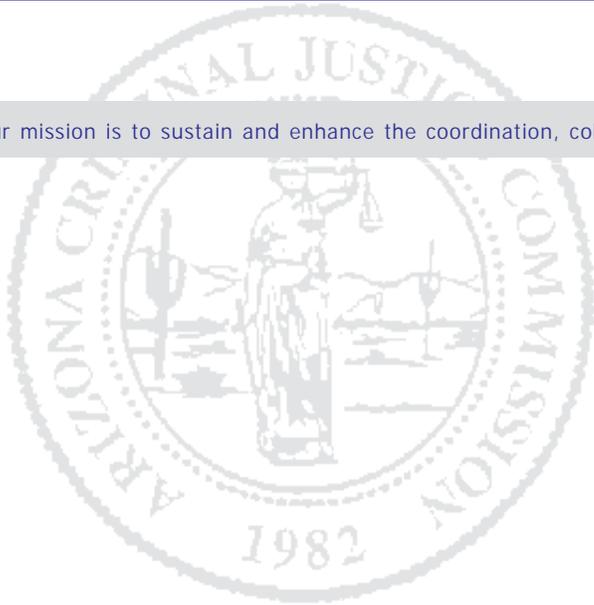


# Arizona Criminal Justice Commission

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



## *Legislative Summary*

*49th Arizona  
State Legislature*

*First Regular Session*

# 2009

July

# ARIZONA CRIMINAL JUSTICE COMMISSION



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Yuma County Sheriff

Vice-Chairperson  
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## **Arizona Criminal Justice Commission 2009 Legislative Report**

The first session of the 49<sup>th</sup> Arizona State Legislature ran longer than the previous, with sine die called on July 1, 2009. There were 1,133 bills posted, with 213 bills passing through both the Senate and the House. Of those 213 bills, 191 were signed into law and 22 were vetoed. The Arizona Criminal Justice Commission (ACJC) tracked more than 250 bills that affected the criminal justice system. New state laws take effect Sept. 30, 2009 unless otherwise noted in the legislation.

The legislative session was particularly unusual—the Senate president refused to schedule hearings for non-budget bills until the Senate had completed work on the budget. This included a “fix” for the continued revenue shortfall for fiscal year 2008-2009 as well as preparing a budget for fiscal year 2009-2010. The process was further complicated when Governor Janet Napolitano resigned in January and was replaced by Secretary of State Jan Brewer. As such, Senate committee hearings on non-budget bills did not take place until June. That left less than a month to hear nearly 200 bills in the Senate, and then have them transfer to the House for a committee hearing there.

### **Criminal justice issues in 2009**

The Arizona Criminal Justice Commission, working with various criminal justice stakeholders, sought sponsorship for H2449, Fingerprinting; arrest; procedures.

#### **Why ACJC sought sponsorship for H2449**

ARS §41-1750 currently requires that a fingerprint-based record of an arrest must be taken either at the time of the arrest or by court order for all felony, domestic violence, sexual, and DUI offenses. Every law enforcement agency is required to submit these fingerprint-based records to the central repository, the Arizona Computerized Criminal History (ACCH) database, maintained by the Department of Public Safety (DPS).

In cases where the offender is not booked at the point of arrest, but instead is cited or summoned, a substantial number of arrestees may avoid ever submitting fingerprints and ultimately evade the creation of a criminal history record. Research carried out by the Arizona Criminal Justice Commission’s Statistical Analysis Center indicates that of those agencies sampled, only 68 percent of offenders could be matched to a criminal history record in the ACCH database. When analyzing only cite-and-release and long-form complaints, a mere 40 percent of sexual offenders, domestic violence offenders and DUI offenders could be matched by their fingerprints to a criminal history. This gap in fingerprint collection prevents sentencing officials from properly handling offenders who may have earned multiple citations in various jurisdictions but have not submitted fingerprints and therefore, no record exists of the offense. Multiple offenses that should trigger the imposition of more severe penalties may go unnoticed because a lack of knowledge of the offender’s criminal history as illustrated by their fingerprint-based ACCH file. That is especially true for DUI offenses and misdemeanor domestic violence cases where a third offense triggers a felony event.

H2449 requires law enforcement agencies to obtain a single fingerprint at the initial point of contact when issuing a citation, then instruct the offender to appear for submitting a full set of ten fingerprints. The offender will be given proof of fingerprinting to submit to court. The proposed bill will make uniform the fingerprinting requirement and procedure for all felony, sexual, domestic violence and DUI offenses—which is already required under ARS §41-1750. This bill does not include any new offenses for fingerprinting; it simply seeks to close an existing gap and to replicate a successful process in Tucson for obtaining a single fingerprint in the field for cite and release and providing instructions to the defendant so he/she can get ten-fingerprinted prior to appearing in court.

H2449 contains a delayed effective date of Jan. 1, 2010. ACJC's Criminal Justice Systems Improvement program manager, Pat Nelson, convened a working group of stakeholder representatives that identified these issues that became the basis for the legislation; several members assisted in the legislative process. The working group will make recommendations and develop guidelines for implementing the provisions of H2449.

### **Stakeholder issues**

Various criminal justice stakeholders sought sponsorship of legislation or took positions for or against particular bills. Some of the more pressing issues included various changes to the concealed weapons and other firearms statutes (S1113, S1168, S1242, S1437, signed by the governor; and S1270, H2027, H2171, H2386, H2418, H2420, H2439, H2474, H2484, H2607, HCM2009, which failed); retroactive application of self defense (S1449, signed by the governor); establishing a cold case registry (S1459, signed by the governor); animal fighting and welfare (S1115, signed by the governor); prison contraband; wireless communication device (H2134, failed); changes to sentencing and classification (S1253, signed by the governor; H2552, H2066, H2347, H2530, S1071 and S1070).

The concealed weapons and other firearms statutes were among the most contentious bills. Carriers of concealed-weapons permits will be able to bring their firearms into bars and restaurants but would be prohibited from consuming alcohol. Bar owners may post signs prohibiting weapons. Another bill prevents property owners, tenants, employers and businesses from prohibiting the storage or transport of lawfully possessed firearms in locked and privately owned vehicles parked in a parking lot, parking garage, or other designated parking area. Another bill justifies the defensive display of a firearm when a reasonable person would believe that physical force is immediately necessary to protect himself against use or attempted use of unlawful physical force or deadly physical force.

Another bill of concern to stakeholders, particularly prosecutors, was the retroactive application of self defense. This legislation originated with a case in Coconino County, but prosecutors are concerned about the impact to other cases. In 2006, the governor signed legislation that expanded the rights of citizens to use lethal force in cases of self-defense and made this an affirmative defense, placing the burden of proof on prosecutors. S1449 sought to make this applicable retroactively to all cases in which the defendant did not plead guilty or no contest that were submitted to the fact finder as of

April 24, 2006. Both Maricopa and Pima County Attorney Offices report that potentially hundreds of cases could be impacted. Moreover, these are some of their most serious cases, primarily homicides and aggravated assault. Prosecutors also raised equal protection concerns because it unfairly differentiated between defendants who entered plea agreements and those who did not. Shortly after the bill was signed, the Coconino case was reversed on appeal and Coconino County indicated it would not seek a re-trial.

Stakeholders expect to see some of the issues that failed return again next session.

### **Budget issues**

Once again, the most critical issue was the budget shortfall. Shortly after the first session of the 48<sup>th</sup> Legislature ended in June 2007, the legislature learned that the state was facing a shortfall in projected revenue. This revenue shortfall has increased thereafter, from an initial projected shortfall of \$800 million in summer 2007 to nearly \$3 billion in 2009. The budget process was difficult, with the legislature addressing revenue shortfalls immediately at the start of the year in S1001, which made further reductions in the FY08-09 budget. The subsequent budget process was more contentious, with the legislature sending a final budget bill, along with various budget reconciliation bills (BRBs) on July 1, the beginning date for FY10. The governor signed the budget bills (S1188 and H2643) with line item vetoes, but vetoed the BRBs (including S1028, criminal justice), which left in limbo several criminal justice issues, including:

- Requires deposit of the 11.70 percent of the Criminal Justice Enhancement Fund (CJEF) to be distributed to the county sheriffs, instead of allocation to sheriffs via the Arizona Department of Corrections (ADC).
- Establishes the Crime Laboratory Operations Fund consisting of the \$45 surcharge an individual pays for attending a defensive driving school. Requires, subject to legislative appropriation, the monies to be used for crime laboratory services.

#### ACJC FY 09 cuts and sweeps under S1001:

- \$20,400 to CJEF operating funds: funds ACJC agency operations.
- \$1,801,700 to the Drug and Gang Enforcement Account: funds narcotics task forces and full service crime labs.
- \$774,200 to the DUI Abatement Fund: funds DUI enforcement and innovative programs.
- \$117,200 to the Special Prosecution Fund: funds Gang, Aggravated DV, Obscenity and Child Exploitation prosecution grants.
- \$49,600 to the Fill the Gap-Indigent Defense Fund: Funds are allocated to provide state aid to public defenders, legal defenders and contract indigent counsel for the processing of criminal cases in Superior and Justice Courts.
- \$224,400 for the Drug Prevention Resource Center: Funds are passed through to the Arizona Prevention Resource Center located at the Arizona State University to support the activities of the center.

ACJC FY 10 cuts and sweeps under S1188/H2643:

- \$507,800 to the Drug and Gang Enforcement Account and CJEF: funds narcotics task forces and full service crime labs and ACJC operations.
- \$500,000 to the DUI Abatement Fund: funds DUI enforcement and innovative programs.
- \$747,000 to the Special Prosecution Fund: funds Gang, Aggravated DV, Obscenity and Child Exploitation prosecution grants (eliminates program).
- \$157,000 to the Fill the Gap, Rural County Attorneys: funds are allocated to provide state aid to county attorneys to improve the processing of criminal cases in Superior and Justice Courts (eliminates program).
- \$150,100 to the Fill the Gap-Rural Indigent Defense Fund: Funds are allocated to provide state aid to public defenders, legal defenders and contract indigent counsel for the processing of criminal cases in Superior and Justice Courts (eliminates program).
- \$100,000 to the Fill the Gap, County Attorneys: Funds are allocated to provide state aid to county attorneys to improve the processing of criminal cases in Superior and Justice Courts.
- \$209,100 to the Fill the Gap-Indigent Defense Fund: Funds are allocated to provide state aid to public defenders, legal defenders and contract indigent counsel for the processing of criminal cases in Superior and Justice Courts.
- \$273,500 for the Drug Prevention Resource Center: Funds are passed through to the Arizona Prevention Resource Center located at the Arizona State University to support the activities of the center.

These were direct cuts to programs under ACJC's purview; our stakeholders faced budgets cuts under separate line items in the budget bills. On a positive note, there is a footnote in ACJC's appropriation that states if the agency receives more revenue than our appropriation for Fill the Gap, ACJC can send this to the counties (after review from the Joint Legislative Budget Committee).

**Summary report of ACJC-tracked legislation**

The following pages provide brief summaries of the legislation that ACJC tracked over the first session of the 49<sup>th</sup> 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 ([www.azleg.gov](http://www.azleg.gov)). Any questions regarding this report should be directed to Mary Marshall, ACJC Public Information Officer, at [mmarshall@azcjc.gov](mailto:mmarshall@azcjc.gov) or at 602/364-1156.

## 2009 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 memorials 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. Information is compiled from sources at Arizona Legislation Information Services (ALIS) online; full bill information can be found at [www.azleg.gov](http://www.azleg.gov).

### **SENATE BILLS SIGNED INTO LAW**

#### **S1003:           DUI; METHADONE**

States that persons who drive or are in actual physical control of a vehicle while using a drug as prescribed by a medical practitioner are not guilty of driving under the influence as long as they are not otherwise impaired.

Primary Sponsor: Sen. Waring.  
Signed by the governor, 7/13. Chapter 124.  
ARS Title affected: 28.

#### **S1009:           BOARD OF FINGERPRINTING; HEARINGS**

Allows the Board to require applicants for good cause exceptions to disclose evidence regarding substantiated allegations of vulnerable adult abuse or neglect for consideration in determining an applicant's successful rehabilitation. Allows the Board to deny a good cause exception if an applicant fails to appear at the good cause exception hearing.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/9. Chapter 21.  
ARS Title affected: 41.

#### **S1010:           FAMILY LAW RULES; CONFORMING STATUTES**

Conforms domestic relations statutes to ensure they properly reference the Arizona Rules of Family Law Procedure.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/9. Chapter 22.  
ARS Title affected: 25.

#### **S1011:           SEX OFFENDER REGISTRATION; STUDY COMMITTEE**

An emergency measure that establishes the Federal Sex Offender Registration Notification Act Study Committee (Committee) and requires registered level three sex offenders to be placed on global position system (GPS) or electronic monitoring if serving a term of probation. The Committee will examine the effectiveness of Arizona's current sex offender laws, the Adam Walsh Act's federal standards and the impact on Arizona of adopting those federal standards.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/13. Chapter 125.  
ARS Title affected: 41.

**S1015: UNLAWFUL ASSEMBLY; PEACE OFFICERS**

Grants peace officers the authority to assist sheriffs and deputies, officials governing the city or town, justices of the peace, and constables with the dispersion of persons assembled in an unlawful or riotous manner.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/13. Chapter 174.  
ARS Title affected: 13.

**S1016: ADOPTION; CONSENT**

Allows the court to waive the requirement that the DES consent to an adoption if, after holding a hearing for which all persons who may be adversely affected have been notified, the court determines waiving the requirement is in a child's best interest. Stipulates that the aforementioned waiver applies in a situation when the DES has been given the authority to consent to an adoption by either a child's parent who would otherwise have to give consent or the court in other proceedings.

Primary Sponsor: Sen. L. Gray. Co-sponsor: Sen. Landrum Taylor.  
Signed by the governor, 7/10. Chapter 109.  
ARS Title affected: 8.

**S1047: CHILD SAFETY; ABUSE AND NEGLECT**

Expands on the definitions of *abuse* and *neglect*. Increases to a reasonable time period that does not exceed 45 days, the amount of time CPS workers have to submit their written reports of investigations to the case management information system. Modifies entry of information into the CPS central registry.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/13. Chapter 126.  
ARS Title affected: 8.

**S1048: EMERGENCY TELECOMMUNICATION SYSTEMS; ADMINISTRATIVE COSTS**

Increases, from 3 percent to 5 percent, the amount from the monies deposited annually in the Emergency Telecommunication Services Revolving Fund that may be used for necessary or appropriate administrative costs or fees for consultants' services.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/10. Chapter 112.  
ARS Title affected: 41.

**S1049: FINGERPRINT CLEARANCE CARDS**

Establishes a Level 1 fingerprint clearance card and specifies who must obtain it. Stipulates that juvenile probation officers must submit fingerprints within seven working days after the date each officer begins work. Requires specified persons to certify on notarized forms whether they are awaiting trial on or have ever been convicted of certain specified criminal offenses associated with the Level 1 FCC in Arizona or other jurisdictions.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 6/29. Chapter 8.  
ARS Titles affected: 8, 13, 15, 36, 41, 46.

**S1059: SHOPLIFTING; ORGANIZED RETAIL THEFT**

Adds the following offenses as a Class 4 felony: using an artifice, instrument, container, device or other article in the course of shoplifting with the intent to facilitate shoplifting; and organized retail theft. Includes a retail establishment in the definition of nonresidential *structure*.

Primary Sponsor: Sen. L. Gray. Co-sponsor: Rep. Burges.  
Signed by the governor, 7/13. Chapter 127.  
ARS Title affected: 13.

**S1062: LAW ENFORCEMENT OFFICERS; DISCIPLINE PROCEDURES**

Specifies that at the conclusion of an interview in which an employer reasonably believes could result in dismissal, demotion or suspension of the law enforcement officer or probation officer, the officer is entitled to the following:

- A period of time to consult with the officer's representative.
- A statement, not to exceed five minutes, addressing specific facts or policies that are related to the interview.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/13. Chapter 128.  
ARS Title affected: 38.

**S1073: COUNTIES; POPULATION THRESHOLDS**

Increases the county population threshold requirements for county attorneys appointed by the Governor to the Automobile Theft Authority:

- One must be from a county of 2,000,000 or more persons, and;
- One must be from a county with less than 2,000,000 persons.

Increases the county population threshold requirements for a sheriff appointed by the Governor to the Arizona Department of Homeland Security from between 400,000 and 1,200,000 persons to between 800,000 and 1,500,000 persons.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/10. Chapter 113.  
ARS Titles affected: 11, 28, 41, 49.

**S1088: DOMESTIC VIOLENCE; DATING RELATIONSHIPS**

Expands the definition of *domestic violence* to include relationships between the victim and the defendant that are currently or were previously a romantic or sexual relationship.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/13. Chapter 129.  
ARS Title affected: 13.

**S1106: DOMESTIC VIOLENCE; CHILD CUSTODY**

Clarifies that the court, when determining an award of child custody, is not required to consider which parent is more likely to allow the child frequent and meaningful contact with the other parent if

the court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being a victim of domestic violence or child abuse.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/10. Chapter 57.  
ARS Title affected: 25.

**S1113: HANDGUNS; RESTAURANTS; POSTING**

Allows, under specified circumstances, a person with a concealed carry weapons (CCW) permit to carry a concealed handgun into the licensed premises of an on-sale retailer (an establishment that sells alcohol for consumption on or off the premises). Makes changes to permit requirements for reserve officers as well as classifications involving weapons on the on-sale retail premises. See SB1270; HB2171.

Primary Sponsor: Sen. Harper. Co-sponsors: Rep. Antenori, Rep. Barnes, Rep. Biggs, Rep. Burges, Rep. Gowan, Rep. Kavanagh, Rep. McLain, Rep. Quelland, Rep. Stevens, Sen. S. Allen, Sen. Gould, Sen. L. Gray, Sen. Pearce, Sen. Verschoor.  
Signed by the governor, 7/13. Chapter 175.  
ARS Titles affected: 4, 5, 28.

**S1115: ANIMAL CONTROL**

Expands, to all animals, the offense of dog fighting, presence at a dog fight and theft of a dog for the purpose of fighting. Specifies requirements for obtaining a kennel permit and operating a kennel. Requires the Department of Agriculture to establish a registry of equine rescue facilities and classifies, as a class 1 misdemeanor, the offense of knowingly or intentionally tripping an equine for sport or entertainment. See HB2150.

Primary Sponsor: Sen. Paton. Co-sponsor: Rep. Young Wright.  
Signed by the governor, 7/13. Chapter 151.  
ARS Title affected: 13.

**S1139: GLOBAL POSITION SYSTEMS; COMMITTEE EXTENSION**

Extends the Joint Legislative Study Committee on Global Position System Monitoring (Committee) to October 1, 2011. Requires the Committee to submit a written report with the Committee's recommendations on or before December 1, 2010.

Primary Sponsor: Sen. Waring.  
Signed by the governor, 7/13. Chapter 152.  
ARS Title affected: 41.

**S1152: MENTAL HEALTH SERVICES; COURT-ORDERED TREATMENT**

Creates an exception to privileged communications for married persons for hearings related to mental health, allowing a spouse to be examined relating to communications specific to the subject of the hearing. States that the court shall only consider the time a defendant actually spends in a restoration to competency program when calculating the amount of time the defendant shall remain in the program. Requires a hearing pertaining to court-ordered mental health treatment to be held within six business days of the date the petition was filed.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/13. Chapter 153.  
ARS Titles affected: 12, 36.

