Affected: 98

HCR2015: JUSTICE COURTS; JURISDICTION

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: would repeal the \$10,000 limit on matters under justice courts' jurisdiction with amount "as provided by law."

First sponsor: Rep. Gray. Others: Rep. Biggs, McClure.

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

ARS Titles Affected: 98.

HCR2026: SUPREME COURT; ADMINISTRATIVE SUPERVISION

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: a referendum measure that assigns administrative

supervision of justice of the peace courts to the presiding justice of the peace; specifies that the Supreme Court will have administrative supervision over the superior court, intermediate appellate courts, and courts inferior to the superior court; and provides that the Chief Justice will exercise the court's administrative authority, as prescribed by the Legislature, over the superior court, intermediate appellate courts, and courts inferior to the superior court.

Sponsor: Rep. Gray.
Last action: 2/3, House Judiciary held.
ARS Titles Affected: 98.

**HCR2028: BAIL; UNDOCUMENTED IMMIGRANTS (~~ILLEGAL ALIENS;~~
~~CRIMES; DETAINING~~)**

The 2006 general election ballot will carry the question of amending the Arizona Constitution to exclude a person charged with a serious felony offense from being eligible for bail if the person has entered/remained in the U.S. illegally and the proof is evident or the presumption great as to the present charge.

First sponsor: Rep. Pearce. Others: Rep. Allen, Anderson, Biggs, Boone, Gray, Pierce, Rosati, Smith, Stump, Yarbrough, Sen. Johnson.
Last action: 5/12, House concurred in Senate amendments and passed on final reading 33-16; to secretary of state for placement on 2006 general election ballot.
ARS Titles Affected: 98.

HCR2031: SEPARATION OF POWERS; JUDICIAL LAWMAKING

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: would prohibit the courts from establishing rules of law on a retroactive basis, including rules that would apply to conduct that occurred before a claim is filed arising out of that conduct.

First sponsor: Rep. Pearce. Others: Rep. Barnes, Gorman, Gray, Sen. Harper, Johnson.
Last action: 2/3, from House Judiciary do pass.
ARS Titles Affected: 98.

HCR2035: JUDICIAL CONDUCT; OPEN RECORDS; PROCEEDINGS

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: would repeal the requirement for the Supreme Court to provide for confidentiality in Judicial Conduct Commission proceedings and open the proceedings to the public.

First sponsor: Rep. Paton. Others: Rep. Allen, Anderson, Huffman, McClure, Murphy, Nelson, Pierce, Rosati, Jerry Weiers, Sen. Verschoor.
Last action: 1/24, referred to House Judiciary.
ARS Titles Affected: 98.

HCR2046: ALCOHOL TAX USE; SUBSTANCE ABUSE SERVICES

Proposed amendment to the Arizona Constitution, to appear on the 2006 general election ballot: referendum measure to establish a substance-abuse services fund for use by the Department of Health Services Division of Behavioral Health to buy services as determined by local planning agencies.

First sponsor: Rep. Lopez. Others: Rep. Aguirre, Alvarez, Bradley, Cajero Bedford, Chase, Kirkpatrick, Landrum Taylor, Lopes, Lujan, McCune-Davis, Meza, Miranda, Sinema, Sen. Hellon, Johnson.
Last action: 2/16, referred to House Human Services, Appropriations (Boone).
ARS Titles Affected: 4, 36, 42, 97.

HOUSE BILLS VETOED BY THE GOVERNOR

H2404: **CAPITOL POLICE; TRANSFER**

Sought to transfer authority over the Capitol Police to the Department of Public Safety (DPS) from the Department of Administration. Governor's veto message said the bill does not appropriate money to cover the cost of transferring a law enforcement agency from one agency to another. Also, the bill failed to address a number of other legal issues, such as the difference in minimum qualifications between DPS officers and Capitol Police officers.

First sponsor: Rep. Pearce. Others: Rep. Allen, Anderson, Barnes, Sen. Johnson.

Last action: 5/20, vetoed by the governor.

ARS Titles Affected: 12, 38, 41.

H2560: **PRIVATE INVESTIGATORS; SECURITY GUARDS; EXEMPTIONS**

Exempts a law enforcement officer permitted to be working as a security officer or traffic control officer for a private entity from laws governing the licensure, registration, and regulation of security guards. Governor's veto message said the bill was no longer necessary because the stakeholders--the Arizona Police Association and the Department of Public Safety—had reached an agreeable solution.

First sponsor: Rep. Rosati. Others: Rep. Allen, Anderson, Barnes, Boone, Bradley, Burges, Cajero Bedford, Chase, Gray, Konopnicki, Landrum Taylor, Lopez, McClure, McComish, McLain, Murphy, Paton, Pearce, Robson, Smith, Stump, Yarbrough, Sen. Harper, Martin, Verschoor.

Last action: 4/1, vetoed by the governor.

ARS Titles Affected: 32.

H2709: **PRIVATE PRISONS; MEXICO FACILITY**

Would require the Department of Administration in cooperation with the Foreign Private Prison Commission to contract with a private entity for the construction and operation of a private prison facility to be located in Mexico for housing Mexican national prisoners if certain conditions are met. This act would not become effective unless the United States agreed to amend a treaty with Mexico on the execution of penal sentencing by June 30, 2010. The governor's veto message cited a number of concerns, including the need for a new U.S.-Mexico treaty and the failure of the legislation to reduce incarceration costs or stem illegal immigration.

First sponsor: Rep. Jones. Others: Rep. Allen, Konopnicki, Mason, O'Halleran, Pierce, Robson, Jim Weiers, Jerry Weiers.

Last action: 5/2, vetoed by the governor.

ARS Titles Affected: 41.