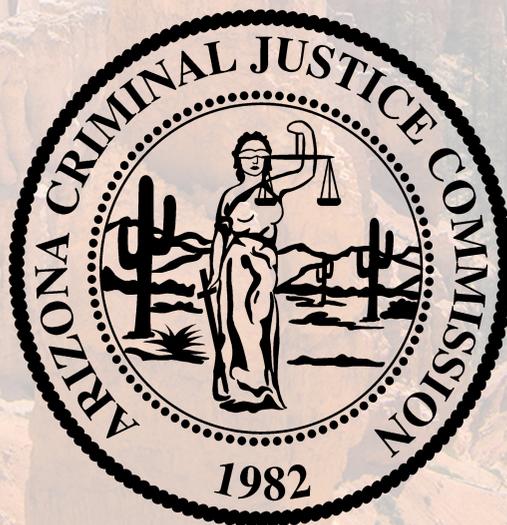


ACJC 2017 Legislative Session Summary

53rd Legislature
1st Regular Session

Jan. 9-May 10

Bills Posted: 1,079
Bills Tracked: 178



Arizona Criminal Justice Commission



Chairperson:
SEAN DUGGAN, Chief
Chandler Police Department

Vice-Chairperson:
SHEILA POLK
Yavapai County Attorney

Paul Penzone
Maricopa County Sheriff

MARK BRNOVICH
Attorney General

JOE R. BRUGMAN, Chief
Safford Police Department

DAVID K. BYERS, Director
Administrative Office of the Courts

KELLY "KC" CLARK
Navajo County Sheriff

VACANT,
Mayor

VACANT
County Supervisor

C.T. Wright, Chairperson
Board of Executive Clemency

BARBARA LAWALL
Pima County Attorney

FRANK MILSTEAD, Director
Department of Public Safety

BILL MONTGOMERY
Maricopa County Attorney

CHARLES RYAN, Director
Department of Corrections

DAVID SANDERS
Pima County Chief Probation Officer

DANIEL SHARP, Chief
Oro Valley Police Department

VACANT
Law Enforcement Leader

Mark Napier
Pima County Sheriff

DAVID COLE
Former Judge

Andrew T. LeFevre
Executive Director

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The Arizona Criminal Justice Commission (ACJC) is a statutorily authorized entity mandated to carry out various coordinating, monitoring and reporting functions regarding the administration and management of criminal justice programs in Arizona. In accordance with statutory guidelines, the Commission is comprised of 19 members who represent various elements of the criminal justice system in Arizona. Fourteen of the 19 Commissioners are appointed by the Governor and are municipal, county or elected officials. The remaining five are state criminal justice agency heads. Appointed Commissioners serve for two years which expire when the first regular session of the legislature is convened; they may be re-appointed.

ACJC was created in 1982 to serve as a resource and service organization for Arizona's 480 criminal justice agencies on a myriad of issues ranging from drugs, gangs, victim compensation and assistance to criminal record improvement initiatives. The ACJC works on behalf of the criminal justice agencies in Arizona to facilitate information and data exchange among statewide agencies by establishing and maintaining criminal justice information archives, monitoring new and continuing legislation relating to criminal justice issues, gathering information, and researching existing criminal justice programs. Our mission is to sustain and enhance the coordination, cohesiveness, productivity, and effectiveness of the criminal justice system in Arizona.

This report was prepared by:
Roxane Harris, Legislative Intern
Jaime Watson, Public Information Officer/Legislative Liaison

Overview

Arizona Revised Statute (A.R.S.) § 41-2405 requires ACJC to submit to the Governor a biennial criminal justice system review report containing an analysis of all criminal justice programs created by the legislature in the preceding two years. ACJC also provides recommendations for constitutional, statutory and administrative revisions that are necessary to maintain a cohesive and effective criminal justice system. This report provides a summary of the 2017 Arizona Legislative Session and details legislation affecting the criminal justice system.

The first regular session of the 53rd Arizona State Legislature ran 122 days with sine die called at 7:00 pm on May 10th. There were 1,079 bills posted, with 352 bills passing through both the Senate and the House. Of those 352 bills transmitted to the Governor, 342 bills were signed into law, and 11 were vetoed. ACJC tracked more than 170 bills that affected the criminal justice system. The general effective date for implementation of the new legislation is August 9, 2017, unless otherwise noted in the legislation.

ACJC Criminal Justice Issues in 2017

ACJC had three legislative priorities for the 2017 legislative session. ACJC worked with House Judiciary and Public Safety Chairman Representative Eddie Farnsworth to introduce HB 2085, which amends ARS §13-607 and mandates fingerprints taken for theft and shoplifting be attached to the sentencing order, and HB 2087 to continue ACJC until July 1, 2027. Finally, ACJC worked with Education Chairman Paul Boyer to introduce HB 2375, legislation that amends ARS §41-2407 to strengthen the Victim Compensation Program. HB 2085 and HB 2375 were approved for support by the Commission at their November 17th meeting.