**S1168: STORAGE; FIREARMS; MOTOR VEHICLES**

Prevents property owners, tenants, employers and businesses from prohibiting the storage or transport of lawfully possessed firearms in locked and privately owned vehicles parked in a parking lot, parking garage, or other designated parking area. See HB2474.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Burges, Rep. McLain, Sen. S. Allen, Sen. Gorman, Sen. Gould, Sen. Verschoor.

Signed by the governor, 7/13. Chapter 177.

ARS Title affected: 12.

**S1169: VEHICLE IMPOUNDMENT; ADMINISTRATIVE TOWING FUND**

Establishes the Capitol Police Administrative Towing Fund (Fund) and provides that administrative charges collected must be deposited into the Fund. States that administrative charges shall not be charged to a towing company that impounds, immobilizes and stores vehicles. Contains a retroactive date from and after December 31, 2007.

Primary Sponsor: Sen. Pearce. Co-sponsors: Sen. Harper, Sen. Verschoor.

Signed by the governor, 7/13. Chapter 158.

ARS Titles affected: 28, 41.

**S1175: ABORTION; NON-PHYSICIAN PROHIBITION (~~ILLEGAL ALIENS;~~  
~~ENFORCEMENT; TRESPASSING~~)**

Striker: Prohibits non-physicians from performing surgical abortions. Original language: requires personnel from political subdivisions to participate in the enforcement of federal immigration law, and makes trespassing by non-citizens a crime.

Primary Sponsor: Sen. Pearce. Co-sponsor: Sen. Harper.

Signed by the governor, 7/13. Chapter 178.

ARS Title affected: 36.

**S1178: HOMELAND SECURITY; COUNCILS; COORDINATING; ADVISORY**

Replaces the Arizona Department of Homeland Security (Department) Coordinating Council (Council) with the Senior Advisory Committee (Committee), which is established to enhance integration of disciplines involved in homeland security.

Primary Sponsor: Sen. Nelson. Co-sponsors: Rep. Crump, Rep. Gowan, Rep. Jerry Weiers, Sen. Aguirre, Sen. Harper, Sen. Pearce.

Signed by the governor, 7/9. Chapter 25.

ARS Title affected: 41.

**S1180: TOWING COMPANIES; RELEASE OF VEHICLES**

Requires a towing company to release a towed vehicle to a person designated in writing by an insurance company on the day the request is given to the towing company. Provides that a vehicle owner or their designee may inspect a vehicle, remove personal property from the vehicle and report any damage to the vehicle to the towing company at the time of inspection when a notice is provided and witnessed by a third party to the towing company. Prohibits a towing company from requiring payment for the removal of personal property inside a vehicle during normal business hours.

Primary Sponsor: Sen. Nelson.

Signed by the governor, 7/10. Chapter 61.

ARS Title affected: 28.

**S1188: BUDGET; GENERAL APPROPRIATIONS; FY 09-10 (~~TECH CORRECTION; FIDUCIARY FUNDS; DEPOSITS~~)**

Makes state General Fund (GF) and other fund (OF) appropriations for FY 2009-10 for the operation of state government and makes various budget revisions, transfers and supplemental appropriations.

Primary Sponsor: Sen. Burns.  
Signed by the governor, 7/1. Chapter 11.  
ARS Title affected: 41.

**S1209: CHILDREN; FOSTER CARE; RIGHTS**

Establishes a list of rights granted to all children in foster care and additional rights for foster children over the age of 16.

Primary Sponsor: Sen. Landrum Taylor. Co-sponsors: Rep. Garcia, Rep. McGuire, Rep. Miranda, Sen. Garcia, Sen. Hale, Sen. Lopez, Sen. McCune Davis, Sen. Miranda, Sen. Rios.  
Signed by the governor, 7/13. Chapter 159.  
ARS Title affected: 8.

**S1242: WEAPONS; PEACE OFFICERS; POSSE; RESERVES**

An emergency measure that allows a sheriff to authorize members of his volunteer posse who meet certain criteria to carry a deadly weapon without a carry weapon permit (CCW). The bill also allows retired law enforcement officers meeting specified criteria to carry concealed without a CCW and increases the penalty for using a deadly weapon in furtherance of an act of terrorism. See HB2027.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Ash, Rep. Barnes, Rep. Burges, Rep. Crump, Rep. Goodale, Rep. Gowan, Rep. Kavanagh, Rep. McGuire, Rep. McLain, Rep. Montenegro, Rep. Nichols, Rep. Williams, Sen. S. Allen, Sen. Alvarez, Sen. Gould, Sen. C. Gray, Sen. Harper, Sen. Nelson, Sen. Verschoor.  
Signed by the governor, 7/13. Chapter 182.  
ARS Titles affected: 11, 13, 38.

**S1243: JUSTIFICATION; DEFENSIVE DISPLAY OF FIREARM**

Defines and creates statutory justification for the *defensive display of a firearm* as the extent a reasonable person would believe that physical force is immediately necessary to protect himself against use or attempted use of unlawful physical force or deadly physical force.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Ash, Rep. Barnes, Rep. Burges, Rep. Crump, Rep. Goodale, Rep. Gowan, Rep. Kavanagh, Rep. McGuire, Rep. McLain, Rep. Montenegro, Rep. Quelland, Sen. S. Allen, Sen. Gould, Sen. C. Gray, Sen. Harper, Sen. Nelson, Sen. Verschoor.  
Signed by the governor, 7/13. Chapter 183.  
ARS Title affected: 13.

**S1246: CPS INFORMATION**

Stipulates that court proceedings relating to child abuse, abandonment, or neglect that have resulted in a fatality or near fatality are open to the public, unless closed for good cause shown by the court.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/13. 154.  
ARS Title affected: 8.

**S1253: FELONY MURDER; DRIVE-BY SHOOTING**

Adds drive-by shooting to the list of specified felonies that are subject to the felony murder classification.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/13. Chapter 130.  
ARS Title affected: 13.

**S1254: ANTI-MARITAL FACT PRIVILEGE; EXCEPTION**

Allows a spouse to be examined as a witness for or against the other in a prosecution involving a serious offense, bigamy, adultery, or sexual assault committed by the husband if, prior to the testimony, the testifying spouse voluntarily makes a statement to a law enforcement officer during an investigation of the offense or offenses or any statements made to the spouse by the other spouse about those events.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/13. Chapter 155.  
ARS Title affected: 13.

**S1266: WORKERS' COMP; DRUGS AND ALCOHOL**

Removes statutory language ruled unconstitutional by the Supreme Court relating to workers' compensation and workplace injury or death as a result of drug or alcohol use.

Primary Sponsor: Sen. Leff.  
Signed by the governor, 7/10. Chapter 67.  
ARS Title affected: 23.

**S1281: HUMAN TRAFFICKING; VIOLATION**

Expands the crime of sex trafficking to apply to any prostitution or sexually-explicit performances. Defines *trafficking*, *coercion* and *force*. See HB 2148.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/13. Chapter 185.  
ARS Title affected: 13.

**S1282: HUMAN SMUGGLING; DEFINITIONS**

Classifies human smuggling as a Class 3 felony if the offense involves the use or threatened use of deadly physical force. Expands the definition of *smuggling of human beings* to include persons that have attempted to enter, have entered or remained in the United States illegally. Defines *procurement of transportation*.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/13. Chapter 186.  
ARS Title affected: 13.

**S1285: CPS INFORMATION; REDACTIONS; CHALLENGES**

Stipulates that a legislator has standing to bring or join a special action regarding the release of Child Protective Services (CPS) information or to challenge the redaction of released CPS information.

Primary Sponsor: Sen. Paton.  
Signed by the governor, 7/10. Chapter 69.  
ARS Title affected: 13.

**S1289: VEHICLE ACCIDENT REPORTS**

Permits the release of personal identifying information contained in vehicle accident reports on request by a person involved in an accident, a licensed insurer of a person involved in an accident, or an attorney representing a person involved in an accident.

Primary Sponsor: Sen. Nelson.  
Signed by the governor, 7/13. Chapter 131.  
ARS Title affected: 28.

**S1303: OPEN MEETING LAW; MINUTES; NOTICE**

Requires that electronic postings required by statute remain on the local government's applicable Internet web site for at least one year after the date of the posting. Stipulates that governing bodies of charter schools are also required to file a statement with the Arizona Secretary of State stating where all public notices of their meetings will be posted.

Primary Sponsor: Sen. Tibshraeny.  
Signed by the governor 7/9, Chapter 27.  
ARS Title affected: 38.

**S1326: SAFE HAVEN PROVIDERS; PLACEMENT PROTOCOLS**

Establishes procedures for private adoption agencies to take custody of newborn infants who are left with safe haven providers, and makes other changes and additions to the safe haven provider statutes. Defines *church and custody*.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/13. Chapter 156.  
ARS Titles affected: 8, 13.

**S1420: JUVENILE ADJUDICATIONS; DUI; PROBATION**

Modifies juvenile DUI statutes and makes changes to statutes relating to juveniles who are adjudicated delinquent and are alleged to have committed an offense involving alcohol or drugs.

Primary Sponsor: Sen. Verschoor. Co-sponsor: Sen. Pearce.  
Signed by the governor, 7/13. Chapter 189.  
ARS Titles affected: 8, 28, 41.

**S1437: SCHOOLS; GUN SAFETY INSTRUCTORS; CERTIFICATION**

Allows instructors of the Arizona Gun Safety Program Course to be certified by a national association of firearms owners such as the NRA.

Primary Sponsor: Sen. Melvin. Co-sponsors: Rep. Antenori, Rep. Gowan, Rep. Pratt, Rep. Quelland, Sen. Pierce.  
Signed by the governor, 7/10. Chapter 97.  
ARS Title affected: 15.

**S1449: APPLICABILITY; SELF-DEFENSE**

Applies specified statutory changes relating to justification defenses to all cases in which the defendant did not plead guilty or no contest that were submitted to the fact finder by April 24, 2006.

Primary Sponsor: Sen. L. Gray.  
Signed by the governor, 7/13. Chapter 190.  
ARS Title affected: 13.

**S1459: COLD CASE REPORTING; VICTIM REPORTS**

Mandates law enforcement agencies to establish and maintain a cold case register. Specifies the name of a victim and the name of family member or other lawful representative of the victim must remain in the register for three years. Stipulates the cold case register is not public record and is exempt from public record requirements.

Primary Sponsor: Sen. Huppenthal. Co-sponsors: Sen. Burton Cahill, Sen. L. Gray, Sen. McCune Davis, Sen. Pearce, Sen. Verschoor.

Signed by the governor, 7/13. Chapter 132.

ARS Title affected: 13.

## **SENATE BILLS THAT FAILED**

### **S1001: GOVERNMENT ENTITIES; WEB AND VIDEO CONFERENCING**

Requires web and video conferencing software implementation for all state agencies, boards and commissions and creates the Web and Video Conferencing Savings Committee (Committee) to report on agency cost savings.

Primary Sponsor: Sen. Waring.

Last Action: 6/18, from Senate Government Institutions amended.

ARS Titles affected: 9, 11, 15, 41.

### **S1002: PUBLIC MONIES; STATEWIDE ELECTED OFFICERS (~~ELECTED OFFICIALS; PRINT, VISUAL MEDIA; PROHIBITION~~)**

Striker: prohibits a statewide elected official (official) from using public monies for any public communication that refers to the public official of any of their employees by name. Allows an official to use public monies in a public communication if the communication includes a clear statement that indicates the communications cost and that the communication was authorized by the official.

Primary Sponsor: Sen. Waring.

Last Action: 6/23, referred to House Government.

ARS Title affected: 38.

### **S1004: MOTOR VEHICLES; UNLAWFUL FALSE COMPARTMENT**

Operation of a vehicle with an unlawful false compartment is a Class 5 felony.

Primary Sponsor: Sen. Waring.

Last Action: 6/4, referred to Senate Judiciary.

ARS Title affected: 13.

### **S1050: MOTOR VEHICLES; CHILD RESTRAINT SYSTEMS**

Amends current law by requiring children older than five years old and younger than nine to be at least 4' 9" in order to drive without a restraint system. Restraint system being defined herein.

Primary Sponsor: Sen. L. Gray.

Last Action: 6/23, referred to House Transportation and Infrastructure.

ARS Title affected: 28.

### **S1055: TECH CORRECTION; MILITARY JUSTICE**

Establishes the Homeland Security Committee (Committee) consisting of: a) two members of the Senate, appointed by the Senate President; b) two members of the House of Representatives, appointed by the Speaker; and c) five members appointed by the Governor, all with preference for honorably discharged veterans.

Primary Sponsor: Sen. Harper.

Last Action: 6/15, further referred to Senate Veterans and Military Affairs.

ARS Title affected: 26.

### **S1060: MOTOR VEHICLE ACCIDENTS; DEATH; INJURY**

For a first violation of this section, the court may direct the motor vehicle department to suspend the person's driving privilege for not more than 90 days if the violation results in serious physical injury

and not more than 180 days if the violation results in death. For a second or subsequent violation of this section within a period of 36 months, the court shall direct the motor vehicle department to suspend the person's driving privilege for 90 days if the violation results in serious physical injury and 180 days if the violation results in death.

Primary Sponsor: Sen. L. Gray.

Last Action: 6/4, referred to Senate Public Safety and Human Services.

ARS Title affected: 28.

**S1061:            DUPLICATE VEHICLE KEY; POSSESSION; RECORDS**

It is unlawful for a person, with the intent to commit any theft or felony, to possess or use a motor vehicle key that was manufactured or duplicated without the consent of the registered or legal owner of the motor vehicle or a person who is in lawful possession of the motor vehicle. Violation of this section results in a class 1 misdemeanor.

Primary Sponsor: Sen. L. Gray.

Last Action: 6/4, referred to Senate Judiciary.

ARS Title affected: 13.

**S1063:            DOMESTIC VIOLENCE VICTIMS; FEE EXEMPTIONS**

Exempts persons who are receiving services from domestic violence shelters from fees related to driver licenses, instruction permits, non-operating identification licenses and birth certificates.

Primary Sponsor: Sen. Waring.

Last Action: 6/22, referred to House Transportation and Infrastructure.

ARS Titles affected: 28, 36.

**S1066:            TRANSPORTATION; RACING ON HIGHWAYS**

A person shall not drive a vehicle or participate in any manner in a race, speed competition or contest, drag race or acceleration contest, test of physical endurance or exhibition of speed or acceleration or for the purpose of making a speed record on a street or highway. A person who violates this section is guilty of a class 1 misdemeanor.

Primary Sponsor: Sen. Waring.

Last Action: 6/4, referred to Senate Natural Resources, Infrastructure, and Public Debt.

ARS Title affected: 28.

**S1068:            AGGRAVATED ASSAULT; STRANGULATION AND SUFFOCATION**

Classifies strangulation and suffocation as aggravated assault, subject to a class 4 felony.

Primary Sponsor: Sen. Paton.

Last Action: 6/19, Senate Judiciary, held.

ARS Title affected: 13.

**S1069:            SCHOOLS; COURSE INSTRUCTION; PROHIBITION (JUSTICE COURT FEES)**

Striker: Prohibits Arizona schools from instruction in ethnic studies aimed at a particular group or that advocate ethnic solidarity. Original language made changes to justice court fees.

Primary Sponsor: Sen. Paton.

Last action: retained on Senate COW calendar, 6/24.

ARS Title affected: 15.

**S1070: SENTENCING; PRIOR CONVICTIONS; METH**

Provides for sentencing enhancements for a second conviction relating to methamphetamine when the prior conviction occurred in another jurisdiction.

Primary Sponsor: Sen. Paton.

Last Action: 6/4, referred to Senate Judiciary.

ARS Title Affected: 13.

**S1071: DRUG OFFENSES; DEFINITIONS**

Expands the list of prohibited substances under the criminal code.

Primary Sponsor: Sen. Paton.

Last Action: 6/4, referred to Senate Judiciary.

ARS Titles affected: 13, 15, 36.

**S1075: LICENSE PLATES; OBSCURING NAME; WARNING**

Prohibits a law enforcement officer from issuing a traffic complaint to a person who has a vehicle with the state name obscured on an Arizona license plate.

Primary Sponsor: Sen. Tibshraeny Co-Sponsor: Sen. Verschoor.

Last Action: 6/9, Senate Natural Resources, Infrastructure, and Public Debt FAILED 2-4.

ARS Title affected: 28.

**S1076: LICENSE PLATE; STATE NAME VISIBILITY; REPEAL**

Repeals requirement that the name of this state at the top of the license plate is not obscured.

Primary Sponsor: Sen. Tibshraeny. Co-sponsor: Sen. Verschoor.

Last Action: 6/4, referred to Senate Natural Resources, Infrastructure, and Public Debt.

ARS Title affected: 28.

**S1087: CAMPAIGN FINANCE; 2010 (~~AGGRAVATED DOMESTIC VIOLENCE; VIOLATION~~)**

Striker: changes the maximum contribution amounts for candidates who participate in Citizens Clean Elections Act funding for 2010 primary elections and for nonparticipating candidates for all 2010 elections. Contains requirements for enactment for initiatives and referendums (Proposition 105). Original language: A person is guilty of aggravated domestic violence if the person within a period of 84 months commits a second or subsequent violation of a domestic violence offense or is convicted of a violation of a domestic violence offense and has previously been convicted of any combination of convictions of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a violation of a domestic violence offense.

Primary Sponsor: Sen. Paton.

Last Action: 7/1, Senate COW approved, amended.

ARS Title affected: 16.

**S1112: SENTENCING; NATURAL LIFE IMPRISONMENT**

Changes sentencing for first and second degree murder under certain circumstances pertaining to the age of the accused and the conditions of the charge. Natural life sentences are implemented in place of life imprisonment (with the parole eligibility prescribed therein) when the state fails to seek the death penalty.

Primary Sponsor: Sen. Paton. Co-sponsor: Sen. Waring.  
Last Action: 6/16, referred to House Judiciary.  
ARS Title affected: 13.

**S1119: RESTRICTED DRIVER LICENSES; DUI**

Allows certain driving under the influence (DUI) offenders to apply for restricted licenses. Permits a person who is served an administrative license suspension to submit an online request for a hearing.

Primary Sponsor: Sen. L. Gray. Co-sponsors: Rep. Burges, Sen. S. Allen, Sen. Harper, Sen. Landrum Taylor, Sen. Nelson, Sen. Verschoor.  
Last Action: 6/16, referred to House Judiciary.  
ARS Title affected: 28.

**S1120: DOMESTIC VIOLENCE OFFENSES**

Expands the classification of domestic violence to include the following offenses: sexual assault, cruelty to animals, preventing the use of a telephone in an emergency or false representation of an emergency, negligent homicide, manslaughter, and first and second degree murder.

Primary Sponsor: Sen. Paton.  
Last Action: 6/25, Senate COW approved, amended.  
ARS Title affected: 13.

**S1131: PRISONERS; TRANSITION PROGRAM**

Requires the Arizona Department of Corrections to administer and modifies inmate eligibility requirements for the transition program.

