

**NOTICE OF PUBLIC MEETING
OF THE
LEGISLATIVE COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION
AND
AGENDA**

Pursuant to A.R.S § 38-431.02, notice is hereby given to the members of the **Legislative Committee** of the Arizona Criminal Justice Commission and to the general public that the **Legislative Committee** will hold a meeting open to the public on **Friday, November 4, 2016** beginning at **11:00 a.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

Agenda for the meeting is as follows:

I. Call to Order and Roll Call **Chairperson David Sanders**

Legislative Committee Members:

David Sanders, Chairperson
David Byers
K.C. Clark
Chris Gibbs
Drew John
Barbara LaWall
Frank Milstead
Danny Sharp

II. Minutes of the November 5, 2015 Meeting

- Approval of Minutes **P-F-T**

III. Legislative Proposals **Andy LeFevre**

- Review, discussion, consideration and possible action on support of proposed ACJC legislation. **P-F-T**

IV. Discussion of Role of Legislative Committee **Andy LeFevre**

- Committee members will discuss the role that the Legislative Committee will play in reviewing legislation introduced during the 2017 legislative session and recommending formal positions for the Commission.
- Information Only**

V. Call to the Public

Those wishing to address the Committee need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

VI. Date, Time, and Location of Next Meeting

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

VII. Adjournment

A copy of the agenda background material provided to Committee members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.



**LEGISLATIVE COMMITTEE
OF THE
ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
November 4, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Minutes of the October 8, 2014 Meeting

TO: Chairperson and Committee Members

FROM: Andy LeFevre, Executive Director

RECOMMENDATION:

The Committee approve the minutes of the Legislative Committee meeting held on November 5, 2015.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

**Legislative Committee
Minutes
November 5, 2015**

A public meeting of the Legislative Committee of the Arizona Criminal Justice Commission was convened on Thursday, November 5, 2015, at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, AZ 85007.

Members Present:

David Sanders, Chairperson, Pima County Chief Probation Officer, Carl Sheets representing by conference call
Dave Byers, Director, Administrative Office of the Courts, Jerry Landau representing
K.C. Clark, Navajo County Sheriff
Chris Gibbs, Mayor, City of Safford, by conference call
Drew John, Graham County Supervisor, Acting Chairperson
Barbara LaWall, Pima County Attorney, Kathleen Mayer representing
Frank Milstead, Director, Department of Public Safety, Heston Silbert representing

Staff Participating:

John A. Blackburn Jr., Executive Director
Andy LeFevre, Public Information Officer
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Acting Chairperson Drew John at 9:33 a.m. Roll was taken and a quorum was declared present.

II. Minutes of the October 8, 2014 Meeting

Acting Chairperson John called for a motion on the minutes. Designee Kathleen Mayer entered a motion to approve the minutes of the meeting on October 8, 2014. The motion was seconded by Commissioner K.C. Clark and was unanimously approved by the Committee.

III. Legislative Proposals

Andy LeFevre, Public Information Officer presented proposed legislation for the 2016 legislative session. The Committee was asked to review, discuss and support the draft legislation for recommendation to the Commission.

Mr. LeFevre introduced the first item of legislation, Prohibited Possessor; Mental Health, Information Sharing with Law Enforcement that amends ARS 13-3101 by adding to the definition of prohibited possessor in Arizona as those individuals under court appointed guardianship, except if the appointment is due solely to a physical incapacity, and authorizes the courts to share information with law enforcement or prosecuting agencies.

Commissioner Heston Silbert raised the following two issues: 1) where will the data be stored and; 2) will the information shared with law enforcement show that a prohibited possessor is a convicted felon.

Executive Director Blackburn stated the database would be stored at the Administrative Office of the Courts (AOC). The search by name and date of birth would be flagged showing the person has been adjudicated as mentally incompetent. The second issue of running the criminal records check has not been addressed; however, steps have been taken towards the mental health order and placing it in the NICS system. The State of Arizona has made the individuals under two of the three provisions transmitted to NICS a prohibited possessor; whereas in the NICS system, it makes the individuals unqualified to purchase a firearm.

Mr. LeFevre commented that staff will look at concerns of capturing the issue of a convicted felon as an indicator to law enforcement.

Commissioner Silbert questioned whether the intent on the mental health order was to see if a person is a prohibited possessor and to arrest them for the charge, or to seize the weapon. Designee Jerry Landau spoke on how this has been a topic of discussion with the commissioners and legal advisors. The intent was to forward the information to DPS, and local law enforcement could decide how to handle the information given to them by DPS.

Designee Jerry Landau entered a motion to recommend to the Commission the support of the Prohibited Possessor; Mental Health, Information Sharing with Law Enforcement legislation. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Committee.