Reducing Recidivism

In the fall of 2016, Governor Ducey raised reducing recidivism in Arizona to a cabinet-level priority. In the 2017 legislative session there were numerous pieces of legislation introduced in order to better ascertain what makes a person recidivate and to create programs that would help reduce that number. HB2066 (pg. 15), HB2211 (pg. 7), HB2290 (pg. 29), SB1071 (pg. 14),

and SB1278 (pg. 9) all targeted a specific stage of the criminal justice process with regards to recidivism. Of these five bills, four were passed. HB2290, signed into law May 1, allows for convicted offenders to apply for certain kinds of licenses after they serve their sentence in order to increase job opportunities for those with a criminal record. HB2372 expands Supplemental Nutrition Assistance Program (SNAP) eligibility to those with felony criminal records, with a requirement for random drug testing, helping ex-offenders get back on their feet. The legislature also passed HB2196, legislation that removes barriers for former inmates to serve as peer coaches in certain substance abuse treatment and re-entry programs. SB1071, signed into law May 1, creates a graduated intervention policy for offenders who violate a condition of community supervision. SB1278, signed into law May 8th, appropriates increased funding for the purpose of administering a felony pretrial intervention programs for non-dangerous and non-repetitive offenders. These bills address the various stages of the criminal justice system and address the issue of recidivism before an offender goes to trial, once they've entered corrections, and once they've begun the reentry process.

Assisting Victims of Crime

Assisting victims of crime was a major legislative priority for both ACJC and the Arizona State Legislature. As the administering agency for the state Crime Victim Compensation Fund, ACJC worked with Representative Paul Boyer to introduce HB 2375 to further strengthen the program's protection of victims. The Arizona Crime Victim Compensation Fund provides funding to the 15 county victim compensation programs that are responsible for making compensation awards to claimants. The program will cover out of pocket costs incurred from the victimization up to \$25,000 including costs for medical payments, funeral costs, lost wages, transportation and mental health services. House Bill 2375 helps make the process of applying for Victim Compensation and receiving payment smoother for victims by stipulating that licensed healthcare providers who provide medical services to a victim and who accept the full allowable payment for those services from the Victim Compensation Fund are deemed to have accepted the payment as the full payment for those services. It also creates a stay of debt collection activities by a licensed healthcare provider once a person files a claim under the Victim Compensation Program. There was also a strong focus on improving services for victims of

sexual assault with House Bill 2268, introduced by Representative Syms which reformed the practices of collecting and submitting sexual assault evidence kits and House Bill 2444, also introduced by Representative Syms which extends privileged communication to sexual assault victim advocates.

ACJC Priority Legislation

Overview of HB 2085

House Bill 2085 amends ARS §13-607 by adding sections 13-1802 (theft) and 13-1805 (shoplifting) back in. These two sections were left out when ACJC passed legislation two sessions ago which moved fingerprinting requirements for the Arizona Criminal History System into its own section. This will allow for the court to permanently affix the defendant's fingerprint to the judgment to create an accurate criminal history. House Bill 2085 was signed by the Governor on March 21, 2017 and is included in Chapter 27, Laws 2017.

Overview of HB 2087

House Bill 2087 repeals §ARS 41-3017.07 and amended §ARS 41-3027.02 by adding section 41-3027.01 to move the termination date of ACJC to July 1, 2027. Sections 41-2404, which outline the members of the commission, and section 41-2405, which outlines the powers and duties of the commission, are both repealed on January 1, 2028. House Bill 2087 was signed by the Governor on March 24, 2017 and is included in Chapter 55, Laws 2017.

Overview of HB 2375

House Bill 2375 amends ARS § 41-2407 to stipulate that licensed healthcare providers who provide medical services to a victim and who accept the full allowable payment for those services from the Victim Compensation Fund is deemed to have accepted the payment as the full payment for those services. It also creates a stay of debt collection activities by a licensed healthcare provider once a person files a claim under the Victim Compensation Program.

Under previous statute, healthcare providers were able to collect or attempt to collect payments for health and medical services from the victim or claimant after they have accepted the full allowable payment for those services from the Victim Compensation Program.

Additionally, the Victim Compensation Program is a payment of last resort for victims so victims typically make claims after they have already had their outstanding medical bills for a period of time. In current statute, once the victim files a claim with the Victim Compensation Program the healthcare provider can continue performing debt collection activities while the program processes the claim and ultimately makes a payment to the provider.

HB2375 provides protection for victims so that healthcare providers cannot continue performing debt collection activities once the Victim Compensation Program has become involved. Additionally, it ensures that victims do not pay the health care provider more than agreed upon by the healthcare provider and the Victim Compensation Program.

ACJC met with stakeholder groups in the healthcare industry in order to explain the goals and provisions of HB 2375. With an understanding that the bill would only affect healthcare groups if they decided to accept payment from the Victim Compensation Program HB 2375 was met with no opposition. House Bill 2375 was signed by the Governor on March 31, 2017 and is included in Chapter 125, Laws 2017.

Supported Legislation

The following pieces of legislation were approved for support by the Joint Executive and Legislative Committees of ACJC.

[Overview of HB 2243](#)

House Bill 2243 amends ARS §13-2314.01 and 13-2314.03 relating to civil forfeiture in the state. It mandates that each government entity receiving monies from the Anti-Racketeering Revolving Fund file a quarterly electronic report with ACJC. Previously statute mandated these reports be filed yearly and did not specify which format they should be filed in. According to HB 2243, ACJC will take the reports from these entities and form a comprehensive electronic report to be submitted to the Governor and the Legislature. HB 2243 was signed by the Governor on May 2, 2017 and is included in Chapter 250, Laws 2017.