Primary Sponsor: Sen. L. Gray. Co-sponsors: Rep. Burges, Sen. S. Allen.  
Last Action: 6/18, passed from Senate Public Safety and Human Services.  
ARS Title affected: 31.

**S1137: VEHICLE IMPOUNDMENT; LACKING PROPER ENDORSEMENT**

Improper or incomplete vehicle endorsement allows for impoundment of vehicle by law enforcement.

Primary Sponsor: Sen. L. Gray.  
Last Action: 6/4, referred to Senate Retirement and Rural Development.  
ARS Title affected: 28.

**S1138: PARTIAL-BIRTH ABORTIONS; DEFINITION**

Modifies the definition of partial-birth abortion, specifies the term of imprisonment for someone who performs a partial-birth abortion and allows a defendant to seek a hearing before the board that issued the person's license to practice medicine. Requires a person who performs a partial-birth abortion to be fined or imprisoned not more than two years, or both.

Primary Sponsor: Sen. L. Gray. Co-sponsors: Rep. Antenori, Rep. Barnes, Rep. Barto, Rep. Biggs, Rep. Boone, Rep. Burges, Rep. Court, Rep. Crandall, Rep. Crump, Rep. Driggs, Rep. Goodale, Rep. Gowan, Rep. Jones, Rep. Kavanagh, Rep. Lesko, Rep. Mason, Rep. McComish, Rep. McLain, Rep. Montenegro, Rep. Murphy, Rep. Nichols, Rep. Pratt, Rep. Quelland, Rep. Seel, Rep. Stevens, Rep. Tobin, Rep. Jim Weiers, Rep. Jerry Weiers, Rep. Yarbrough, Sen. S. Allen, Sen. Burns, Sen. Gorman, Sen. Gould, Sen. C. Gray, Sen. Harper, Sen. Huppenthal, Sen. Leff, Sen. Melvin, Sen. Miranda, Sen. Nelson, Sen. Pearce, Sen. Pierce, Sen. Tibshraeny, Sen. Verschoor, Sen. Waring.

Last Action: 6/12, Senate COW approved, amended.  
ARS Title affected: 13.

**S1140: JUSTICE COURTS; FEES**

Deletes the authority of the Supreme Court to increase justice court fees to keep up with inflation.

Primary Sponsor: Sen. Paton.  
Last Action: 6/4, referred to Senate Judiciary.  
ARS Title affected: 22.

**S1142: PUBLIC EXPENDITURE TRANSPARENCY DATABASE**

Requires cities, towns, county treasurers, school districts and community college districts to establish and maintain a receipts and expenditures public internet database. Restores the date when the Arizona Department of Administration (ADOA) is required to have established a public internet database of receipts and expenditures. See HB2615.

Primary Sponsor: Sen. Paton. Co-sponsors: Rep. Antenori, Rep. Ash, Rep. Barnes, Rep. Court, Rep. Crandall, Rep. Crump, Rep. Driggs, Rep. Goodale, Rep. Gowan, Rep. Hendrix, Rep. Jones, Rep. Kavanaugh, Rep. Lesko, Rep. Murphy, Rep. Nichols, Rep. Quelland, Rep. Seel, Rep. Jim Weiers, Rep. Jerry Weiers, Sen. S. Allen, Sen. Burns, Sen. Gorman, Sen. Gould, Sen. Harper, Sen. Huppenthal, Sen. Melvin, Sen. Pearce, Sen. Pierce, Sen. Verschoor.  
Last Action: 6/25, passed Senate, ready for House.  
ARS Titles affected: 9, 11, 41.

**S1144: INCOMPETENT PERSONS; PROSECUTING AGENCY; NOTIFICATION**

Conditions are established whereby a medical director must inform prosecuting agencies of a criminal suspect's ability to stand trial.

Primary Sponsor: Sen. Aguirre. Co-sponsors: Rep. Jones, Rep. McGuire, Rep. Pancrazi, Sen. C. Allen, Sen. Alvarez, Sen. Burton Cahill, Sen. Hale, Sen. Landrum Taylor, Sen. Lopez, Sen. McCune Davis, Sen. Nelson, Sen. Rios.  
Last Action: 6/4, referred to Senate Healthcare and Medical Liability Reform.  
ARS Title affected: 36.

**S1159: TRESPASSING; ILLEGAL ALIENS**

Presence in this state by an illegal alien amounts to trespassing and is punishable as a class 1 misdemeanor. Repeat violations are punishable as class 4 felonies and carry maximum sentencing guidelines as well as fines. Furthermore, aggravating conditions—possession of weapons, precursor chemicals, or drugs—allow for penalty enhancement. See SCR1010; HB2280.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Burges, Rep. Kavanaugh, Rep. Lesko, Rep. Montenegro, Rep. Seel, Sen. Gorman, Sen. Harper.  
Last Action: 6/4, referred to Senate Public Safety and Human Services.  
ARS Title affected: 13.

**S1160: VEHICLE TITLE; REGISTRATION; LEGAL PRESENCE**

In order to receive motor vehicle title, a person must be legally present in the United States as well as in compliance with all previous guidelines.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Biggs, Rep. Kavanaugh, Rep. McLain, Rep. Seel, Rep. Tobin, Sen. Gorman, Sen. Gould, Sen. Harper, Sen. Verschoor.

Last Action: 6/4, referred to Senate Natural Resources, Infrastructure, and Public Debt.  
ARS Title affected: 28.

**S1162: GIITEM APPROPRIATION; MULTIJURISDICTIONAL TASK FORCE**

Creates the Felony and Violent Fugitive Task Force, permits counties, cities and towns aid in federal immigration law enforcement efforts and makes trespassing by an illegal alien a crime.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Kavanagh, Sen. Gorman, Sen. Gould, Sen. L. Gray, Sen. C. Gray, Sen. Harper, Sen. Huppenthal, Sen. Melvin, Sen. Verschoor.  
Last Action: 6/10, from Senate Appropriations, amended.  
ARS Title affected: 41.

**S1166: VALID IDENTIFICATION; CONSULAR CARDS; PROHIBITION**

A consular identification card from a foreign government is an invalid form of identification in the state or its political subdivisions.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Burges, Rep. Kavanagh, Rep. Montenegro, Rep. Seel, Sen. Gorman, Sen. Gould, Sen. C. Gray, Sen. Harper, Sen. Verschoor.  
Last Action: 6/4, referred to Senate Government Institutions.  
ARS Title affected: 41.

**S1167: WEAPONS; MISCONDUCT; EXEMPTION**

Correctional officers and special investigators are exempted from statutes pertaining to crimes of misconduct with weapons.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Burges, Rep. Kavanagh, Rep. McLain, Sen. S. Allen, Sen. Gorman.  
Last Action: 6/4, referred to Senate Public Safety and Human Services.  
ARS Title affected: 13.

**S1170: JUSTICE COURTS; CRIMINAL ACTIONS; VENUE**

The request for a change of venue in a criminal trial must be accompanied by the sworn affidavits of two credible members of the county. If the change of venue order is granted, it need not be set in the adjacent precinct, but can occur at any justice court in the county.

Primary Sponsor: Sen. Pearce. Co-sponsors: Sen. Gorman, Sen. C. Gray.  
Last Action: 6/4, referred to Senate Judiciary.  
ARS Title affected: 22.

**S1177: UNAUTHORIZED ALIENS; EMPLOYMENT; TRANSPORTING**

It is unlawful for a person who is an unauthorized alien to knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor.

Primary Sponsor: Sen. Pearce.  
Last Action: 6/4, referred to Senate Commerce and Economic Development.  
ARS Titles affected: 13, 28, 41.

**S1208: LOBBYISTS; PROHIBITED ACTS**

Prohibits, and classifies as a class 1 misdemeanor, a lobbyist from knowingly providing false information to any public official.

Primary Sponsor: Sen. McCune Davis.  
Last Action: 6/11, passed from Senate Government Institutions.  
ARS Title affected: 41.

**S1212: CENTRAL STATE REPOSITORY; HATE CRIMES**

Expands to include gender expression and identity to the list of crimes included in the repository of criminal justice information.

Primary Sponsor: Sen. Burton Cahill. Co-sponsors: Rep. Ableser, Rep. Lopes, Rep. Schapira.  
Last Action: 6/4, referred to Senate Rules only.  
ARS Title affected: 41.

**S1237: PUBLIC RECORD REQUESTS**

A person who requests access to inspect or copy a public record under this article has 30 days to inspect, retrieve or pay for the public record. It is a defense to any action under this article if a person who requests access to inspect or copy a public record has previously requested but failed to inspect, retrieve or pay for copies of the public record.

Primary Sponsor: Sen. Nelson.  
Last Action: 6/4, referred to Senate Government Institutions.  
ARS Title affected: 39.

**S1244: CHILD PROTECTIVE SERVICES; OMNIBUS**

If a child is a victim of criminal conduct, the DES should comply with appropriate law enforcement agencies during prosecution, preserve the rights of the child, protect them from the person(s) alleged to be responsible for the crime, and release conditions that supersede any court orders pertaining to the criminal case involving the child.

Primary Sponsor: Sen. Paton.  
Last Action: 6/4, referred to Senate Public Safety and Human Services.  
ARS Title affected: 8.

**S1247: VICTIMS' RIGHTS; HEARING; FEES; STATUS**

Persons stricken from the purview of victims' rights statutes include those who—in the act of assisting a family member in committing first degree murder with a defendant—have that family member die in the course of the felony. Victims can request a hearing if a written motion is filed and the parents of juveniles who void plea agreement conditions are subjected to a \$25 fine.

Primary Sponsor: Sen. Paton.  
Last Action: 6/4, referred to Senate Judiciary.  
ARS Titles affected: 8, 13.

**S1248: PUBLIC RECORDS; ELECTRONIC FORMAT**

If requested, a public body shall provide copies of public records in the format requested if the public body maintains the public records in that format. If requested and if available, a public body shall provide metadata that is reasonably necessary to establish a public record's authenticity or scope. If requested, a public body may convert paper public records to an electronic or digital format.

Primary Sponsor: Sen. Paton.  
Last Action: 6/4, referred to Senate Government Institutions.  
ARS Titles affected: 39, 41.

**S1270: FIREARMS POSSESSION; CONCEALED WEAPONS PERMIT**

Enhances penalties for the possession of a deadly weapon in the commission of serious offenses. Allows a valid CCW permit holder to enter a public establishment or attend any public event carrying a deadly weapon, except as prohibited by law, unless the public establishment or public event is a secured police facility. See SB1113; HB2171.

Primary Sponsor: Sen. S. Allen. Co-sponsors: Rep. Antenori, Rep. Ash, Rep. Barnes, Rep. Biggs, Rep. Burges, Rep. Crump, Rep. Gowan, Rep. Kavanagh, Rep. McGuire, Rep. McLain, Rep. Montenegro, Rep. Murphy, Rep. Nichols, Rep. Quelland, Rep. Seel, Sen. Gould, Sen. L. Gray, Sen. C. Gray, Sen. Nelson, Sen. Pearce, Sen. Verschoor.  
Last Action: 6/22, from Senate Judiciary, amended.  
ARS Title affected: 13.

**S1274: IGNITION INTERLOCK DEVICE; TIME PERIOD**

With the completion of a drug-treatment program the mandatory period of one year for an ignition interlock device may be reduced to six months.

Primary Sponsor: Sen. L. Gray.  
Last Action: 6/8, referred to Senate Public Safety and Human Services.  
ARS Title affected: 28.

**S1278: ORDERS OF PROTECTION; ANIMALS**

Allows the court to consider the custody of an animal when issuing an order of protection.

Primary Sponsor: Sen. Paton. Co-sponsor: Rep. Young Wright.  
Last Action: 6/8, referred to Senate Judiciary.  
ARS Title affected: 13.

**S1279: EQUINE TRIPPING**

Tripping an equine is a violation resulting in a class 1 misdemeanor and a \$1,000 fine for an initial offense; subsequent violations result in a \$2,000 fine. See HB2282.

Primary Sponsor: Sen. Paton. Co-sponsor: Rep. Young Wright.  
Last Action: 6/19, held in Senate Judiciary.  
ARS Title affected: 13.

**S1280: CONCEALING; HARBORING OR SHIELDING ALIENS**

Classifies, as a class 5 felony, knowingly or recklessly concealing, harboring or shielding from detection or attempting to conceal, harbor or shield from detection in any place an illegal alien.

Primary Sponsor: Sen. Paton. Co-sponsor: Sen. Melvin.  
Last Action: 6/16, referred to House Judiciary.  
ARS Title affected: 13.

**S1291: STATE PHOTO ENFORCEMENT SYSTEM**

Requires the court to forward to the Motor Vehicle Division (MVD) records related to state photo enforcement convictions or judgments and allows MVD to consider the violation when determining whether to suspend or revoke a person's driver license.

Primary Sponsor: Sen. Nelson.  
Last Action: 6/24, retained on Senate COW calendar.  
ARS Title affected: 41.

**S1299: JURY SERVICE; AGE**

The age at which a person may request exemption from jury service is lowered to 72 from 75.

Primary Sponsor: Sen. Tibshraeny.

Last Action: 6/8, referred to Senate Judiciary.

ARS Title affected: 21.

**S1302: MOTOR CARRIER SAFETY; CONFLICTING AMENDMENTS**

Repeals two conflicting statutes in Title 28 giving full authority to current statutory law.

Primary Sponsor: Sen. Tibshraeny.

Last Action: 6/8, referred to Senate Rules only.

ARS Title affected: 28.

**S1304: PUBLIC RECORDS; FEES**

The public should not be charged for inspecting public records. Unless a specific statutory provision authorizes higher or additional fees, copying fees shall not exceed the actual cost of reproduction, including the costs of the equipment, maintenance and personnel time associated with reproducing the public records, but not including personnel time associated with searching for, retrieving, reviewing or redacting the public records.

Primary Sponsor: Sen. Tibshraeny.

Last Action: 6/4, referred to Senate Government Institutions.

ARS Title affected: 39.

**S1305: PUBLIC RECORDS; ELECTRONIC FORMAT; FEES**

If the custodian maintains public records in an electronic format, the public records shall be available for inspection or copying in the format designated by the requesting person if the public body maintains the public records, including data and information maintained in databases, in the requested format.

Primary Sponsor: Sen. Tibshraeny.

Last Action: 6/4, referred to Senate Government Institutions.

ARS Title affected: 39.

**S1319: ANTI-RACKETEERING FUND; DEPOSITS; REPORTS**

The Attorney General and county attorneys' reports regarding anti-racketeering funds must be detailed submissions of the sources of all monies and expenditures therein.

Primary Sponsor: Sen. Chevront.

Last Action: 6/8, referred to Senate Judiciary.

ARS Title affected: 13.

**S1327: TOBACCO SALES; SELF-SERVICE DISPLAYS**

Limits the sale of tobacco products through self-service displays to retail locations available only to adult consumers.

Primary Sponsor: Sen. Leff. Co-sponsors: Rep. Chad Campbell, Rep. Driggs, Rep. Hendrix, Rep. Reagan.

Last Action: 6/9, failed to pass Senate Commerce and Economic Development.

ARS Title affected: 36.

**S1329: CENTRAL STATE REPOSITORY; CRIME INFORMATION**

The central state repository for criminal information is expanded to include hate crimes pertaining to gender identity or expression. Bisexuality is included in crimes regarding sexual orientation.

Primary Sponsor: Sen. Aguirre. Co-sponsors: Rep. Jones, Rep. Pancrazi.

Last Action: 6/8, referred to Senate Judiciary.

ARS Title affected: 41.

**S1332: SUPREME COURT; ATTORNEY LICENSING**

The supreme court shall license attorneys for the practice of law in this state. In order to remain licensed, an attorney need not be a member of any organization.

Primary Sponsor: Sen. Pearce.

Last Action: 6/8, referred to Senate Judiciary.

ARS Title affected: 12.

**S1333: ADMINISTRATIVE ORDERS; APPLICABILITY; JUDGES**

Notwithstanding any other law, a judge of the superior court or a municipal court shall not be limited or restricted by an administrative order or court order from reviewing or issuing any of the following:

1. Orders of protection.
2. Injunctions against harassment.
3. Arrest warrants.
4. Search warrants.
5. Electronic surveillance orders.

Primary Sponsor: Sen. Pearce.

Last Action: 6/8, referred to Senate Judiciary.

ARS Title affected: 12.

**S1335: UNAUTHORIZED ALIENS; LICENSING**

An employer shall not knowingly employ an unauthorized alien. If, in the case when an employer uses a contract, subcontract or other independent contractor agreement to obtain the labor of an alien in this state, the employer knowingly contracts with an unauthorized alien or with a person who employs or contracts with an unauthorized alien to perform the labor, the employer violates this law. The use of E-Verify by employers is necessary for license eligibility. See HB2496.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Antenori, Rep. Crump, Rep. Gowan, Rep. Kavanagh, Rep. Montenegro, Rep. Nichols, Rep. Seel, Rep. Stevens, Sen. S. Allen, Sen. Gould, Sen. L. Gray, Sen. Harper, Sen. Melvin, Sen. Verschoor.

Last Action: 6/8, referred to Senate Rules only.

ARS Titles affected: 23, 41.

**S1337: DRIVER LICENSE VIOLATIONS**

If a person can produce evidence of a license from another jurisdiction, the penalties associated with driving without a license will be lifted. Any citation given regarding a person's vision in their license restriction has its penalty reduced to a civil traffic violation.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Crump, Rep. Montenegro, Rep. Seel, Rep. Stevens, Sen. Harper.

Last Action: 6/8, referred to Senate Natural Resources, Infrastructure, and Public Debt.

ARS Title affected: 28.

**S1338: LAW ENFORCEMENT OFFICERS; GOOD CAUSE**

Good cause (defined) is the only exception for a law enforcement officer to be discharged or disciplined by his employer.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Crump, Rep. Montenegro, Rep. Seel, Rep. Stevens  
Last Action: 6/8, referred to Senate Public Safety and Human Services.  
ARS Title affected: 38.

**S1340: GUILTY EXCEPT INSANE; APPLICABILITY; HEARING**

Specifies that the voluntary failure to take medication prescribed for the mental disease or defect, in cases where that failure interfered with the person knowing a criminal act was wrong, does not constitute legal insanity. Changes, from the “court” to the “custodial agency” the commitment hearing notification requirement to a prosecuting agency, the attorney representing the person and the victim’s attorney and specifies the notice is no longer required to the medical director of the mental health facility, the attorney general or the county attorney.

Primary Sponsor: Sen. Paton.  
Last Action: 6/22, from Senate Judiciary, amended.  
ARS Titles affected: 11, 12, 13, 31.

**S1346: SEAT BELT EXEMPTION; NEWSPAPER DELIVERY**

Exempts newspaper delivery persons from seat belt requirements.

Primary Sponsor: Sen. Gould. Co-sponsor: Sen. Harper.  
Last Action: 6/18, passed from Senate Retirement and Rural Development.  
ARS Title affected: 28.

**S1347: PHOTO ENFORCEMENT; DPS; SIGNAGE**

Photo enforcement areas are to be subjected to further signage: one-quarter mile before the enforcement zone, signs that declare someone not traveling in excess of the posted speed limits by 11 mph will not be subjected to citations, and speed-limit signs within six feet of all signs designating photo enforcement area locations. See SB1460; HB 2131.