The second piece of legislation, Law Enforcement; Courts; Fingerprinting, consists of amending ARS 41-1750 to define the county sheriff as the booking agency; except, if the person is booked into a municipal jail, it would mean the municipal law enforcement. It would require the booking agency to take a legible ten-print fingerprint for all

persons arrested for certain crimes. Additionally, it also requires courts to send individuals summoned into court to the booking agency to obtain a legible ten-print fingerprint for certain offenses.

Designee Landau shared that for the last two years; committees comprised of DPS, AOC, ACJC, county sheriffs, local judges, and other local law enforcement, looked at mechanisms to increase the accuracy of the completion of criminal history records. The stakeholders agreed that the fingerprinting should be centered at the sheriff's office for all felonies, misdemeanors, sex crimes, domestic violence and DUI. This would lead to a higher rate of completeness.

Designee Jerry Landau entered a motion to recommend to the Commission the support of the Law Enforcement; Courts; Fingerprinting legislation. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Committee.

The third item of legislation Failure to Appear; Classification amends the definition of *failure to appear in the second degree* and sets appropriate penalties.

Designee Landau suggested merging the draft legislation with the Law Enforcement; Courts; Fingerprinting legislation as it comes out of the same series of discussions. There is currently two failure to appear statutes and joining the two pieces of legislation would be easier for law enforcement to know what to cite, book and identify the cases in the system.

Designee Jerry Landau entered a motion to recommend to the Commission combining of the two pieces of legislation and then support of the Law Enforcement; Courts; Fingerprinting and Failure to Appear; Classification legislation. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Committee.

The fourth piece of legislation, Resource Center Fund; Spending Flexibility amends ARS 41-2402, paragraph G to allow greater flexibility in how the Arizona Criminal Justice Commission's Statistical Analysis Center can utilize Arizona Prevention Resource Center funds. Currently, statute *only* allows for funds to be used to support the Arizona Youth Survey (AYS). The language change would allow unused funds to be spent to conduct research identified by the Commission as important to Arizona's criminal justice community.

Designee Kathleen Mayer entered a motion to recommend to the Commission the support of the Resource Center Funds; Spending Flexibility legislation. The motion was seconded by Commissioner K.C. Clark and was unanimously approved by the Committee.

The fifth legislative proposal, Victim Compensation and Assistance Fund; Spending Flexibility amends ARS 41-2407 to allow greater flexibility in how the Victim Compensation and Assistance Fund can expend funds across both program areas to meet the needs of Arizona's victims of crime and those agencies that provide direct services to victims. The amendment removes the word *victim compensation* from line 5 and *victim assistance* from line 6, since both funds are combined; and lines 14-16 removes the language *Not more than fifty percent of the monies distributed statewide for victim assistance shall be allocated to the governmental agencies or public officers specified in section 41 2404, subsection A and to the governmental agencies or public officers specified in section 41 2404, subsection B.*

Commissioner Chris Gibbs entered a motion to recommend to the Commission the support of the Victim Compensation and Assistance Fund; Spending Flexibility legislation. The motion was seconded by Designee Kathleen Mayer and was unanimously approved by the Committee.

IV. Call to the Public

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

V. Date, Time, and Location of Next Meeting

The next Legislative Committee Meeting will be held at the call of the Chairperson.

VI. Adjournment

The meeting was adjourned at 10:12 a.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.



**LEGISLATIVE COMMITTEE
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ARIZONA CRIMINAL JUSTICE COMMISSION**

Request for Committee Action

Action Requested:	Type of Action Requested:	Subject:
November 4, 2016	<input checked="" type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Proposals

TO: Chairperson and Committee Members

FROM: Andy LeFevre, Executive Director

RECOMMENDATION:

The Legislative Committee recommend to the Commission the support of proposed legislation.

DISCUSSION:

The following ACJC proposed legislation for the upcoming 2017 legislative session will be presented in an effort to gain support from the Commission.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Not Approve - Modify - Table

2017 ACJC Proposed Legislation Summaries

Judgement of guilt and sentence document; fingerprint; contents of document; recitations

Amends ARS 13-607, Section A to add sections 13-1802 (theft) and 13-1805 (shoplifting) to the requirements that the court at the time of sentencing to for certain offenses to permanently affix a defendant's fingerprint to the sentence document or minute order, or record the defendant's two-fingerprint biometric-based identifier in the case file.

Victim Compensation and Assistance Fund; Payments for Services

Amends ARS §41-2407 to require a medical provider that accepts the full allowable payment from the Victim Compensation Program to accept such payment as payment in full for those services and may not attempt to collect any further payment from the victim or claimant for those same services. It also creates a stay of debt collection activities by medical providers once a person files a claim under the Victim Compensation Program.



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TO: Chairperson and Committee Members

FROM: Andy LeFevre, Executive Director

RECOMMENDATION:

The Legislative Committee discuss its role in reviewing and recommending formal positions on legislation during legislative session.

DISCUSSION:

Committee members will discuss the role that the Legislative Committee will play in reviewing legislation introduced during the 2017 legislative session and recommending formal positions for the Commission.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A