[Overview of HB 2151](#)

HB 2151 was not voted on by the entire House and did not make it through the legislative process. It would have amended ARS §11-588 to mandate that the monies ACJC distributes in the State Aid to Indigent Defense Fund to each county be used for the sole purpose of indigent defense. This would have included providing state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

[Overview of HB 2239](#)

House Bill 2239 amends ARS §13-4501, 13-4508 and 13-4517 by adding and amending various sections related to defendants who are incompetent to stand trial, whose cases are dismissed and who are referred to community-based treatment. This legislation was introduced by the Pima County Attorney's office and requires greater communication between treatment providers to better ensure that these persons are actually receiving the treatment the criminal court contemplated. It institutes screening processes so that the court can mandate treatment if deemed appropriate by a professional and requires the treatment providers to give the courts notices regarding those treatments. House Bill 2239 was signed by the Governor on March 24, 2017 and is included in Chapter 59, Laws 2017.

Summary Report of ACJC-tracked Legislation

The following pages provide brief summaries of the legislation that ACJC tracked over the 1st Regular Session of the 53rd Arizona State Legislature categorized by their various effects on the criminal justice system in Arizona. The categories include bills pertaining to: criminal justice reform, the criminal justice system and its three branches – corrections, courts, and law enforcement, bills relating to criminal histories/records, bills that change criminal penalties, bills relating to firearms, to substance abuse, or to victims. These categories include 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 original bill 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). The bill summaries included in this report provide a brief synopsis and is not inclusive of all provisions of the statutes. Please also note that some bill summaries are posted in multiple sections as they may affect several areas of the criminal justice system in Arizona. Any questions regarding this report should be directed to Jaime Watson, ACJC Public Information Officer/Legislative Liaison, at jwatson@azcjc.gov or at (602) 364-1394.

Bills Introduced for Criminal Justice System Reform

This session, ACJC tracked 27 bills which were introduced for the purpose of criminal justice reform. These bills affect specific agencies within the criminal justice system, outline the criminal justice budget for the coming year, create study committees to inform the Legislature's decisions regarding which criminal justice area(s) need to be further improved, create programs to reduce recidivism rates, affect ACJC, or improve various aspects of the criminal justice system in Arizona. Of these 27, thirteen were signed into law. Also included in this section is HB 2540 and SB 1525, legislation outlining the criminal justice budget for 2017-18.

House Bills Signed Into Law

HB2087: ACJC: CONTINUATION

The statutory life of the ACJC is extended eight years to July 1, 2025. Retroactive to July 1, 2017.
ARS Titles Affected: 41
First Sponsor: Rep. E. Farnsworth
Last Action: 3/24 Signed by Governor. Chapter 55, Laws 2017.

HB2211: DRUG & ALCOHOL TREATMENT PROGRAMS; REPORTS ~~(ALCOHOL; DRUG MONITORING PROGRAM; ESTABLISHMENT~~

By December 1 of each year, the Director of the Department of Corrections is required to report to the Governor and the Legislature on the drug and alcohol treatment programs available to offenders in Arizona who are under the jurisdiction of the Department Information that must be included in the report is specified.
ARS Titles Affected: 41
First Sponsor: Rep. Carter
Last Action: 3/21 Signed by Governor. Chapter 33, Laws 2017.

HB2268: SEXUAL ASSAULT EVIDENCE; SUBMISSION; REPORTS

A health care facility that obtains written consent to release sexual assault kit evidence is required to notify the appropriate law enforcement agency within 48 hours after evidence collection. The law enforcement agency is required to take possession of the kit within five business days and submit the evidence to a public accredited crime laboratory for forensic analysis within 15 business days after its receipt in all cases in which a victim reports to law enforcement and law enforcement determines that a crime occurred. All kits submitted for analysis must be analyzed as soon as practicable if sufficient personnel and resources are available, and a public accredited crime laboratory is permitted to contract with a private accredited crime laboratory to perform the analysis. By August 30 of each year, each law

enforcement agency and public accredited crime laboratory is required to report specified information about sexual assault kits to the Department of Public Safety, and the Department is required to report a compilation of those reports to the Governor and the Legislature by December 1 of each year.

ARS Titles Affected: 13

First Sponsor: Rep. Syms

Last Action: 3/21 Signed by Governor. Chapter 38, Laws 2017.

HB2290: PROVISIONAL LICENSES; CRIMINAL CONVICTIONS

A "licensing authority" (defined) is required to issue to an otherwise qualified applicant who has been convicted of an offense either the regular license or a provisional license that is valid for up to one year. The licensing authority may revoke a provisional license if the licensee commits a new felony, commits an act or omission causing the licensee's community supervision, probation or parole to be revoked, or violates the law or rules governing the practice of the occupation for which the provisional license is issued. Establishes various reporting requirements for provisional licenses issued under these requirements. Does not apply to a person who is convicted of specified criminal offenses, including violent crimes, sexual offenses, and repetitive offenders. Each licensing authority is required to report to the Governor by July 1 each year on specified information relating to provisional licenses.

ARS Titles Affected: 41

First Sponsor: Rep. Rivero

Last Action: 5/1 Signed by Governor. Chapter 230, Laws 2017.