Primary Sponsor: Sen. Gould.  
Last Action: 6/8, referred to Senate Public Safety and Human Services.  
ARS Titles affected: 28, 41.

**S1348: MISLEADING PUBLIC OFFICIALS; VIOLATION**

Lobbyists who knowingly withhold information or provide false information to a public official are prohibited from acting as a lobbyist for three years; public officials acting accordingly are subject to termination.

Primary Sponsor: Sen. Gould.  
Last Action: 6/18, held in Senate Government Institutions.  
ARS Title affected: 41.

**S1355: PHOTO RADAR; PROHIBITIONS ON HIGHWAYS**

Prohibits photo enforcement of speeding on state highways. See SB1364; HB2106; HB2342; HB 2494.

Primary Sponsor: Sen. Gould.

Last Action: 6/8, referred to Senate Public Safety and Human Services

ARS Titles affected: 28, 41.

**S1356: VENTURE TRUCKS; REGULATION**

Establishes regulations for the operation of venture trucks and allows the Arizona Department of Transportation (ADOT) to issue a certificate of title to a purchaser of a vehicle who provides satisfactory proof of ownership to ADOT.

Primary Sponsor: Sen. Gould. Co-sponsor: Sen. Harper.

Last Action: 6/19, from Senate Retirement and Rural Development, amended.

ARS Title affected: 28.

**S1364: SPEEDING CITATIONS; PHOTO ENFORCEMENT SYSTEMS**

Jurisdictions containing photo radar must only issue citations if a vehicle is traveling at least 11 miles per hour faster than 85 percent of the vehicles on the highway. See SB1355; HB 2106; HB 2342; HB 2494.

Primary Sponsor: Sen. Gould.

Last Action: 6/8, referred to Senate Public Safety and Human Services.

ARS Title affected: 28.

**S1367: SENTENCING; AGGRAVATING FACTORS; MISDEMEANORS**

Offenses committed as hate crimes give the court authority to enhance sentencing.

Primary Sponsor: Sen. Aboud.

Last Action: 6/8, referred to Senate Judiciary.

ARS Title affected: 13.

**S1377: SERVICE ANIMALS; FRAUDULENT REPRESENTATION**

Prohibits the false representation by an individual as a service animal owner or trainer and directs a county to design uniform identification tags of vests for use by service animals.

Primary Sponsor: Sen. C. Gray.

Last Action: 6/8, referred to Senate Government Institutions.

ARS Title affected: 11.

**S1378: JUDICIAL APPOINTMENT COMMISSION; ELECTRONIC BROADCAST**

The commission on appellate court appointments and the commission on trial court appointments shall electronically broadcast over the Internet in real time all public hearings that are held pursuant to Article VI, section 37 or 41, Constitution of Arizona.

Primary Sponsor: Sen. C. Gray.

Last Action: 6/8, referred to Senate Judiciary.

ARS Title affected: 12.

**S1382: LEGISLATIVE COUNCIL; STATE CAPITOL; MUSEUM**

The legislative council may allocate space in the original 1898 statehouse for the purpose of operating a state capitol museum.

Primary Sponsor: Sen. Huppenthal.  
Last Action: 6/8, referred to Senate Government Institutions.  
ARS Title affected: 41.

**S1391: PHOTO RADAR; MINIMUM SPEED**

Notwithstanding any other law, this state or a local authority that has jurisdiction over a photo enforcement system shall determine the minimum speed limit on a street or highway that will result in a citation or notice of violation issued by a photo enforcement system for a violation of article 6 of this chapter. The minimum speed limit shall be six miles per hour more than the speed of 85 percent of vehicles on that street or highway.

Primary Sponsor: Sen. Huppenthal.  
Last Action: 6/8, referred to Senate Public Safety and Human Services.  
ARS Titles affected: 28, 41.

**S1398: LICENSE PLATES; OBSCURING INFORMATION; PROHIBITION**

Prohibits covering license plates with any substance or device that makes the plate unreadable from any angle.

Primary Sponsor: Sen. Chevront. Co-sponsors: Sen. Lopez, Sen. Rios.  
Last Action: 6/16, from Senate Natural Resources, Infrastructure, and Public Debt, do pass.  
ARS Title affected: 28.

**S1401: ENERGY PARKS; DEVELOPMENT INCENTIVES (~~JUVENILE ADJUDICATIONS; PROBATION; DISPOSITION~~)**

Striker: will allow the Arizona Power Authority Commission to establish Sustainable Energy Parks and provide loan programs for building new sustainable energy facilities. Original language: the county attorney must approve any alternative program for juvenile offenders proposed by law enforcement. A juvenile's parents are given additional rights pertaining to their probation duration and determination. Juveniles found delinquent regarding consumption, possession, or purchase of alcohol have additional requirements placed on them.

Primary Sponsor: Sen. Verschoor.  
Last Action: 6/26, House COW approved, amended.  
ARS Titles affected: 30, 42, 43.

**S1406: MOTOR VEHICLES; UNINSURED; PENALTIES (~~VEHICLE INSURANCE PROOF; VEHICLE REGISTRATION~~)**

Requires a person who has a third or subsequent violation within three years for not producing proof of financial responsibility to submit proof of financial responsibility before the driver license, registration and license plates are reinstated. Allows a court to reduce or waive a penalty imposed due to financial responsibility laws if a person meets certain conditions.

Primary Sponsor: Sen. Waring.  
Last Action: 6/18, Senate COW approved, amended.  
ARS Title affected: 28.

**S1408: TECH CORRECTION; DUI; BLOOD TEST**

The director of the department of public safety shall adopt rules prescribing the approval of methods for the analysis of blood or other bodily substances to determine blood alcohol concentration. The

director of the department of public safety shall issue a permit to an analyst who has demonstrated the ability to accurately analyze blood or other bodily substances for alcohol concentration.

Primary Sponsor: Sen. Waring.

Last Action: 6/8, referred to Senate Public Safety and Human Services.

ARS Title affected: 28.

**S1411: SEAT BELT VIOLATIONS**

Peace officers are allowed to issue citations regarding seat belt violations without reasonable cause.

Primary Sponsor: Sen. Lopez. Co-sponsors: Rep. Ableser, Rep. Bradley, Rep. Cloves Campbell, Rep. Chad Campbell, Rep. Farley, Rep. Fleming, Rep. Garcia, Rep. Heinz, Rep. Lopes, Rep. Patterson, Rep. Sinema, Rep. Waters, Sen. Alvarez, Sen. Burton Cahill, Sen. Hale, Sen. Landrum Taylor, Sen. Miranda.

Last Action: 6/8, referred to Senate Retirement and Rural Development.

ARS Title affected: 28.

**S1414: THEFT; CATALYTIC CONVERTER**

Classifies, as a class 4 felony, theft of a catalytic converter regardless of its value.

Primary Sponsor: Sen. McCune Davis. Co-sponsors: Rep. Ableser, Rep. Brown, Rep. Chad Campbell, Rep. Farley, Rep. Lujan, Rep. Meza, Rep. Pancrazi, Rep. Sinema, Sen. Alvarez, Sen. Nelson.

Last Action: 6/23, referred to House Judiciary.

ARS Title affected: 13.

**S1423: CHILD PROSTITUTION (~~PARENTAL RIGHTS; TERMINATION;~~  
HEARING)**

Striker: removes the ability of a person who is charged with engaging in prostitution with a minor to base the person's defense on a claim that the defendant could not reasonably have known the age of the minor and prescribes penalties for the offense. Original language: Notice of the initial hearing and a copy of the petition shall be given to the parents of the child, the guardian of the person of the child, the person having legal custody of the child, any individual standing in loco parentis to the child, the tribe of any Indian child as defined by the federal Indian child welfare act of 1978 (25 U.S.C. section 1903) and the guardian ad litem of any party as provided for service of process in civil actions.

Primary Sponsor: Sen. Waring.

Last Action: 6/23, referred to House Judiciary.

ARS Title affected: 13.

**S1433: AUTOMOBILE THEFT AUTHORITY; MEMBERSHIP**

Limits the governor to appointing one county attorney who represents a county with a population of less than one million, or the county attorney's designee, as a member of the automobile theft authority. Designates the county attorney of each county with a population of one million or more, or the county attorney's designee, as a member of the automobile theft authority.

Primary Sponsor: Sen. Melvin. Co-sponsors: Rep. Antenori, Rep. Gowan, Rep. Pratt, Rep. Quellan, Rep. Williams, Sen. Huppenthal, Sen. Paton.

Last Action: 6/12, re-referred to Senate Public Safety and Human Services.

ARS Title affected: 41.

**S1440: MINORS IN VEHICLE; SMOKING PROHIBITED**

Creates a nonmoving civil traffic violation for smoking in a vehicle with a minor present.

Primary Sponsor: Sen. Melvin.

Last Action: 6/22, failed to pass Senate.

ARS Title affected: 28.

**S1443: CELLULAR TELEPHONE USE; TEXTING; DRIVING**

Establishes a \$50 civil penalty for a person using a cellular phone while operating a motor vehicle and a \$200 civil penalty if the person is involved in an accident. See HB2191.

Primary Sponsor: Sen. Melvin.

Last Action: 6/23, motion to reconsider failure to pass bill was defeated.

ARS Title affected: 28.

**S1445: CHILD PROTECTIVE SERVICES**

The parent or guardian of the child at the time of removal shall decide the placement of the child unless the department determines that the placement is not safe or presents a threat to the child. If the department determines that the placement recommended by the parent or guardian is not safe or presents a threat to the child, the department shall provide written notification to the parent or guardian and the person recommended for placement within two business days. The notice shall include the specific reason for denial, the parent or guardian's right to appeal and the process for reviewing the decision. The parent or guardian and the department shall agree to a placement that is safe and geographically reasonable for the purpose of reunification.

Primary Sponsor: Sen. Melvin.

Last Action: 6/17, held in Senate Veterans and Military Affairs.

ARS Title affected: 8.

**S1446: ANIMAL SHELTERS; PROCEDURES; REQUIREMENTS**

Provides guidelines and procedures for handling animals in the care of pounds and animal shelters.

Primary Sponsor: Sen. Melvin.

Last Action: 6/26, referred to House Government.

ARS Titles affected: 11, 13, 43.

**S1460: PHOTO ENFORCEMENT; RIGHTS OF DRIVERS**

Provisions pertaining to proper signage and disclosure to drivers in areas of photo enforcement. See SB 1347; HB 2131.

Primary Sponsor: Sen. Gorman.

Last Action: 6/8, referred to Senate Public Safety and Human Services.

ARS Title affected: 28.

## **SENATE MEMORIALS AND RESOLUTIONS**

A concurrent resolution is processed through both the 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.

### **SCM1004: REIMBURSE ARIZONA; COSTS; ILLEGAL IMMIGRATION**

That the Congress of the United States adopt, and the United States Department of Homeland Security support, legislation that pledges immediate resources to Arizona to help offset the costs imposed on it as a result of the federal government's failure to control illegal immigration along the United States-Mexico border. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Secretary of the United States Department of Homeland Security.

Primary Sponsor: Sen. C. Gray.

Last Action: 6/8, referred to Senate Public Safety and Human Services.

ARS Title affected: 99.

### **SCR1007: JUSTICES AND JUDGES; SENATE CONFIRMATION**

Referendum measure: A nominee for justice or judge shall not take office or discharge any duties of the office before obtaining the consent of the senate.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Montenegro, Sen. S. Allen, Sen. Gorman, Sen. Gould, Sen. C. Gray, Sen. Harper, Sen. Verschoor.

Last Action: 6/28, referred to Senate Rules only.

ARS Title affected: 98.

### **SCR1009: VOTER-PROTECTION; TEMPORARY BUDGETARY SUSPENSION**

Subject to voter approval, constitutionally grants the Legislature authority, in order to avoid a budget deficit, to appropriate or divert funds created or enacted by an initiative or referendum.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Burges, Rep. Court, Rep. Kavanaugh, Rep. Montenegro, Sen. S. Allen, Sen. Gorman, Sen. Gould, Sen. Harper, Sen. Verschoor.

Last Action: 6/27, from House Rules, okay.

ARS Title affected: 98.

### **SCR1010: ILLEGAL ALIENS; ENFORCEMENT; TRESPASSING**

Subject to voter approval, no official, agency or personnel of this state or county, city or town of this state may adopt a policy that limits the enforcement of federal immigration laws to the full extent permitted by federal law. In addition to any violation of federal law, it is unlawful for a person who is a citizen of any country other than the United States to enter into or be on any public or private land in this state if, at the time of the commission of the offense, the person is in violation of 8 United States Code section 1325. See SB 1159; HB2280.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Burges, Rep. Kavanaugh, Rep. Seel, Sen. Gorman, Sen. L. Gray, Sen. C. Gray, Sen. Harper, Sen. Verschoor.

Last Action: 6/29, referred to Senate Rules only.

ARS Title affected: 97.

**SCR1012: SPENDING ACCOUNTABILITY AND TRANSPARENCY ACT**

Subject to voter approval, on or before July 1, 2012, the state treasurer, and the treasurer or equivalent officer of each county, city and town, shall each establish and maintain an official internet web site that is electronically searchable by the public at no cost and that contains a database of receipts and expenditures of state revenues.

Primary Sponsor: Sen. Pearce. Co-sponsors: Rep. Burges, Rep. Court, Rep. McLain, Rep. Montenegro, Sen. S. Allen, Sen. Gorman, Sen. Gould, Sen. C. Gray, Sen. Harper, Sen. Verschoor.  
Last Action: 6/29, referred to Senate Rules only.  
ARS Title affected: 98.

**SCR1020: SENATE CONFIRMATION; JUSTICES AND JUDGES**

Subject to voter approval, repeals the commission on appellate court appointments and instead requires that the governor shall submit to the senate for the consent of the senate the name of the nominee for justice or judge. If the senate consents to the nomination, the governor shall appoint the nominee to serve for the term, or in the case of a vacancy, for the unexpired term in which the vacancy occurred. If the senate rejects the nomination, the governor shall promptly nominate another person who meets the requirements for the office of justice or judge. Each justice or judge who is confirmed by the senate pursuant to this section may stand for retention on the expiration of the term.

Primary Sponsor: Sen. Harper. Co-sponsors: Rep. Biggs, Rep. Burges, Rep. Crump, Rep. Goodale, Rep. Gowan, Rep. Hendrix, Rep. Kavanagh, Rep. Quelland, Rep. Seel, Rep. Stevens, Sen. S. Allen, Sen. Gould, Sen. L. Gray, Sen. Melvin, Sen. Paton, Sen. Pearce, Sen. Verschoor.  
Last Action: 6/29, referred to Senate Rules only.  
ARS Title affected: 98.

**SCR1033: PHOTO RADAR; PROHIBITION ON HIGHWAYS**

Subject to voter approval, prohibits use of photo radar on state highways.

Primary Sponsor: Sen. Gould.  
Last Action: 6/29, referred to Senate Rules only.  
ARS Title affected: 99.

**SCR1038: SOVEREIGNTY; TENTH AMENDMENT**

Claims state sovereignty under the Tenth Amendment to the United States Constitution. Serves notice and demand to the Federal Government to cease and desist mandates that are beyond the scope of powers delegated to the Federal Government. Requires the Secretary of State to transmit copies of the resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and the President of the Senate of each state's legislature and each Member of Congress from the State of Arizona.

Primary Sponsor: Sen. Gould.  
Last Action: 6/17, from Senate Appropriations, do pass.  
ARS Title affected: 99.

**SCR1039: SPEEDING CITATIONS; PHOTO ENFORCEMENT**

Referendum measure: Notwithstanding any other law, this state or a local authority that has jurisdiction over a photo enforcement system, including a state photo enforcement system established pursuant to section 41-1722, shall:

1. Cause the photo enforcement system to only issue citations for a violation of this article if a vehicle is traveling at least eleven miles per hour faster than eighty-five per cent of the vehicles on the highway.
2. Determine the minimum speed limit that will result in a citation for a violation of this article that is detected by the photo enforcement system pursuant to paragraph 1. The minimum speed limit shall be determined based on vehicles traveling during nonpeak daylight hours under good weather conditions.

Primary Sponsor: Sen. Gould.

Last Action: 6/29, referred to Senate Rules only.

ARS Title affected: 97.

**SCR1040: JUDGES; MERIT SELECTION; POPULATION**

Counties having fewer than 750,000 residents will elect superior court judges to four-year terms (currently this applies to counties with fewer than 250,000 residents).

Primary Sponsor: Sen. C. Gray.

Last Action: 6/29, referred to Senate Rules only.

ARS Title affected: 98.

## **SENATE BILLS VETOED BY THE GOVERNOR**

**S1028: BUDGET RECONCILIATION; CRIMINAL JUSTICE; FY 09-10 (~~TECH  
CORRECTION; PRIVATE FUNDS; DISPOSITION~~)**

Makes various changes related to criminal justice that are necessary to implement the FY 2009-10 state budget. Requires deposit of the 11.70 percent of the Criminal Justice Enhancement Fund (CJEF) to be directly distributed or deposited to the county sheriffs, instead of allocation to ADC. Establishes the Crime Laboratory Operations Fund consisting of the \$45 surcharge an individual pays for attending a defensive driving school, which is currently deposited in the state General Fund. Requires, subject to legislative appropriation, the monies to be used for crime laboratory services. Requires DOA to enter into a lease purchase agreement for the state's prisons. Increases probation charges. Other provisions. Note: the general budget bill was enacted without the various budget reconciliation bills.

Primary Sponsor: Sen. Pearce.

Vetoed 7/1.

ARS Titles affected: 8, 12, 13, 21, 22, 25, 28, 31, 38, 41.

## 2009 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 memorials 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. Information is compiled from sources at Arizona Legislation Information Services (ALIS) online; full bill information can be found at [www.azleg.gov](http://www.azleg.gov).

### HOUSE BILLS SIGNED INTO LAW

#### **H2006:          SCHOOLS; JUVENILE PROBATION OFFICERS**

Allows school districts to engage in an Intergovernmental Agreement (IGA) to hire Juvenile Probation Officers (JPO) for education programs designed to equip children with tools to promote abstinence from criminal behavior and violence and encourage non-delinquent behavior.

Primary Sponsor: Rep. Konopnicki.  
Signed by the governor, 7/9. Chapter 14.  
ARS Title affected: 15.

#### **H2028:          BUDGET; FY08-09; SUPPLEMENTAL APPROPS (~~JURY DUTY; MOTOR VEHICLE PARKING~~)**

Striker: reduces the state General Fund appropriation made to the Arizona Board of Regents (ABOR) in FY 2008-09 for the support and maintenance of institutions under its jurisdiction by \$100 million. Reduces the state General Fund appropriation made to the Arizona Department of Education (ADE) in FY 2008-09 for basic state aid and additional state aid by \$300 million. Original language: requires county courts to provide sufficient parking at no charge to persons called for jury duty.

Primary Sponsor: Rep. Kavanagh.  
Signed by the governor, 5/14. Chapter 5.  
ARS Titles affected: 15, 41.