HB2372: Public Benefits; Fee Waivers; Requirements

Various changes to public assistance programs. A needy family may continue to receive Temporary Assistance for Needy Families (TANF) cash assistance for 12 months in addition to the 12-month limit if the head of household or other adult household member who is required to participate in the work program is in full compliance with all work activity requirements of the program, and each dependent child in the assistance unit who is required to attend school has a school attendance record of at least 90 percent unless the child was excused pursuant to statutory requirements. A head of household who receives TANF cash assistance or any person authorized by the head of household is prohibited from using an electronic benefit transfer (EBT) card to purchase lottery tickets. The Department of Economic Security (DES) is required to impose a series of graduated sanctions if a TANF recipient voluntarily terminates paid employment without good cause or an adult TANF recipient uses, sells or possesses a controlled substance in violation of the criminal code. If a person requests a third replacement EBT card within a 12-month period or uses more than 10 percent of the EBT card balance in a 6-month period on out-of-state purchases, DES is required to schedule an interview for the person to determine whether there is fraud. DES is required to request any necessary federal waivers to comply with this requirement. DES is required to post online a spending report of the Supplemental Nutrition Assistance Program (SNAP) and TANF benefits, which must include specified information. If specified conditions are met, DES is required to provide the Jobs Program to eligible families transitioning off of TANF cash assistance due to the time limit if

needed to obtain or maintain employment or to receive a higher level of employment. The Jobs Program must be provided for up to 12 months after a cash assistance case closure. Beginning in 2017, each employment service contractor is required to semiannually report specified information on job placement to DES, the Governor and the Legislature by June 30 and December 31 of each year. A person who is convicted after August 22, 1996 of a felony offense that has as an element of the offense the use or possession of a controlled substance may be eligible for SNAP if the person successfully completes or is participating in a drug treatment program or is in compliance with all terms of probation, if applicable, if the person and agrees to random drug testing. An “agency” (defined) is required to waive any fee charged for an initial “license” (defined) for any individual applicant whose family income does not exceed 200 percent of the federal poverty guidelines.

ARS Titles Affected: 41 46

First sponsor: Rep. Weninger

Others: Sen. Brophy McGee, Rep. Townsend

Last Action: 5/22 Signed by Governor. Chapter 323, Laws 2017

HB2196: Residential Care Institutions; Employment

A residential care institution that is authorized to provide "recidivism reduction services" may employ "recidivism reduction staff" (both defined) who have successfully completed treatment for recidivism reduction as prescribed by Department of Health Services rules and who meet other specified qualifications to assist in the delivery of those services. As prescribed by Department rule, only adult residents of an adult residential care institution who have been referred to receive recidivism reduction services may receive services from recidivism reduction staff. And adult resident may be referred for recidivism reduction services if s/he is charged with or convicted of one or more criminal offenses, is referred by a court, prosecutor or probation officer, and/or is approved for placement by a health care professional whose scope of practice includes recidivism reduction services. Session law provides for circumstances under which current recidivism reduction staff may continue to provide recidivism reduction services at an adult residential care institution until the Department adopts the rules required by this legislation.

ARS Titles Affected: 36

First sponsor: Rep. Carter

Others: Rep. Cobb

Last Action: 4/4 Signed by Governor. Chap 134, Laws 2017

HB2540: BUDGET; BRB; CRIMINAL JUSTICE; 2017-18

Makes policy changes pertaining to criminal justice programs that affect the budget. Statute requiring the first \$1.6 million from the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund to be allocated to a county sheriff of a county with a population of more than 3 million persons (Maricopa County) is deleted, and GIITEM monies are prohibited from being used for agreements or contracts with a county sheriff of a county with a population of more than 3 million persons (Maricopa County). The percentages of monies received from court

fees that the county treasurer is required to deposit into various funds is reduced. The percentages of justice of the peace court fees that county treasurers are required to transmit to the State Treasurer for deposit in the Judicial Collection Enhancement Fund are increased, and the percentages for deposit in the Alternative Dispute Resolution Fund, the Elected Officials' Retirement Plan, and the county general fund are decreased. Appropriates \$750,000 from the Judicial Collection Enhancement Fund to the Administrative Office of the Courts to provide assistance, training and grants to courts to meet the minimum standards of courthouse security adopted by the Arizona Supreme Court. Effective July 1, 2018, repeals the Crime Laboratory Operations Fund, the Arizona Automated Fingerprint Identification System Fund, the Crime Laboratory Assessment Fund, and the Arizona Deoxyribonucleic Acid Identification System Fund, and previous distributions to those funds are required to be deposited in the newly established Department of Public Safety (DPS) Forensics Fund. All unexpended and unencumbered monies remaining in the repealed funds are transferred to the DPS Forensics Fund on July 1, 2018. Fund monies are required to be used for a list of specified purposes, including an automated fingerprint identification system and crime laboratory operations, and DPS is required to allocate certain percentages of Fund monies to specified political subdivision police departments that operate a crime lab. Suspends statutory caps and transfers of Highway User Revenue Fund monies available to fund the DPS highway patrol costs for FY2017-18. DPS is authorized to use monies in the State Aid to Indigent Defense Fund for operating expenses in FY2017-18.

ARS Titles Affected: 12 22 28 41

First Sponsor: Rep. Mesnard

Last Action: 5/12 Signed by Governor. Chapter 303, Laws 2017

Senate Bills Signed Into Law

SB1031: DANGEROUS; INCOMPETENT DEFENDANTS; STUDY CMTE

Establishes a 17-member Study Committee on Incompetent, Nonrestorable and Dangerous Defendants to research and make recommendations for a program to provide short-term and long-term treatment and supervision of persons who have been charged with violent or dangerous crimes and who have been found incompetent and nonrestorable. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 31, 2017 and self-repeals July 1, 2018.

ARS Titles Affected: 41

First Sponsor: Sen. Borrelli

Last Action: 3/29 signed by Governor. Chapter 103, Laws 2017.

SB1050: PRIVATE PROCESS SERVERS; DUTIES

The list of papers that private process servers are permitted to serve is modified to correct a statutory reference to papers permitted to be served by a sheriff or constable.

ARS Titles Affected: 12

First Sponsor: Sen. Kavanagh

Last Action: 3/14 Signed by Governor. Chapter 6, Laws 2017.

SB1099: SCHOOL SAFETY PROGRAM

Repeals the School Safety Program Oversight Committee and transfers responsibility for the School Safety Program to the Department of Education. The Department is required to contract to provide guidelines, curricula and support resources for school resource officers and juvenile probation officers to use in implementing a law-related education program. The Department is required to review plans submitted by school districts and charter schools for participation in the Program, and to select sites that are eligible to receive funding based on school safety needs. The Department is required to evaluate the Program and report on the Program to the Governor and the Legislature by November 1 of each year. The Program terminates on July 1, 2025. The Auditor General is required to include the Program as part of its ongoing sunset review of agencies and programs. Emergency clause.

ARS Titles Affected: 15 41

First Sponsor: Sen. Yee

Last Action: 4/17 Signed by Governor. Chapter 158, Laws 2017.

SB1157: COMPETENCY HEARINGS; JURISDICTION; REFERRAL

The presiding judge of the superior court in each county, with the agreement of the justice of the peace or municipal court judge, is permitted to authorize a justice court or municipal court to exercise jurisdiction over a competency hearing in a misdemeanor case that arises out of the justice court or municipal court. A justice of the peace or municipal court judge, with the approval of the presiding judge of the superior court and the justice or judge of the receiving court, is permitted to refer a competency hearing to another justice court or municipal court that is located in the county.

ARS Titles Affected: 13

First Sponsor: Sen. Borrelli

Last Action: 3/14 Signed by Governor. Chapter 14, Laws 2017.

SB1278: FELONY PRETRIAL INTERVENTION PROGRAM; APPROP

Appropriates \$2.75 million from the general fund in FY2017-18 to the ACJC, to be proportionally distributed to county attorney offices in counties with a population of less than 3 million persons for administering felony intervention programs that meet specified requirements.

ARS Titles Affected: 41

First Sponsor: Sen. Smith

Last Action: 5/8 Signed by Governor. Chapter 286, Laws 2017.

SB1342: SEARCH WARRANTS; TRACKING; SIMULATOR DEVICES

A “tracking device” (defined) search warrant or “cell site simulator device” (defined) search warrant is prohibited from being issued except on probable cause, supported by affidavit or oath, naming or particularly describing the person or property to be tracked or identified. Establishes a list of grounds on which a tracking device or cell site simulator device search warrant may be issued. The warrant is required to specify a reasonable length of time up to 60 days that the

tracking device or cell site simulator device may be used, which may be extended if an affidavit in support of an extension is made and the court makes required findings.

ARS Titles Affected: 13

First Sponsor: Sen. Worsley

Last Action: 4/24 Signed by Governor. Chapter 187, Laws 2017.

SB1525: BUDGET; BRB: CRIMINAL JUSTICE; 2017-2018

Makes policy changes pertaining to criminal justice programs that affect the budget. Statute requiring the first \$1.6 million from the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund to be allocated to a county sheriff of a county with a population of more than 3 million persons (Maricopa County) is deleted, and GIITEM monies are prohibited from being used for agreements or contracts with a county sheriff of a county with a population of more than 3 million persons (Maricopa County). The percentages of monies received from court fees that the county treasurer is required to deposit into various funds is reduced. The percentages of justice of the peace court fees that county treasurers are required to transmit to the State Treasurer for deposit in the Judicial Collection Enhancement Fund are increased, and the percentages for deposit in the Alternative Dispute Resolution Fund, the Elected Officials' Retirement Plan, and the county general fund are decreased. Appropriates \$750,000 from the Judicial Collection Enhancement Fund to the Administrative Office of the Courts to provide assistance, training and grants to courts to meet the minimum standards of courthouse security adopted by the Arizona Supreme Court. Effective July 1, 2018, repeals the Crime Laboratory Operations Fund, the Arizona Automated Fingerprint Identification System Fund, the Crime Laboratory Assessment Fund, and the Arizona Deoxyribonucleic Acid Identification System Fund, and previous distributions to those funds are required to be deposited in the newly established Department of Public Safety (DPS) Forensics Fund. All unexpended and unencumbered monies remaining in the repealed funds are transferred to the DPS Forensics Fund on July 1, 2018. Fund monies are required to be used for a list of specified purposes, including an automated fingerprint identification system and crime laboratory operations, and DPS is required to allocate certain percentages of Fund monies to specified political subdivision police departments that operate a crime lab. Suspends statutory caps and transfers of Highway User Revenue Fund monies available to fund the DPS highway patrol costs for FY2017-18. DPS is authorized to use monies in the State Aid to Indigent Defense Fund for operating expenses in FY2017-18.