#### **H2031:          SCHOOLS; CONTRACTORS; FINGERPRINT CLEARANCE CARDS**

Adds contractors, subcontractors, vendors and any of their employees to the list of certified personnel who engage in classroom instruction or have direct contact with students required to have a valid fingerprint clearance card, in the case that they provide regular services on school property. Charter schools maintain immunity, as do liability school districts, if fingerprint requirements are properly carried out.

Primary Sponsor: Rep. Kavanagh.  
Signed by the governor, 7/10. Chapter 75.  
ARS Title affected: 15.

**H2143: LOAN ORIGINATORS; MORTGAGE RECOVERY FUND**

Establishes the Mortgage Recovery Fund for liabilities resulting from loan originator wrongdoing. Permits DFI to terminate the temporary license, certificate or permission to organize, if the results of the criminal records check reveal grounds for denial. Enacts the prohibited acts by loan originator on July 1, 2010. Ensures that a loan originator will make reasonable efforts to secure that a loan is reasonably advantageous to the borrower. Establishes a Mortgage Recovery Fund (Fund) consisting of monies received by the Superintendent for the benefit of any person violated by any unlawful act, representation, transaction or conduct of a licensed loan originator. Sets the statute of limitations for an action for judgment that results in an order for payment from the Fund at five years after the accrual of the cause of action.

Primary Sponsor: Rep. McLain.

Signed by the governor, 7/13.

ARS Title Affected: 6.

**H2224: VEHICLE REGISTRATION; PROOF OF INSURANCE**

Requires a person who has a third or subsequent violation within three years for not producing proof of financial responsibility to submit proof of financial responsibility before the driver license, registration and are reinstated. There is no anticipated fiscal impact to the state General Fund due to this legislation. However, there is a possible fiscal impact to ADOT. Repeals the courts ability to waive or reduce a penalty if the person supplies proof that a 6- month insurance policy has been purchased *or* the person is willing to do so and does within 30 days after his or her court appearance.

Primary Sponsor: Rep. Tobin.

Signed by the governor, 7/13. Chapter 165.

ARS Title Affected: 28.

**H2265: CHILD CARE FACILITIES; LICENSURE; EXEMPTIONS**

Permits certain facilities that are exempt from child care licensure to require documentation of the entrance and departure of children from the facilities without affecting their exempt status.

Primary Sponsor: Rep. Crump. Co-sponsors: Rep. Goodale, Sen. Nelson, Sen. Pearce.

Signed by the governor, 7/10. Chapter 78.

ARS Title affected: 36.

**H2306: EMPLOYER SANCTIONS; BUSINESS LICENSES**

Exempts an individual who has affirmatively established citizenship or non-expiring work authorization from providing subsequent documentation of that status upon renewal or reinstatement of a license; requires only an individual who has a limited form of authorization that has expired to provide documentation of citizenship or alien status upon seeking license renewal or reinstatement.

Primary Sponsor: Rep. Reagan.

Signed by the governor, 7/13. Chapter 137.

ARS Titles affected: 9, 11, 41.

**H2315: CRIMINAL SENTENCING**

Regarding offenders convicted of at least two dangerous felonies, on separate occasions, but tried together the minimum sentence must be the statutorily mandated presumptive sentence.

Primary Sponsor: Rep. Driggs. Co-sponsors: Rep. Barto, Rep. Crandall, Rep. Crump, Rep. Goodale, Rep. Murphy, Sen. L. Gray.

Signed by the governor, 7/10. Chapter 82.  
ARS Titles affected: 8, 13, 41.

**H2317: FIDUCIARIES**

Prohibits a person whose license as a fiduciary has been suspended or revoked to serve as an agent in any capacity unless the person is related to the principal by blood, adoption or marriage. Changes, from certified to licensed, the Arizona Supreme Court's appointment of a fiduciary and specifies that the appointment applies to any licensed fiduciary who is acting as a guardian, conservator, personal representative, trustee or agent under a power of attorney, whether or not that person is acting pursuant to the appointment.

Primary Sponsor: Rep. Driggs. Co-sponsors: Rep. Bradley, Rep. Crandall, Rep. Crump, Rep. Murphy, Rep. Reagan, Sen. L. Gray.  
Signed by the governor, 7/13. Chapter 138.  
ARS Titles affected: 14, 36.

**H2318: MORTGAGE BROKER; LICENSE TRANSFER (~~CAPITAL CASES;~~  
~~AGGRAVATING FACTORS~~)**

Striker: Allows mortgage bankers who fund up to 150 loans in a year to apply for a conversion to a mortgage broker license at the time of license renewal. Original language: expands the list of aggravating factors for purposes of enhanced sentencing to include whether the defendant committed the offense in connection with a gang initiation killing.

Primary Sponsor: Rep. Driggs.  
Signed by the governor, 7/13. Chapter 139.  
ARS Title affected: 6.

**H2344: VULNERABLE ADULTS; FINANCIAL EXPLOITATION**

Requires a person who is in a position of trust and confidence to a vulnerable adult to use the vulnerable adult's assets solely for the benefit of the vulnerable adult and not for the benefit of himself or his relatives. Specifies that a person who commits financial exploitation of a vulnerable adult or theft is subject to actual damages in a civil action, instead of three times the amount of monetary damages. Allows the court to award additional damages for an amount up to two times the amount of actual damages.

Primary Sponsor: Rep. Mason. Co-sponsors: Rep. Jones, Rep. Pancrazi.  
Signed by the governor, 7/13. Chapter 119.  
ARS Titles affected: 13, 14, 46.

**H2375: FOSTER PARENTS; PARTICIPATION**

Reduces the amount of time a foster child must have resided in a receiving foster home or shelter care facility for the home or facility to be included in the child's periodic review hearing.

Primary Sponsor: Rep. Murphy.  
Signed by the governor, 7/10. Chapter 104.  
ARS Title affected: 8.

**H2400: PARTIAL-BIRTH ABORTIONS; DEFINITION**

Makes several clarifying and substantive changes to the partial-birth abortion section of statute including specifying a term of imprisonment for a physician shall not exceed two years for a violation of this statute, allowing defendants to appear before the Arizona Medical Board or Osteopathic Board

for an assessment of the medical necessity of the procedure, and changing the definition of *partial-birth abortion*.

Primary Sponsor: Rep. Barto. Co-sponsors: Rep. Antenori, Rep. Ash, Rep. Barnes, Rep. Biggs, Rep. Boone, Rep. Brown, Rep. Burges, Rep. Court, Rep. Crandall, Rep. Crump, Rep. Driggs, Rep. Goodale, Rep. Gowan, Rep. Hendrix, Rep. Jones, Rep. Kavanagh, Rep. Lesko, Rep. Mason, Rep. McComish, Rep. McLain, Rep. Montenegro, Rep. Murphy, Rep. Nichols, Rep. Pratt, Rep. Quellan, Rep. Seel, Rep. Stevens, Rep. Tobin, Rep. Jerry Weiers, Rep. Yarbrough, Sen. S. Allen, Sen. L. Gray, Sen. Harper, Sen. Nelson, Sen. Pearce, Sen. Pierce, Sen. Waring.

Signed by the governor, 7/13. Chapter 170.

ARS Title affected: 13.

**H2426: ENHANCED DRIVER LICENSES; PROHIBITION**

Prohibits Arizona from participating in the implementation of an Enhanced Driver License (EDL) program to meet the requirements of the federal Western Hemisphere Travel Initiative (WHTI) or the REAL ID Act of 2005.

Primary Sponsor: Rep. Burges. Co-sponsors: Rep. Antenori, Rep. Barnes, Rep. Barto, Rep. Biggs, Rep. Boone, Rep. Crump, Rep. Hendrix, Rep. Kavanagh, Rep. Lesko, Rep. McGuire, Rep. Montenegro, Rep. Murphy, Rep. Nichols, Rep. Pratt, Rep. Quellan, Rep. Seel, Rep. Stevens, Rep. Tobin, Rep. Jerry Weiers, Sen. S. Allen, Sen. Gorman, Sen. Gould, Sen. L. Gray, Sen. C. Gray, Sen. Harper, Sen. Nelson, Sen. Pearce, Sen. Verschoor.

Signed by the governor, 7/13. Chapter 143.

ARS Title affected: 28.

**H2441: LIQUOR LICENSES; PUBLIC RECREATION AREA**

Permits the consumption of beer or wine in public places when the event group has obtained an exceptional permit.

Primary Sponsor: Rep. Lesko. Co-sponsors: Rep. Ash, Rep. Burges, Rep. Chad Campbell, Rep. Court, Rep. Crump, Rep. Fleming, Rep. Goodale, Rep. Hendrix, Rep. Meza, Rep. Murphy, Rep. Pratt, Rep. Quellan, Rep. Reagan.

Signed by the governor, 7/10. Chapter 50.

ARS Title affected: 4.

**H2449: MANDATORY FINGERPRINTING; CENTRAL STATE REPOSITORY**

Any person who is arrested for DUI, domestic violence, sexual assault or any other felony offense must provide the arresting agency with a single fingerprint for identification prior to their release. A mandatory full ten-print set must be given and proof shown to the court within the required time frame, with proof for the appropriate court. If the arrestee does not provide fingerprints the court may remand the person into custody until fingerprinting is completed.

Primary Sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Antenori, Rep. Crump, Rep. Goodale, Rep. Gowan, Rep. Hendrix, Rep. Montenegro, Rep. Pratt, Rep. Stevens.

Signed by the governor, 7/13. Chapter 120.

ARS Titles affected: 13, 41.

**H2465: SCRAP METAL; THEFT; DEALERS**

Makes numerous changes to scrap metal laws including prohibiting the sale or purchase of certain used catalytic converters and prohibiting scrap metal dealers from purchasing certain types of scrap metal in its original manufactured form. Broadens the definition of *property of another* to include the

property of other persons damaged directly or indirectly as a result of damage caused by the theft of scrap metal. Expands the definition of *utility* to any enterprise that provides irrigation or water conservation.

Primary Sponsor: Rep. Jerry Weiers.  
Signed by the governor, 7/13. Chapter 144.  
ARS Titles Affected: 13, 44.

**H2486: MORTGAGE BROKER LICENSING AND REGULATION**

Adds commercial mortgage brokers to statute, requiring various license application fees and renewal fees to be paid to DFI.

Describes the following applicant requirements for a commercial mortgage broker license:

- Minimum of three years experience in the commercial mortgage broker business or equivalent lending experience during the five years preceding the time of application.
- Defines a *commercial mortgage broker*, *commercial mortgage loan*, *commercial property* and *residential mortgage loan*.

Primary Sponsor: Rep. Antenori. Co-sponsors: Rep. Burges, Rep. Court, Rep. Gowan, Rep. Hendrix, Rep. Seel, Rep. Stevens, Rep. Jerry Weiers.  
Signed by the governor, 7/10. Chapter 108.  
ARS Title affected: 20.

**H2530: RECKLESS DRIVING; PRIOR CONVICTIONS**

Provides that when applying the 24-month provision related to reckless driving, the dates of the commission of the offense must be the determining factor irrespective of the sequence of the offenses.

Primary Sponsor: Rep. Ash. Co-sponsors: Rep. Driggs, Rep. Lesko, Rep. Stevens.  
Signed by the governor, 7/13. Chapter 121.  
ARS Title affected: 28.

**H2532: PROHIBITED POSSESSORS; PERSISTENTLY, ACUTELY DISABLED**

Specifies a procedure for a person found to be a danger to self or others or persistently or acutely disabled or gravely disabled to apply for the restoration of his or her right to possess a firearm.

Primary Sponsor: Rep. Ash. Co-sponsor: Rep. Driggs.  
Signed by the governor, 7/13. Chapter 145.  
ARS Titles affected: 13, 32, 36.

**H2569: SMUGGLING; USE OF WEAPON; CLASSIFICATION**

Classifies, as a class 2 felony, human smuggling if it involves the use of a deadly weapon or dangerous instrument.

Primary Sponsor: Rep. Driggs. Co-sponsors: Rep. Ash, Rep. Barto, Rep. Konopnicki, Rep. Mason, Rep. Tovar, Sen. Paton.  
Signed by the governor, 7/13. Chapter 146.  
ARS Title affected: 13.

**H2610: CIVIL LIABILITY; AFFIRMATIVE DEFENSES**

1. Modifies affirmative defense statutes regarding product liability actions to include cases in which the claimant is the heir or estate of a deceased person. Adds to current civil liability presumptions that a victim or officer acted reasonably and that the state or political subdivision reasonably

hired and trained officers to use physical force or deadly physical force apply in the following circumstances:

- a) a person intentionally or knowingly caused temporary but substantial disfigurement or temporary but substantial impairment of any body organ or part or a fracture of any body part of another person.
- b) the victim or officer threatens to use or uses a police tool product to protect *another person* from another person.

Primary Sponsor: Rep. Jim Weiers. Co-sponsors: Rep. Antenori, Rep. Ash, Rep. Crump, Rep. Driggs, Rep. Gowan, Rep. Konopnicki, Rep. Reagan, Rep. Stevens, Rep. Jerry Weiers, Sen. Paton. Signed by the governor, 7/13. Chapter 123.  
ARS Title affected: 12.

**H2622:           DEPENDENT CHILDREN; RELATIVES; DISCLOSURE**

Requires the parent or guardian of a child who has been taken into temporary custody to provide information regarding persons related to the child to the Department of Economic Security (DES) or the court. Stipulates that these provisions do not prevent DES from presenting for the court's consideration a grandparent or another member of the child's extended family, including a person who has a significant relationship with the child and who has not been identified as a prospective permanent placement for the child before the child's placement with a prospective permanent placement.

Primary Sponsor: Rep. Chabin. Co-sponsors: Rep. Antenori, Rep. Barnes, Rep. Barto, Rep. Burges, Rep. Court, Rep. Miranda, Rep. Murphy, Rep. Nichols.  
Signed by the governor, 7/13. Chapter 148.  
ARS Title affected: 8.

**H2643           BUDGET TRAILER; GENERAL APPROPRIATIONS (~~TECH CORRECTION; ABANDONED VEHICLES; MONIES~~)**

Modifies state General Fund (GF) and other fund (OF) appropriations for FY 2009-10 for the operation of state government and makes changes to budget revisions, transfers and supplemental appropriations contained in SB 1188 as transmitted to the governor.

Primary Sponsor: Rep. Adams. Co-sponsors: Rep. McComish, Rep. Tobin.  
Signed by the governor with line-item exceptions, 7/1. Chapter 12.  
ARS Title affected: 41.

## **HOUSE BILLS THAT FAILED**

### **H2003: VEHICLE SURFING; PROHIBITION**

Makes unlawful the act of attaching a person in any manner to a moving vehicle. Civil penalties and driving privilege suspension may result for driving and riding violators.

Primary Sponsor: Rep. Konopnicki.

Last Action: 1/3, referred to House Military Affairs and Public Safety.

ARS Title affected: 28.

### **H2004: INMATES; TOBACCO USE**

Requires the Director of the State Department of Corrections to adopt a rule prohibiting inmates from possessing tobacco products. Forbids the sale of tobacco products as an item for purchase in inmate stores.

Primary Sponsor: Rep. Konopnicki.

Last Action: 2/10, stricken from House consent calendar by Stevens.

ARS Title affected: 41.

### **H2018: WRIT FEE; COLLECTION; COURTS**

Requires that the court be responsible for collection of the writ fee upon issuance by a justice of the peace.

Primary Sponsor: Rep. Konopnicki.

Last Action: 3/3, from House Rules, okay.

ARS Title affected: 11.

### **H2020: TECH CORRECTION; STATE EMPLOYEES; RECOGNITION**

Provides that gifts and donations from public and private entities given to state departments and agencies for employee recognition are additionally subject to the regulations of title 41.

Primary Sponsor: Rep. Crump.

Last Action: 1/13, referred to House Rules only.

ARS Title affected: 41.

### **H2024: LAW ENFORCEMENT; DUTY FITNESS EXAMINATION**

In addition to providing definitions for related terms, this legislation makes mandatory the requirement that an Employer present to a law enforcement of probation officer the results of their Fitness for Duty Examination within three days. These results must also include any related materials, garnished before the examination, regarding the officer's alleged unfit status.

Primary Sponsor: Rep. Kavanagh.

Last Action: 6/25, from House Rules, okay.

ARS Title affected: 38.

### **H2025: INSURANCE; FRAUD UNIT**

A fraud unit is established in the department of insurance. The fraud unit shall work in conjunction with the department of public safety. The director may investigate any act or practice of fraud prohibited by section 20-466.01 and any other act or practice of fraud against an insurer or entity licensed under this title. The director shall administer the fraud unit.

Primary Sponsor: Rep. Kavanagh.  
No Actions.  
ARS Title affected: 20.

**H2027: WEAPONS; PEACE OFFICERS; POSSE; RESERVES**

Allows a sheriff to permit a member of the sheriff's volunteer posse or reserve organization who has received firearms training that is approved by the Arizona peace officer standards and training board to possess a deadly weapon without a concealed weapons permit (CCW) during duty. These officers, as well as retired law enforcement officers who possess photographic identification indicating their honorable retirement from a law enforcement agency, are exempted from weapons misconduct under these circumstances. See SB1168.

Primary Sponsor: Rep. Kavanagh.  
Last Action: 2/4, passed from House Military Affairs and Public Safety.  
ARS Title affected: 11.

**H2034: HOA; ROADWAYS (~~TECH CORRECTION; AMBULANCES~~)**

Striker: prohibits a homeowners association from regulation of any roadway, easement or other area under the ownership and legal realm of any government entity. Original language: amended a section of ARS relating to ambulances and ambulance services.

Primary Sponsor: Rep. Barto.  
Last Action: 6/25, failed Senate Government Institutions.  
ARS Title affected: 33.

**H2056: WORKERS' COMPENSATION; TRUCKERS; OFFICER ESCORTS**

The standing requirement is that the employing entity of off duty peace officers for work with over dimensional loads reimburses the officer's primary employing agency for time served as well as workers' compensation rewards, HB 2056 excludes oversized/overweight loads from this requirement, as well as necessitating that non-domiciled motor carriers retain workers' compensation coverage as a liability protection.

Primary Sponsor: Rep. Reagan. Co-sponsors: Rep. Hendrix, Konopnicki.  
Last Action: 2/12, from House Transportation and Infrastructure, amended.  
ARS Titles affected: 23, 41.

**H2058: COURT COMMISSIONERS; QUALIFICATIONS**

Eliminates the condition that those considered for and serving as a court commissioner be active practitioners for at least three years preceding their appointment. Instead, court commissioners must maintain licensed membership of the state bar for five years or more prior to appointment.

Primary Sponsor: Rep. Konopnicki.  
Last Action: 6/23, passed from Senate Judiciary.  
ARS Title affected: 12.

**H2059: PROBATION; GLOBAL POSITION SYSTEM MONITORING**

Stipulates that offenders convicted of a dangerous crime against children is required to register pursuant to ARS 13-3821 and provides that global position system monitoring may not be required for the full term of probation, determined by the court.

Primary Sponsor: Rep. Konopnicki.  
Last Action: 1/15, referred to House Military Affairs and Public Safety.  
ARS Title affected: 13.