ARS Titles Affected: 12 22 28 41

First Sponsor: Sen. Yarbrough

Last Action: 5/4 Retained on Senate Committee of the Whole calendar. Senate Committee of the Whole approved. See H2540

House Bills That Failed

HB2148: PUBLIC SAFETY; VIOLENCE PREVENTION; COMMITTEE

Establishes a 14-member Public Safety and Violence Prevention Study Committee to research and report on how to promote public safety and curtail violence. The Committee is required to submit a report to the Governor and the Legislature by December 31, 2017 and self-repeals October 1, 2018.

ARS Titles Affected: 41
First Sponsor: Rep. Friese
Last Action: 1/18 Referred to House Rules

HB2198: COMMITTEE; CHILDHOOD EXPERIENCES; EFFECTS; PREVENTION

Establishes a 19-member Adverse Childhood Experiences Study Committee to study matters relating to adverse childhood experiences, including prevention, treatment and various long-term effects. The Committee is required to report its findings and recommendations to the Governor and the Legislature by March 1, 2018 and self-repeals July 1, 2018.

ARS Titles Affected: 41
First Sponsor: Rep. Carter
Last Action: 1/18 Referred to House Rules

HB2282: FEDERAL JUDGE; GOOD BEHAVIOR; REMOVAL

By simple majority vote, the Legislature is authorized to remove a federal judge who presides in Arizona and who is "not serving in good behavior" (defined).

ARS Titles Affected: 12
First Sponsor: Rep. Thorpe
Last Action: 1/18 Referred to House Judiciary & Public Safety

HB2455: APPROP; UNTESTED SEXUAL ASSAULT KITS

Makes a supplemental appropriation of \$1.2 million in one-time funding from the general fund in FY2017-18 to the Department of Public Safety to eliminate the backlog of untested sexual assault kits in Arizona.

ARS Titles Affected: 41
First Sponsor: Rep. Salman
Last Action: 2/7 Referred to House Appropriations

HB2500: RELEASE CONDITIONS; PRETRIAL RELEASE PROGRAM

The Supreme Court is required to establish and maintain a statewide Pretrial Services Program to conduct a risk assessment and make a recommendation to the judicial officer concerning an appropriate pretrial release decision. Requirements for the risk assessment are specified. The Program terminates on July 1, 2027. The list of factors the judicial officer is required to consider when determining the method of release or the amount of bail is expanded to include the risk assessment and release recommendation from the Program.

ARS Titles Affected: 13
First Sponsor: Rep. Cardenas
Last Action: 2/9 Referred to House Judiciary & Public Safety

HB2503: CRIMINAL JUSTICE COMMISSION; MEMBERSHIP; REPORT

Increases the number of members of the ACJC to 18 members by adding two public defenders, one crime victim advocate, and one former prison inmate who advocates for prisoner rights. The Commission is required to conduct a comprehensive review of the state's sentencing and corrections data and submit a report to the Legislature by December 31, 2017 that includes data-based policy recommendations on a list of issues.

ARS Titles Affected: 41

First Sponsor: Rep. Navarrete

Last Action: 2/9 Referred to House Judiciary & Public Safety

HB2508: REDUCTION IN FORCE; STATE AGENCIES

The Joint Legislative Budget Committee is required to determine and the Department of Administration is required to allocate to each state agency, department, board or commission an amount sufficient to implement a reduction in force, and all monies reduced under the reduction in force are transferred to the general fund. In order to implement the reduction in force, each state agency, department, board or commission is required to eliminate unfilled positions that have been vacant for six months longer than the typical vacancy period, identify nonessential positions, and consolidate positions whenever possible.

ARS Titles Affected: 41

First Sponsor: Rep. Payne

Last Action: 2/9 Referred to House Appropriations

[Senate Bills That Failed](#)

SB1119: JUVENILE CORRECTIONS; JUSTICE; STUDY COMMITTEE

Establishes a 9-member Juvenile Corrections and Justice Reform Study Committee to research and report on various issues and policies related to juvenile justice and juvenile corrections. The Committee is required to submit a report of its findings and recommendations to the Governor and the Legislature by December 31, 2017, and self-repeals July 1, 2018.

ARS Titles Affected: 41

First Sponsor: Sen. Farley

Last Action: 1/18 Referred to Senate Commerce & Public Safety and Senate Judiciary

SB1158: SENTENCING; COURT DEBTS; FINE MITIGATION

Authorization for judges to waive all or part of a civil penalty, fine, forfeiture or surcharge in certain circumstances is deleted. Judges are authorized to mitigate a civil penalty or fine if the payment would work a hardship on the person or on the person's immediate family, unless otherwise provided by law. This authorization and existing statutory authorization for the court to order a defendant to perform community restitution in lieu of payment for a monetary obligation does not apply to the clean elections surcharge. Judges are authorized to waive or mitigate mandatory community restitution due to a defendant's medical condition. If the court

imposes a sentence to perform community restitution for a misdemeanor conviction, the court is required to determine and fix the sentence for a definite period of time. The superior court, a justice of the peace, or a municipal court is authorized to order that all or part of a debt that is due to the court be removed from the court's accounting system if 20 or more years have elapsed from the date of the initial fine or other monetary obligation in a criminal case that resulted in the debt and the court takes specified steps, including notifying various parties and making reasonable attempts to collect the debt. Effective January 1, 2018.

ARS Titles Affected: 12 13 22 28 41

First Sponsor: Sen. Borrelli

Last Action: 2/22 Passed Senate (22-8); 2/27 Referred to House Judiciary & Public Safety

SB1160: DRIVING VIOLATIONS; RESTRICTED LICESSES; PENALTIES

A restriction on a person's driver license or permit to drive as a result of a conviction for a violation of Title 28 (Transportation) may limit the person's privilege to drive to and from specified locations during specified periods of time. The sentencing options for various transportation-related violations are expanded to include that the court may order that the person's driving privilege be restricted. A person who is convicted of driving on a suspended class D or M license before January 1, 2011 may apply for a restricted privilege to drive if the person meets specified requirements. Effective January 1, 2018.

ARS Titles Affected: 22 28

First Sponsor: Sen. Borrelli

Last Action: 2/14 Passed Senate (30-0); 2/20 Referred to House Judiciary & Public Safety

SB1163: RELEASE PROCEDURES; HEARINGS; BONDS

A person charged with a nonbailable offense is permitted to waive the right to a hearing on the matter of bail. The schedules of violations that justices of the peace and presiding magistrates are required to adopt for bail are required to list a specific bond, instead of bail, for each violation, and the violations that must be included in the schedules are modified.

ARS Titles Affected: 13 22

First Sponsor: Sen. Borrelli

Last Action: 2/22 Passed Senate (30-0); 3/2 Referred to House Judiciary & Public Safety

SB1210: STATE LAW; VIOLATIONS; POLITICAL SUBDIVISIONS

Statute requiring the Attorney General to investigate any official action taken by the governing body of a county or municipality at the request of a member of the Legislature who alleges that the action violates state law or the state Constitution is expanded to include all "political subdivisions" (defined).

ARS Titles Affected: 41

First Sponsor: Sen. Smith

Last Action: 2/16 Received a "do pass" recommendation from Senate Government

SB1310: AZ CRIMINAL JUSTICE COMMISSION; MEMBERSHIP

Increases the number of members of the ACJC to 19 members by adding an attorney who practices primarily in the area of criminal defense and a representative of a Native American Tribe or Nation who has experience in the criminal justice or indigent defense field, both of whom are appointed by the Governor. Session law provides for the initial terms of the new members.

ARS Titles Affected: 41

First Sponsor: Sen. Quezada

Last Action: 1/26 Referred to Senate Commerce & Public Safety

SB1322: CRIMINAL JUSTICE COMMISSION; LEGISLATIVE RECOMMENDATIONS

The ACJC is required to review and make recommendations to the Legislature on changing the calculation of earned release credits to allow nonviolent offenders to obtain earned release credits at a rate of one day for every three days served, reducing mandatory minimum sentence requirements and removing the ability of a judge or the Board of Executive Clemency to order a person's re-incarceration for violation only a technical term of the person's release conditions.

ARS Titles Affected: 41

First Sponsor: Sen. Quezada

Last Action: 1/26 Referred to Senate Commerce & Public Safety and Senate Judiciary

Bills Introduced Pertaining to Corrections

This session, ACJC tracked 21 bills pertaining to corrections. Of these, six were passed (one of which, SB1071, became a bill relating to corrections through a strike-everything amendment). There was a pronounced emphasis placed on community notification this session with four bills (HB2200, HB2101, HB2133, and SB1155) that aimed to amend the notification standards and practices of the Department of Corrections. Of note is HB2133 which would require the Department of Corrections to notify the surrounding community of any establishment or significant change of use of any correctional facility.

House Bills Signed Into Law

HB2133: CORRECTIONAL FACILITIES; COMMUNITY NOTIFICATION

Before incurring any obligation for the establishment of or any "significant change of use" (defined) of any "correctional facility" (defined), private incarceration facility or community correctional center, the Department of Corrections is required to give at least 60 days' written notice to a list of specified persons, including property owners, government and school officials and operators of day care centers. Information that must be included in the notice is specified. The Department is required to post a sign that is at least four feet by eight feet in a conspicuous location on the proposed site for 15 calendar days before a required public hearing, and the sign must give notice of the date, time and location of the hearing.

ARS Titles Affected:

First Sponsor: Rep. J. Allen

Last Action: 5/19 Signed by Governor. Chapter 314, Laws 2017.

HB2200: COMMUNITY NOTIFICATION; FORM OF NOTICE

Community notification for registered sex offenders must be disseminated in a non-electronic form and is no longer required to be in the form of a flyer. If the law enforcement agency responsible for disseminating community notification establishes an electronic notification process, that process may be used to comply with notification requirements only for a person who affirmatively chooses to receive community notification electronically.