**H2060: LAW ENFORCEMENT OFFICERS; HEARINGS; EVIDENCE**

Pertaining to law enforcement and probation officers being interviewed with the possibility of dismissal, language is changed from the term employee to the specified parties of interest, including law enforcement officers and probation officers. This bill removes the good cause exception in matters of appeal of disciplinary action, any violation of document sharing or dissemination will result in the inability to use such evidence at a hearing.

Primary Sponsor: Rep. Konopnicki.

Last Action: 2/17, House Public Employees, Retirement and Entitlement Reform, held.

ARS Title affected: 38.

**H2061: RETIREMENT; CORP; PROBATION OFFICERS (~~RETIREMENT; CORP;~~  
~~PROBATION OFFICERS; CUSTOMARY EMPLOYMENT~~)**

Allows part time employees, working at least 20 hours per week for more than 20 weeks a year under the judiciary, probation, surveillance and juvenile detention to qualify for the Corrections Officer Retirement Plan (CORP).

Primary Sponsor: Rep. Konopnicki.

Last Action: 5/7, House COW, amended.

ARS Title affected: 38.

**H2062: EMERGENCY PERSONNEL; LIABILITY; AFFIRMATIVE DEFENSE**

Stipulates that in civil action, the defendant is not liable if they can show that they are either a peace officer, firefighter or emergency medical personnel; the injuries were a result of the event which precipitated their response; and finally that the defendant did not intentionally cause additional harm.

Primary Sponsor: Rep. Konopnicki.

Last Action: 1/15, referred to House Judiciary.

ARS Title affected: 12.

**H2063: PROBATION; REGISTRATION; MONITORING (~~RECOVERABLE JURY COSTS~~)**

Striker: requires registered level three sex offenders be placed on GPS or electronic monitoring if serving a term of probation. Original language: adds summoned juror travel expenses to the jury fee.

Primary Sponsor: Rep. Konopnicki.

Last Action: 6/29, referred to Senate Rules only.

ARS Title affected: 13.

**H2065: CHILD BIGAMY; CHILD CUSTODY**

The court reserves the right to prevent sole, joint physical, or joint legal custody of a child as well as unsupervised parenting time with a child in cases where the court believes that the person has or will continue to engage in child bigamy, unless reasons of no significant risk to the child have been documented by the court.

Primary Sponsor: Rep. Lujan.

Last Action: 1/15, referred to House Health and Human Services.

ARS Title affected: 25.

**H2066: INCEST; CLASSIFICATION**

Increases and adds penalties regarding incest with minors. Specifies that incest with a minor less than 15 years only carries a class 2 felony, incest with a minor older than 15 but less than 18 carries a class 3 felony, and lastly incest with a person over the age of 18 is considered a class 4 felony.

Primary Sponsor: Rep. Lujan. Co-sponsor: Sen. Paton.

Last Action: 3/5, passed from House Judiciary.

ARS Title affected: 13.

**H2067: PRIVATE PRISONS; REGULATION**

Requires that private prisons adhere to capacity standards as outlined by the American Corrections Associations. Includes procedure and regulations regarding major incidents that must be reported to the State Department of Corrections, and various requirements pertaining to officer standards, insurance, fingerprints of inmates, and other responsibilities and liabilities.

Primary Sponsor: Rep. Lujan.

Last Action: 1/15, referred to House Government; Military Affairs and Public Safety.

ARS Title affected: 41.

**H2071: PHOTO RADAR; DEFENSIVE DRIVING SCHOOL**

Provides that an individual who fails to respond to a NOV and who contests responsibility for the violation be allowed to attend a defensive driving school.

Primary Sponsor: Rep. Biggs. Co-sponsor: Rep. Burges.

Last Action: 3/5, House Transportation and Infrastructure, held.

ARS Title affected: 28.

**H2072: LAW ENFORCEMENT OFFICER REPRESENTATION**

In the case of hearings that may result in the dismissal of law enforcement and probation officers, the state personnel board is added to the statute as an alternative option to requests made to the office of administrative hearings.

Primary Sponsor: Rep. Biggs.

Last Action: 1/15, referred to House Public Employees, Retirement and Entitlement Reform.

ARS Title affected: 38.

**H2085: STATE AGENCIES; EMPLOYEES; ORGANIZATIONAL RIGHTS**

Includes specific guidelines and requirements for employee groups seeking to become employee organizations, as well as replacing all occurrences of the term department with the new language, agency.

Primary Sponsor: Rep. Farley. Co-sponsor: Rep. Chabin.

Last Action: 1/15, referred to House Public Employees, Retirement and Entitlement Reform; Government; Appropriations.

ARS Title affected: 23.

**H2086: STATE EMPLOYEES; RIGHT TO REPRESENTATION**

State employees may request a representative at a work interview if the employee reasonably believes the interview could result in disciplinary action.

Primary Sponsor: Rep. Farley. Co-sponsor: Rep. Chabin.  
Last Action: 1/15, referred to House Public Employees, Retirement and Entitlement Reform;  
Government.  
ARS Title affected: 38.

**H2102: FINANCIAL INSTITUTION RECORDS; DISCLOSURE; NOTICE**  
Prohibits a financial institution from releasing any financial records to a government entity unless there is written consent from the customer or a subpoena for records or a search warrant requesting the records. Allows the customer to file a motion to quash the subpoena.

Primary Sponsor: Rep. Crump. Co-sponsors: Rep. Barto, Rep. Burges, Rep. Crandall, Rep. Farley, Rep. Gowan, Rep. Kavanagh, Rep. Lesko, Rep. Meza, Rep. Miranda, Rep. Stevens, Rep. Tobin, Rep. Jerry Weiers.  
Last Action: 1/20, referred to House Banking and Insurance.  
ARS Title affected: 6.

**H2106: PROHIBIT PHOTO RADAR; STATE HIGHWAYS**  
Prohibits a state or local authority from using photo enforcement systems to detect speeding violations on state highways. Requires the local authority maintaining jurisdiction over state highways is responsible for ownership, operation and maintenance of that portion. See SB1355; SB1364; HB2342; HB2494.

Primary Sponsor: Rep. Crump. Co-sponsors: Rep. Ableser, Rep. Burges, Rep. Chad Campbell, Rep. Crandall, Rep. Gowan, Rep. McLain, Rep. Miranda, Rep. Nichols, Rep. Seel, Rep. Stevens, Rep. Tobin.  
Last Action: 3/31, from House rules, okay on re-referral.  
ARS Titles affected: 28, 41.

**H2124: PREEMPTION; COMMERCIAL LEASE; CITIES (PHOTO ENFORCEMENT; ALLOWABLE USES)**  
Striker: will preempt cities from taxing certain commercial leases. Requires that 80 percent of the shares of each corporation, involved in the commercial lease, are owned by the same shareholders. Original language: prescribes that a *photo enforcement system* may only be used for detecting violations relating to traffic signs, signals and markers and excessive speeds.

Primary Sponsor: Rep. Biggs.  
Last Action: 6/25, passed from Senate Finance.  
ARS Titles affected: 9, 42.

**H2125: NONPROFIT CLUBS; PERMISSIBLE RAFFLES**  
Adds booster clubs, civic clubs, and political committees and clubs to the list of organizations permitted to conduct raffles, under regulations stipulating nonprofit purposes, no direct or indirect financial benefit for members, and that members not participate in raffle facilitation.

Primary Sponsor: Rep. Lesko. Co-sponsors: Rep. Antenori, Rep. Ash, Rep. Barnes, Rep. Barto, Rep. Burges, Rep. Chabin, Rep. Court, Rep. Crandall, Rep. Crump, Rep. Driggs, Rep. Farley, Rep. Gowan, Rep. Hendrix, Rep. Kavanagh, Rep. Murphy, Rep. Pratt, Rep. Quelland, Rep. Reagan, Rep. Seel, Rep. Stevens, Rep. Tobin.  
Last Action: 6/25, passed from Senate Government Institutions.  
ARS Title affected: 13.

**H2127: LEGISLATORS; VOTING REQUIRED; SALARY LOSS**

States that if a member of the Legislature fails to vote on a roll call vote of a bill, memorial, or resolution on third read or final passage, they must forfeit their legislative subsistence in an amount equal to the legislative salary for one day.

Primary Sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Antenori, Rep. Burges, Rep. Crump, Rep. Gowan, Rep. Jones, Rep. Lesko, Rep. McLain, Rep. Montenegro, Rep. Quelland, Rep. Seel, Rep. Stevens.

Last Action: 6/30, failed House COW.

ARS Title affected: 41.

**H2131: PHOTO ENFORCEMENT WARNING SIGNS**

Requires warning of photo enforcement zones in the form of alternately flashing white strobe lights, in addition to the currently mandated signs. See SB1347; SB1460.

Primary Sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Gowan, Rep. Stevens.

Last Action: 1/20, referred to House Transportation and Infrastructure.

ARS Title affected: 28.

**H2134: PRISON CONTRABAND; WIRELESS COMMUNICATION DEVICE**

Adds wireless communication devices to the list of prison contraband items prohibited for inmates.

Primary Sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Antenori, Rep. Ash, Rep. Fleming, Rep. Gowan, Rep. McLain, Rep. Stevens, Sen. Burton Cahill, Sen. L. Gray, Sen. Huppenthal, Sen. Rios, Sen. Tibshraeny.

Last Action: 6/18, referred to Senate Judiciary.

ARS Title affected: 13.

**H2138: GRAFFITI IMPLEMENTS; UNLAWFUL POSSESSION; MINORS**

Specifies that minors not under supervision of a parent, legal guardian, teacher or other legally responsible adult is guilty of a class 3 misdemeanor if they possess a graffiti implement, which includes aerosol or pressurized paint containers and etching tools or solutions.

Primary Sponsor: Rep. Chad Campbell. Co-sponsors: Rep. Cloves Campbell, Rep. Crump, Rep. Driggs, Rep. McGuire, Rep. Meyer, Rep. Sinema, Rep. Waters.

Last Action: 2/19, from House Judiciary, amended.

ARS Title affected: 13.

**H2140: HOMICIDE VICTIMS MEMORIAL**

Permits the Arizona Department of Administration the authority to erect a memorial to homicide victims in Wesley Bolin Plaza, under the conditions that costs are undertaken by advocates and state approved procedures are followed.

Primary Sponsor: Rep. Chad Campbell. Co-sponsors: Rep. Crump, Rep. Driggs, Rep. Kavanagh, Rep. Meyer, Rep. Schapira, Rep. Waters, Rep. Jerry Weiers.

Last Action: 6/16, referred to Senate Government Institutions.

ARS Title affected: 41.

**H2148: HUMAN TRAFFICKING; VIOLATION**

Makes unlawful the trafficking of minors with knowledge that the minor will engage in any form of prostitution; also unlawful is the trafficking of adults with knowledge that the individual will engage in prostitution by coercion, deception or force. Includes definitions of terminology including trafficking, coercion and force. See SB 1281.

Primary Sponsor: Rep. Sinema. Co-sponsors: Rep. Barto, Rep. Chad Campbell, Rep. Driggs, Rep. Farley, Rep. Kavanagh, Rep. Lujan, Rep. Meyer, Rep. Reagan, Rep. Tobin, Rep. Waters, Sen. Paton.  
Last Action: 3/16, from House Judiciary with corrected amendment #4157.  
ARS Title affected: 13.

**H2149: DROP HOUSES; FORGERY; HUMAN SMUGGLING**

Regarding forgery, in cases where the forged instrument is used in connection with a property that is used to facilitate smuggling, the penalty shall be increased from a class 4 to a class 3 felony. Included is a definition of “property, real property or services that facilitate a transportation.”

Primary Sponsor: Rep. Sinema. Co-sponsors: Rep. Barto, Rep. Chad Campbell, Rep. Farley, Rep. Kavanagh, Rep. Lujan, Rep. Meyer, Rep. Reagan, Rep. Waters, Sen. Paton.  
Last Action: 1/20, referred to House Judiciary.  
ARS Title affected: 13.

**H2150: ANIMALS; FIGHTING**

Expands current statutes prohibiting dog fighting to include all animals, with the exception of animals trained to protect livestock from predators.. Criminalizes the knowledge of ownership, possession and training of animals for the purpose of fighting. See SB1115.

Primary Sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Barto, Rep. Chad Campbell, Rep. Driggs, Rep. Farley, Rep. Lujan, Rep. Pancrazi, Sen. Paton.  
Last Action: 2/19, from House Judiciary, amended.  
ARS Title affected: 13.

**H2151: HUMAN TRAFFICKING COORDINATING COUNCIL**

Calls for the creation of a council to deal with human trafficking issues; proscribes membership positions and duties.

Primary Sponsor: Rep. Sinema. Co-sponsors: Rep. Chad Campbell, Rep. Farley, Rep. Lujan, Rep. Meyer, Rep. Waters, Sen. Paton.  
Last Action: 1/20, referred to House Government; Judiciary.  
ARS Title affected: 41.

**H2152: HUMAN TRAFFICKING; LIABILITY; VICTIM SERVICES**

States that a person who commits an offense involving human trafficking is civilly liable to the victim for actual damages, compensatory damages or punitive damages and is subject to injunctive relief or any other appropriate relief.

Primary Sponsor: Rep. Sinema. Co-sponsors: Rep. Chad Campbell, Rep. Farley, Rep. Meyer, Rep. Waters.  
Last Action: 1/20, referred to House Judiciary.  
ARS Titles affected: 12, 36, 46.

**H2153: JUVENILES; INTERROGATIONS; ELECTRONIC RECORDING**

Requires the electronic recording in its entirety all oral, written or sign language statements made by an accused juvenile for all custodial interrogations in places of detention.

Primary Sponsor: Rep. Sinema. Co-sponsors: Rep. Chad Campbell, Rep. Farley, Rep. Lujan.  
Last Action: 1/20, referred to House Judiciary; Military Affairs and Public Safety; Health and Human Services.  
ARS Title affected: 8.

**H2154: HOMICIDE INTERROGATIONS; ELECTRONIC RECORDING**

Requires the electronic recording in its entirety of all oral, written or sign language statements during the custodial interrogation of defendants held on homicide charges. Electronic evidence is confidential and must be retained through conviction of the accused.

Primary Sponsor: Rep. Sinema. Co-sponsor: Rep. Chad Campbell.

Last Action: 1/20, referred to House Judiciary; Military Affairs and Public Safety.

ARS Title affected: 13.

**H2168: PHOTO ENFORCEMENT; HIGHWAYS; DPS STUDY**

Requires the Department of Public Safety and the Department of Transportation to carry out an evaluation of the need for photo enforcement systems to ensure public safety on Arizona highways. As well, it is mandated that upon conclusions, if unnecessary, all photo enforcement systems be removed.

Primary Sponsor: Rep. Biggs.

Last Action: 3/31, from House Rules, okay. Stricken from House consent calendar by Farley.

ARS Title affected: 41.

**H2170: TRAFFIC TICKETS; COMPLAINTS; PHOTO ENFORCEMENT**

Exempts the court from transmitting information to the MVD if the individual, who has been found responsible for a civil traffic violation, was detected by the SPES. Mandates that a civil traffic violation case is commenced when a uniform traffic ticket and complaint have been issued and filed. Requires cases to be filed within 90 days if the alleged violation was detected by the SPES.

Primary Sponsor: Rep. Biggs.

Last Action: 3/31, passed from House Rules.

ARS Titles affected: 28, 41.

**H2171: FIREARMS; RESTAURANTS**

Allows for the possession of a firearm on the premises of a restaurant if the establishment receives more than half of its gross revenue from food sales. See SB1113; SB1270.

Primary Sponsor: Rep. Antenori. Co-sponsors: Rep. Burges, Rep. Gowan, Rep. Montenegro, Rep. Stevens.

Last Action: 6/22, retained on House COW calendar.

ARS Title affected: 4.

**H2179: CRIME REDUCTION PERFORMANCE FUNDING**

Required the Joint Legislative Budget Committee to use the Department of Corrections' marginal operating per capita cost for total state operated facilities (rather than cost for contracted private beds) when calculating costs that were avoided by reducing the percentage of people on supervised probation H2179 would not allow appropriations made to county probation services based on the avoided costs to reduce funds appropriated to ADC in FY2010-2011, but may reduce appropriations to ADC in the future by an amount proportionate to the growth in the prison population.

Primary Sponsor: Rep. Konopnicki.

Last Action: 1/20, referred to House Military Affairs and Public Safety; Appropriations.

ARS Title affected: 12.

**H2182: RESTORATION; RIGHTS; JUDICIAL OFFICERS; FEE**

Changes civil rights restoration authority from the presiding judge, discharging judge, and/or sentencing judge to the judicial officer as designated by each county's presiding judge. Additionally, an application for restoration of civil rights fee is attached to be used for crime prevention and law enforcement.

Primary Sponsor: Rep. Konopnicki.  
Last Action: 1/22, referred to House Judiciary.  
ARS Titles affected: 12, 13.

**H2189: PRISONERS; MEDICAL PAROLE**

Precludes life-sentenced and death-sentenced inmates from receiving parole. Allows the Board of Executive Clemency to release an inmate on medical parole under specific circumstances and conditions, provided that a licensed doctor has diagnosed the inmate as suffering from an incapacitating physical condition.

Primary Sponsor: Rep. Lopes. Co-sponsor: Rep. Court.  
Last Action: 1/20, referred to House Military Affairs and Public Safety; Judiciary.  
ARS Title affected: 31.

**H2190: NUISANCE ABATEMENT; ENTRY ON PREMISES**

Allows for a warrant to be issued immediately for a peace officer and a member of the department to begin removal of the environmental nuisance if entry to the property is denied. Specifies that any member of the board or officer of an environmental health department may make a complaint to an administrative law judge, if the Office of Administrative Hearings has a contract with the political subdivision that employs the complainant. Adds *source of filth* and *cause of sickness* as reasons for county or city health and environment departments to enter a property.

Primary Sponsor: Rep. Barnes.  
Last Action: 6/16, referred to Senate Natural Resources, Infrastructure, and Public Debt.  
ARS Title affected: 49.

**H2191: CELLULAR TELEPHONES; USE WHILE DRIVING**

A person who operates a motor vehicle on a highway shall not use a cellular telephone to engage in a call while the motor vehicle is in motion unless the cellular telephone is equipped with a hands-free device. See SB 1443.

Primary Sponsor: Rep. Farley. Co-sponsors: Rep. Chabin, Rep. Quelland, Rep. Waters.  
Last Action: 1/20, referred to House Transportation Infrastructure; Military Affairs and Public Safety; Judiciary  
ARS Title affected: 28.

**H2196: DEATH SENTENCES; MORATORIUM**

Removes the death penalty as a sentencing option for first degree murder convicts. Monies saved as a result shall be appropriated to the Arizona Criminal Justice Commission to be distributed to local law enforcement agencies for use in cold case investigations. The moratorium will cease on January 1, 2025, when further analysis can be done.

Primary Sponsor: Rep. Bradley.  
Last Action: 1/20, referred to House Judiciary.  
ARS Title affected: 13.

**H2200: WORKERS' COMP; CONTROLLED SUBSTANCES**

Requires physicians to include information pertaining to the use of off-label use of a narcotic, opium-based controlled substance or schedule II controlled substance by a claimant in a report required under commission rule. Explains that the report may include the justification for the use of the controlled substance, a treatment plan that the physician will implement to monitor and prevent the development of abuse, dependence, addiction, or diversion by the employee. Defines *off-label* use.

Primary Sponsor: Rep. McLain. Co-sponsors: Rep. Jones, Rep. Reagan.

Last Action: 6/16, referred to Senate Commerce and Economic Development.

ARS Title affected: 23.

**H2212: RESIDENCY RESTRICTIONS; CRIMINAL CONVICTIONS**

Adds public athletic fields, public playground, public swimming pools, public recreational facilities, and public parks to the list of prohibited residencies, by which registered level 3 sex offenders must live outside 1,000 feet. Does not apply retroactively and does not apply to registered offenders residing near these locations before construction of such public recreation sites.

Primary Sponsor: Rep. Miranda.

Last Action: 3/5, held in House Judiciary.

ARS Title affected: 13.

**H2228: DISCRIMINATION; ENFORCEMENT; DAMAGES**

Increases the statute of limitations in employment discrimination suits from one year to two years. Allows for increased compensation for recovering parties, if conditions are met.

Primary Sponsor: Rep. Ableser.

Last Action: 1/22, referred to House Judiciary; Commerce.

ARS Title affected: 41.

**H2238: AHCCCS; DES; FRAUD REDUCTION**

Allows the Arizona Health Care Cost Containment System (AHCCCS) and the Department of Economic Security (DES) to contract with private entities for fraud reduction technology to verify that applicants and enrolled members meet eligibility requirements, if after a pilot project, it is determined that savings generated by the fraud reduction technology are significant.

Primary Sponsor: Rep. Seel. Co-sponsors: Rep. Antenori, Rep. Barto, Rep. Burges, Rep. Crump, Rep. Gowan, Rep. Jones, Rep. Kavanagh, Rep. Lesko, Rep. Montenegro, Rep. Quelland, Rep. Stevens, Rep. Jerry Weiers, Sen. S. Allen, Sen. Gorman, Sen. Gould, Sen. L. Gray, Sen. Harper, Sen. Melvin, Sen. Pearce, Sen. Verschoor.

Last Action: 6/29, referred to Senate Rules.

ARS Titles affected: 36, 41.

**H2240: RULE-MAKING; STATE AGENCIES; MORATORIUM**

Disallows any state agency from implementation of any rules that will increase costs to other state agencies, political subdivisions or citizens.

Primary Sponsor: Rep. Tobin.

Last Action: 6/8, referred to Senate Government Institutions.

ARS Title affected: 41.

**H2257: STOPPING OF VEHICLES; HIGHWAYS**

Stipulates the conditions under which a local jurisdiction may allow public transportation vehicles to park on a roadway that maintains a speed limit over 45 miles per hour.

Primary Sponsor: Rep. Williams. Co-sponsors: Rep. Antenori, Rep. Biggs, Rep. Young Wright, Sen. Melvin, Sen. Paton, Sen. Pierce.

Last Action: 6/29, referred to Senate Rules only.

ARS Title affected: 28.

**H2264: AGENCIES; FUND SOURCES; EXPENDITURES; REPORT**

Requires states agencies and the Governor's Office to create and submit monthly reports detailing all monetary sources, expenditures, and number of program participants for which monies are spent. An alternative to such requirement includes daily postings of this information on the agency's official web site.

Primary Sponsor: Rep. Crump. Co-sponsor: Rep. Murphy.

Last Action: 6/24, passed from Senate Appropriations.

ARS Title affected: 35.

**H2268: BUDGET INFO; LOCAL GOVERNMENTS, SCHOOLS (~~COUNTY AND MUNICIPAL BUDGETS~~)**

Requires each county, city and town to publish and post on their official web sites the estimates, or a summary of the estimates, of revenues and expenses including the total estimated revenues and expenditures by fund type.

Primary Sponsor: Rep. Crump. Co-sponsors: Rep. Jones, Sen. L. Gray.

Last Action: 6/25, from Senate Education with amendment #4820.

ARS Titles affected: 9, 11, 42.

**H2279: STATE DEBT; EXPENDITURES; REPORT**

Adds to the duties of the JLBC the responsibility of analyzing the state debt including financing, taxes, expenditures, and repayment options, as received from the Department of Revenue.

Primary Sponsor: Rep. Kavanagh. Co-sponsors: Rep. Antenori, Rep. Barnes, Rep. Barto, Rep. Boone, Rep. Burges, Rep. Court, Rep. Crump, Rep. Driggs, Rep. Gowan, Rep. Lesko, Rep. McLain, Rep. Murphy, Rep. Nichols, Rep. Pratt, Rep. Reagan, Rep. Seel, Rep. Stevens, Rep. Williams.

Last Action: 6/24, passed from Senate Appropriations.

ARS Titles affected: 35, 41.

**H2280: ILLEGAL ALIENS; TRESPASSING; ENFORCEMENT (~~STATE BUDGET; REVENUES; EXPENDITURES; REPORT~~)**

Striker: requires officials and agencies of the state, counties, cities and towns to fully comply with and assist in the enforcement of federal immigration laws and makes trespassing by illegal aliens a crime. Restricts any official or agency of the state or any county, city or town in the state from adopting policies that limit immigration enforcement, as permitted by Federal law. Original language: requires the Governor and the Legislature to annually publish a statement indicating whether or not the total amount of state revenues appropriated for expenditure in the next fiscal year will or will not exceed the amount of state revenues appropriated for the current fiscal year, adjusted for changes in population and cost of living. Other provisions. See SB1159; SCR1010

Primary Sponsor: Rep. Kavanagh. Co-sponsors: Rep. Antenori, Rep. Barnes, Rep. Barto, Rep. Bone, Rep. Burges, Rep. Court, Rep. Crandall, Rep. Crump, Rep. Driggs, Rep. Gowan, Rep. Lesko, Rep. McLain, Rep. Murphy, Rep. Nichols, Rep. Pratt, Rep. Reagan, Rep. Seel, Rep. Stevens, Rep. Williams.

Last Action: Failed to pass House on final reading.

ARS Titles affected: 9, 11, 13.

**H2282: EQUINE TRIPPING; VIOLATION**

Stipulates that the behavior of purposefully tripping an equine for entertainment is classified as a class 1 misdemeanor, resulting in a minimum of 48 hours in jail and minimum fine amounts of \$1,000. Second and third offenses increase required jail time and fine amounts. See SB 1279.

Primary Sponsor: Rep. Sinema. Co-sponsors: Rep. Ableser, Rep. Barto, Rep. Biggs, Rep. brown, Rep. Chad Campbell, Rep. Driggs, Rep. Farley, Rep. Fleming, Rep. Kavanagh, Rep. Lujan, Rep. Meyer, Rep. Pancrazi, Rep. Tobin, Sen. Aguirre, Sen. McCune Davis, Sen. Paton.

Last Action: 2/19, from House Judiciary, do pass.

ARS Title affected: 13.

**H2298: SCHOOLS; HARASSMENT; BULLYING; PROTECTED CLASSES**

Procedures that protect pupils from harassment, intimidation or bullying based on a pupil's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, gender expression, religion or any other characteristic determined by the governing board.

Primary Sponsor: Rep. Schapira.

Last Action: 1/20, referred to House Education; Judiciary.

ARS Title affected: 15.

**H2299: SMOKING IN VEHICLE WITH MINORS**

A person shall not smoke in a motor vehicle if a person under sixteen years of age is in the motor vehicle. If a law enforcement officer stops a motor vehicle for an apparent violation of this section, the officer shall determine whether anyone in the motor vehicle is less than sixteen years of age. For a first violation, a person is subject to a civil penalty of at least fifty dollars for each person who is under sixteen years of age and who is in the motor vehicle. For each subsequent violation, the civil penalty shall be increased by fifty dollars for each person who is under sixteen years of age and who is in the motor vehicle.

Primary Sponsor: Rep. Schapira.

Last Action: 1/22, referred to House Transportation and Infrastructure; Health and Human Services.

ARS Title affected: 28.

**H2302: LIQUOR LICENSES; DISTANCE RESTRICTION; WAIVER**

Allows a bar or beer and wine bar to locate within 100 feet of a school, church or playground if the business locates in a central business district.

Primary Sponsor: Rep. Reagan.

Last Action: 6/27, failed Senate COW.

ARS Title affected: 4.

**H2303: CONSUMER FRAUD; UNLAWFUL PRACTICES**

A willful violation occurs when a natural person committing consumer fraud knew or should have known that his conduct was of the nature prohibited by section 44-1522. The provisions of this article

are in addition to all other causes of action, remedies and penalties available to this state, except that no additional, subsequent civil penalties are available to this state under this article if this state has already imposed civil penalties pursuant to another law for the same act or practice. Grants attorney general authority in providing injunctive relief or restitution.

Primary Sponsor: Rep. Reagan.  
Last Action: 2/11, held in House Commerce.  
ARS Title affected: 44.

**H2313: PROCESS SERVERS; CRIMINAL LIABILITY**

Registered private process servers who are executing official duties are exempt from criminal trespass liabilities. If attacked while performing duties, assault is considered aggravated.

Primary Sponsor: Rep. Driggs. Co-sponsors: Rep. Barto, Rep. Crandall.  
Last Action: 6/22, held in Senate Judiciary.  
ARS Title affected: 13

**H2316: SENTENCING; DRUGS; SECOND DEGREE MURDER (~~SENTENCING;~~  
~~SECOND DEGREE MURDER~~)**

An emergency measure that changes, from years to calendar years, the minimum, presumptive and maximum sentences for a person convicted of specified drug offenses involving methamphetamine and second degree murder.

Primary Sponsor: Rep. Driggs. Co-sponsors: Rep. Barto, Rep. Crandall, Rep. Crump, Rep. Goodale, Rep. Murphy, Sen. L. Gray.  
Last Action: 6/23, passed from Senate Judiciary.  
ARS Title affected: 13.

**H2319: HOMICIDE; SPECIAL SENTENCING PROVISIONS**

Causing death by way of driving under the influence is included in the definition of manslaughter. Sentencing for such offenses in which the vehicle operator has a blood alcohol concentration of .20 or more requires a strict five-year penalty in addition to the presumptive statutory mandate.

Primary Sponsor: Rep. Driggs.  
Last Action: 1/26, referred to House Judiciary; Transportation and Infrastructure.  
ARS Title affected: 13.

**H2320: COMPETENCY; DURATION OF ORDER**

Changes the time limit on orders relating to custody competency restoration treatment from 21 to 24 months to the maximum possible sentence.

Primary Sponsor: Rep. Driggs.  
Last Action: 3/5, from House Judiciary, amended.  
ARS Title affected: 13.

**H2321: RESTITUTION; ECONOMIC LOSS DEFINITION**

Defines the term economic loss resulting from criminal offenses to include the future wage losses of the victim, as well as withdrawing language indicating that pain, suffering, and consequential damages are not included in economic loss.

Primary Sponsor: Rep. Driggs.  
Last Action: 1/26, referred to House Judiciary.  
ARS Title affected: 13.

**H2322: WRITS OF EXECUTION; NOTICE; SERVICE**

Allows the winning part of any court judgment to request the issuance of a writ of execution detailing the judgment.

Primary Sponsor: Rep. Driggs.  
Last Action: 1/26, referred to House Judiciary.  
ARS Title affected: 22.

**H2331: FEDERAL IMMIGRATION LAW; ENFORCEMENT**

Prohibits localities from creation of policies that will interfere in the lawful enforcement of federal immigration regulations and laws.

Primary Sponsor: Rep Boone. Co-sponsor: Rep. Crump.  
Last Action: 6/17, withdrawn from Senate Judiciary and referred to Public Safety and Human Services.  
ARS Titles affected: 9, 11.

**H2342: PHOTO ENFORCEMENT; URBAN SPEED LIMITS**

Repeals DPS's authority to enter into contracts for a state photo enforcement system. A photo enforcement system may only be used by local authorities on local roadways that are not state highways. Increases interstate highway speed limits to 65 miles per hour, or—at the discretion of the Director of the Department of Transportation—75 miles per hour. See SB1355; SB1364; HB2106; HB2494

Primary Sponsor: Rep. Mason.  
Last Action: 1/26, referred to House Transportation and Infrastructure.  
ARS Titles affected: 28, 41.

**H2343: TRAFFIC ENFORCEMENTS; NEAREST LIGHTED AREA**

If a peace officer pursues a driver of a motor vehicle that is on a rural and unlighted road and the purpose of the pursuit is to investigate or issue a citation for a minor traffic violation, the officer shall communicate to the driver of the motor vehicle that:

1. The driver is being investigated for a traffic violation and may proceed at a reduced speed to the nearest lighted road or lighted area.
2. The driver may request the presence of a second peace officer before any further contact is made with the driver.

Primary Sponsor: Rep. Mason. Co-sponsors: Rep. Barto, Rep. Boone, Rep. Jones.  
Last Action: 1/26, referred to House Transportation and Infrastructure; Military Affairs and Public Safety.  
ARS Title affected: 28.

**H2347: INCAPACITATED OR VULNERABLE ADULTS; SENTENCING**

Stipulates that an offender who is convicted of a dangerous crime against an incapacitated or vulnerable adult must serve their confinement sentence in full, and remains ineligible for suspension of sentence, early release and probation options.

Primary Sponsor: Rep. Mason. Co-sponsors: Rep. Goodale, Rep. Jones.  
Last Action: 1/27, referred to House Judiciary.  
ARS Title affected: 13.

**H2348: DANGEROUS CRIMES AGAINST CHILDREN; SENTENCING**  
Increases the minimum sentence for dangerous crimes against children including more severe sentences for those offenses committed against a children 12 and younger. First degree murder offenses perpetrated against victims 12 years or younger are considered aggravated if they include a sexual offense or violation of obscenity statutes.

Primary Sponsor: Rep. Mason. Co-sponsors: Rep. Goodale, Rep. Jones.  
Last Action: 1/27, referred to House Judiciary.  
ARS Title affected: 13.

**H2374: CHILD PROTECTIVE SERVICES WORKERS**  
Exempts employees of Child Protective Services from state merit and personnel rules.

Primary Sponsor: Rep. Murphy. Co-sponsors: Rep. Antenori, Rep. Crump.  
Last Action: 3/4, from House Health and Human Services, amended.  
ARS Title affected: 8.

**H2380: PERSONAL INFO; INTERNET; ELIGIBLE PERSONS**  
Changes the prohibition for knowingly publishing the personal information of specified public servants on the Internet by requiring eligible persons to provide a written demand stating that their personal information should not be made available on the Internet.

Primary Sponsor: Rep. Jerry Weiers. Co-sponsors: Rep. Barnes, Rep. Crump, Rep. Gowan, Rep. Kavanagh, Rep. Reagan, Rep. Seel, Rep. Stevens, Rep. Waters.  
Last Action: 6/16, retained on House COW calendar.  
ARS Title affected: 13.

**H2382: TRAFFIC VIOLATIONS; FEES; COURT RETENTION**  
All fees and fines ordered and collected by the courts must be retained by the court rather than contributing to the county or city where the court operates. An exception is made for fines resulting from violations of state highway work zone safety laws.

Primary Sponsor: Rep. Crump. Co-sponsors: Rep. Ash, Rep. Burges, Rep. Gowan, Rep. Jerry Weiers.  
Last Action: 2/18, House Military Affairs and Public Study, held.  
ARS Title affected: 28.

**H2386: FIREARMS; PROHIBITION; POSTSECONDARY INSTITUTIONS**  
Prohibits the carrying of a weapon without a permit on postsecondary educational campuses. Violations are classified as a class 6 felony.

Primary Sponsor: Rep. Ableser.  
Last Action: 2/5, referred to House Judiciary.  
ARS Title affected: 13.

**H2387: UNLAWFUL HAZING; SCHOOLS**

Prohibits hazing by all students, staff and volunteers of education institutions.

Primary Sponsor: Rep. Ableser. Co-sponsor: Rep. Schapira.

Last Action: 2/5, referred to House Judiciary; Education.

ARS Title affected: 13.

**H2390: ESCORT VEHICLES; TRAINING**

Requires escort vehicle operators to receive training and certification before being employed into services. Mandates escort vehicle operators to have a minimum of four hours of training in certified traffic control techniques. States that certification from another state is permitted, if that other state recognizes Arizona's training and certification.

Primary Sponsor: Rep. Biggs.

Last Action: 6/10, referred to Senate Natural Resources, Infrastructure, and Public Debt.

ARS Title affected: 28.

**H2402: SCHOOLS; CONTRACTORS; FINGERPRINTING; CRIMES**

Allows school districts to cease and/or refuse contractual work if the person, contractor, subcontractor or vendor has been involved with or admitted to any criminal offense that would prevent receipt of a fingerprint clearance card. With the exception for intentional misconduct, school districts and employees are not civilly liable for these actions.

Primary Sponsor: Rep. Biggs.

Last Action: 2/5, referred to House Education; Judiciary.

ARS Title affected: 28.

**H2418: CONCEALED WEAPONS; FEDERAL FIREARMS LICENSEE**

Allows those who have earned a valid federal firearms license to be exempt from completing the local firearms safety training program for a concealed weapons permit.

Primary Sponsors: Rep. Gowan. Co-sponsors: Rep. Antenori Rep. Ash, Rep. Boone, Rep. Driggs, Rep. Montenegro, Rep. Pratt, Rep. Seel, Rep. Stevens, Rep. Tobin, Rep. Jerry Weiers, Sen. L. Gray, Sen. Harper, Sen. Melvin.

Last Action: 2/5, referred to House Judiciary.

ARS Title affected: 13.

**H2420: FIREARMS; MISCONDUCT; VEHICLES**

Permits the carrying of a weapon inside a closed purse in a vehicle in situations where the carrier has a valid concealed weapons permit.

Primary Sponsor: Rep. McGuire. Co-sponsors: Rep. Barnes, Rep. Barto, Rep. Burges, Rep. Fleming, Rep. Gowan, Rep. Kavanagh, Rep. Nichols, Rep. Pratt, Rep. Stevens, Sen. S. Allen, Sen. Alvarez, Sen. L. Gray, Sen. Pearce, Sen. Pierce.

Last Action: 2/5, referred to House Judiciary.

ARS Title affected: 13.

**H2424: ILLEGAL DUMPING; PENALTIES**

Increases the penalty for illegal dumping, adding a \$1,800 civil penalty. Criminal littering or polluting is decreased from a class 6 felony to a class 1 misdemeanor if the littered amount is less than 300 pounds or less than 100 cubic feet.

Primary Sponsor: Rep. McGuire. Co-sponsors: Rep. Barnes, Rep. Barto, Rep. Garcia, Rep. Patterson, Rep. Pratt, Sen. S. Allen, Sen. Miranda, Sen. Rios.  
Last Action: 6/26, from Senate Rules, okay.  
ARS Titles affected: 9, 11, 13.

**H2431: VIOIOUS ANIMAL ASSAULT; CLASSIFICATION**

Stipulates that any person who intentionally causes a dog to harm another human is guilty of a class 3 felony.

Primary Sponsor: Rep. Montenegro. Co-sponsors: Rep. Antenori, Rep. Driggs, Rep. Gowan.  
Last Action: 5/6, House COW approved, amended.  
ARS Title affected: 13.

**H2439: CONCEALED WEAPONS PERMIT; SAFETY COURSE**

Provides that a person who meets specified requirements may obtain a concealed weapons permit (CCW) without attending the regularly required firearms safety training.

Primary Sponsor: Rep. Kavanagh. Co-sponsors: Rep. Ash, Rep. Barnes, Rep. Biggs, Rep. Burges, Rep. Court, Rep. Crump, Rep. Gowan, Rep. McGuire, Rep. McLain, Rep. Montenegro, Rep. Murphy, Rep. Quelland, Rep. Seel, Rep. Williams, Sen. S. Allen, Sen. Alvarez, Sen. Gould, Sen. C. Gray, Sen. Harper, Sen. Nelson, Sen. Verschoor.  
Last Action: 7/1, passed Senate 18-5. House concurred in Senate amendments and FAILED to pass on final reading 30-10.  
ARS Title affected: 13.

**H2460: MENTAL HEALTH SERVICES; COURT COSTS**

Exempts counties from being responsible for costs associated with court-ordered evaluations in cases when the individual undergoing a court-ordered evaluation qualifies for health or medical benefits.

Primary Sponsor: Rep. Goodale. Co-sponsors: Rep. Ableser, Rep. Barto, Rep. Fleming, Rep. Hendrix, Rep. Mason, Rep. McLain, Rep. Pancrazi, Rep. Tobin, Sen. Aboud, Sen. Aguirre, Sen. C. Allen, Sen. Alvarez, Sen. Pierce.  
Last Action: 6/9, retained on House COW calendar.  
ARS Title affected: 36.

**H2469: AGGRESSIVE DOGS; MUZZLES**

An aggressive dog shall be securely muzzled in a manner that prevents the dog from biting or attacking a person or domestic animal at all times while the dog is off the owner's property. A person who violates this section is guilty of a class 1 misdemeanor. Defines *aggressive dog*.

Primary Sponsor: Rep. McGuire. Co-sponsors: Rep. Ableser, Rep. Barnes, Rep. Bradley, Rep. Brown, Rep. Cloves Campbell, Rep. Chad Campbell, Rep. Deschene, Rep. Garcia, Rep. Kavanagh, Rep. Lujan, Rep. Pancrazi, Rep. Schapira, Rep. Sinema, Sen. Lopez, Sen. Rios.  
Last Action: 2/5, referred to House Judiciary.  
ARS Title affected: 11.

**H2474: FIREARMS; STORAGE; MOTOR VEHICLES**

Prevents property owners, tenants, employers and businesses from prohibiting the storage or transport of lawfully possessed firearms in locked and privately owned vehicles parked in a parking lot, parking garage, or other designated parking area. See SB1168.

Primary Sponsor: Rep. Kavanagh. Co-sponsors: Rep. Antenori, Rep. Quelland, Sen. Melvin, Sen. Pierce.

Last Action: 6/26, from Senate Rules with a technical amendment.

ARS Title affected: 13.

**H2478: VICTIM'S RIGHTS; STATEMENT OF RIGHTS**

Provides that a statement pertaining to the victim's constitutional rights shall be posted in English and Spanish and read at the daily commencement of the regular criminal docket at which accused persons are arraigned.

Primary Sponsor: Rep. Meyer. Co-sponsors: Rep. Ash, Rep. Cloves Campbell, Rep. Chad Campbell, Rep. Driggs, Rep. Farley, Rep. Fleming, Rep. Schapira, Rep. Tovar, Rep. Waters.

Last Action: 2/12, referred to House Judiciary.

ARS Title affected: 13.

**H2484: MISCONDUCT INVOLVING WEAPONS; FRAUDULENT TRANSACTIONS**

It is unlawful for a person to knowingly falsify, conceal or misrepresent or attempt to falsify, conceal or misrepresent the identity of the buyer, receiver or other person on whose behalf the buyer is conducting the transaction in connection with a transaction involving the sale of a deadly weapon.

Primary Sponsor: Rep. Meyer. Co-sponsors: Rep. Ash, Rep. Cloves Campbell, Rep. Driggs, Rep. Farley, Rep. Fleming, Rep. Schapira, Rep. Tovar, Rep. Waters.

Last Action: 2/19, referred to House Judiciary.

ARS Title affected: 13.

**H2485: ACCESS TO CHILD; NOTIFICATION**

A child's parent or custodian must immediately notify the other parent or custodian if the parent or custodian knows that a convicted or registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child.

Primary Sponsor: Rep. Lujan. Co-sponsor: Sen. L. Gray.

Last Action: 2/10, referred to House Military Affairs and Public Safety; Judiciary.

ARS Title affected: 25.

**H2493: HIGHWAYS; INCREASE SPEED LIMITS**

The speed limit for all types of motor vehicles is 65 miles per hour on the interstate system highways located outside of an urbanized area with a population of 50,000 or more persons and on any highway that has at least four lanes and a median separating the two directions of traffic

Primary Sponsor: Rep. Jim Weiers.

Last Action: 2/5, referred to House Rules only.

ARS Title affected: 28.

**H2494: PHOTO ENFORCEMENT; SPEED VIOLATIONS**

Photo enforcement system, including a state photo enforcement system established pursuant to section 41-1722, may only issue a complaint or notice of violation for a violation of this article if a person is driving at least 11 miles per hour over the posted speed limit. See SB1355; SB1364; HB2106; HB2342.

Primary Sponsor: Rep. Jim Weiers.  
Last Action: 2/5, referred to House Rules only.  
ARS Title affected: 28.

**H2496: UNAUTHORIZED ALIENS; LICENSING**

The attorney general or the county attorney may take evidence, administer oaths or affirmations, issue subpoenas requiring attendance and testimony of witnesses, cause depositions to be taken and require by subpoena *duces tecum* the production of books, papers and other documents for the enforcement of employers hiring illegal aliens. Suspends business licenses for offending parties. See SB1335.

Primary Sponsor: Rep. Seel. Co-sponsors: Rep. Crump, Rep. Montenegro, Rep. Stevens, Sen. Pearce.  
Last Action: 2/10, referred to House Commerce; Judiciary.  
ARS Titles affected: 23, 41.

**H2508: CENTRAL STATE REPOSITORY; CRIME INFORMATION**

Criminal offenses relating to gender identity or expression are included in the information accrued by the state repository of criminal information.

Primary Sponsor: Rep. Pancrazi. Co-sponsors: Rep. Ableser, Rep. Cajero Bedford, Rep. Jones, Rep. Meza, Rep. Schapira, Rep. Sinema, Sen. Aguirre.  
Last Action: 2/11, referred to House Military Affairs and Public Safety; Government.  
ARS Title affected: 41.

**H2509: INTERGOVERNMENTAL AGREEMENTS; SEPARATE LEGAL ENTITIES**

Modifies statutes relating to separate legal entities that manage intergovernmental agreements, allowing them to issue revenue bonds and generate and transmit electricity.

Primary Sponsor: Rep. Pratt. Co-sponsors: Rep. Brown, Rep. Burges, Rep. Mason, Sen. S. Allen, Sen. Rios.  
Last Action: 2/24, failed House Government.  
ARS Titles affected: 9, 11.

**H2519: PSEUDOEPHEDRINE PRODUCTS; PHARMACIES**

Only a pharmacy permittee or a nonprescription drug permittee shall offer for sale at retail pseudoephedrine products to the public. A pharmacy permittee or a nonprescription drug permittee must keep all products that contain pseudoephedrine behind a counter or in a locked facility that is inaccessible to customers without the assistance of the permittee or an employee of the permittee.

Primary Sponsor: Rep. Meyer. Co-sponsors: Rep. Ash, Rep. Barnes, Rep. Heinz, Rep. Konopnicki, Rep. Montenegro, Rep. Waters.  
Last Action: 2/12, referred to House Commerce; Appropriations.  
ARS Titles affected: 32, 36.

**H2520: SALVIA DIVINORUM; UNLAWFUL ACTS**

It is unlawful for a person to sell, dispense, distribute, furnish, administer or give or offer to sell, dispense, distribute, furnish, administer or give salvia divinorum to a person who is under 21 years of age. Violators of this section are subject to a class 2 misdemeanor.

Primary Sponsor: Rep. Meyer. Co-sponsors: Rep. Ash, Rep. Barnes, Rep. Crandall, Rep. Driggs, Rep. Heinz, Rep. Montenegro, Rep. Reagan, Rep. Waters.

Last Action: 2/12, referred to House Judiciary.  
ARS Title affected: 13.

**H2524: DRUG AND ALCOHOL TREATMENT DISTRICT**

Would create a statewide Drug and Alcohol Treatment District to provide drug and alcohol treatment programs through regional behavioral health authorities. The Board of Directors for DATD would be authorized to levy a \$3.50 per gallon tax on all alcohol.

Primary Sponsor: Rep. Chabin. Co-sponsors: Rep. Konopnicki, Sen. C. Allen, Sen. Hale.  
Last Action: 2/23, House Ways and Means, held.  
ARS Title affected: 48.

**H2531: DANGEROUS AND INCOMPETENT DEFENDANTS; COMMITMENT**

Within 30 days after a party requests a hearing pursuant to section 13-4517, the court shall conduct a hearing to determine if the defendant is dangerous and incompetent to stand trial. If the court finds that the defendant is dangerous and incompetent to stand trial the court shall commit the defendant to the department of health services for placement in a licensed facility under the supervision of the superintendent of the Arizona state hospital.

Primary Sponsor: Rep. Ash. Co-sponsor: Rep. Driggs.  
Last Action: 2/12, referred to House Judiciary.  
ARS Title affected: 13.

**H2533: UNLAWFUL ROADSIDE SOLICITATION OF EMPLOYMENT**

Specifies a class 3 misdemeanor to occupants of motor vehicles and persons whose activities block or impede traffic in an attempt to hire or be hired for work at a different location.

Primary Sponsor: Rep. Kavanagh.  
Last Action: 6/26, from Senate Retirement and Rural Development.  
ARS Title affected: 13.

**H2549: CRIMINAL STREET GANGS; SENTENCING**

A person who commits any felony or misdemeanor offense while the person is incarcerated in a jail or prison and who commits the offense to further, promote or assist a criminal street gang or security threat group shall be sentenced for the next higher class of offense than that for which the person is currently convicted, except if the offense is a class 2 felony. Defines *security threat group*.

Primary Sponsor: Rep. Chad Campbell. Co-sponsor: Rep. Lujan.  
Last Action: 2/19, referred to House Judiciary.  
ARS Titles affected: 13, 41.

**H2551: CRIMINAL DAMAGE; CLASSIFICATION**

Elevates the crime of *criminal damage* in an amount of \$250 or less to a class 1 misdemeanor.

Primary Sponsor: Rep. Tovar. Co-sponsors: Rep. Ash, Rep. Chad Campbell, Rep. Driggs, Rep. Konopnicki, Rep. Lujan, Rep. Meza, Rep. Schapira, Rep. Tobin, Rep. Young Wright.  
Last Action: 6/23, passed from Senate Judiciary.  
ARS Title affected: 13.

**H2552: SENTENCING; PROHIBITED POSSESSORS**

The use (or threatened use) or possession of a deadly weapon during the commission of the offense if at the time of the commission of the offense the defendant was a prohibited possessor as defined in section 13-3101 allows for sentencing enhancements to be applied.

Primary Sponsor: Rep. Tovar. Co-sponsors: Rep. Chad Campbell, Rep. Lujan, Rep. Meza, Rep. Schapira, Rep. Sinema, Rep. Young Wright.

Last Action: 2/19, referred to House Judiciary.

ARS Title affected: 13.

**H2556: AHCCCS; HEALTH INFORMATION EXCHANGES**

Notwithstanding any law to the contrary, if this state receives federal monetary assistance for implementation of health information exchanges and electronic health records technology, that assistance must be applied only to those programs administered by the Arizona health care cost containment system administration and must supplement and not supplant monies otherwise designated for those programs.

Primary Sponsor: Rep. Heinz.

Last Action: 2/19, referred to House Appropriations; Health and Human Services.

ARS Title affected: 41.

**H2567: FELONY CONVICTIONS; MANDATORY FINE**

Specifies that any person convicted of a felony must be sentenced to pay a fine of at least \$500 in addition to any other penalty provided by law.

Primary Sponsor: Rep. Driggs. Co-sponsors: Rep. Konopnicki, Rep. Mason, Rep. Meyer.

Last Action: 3/5, passed from House Judiciary.

ARS Title affected: 13.

**H2568: UNLAWFUL USE OF BUILDING; MARIJUANA**

Adds marijuana to the class of drugs to which unlawful uses of a building apply. Adds *production* of specified drugs to the class of unlawful uses of a building.

Primary Sponsor: Rep. Driggs.

Last Action: 6/19, referred to Senate Judiciary.

ARS Title affected: 13.

**H2574: ORDERS OF PROTECTION; MINORS**

An order of protection shall not be granted: Against the parent or guardian of a minor if the order specifically restrains the parent or guardian from contacting or being near the minor unless the order is granted by the superior court.

Primary Sponsor: Rep. Stevens. Co-sponsors: Rep. Ash, Rep. Fleming, Rep. Jones, Rep. Lesko, Rep. Montenegro, Rep. Pratt.

Last Action: 2/19, referred to House Health and Human Services; Judiciary.

ARS Title affected: 13.

**H2590: CELLULAR TELEPHONES; MINORS; DRIVING USE**

A person who is under 18 years of age and who operates a motor vehicle on a highway shall not use a cellular telephone to engage in a call while the motor vehicle is in motion unless the cellular telephone is equipped with a hands-free device.

Primary Sponsor: Rep. Garcia. Co-sponsors: Rep. Bradley, Rep. Miranda, Rep. Waters, Sen. Miranda.

Last Action: 2/19, referred to House Transportation and Infrastructure.

ARS Title affected: 28

**H2592: DRUG OFFENSES; PUBLIC PARKS; SENTENCING**

For offenses committed on the grounds of a public park or playground (or parking lot adjacent to said locations) the minimum and maximum sentences are to be increased by one year.

Primary Sponsor: Rep. Garcia. Co-sponsors: Rep. Ableser, Rep. Heinz, Rep. McGuire, Rep. Miranda, Rep. Stevens, Rep. Waters, Sen. Miranda.

Last Action: 2/19, referred to House Judiciary.

ARS Title affected: 13.

**H2607: SCHOOLS; DISRUPTION; INTERFERENCE; CONCEALED FIREARMS**

If a person has a valid permit for carrying a weapon on school grounds, the educational institution is prohibited from disallowing that permit.

Primary Sponsor: Rep. Biggs. Co-sponsors: Rep. Ash, Rep. Crump, Rep. Seel, Sen. S. Allen, Sen. Gould, Sen. Pearce.

Last Action: 2/17, referred to House Education; Judiciary.

ARS Title affected: 13.

**H2615: GOVERNMENT TRANSPARENCY; POLITICAL SUBDIVISIONS**

Requires cities, towns, county treasurers, school districts and community college districts to establish and maintain a receipts and expenditures public internet database. Restores the date when the Arizona Department of Administration (ADOA) is required to have established a public internet database of receipts and expenditures. See SB1142.

Primary sponsor: Rep. Montenegro. Co-sponsors: Rep. Goodale, Rep. Gowan, Rep. Stevens

Last action: 6/25, House voted to re-consider after failure to pass bill.

ARS Title Affected: 41

## **HOUSE MEMORIALS AND RESOLUTIONS**

A concurrent resolution is processed through both the 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.

### **HCM2009: OPPOSING FEDERAL FIREARMS LEGISLATION**

Encourages the United States Congress to oppose legislation impinging on the individual right of every American to keep and bear arms in any manner. Encourages the U.S. Congress to oppose the passage of Blair Holt's Firearm Licensing and Record of Sale Act of 2009, or any similar legislation, that would impinge on the individual right of every American to keep and bear arms in any manner. Requires the Arizona Secretary of State to transmit copies of this Memorial to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and each member of Congress from Arizona.

Primary Sponsor: Rep. Burges. Co-sponsors: Rep. Adams, Rep. Antenori, Rep. Ash, Rep. Barnes, Rep. Barto, Rep. Biggs, Rep. Boone, Rep. Brown, Rep. Court, Rep. Crandall, Rep. Crump, Rep. Driggs, Rep. Goodale, Rep. Gowan, Rep. Heinz, Rep. Hendrix, Rep. Jones, Rep. Kavanagh, Rep. Konopnicki, Rep. Lesko, Rep. Mason, Rep. McComish, Rep. McGuire, Rep. McLain, Rep. Miranda, Rep. Montenegro, Rep. Murphy, Rep. Nichols, Rep. Pancrazi, Rep. Patterson, Rep. Pratt, Rep. Quelland, Rep. Reagan, Rep. Seel, Rep. Stevens, Rep. Tobin, Rep. Jim Weiers, Rep. Jerry Weiers, Rep. Williams, Rep. Yarbrough, Sen. S. Allen, Sen. Alvarez, Sen. Gorman, Sen. Gould, Sen. L. Gray, Sen. C. Gray, Sen. Harper, Sen. Huppenthal, Sen. Leff, Sen. Melvin, Sen. Nelson, Sen. Pearce, Sen. Pierce, Sen. Tibshraeny, Sen. Verschoor, Sen. Waring.  
Last Action: 7/1, passed Senate 21-6; to Secretary of State.  
ARS Title affected: 99.

### **HCR2016: RETIREMENT AGE; JUSTICES AND JUDGES**

Subject to voter approval, increases the retirement age of judges and justices from 70 to 75.

Primary Sponsor: Rep Driggs. Co-sponsors: Rep. Barto, Rep. Crandall, Rep. Crump, Rep. Goodale.  
Last Action: 2/19, held in House Judiciary.  
ARS Title affected: 98.

### **HCR2028: VOTER-PROTECTED FUNDING; TEMPORARY DEFICIT SUSPENSION**

Referendum measure: If the respective budget offices of the governor and the legislature jointly issue a written finding that a budget deficit exists after the second quarter of a fiscal year, before enacting legislation establishing or increasing any tax or fee, the legislature may for that fiscal year appropriate or divert funds created or allocated by initiative or referendum.

Primary Sponsor: Rep. Biggs.  
No Actions  
ARS Title affected: 98.

## **HOUSE BILLS VETOED BY THE GOVERNOR**

### **H2258: CONSUMER FIREWORKS; NOVELTIES; SALES**

Allows a retail establishment to sell permissible consumer fireworks in compliance with the State Fire Marshal's adopted rules. Restricts the sale of permissible consumer fireworks to a person at least 16 years of age. Defines the terms *consumer firework*, *display firework* and *permissible consumer firework*.

Primary Sponsor: Rep. Biggs. Co-sponsors: Rep. Ableser, Rep. Quelland.  
Vetoed 7/13.

ARS Titles affected: 36, 41

### **H2369: FEDERAL MONIES; LEGISLATIVE APPROPRIATIONS**

Authorizes the legislature to appropriate non-custodial federal monies. Requires the legislature to designate a specific purpose when appropriating federal funds. States that if the legislature appropriates more federal monies than are received, the original appropriation shall be reduced and requires a proportionate reduction in the activities financed by these monies. Defines 'budget unit' and 'non-custodial federal monies.'

Primary Sponsor: Rep. Murphy.  
Vetoed 7/13.

ARS Title Affected: 35.