ARS Titles Affected: 13

First Sponsor: Rep. Carter

Last Action: 4/4 Signed by Governor. Chapter 135, Laws 2017.

HB2472: PRIVATE POSTSECONDARY INSTITUTIONS; PEACE OFFICERS

Private postsecondary institution peace officers are authorized to use county courts and jails for the purpose of booking arrested persons in the county where the institution is located or where the arrest occurs. Private postsecondary institution peace officers are no longer limited to enforcing the law only on property under the control of the institution.

ARS Titles Affected: 15
First Sponsor: Rep. Kern
Last Action: 4/26 Signed by Governor. Chapter 203, Laws 2017.

Senate Bills Signed Into Law

SB1071: CORRECTIONS; GRADUATED INTERVENTION POLICY (~~PROVISIONAL LICENSES;~~ ~~CRIMINAL CONVICTIONS~~)

The Director of the Department of Corrections is required to develop, implement and maintain a graduated intervention policy for offenders who violate a condition of community supervision. The Department is required to annually report to the Governor and the Legislature on the use of and completion rates for major graduated interventions in the previous year.

ARS Titles Affected: 41
First Sponsor: Sen. Burges
Last Action: 5/1 Signed by Governor. Chapter 236, Laws 2017.

SB1316: JAIL DISTRICTS; MAINTENANCE OF EFFORT

For any county with a population of 500,000 persons or less and with a negative net new assessed valuation in any one year that occurs after 2015 and that is within the three-year period immediately preceding the imposition of a community corrections tax, that county is exempt from the statutory county jail district maintenance of effort requirements for the duration of the tax, and is instead subject to newly established county jail alternative maintenance of effort requirements. The Auditor General is required to determine the amount expended by the county for maintenance and operation of correctional facilities and programs in the immediately preceding fiscal year in which a county jail district tax levy is effective, and 25 percent of that amount is the base expenditure. The Auditor General is required to use the base expenditure to calculate the maintenance of effort requirements based on a specified formula. In counties using the alternative maintenance of effort requirements, the county jail district excise tax cannot exceed 6.6 percent of each statutory rate, instead of 10 percent of each rate.

ARS Titles Affected: 48
First Sponsor: Sen. S. Allen
Last Action: 4/21 Signed by Governor. Chapter 181, Laws 2017.

SB1442: CORRECTIONS OFFICER RETIREMENT PLAN; MODIFICATIONS

Various changes to statutes governing the Corrections Officer Retirement Plan (CORP). CORP members who are employees hired on or after July 1, 2018 and who were not an active, inactive or retired CORP member on June 30, 2018 are required to participate in the Public Safety Personnel Retirement System (PSPRS) defined contribution plan. For these CORP members, the employee contribution rate is seven percent, the employer contribution rate is five percent, "compensation" means "salary" as already defined in CORP statutes, and a reduced monthly disability pension calculation is established. Expands the definition of "member" to include

probation and surveillance officers hired on or after July 1, 2018, and defines the benefits for these probation and surveillance officer members. Statutes establishing and regulating CORP benefit increases are repealed, and a new cost-of-living adjustment calculation for CORP benefits is established for members hired on or before June 30, 2018. Changes to the cost-of-living calculation for current CORP members are conditionally enacted on the state Constitution being amended as prescribed in SCR1023 by vote of the people at the 2018 general election.

ARS Titles Affected: 38

First Sponsor: Sen. Lesko

Last Action: 4/17 Signed by Governor. Chapter 163, Laws 2017.

House Bills that Failed

HB2066: AGGRAVATED DUI; SENTENCE; COUNTY JAIL

County sheriffs are authorized to establish an aggravated driving under the influence jail program. If the county sheriff establishes a program, the Department of Corrections is required to enter into an agreement with the county to facilitate the program. If a violation of aggravated driving under the influence occurs in a county with a program and the person is placed on probation, the mandatory term of incarceration that the person would otherwise serve in prison may be served in a county jail. Beginning January 1, 2018, the ACJC is required to submit an annual recidivism report to the Legislature that compares the recidivism rate for a person who serves the mandatory incarceration in a county jail under a program and a person who serves the mandatory incarceration in prison.

ARS Titles Affected: 28

First Sponsor: Rep. Shope

Last Action: 2/21 Passed House (59-0); 4/4 Passed out of Senate Rules

HB2101: PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS

Private prisons that contract with any governmental entity must make public all records relating to costs, operations, staff and inmates to the same extent required of publicly operated prisons or jails.

ARS Titles Affected: 41

First Sponsor: Rep. Andrade

Last Action: 1/17 Referred to House Military, Veterans & Regulatory Affairs

HB2102: PRIVATE PRISON SECURITY OFFICERS; CERTIFICATION

Security officers employed by a private prison contractor are required to be certified by the Arizona Peace Officer Standards and Training (AZPOST) Board by completing the same basic training course, physical examinations and criminal background investigations as correctional officers employed by the Department of Corrections. A contract for adult incarceration cannot be entered into unless the private prison contractor only uses security officers who are AZPOST certified. A security officer employed by a private prison has no authority or jurisdiction outside of the grounds of a private prison facility. A person who exercises the authority or performs the

duties of a peace officer and who is not AZPOST certified as a peace officer is guilty of a class 1 (highest) misdemeanor.

ARS Titles Affected: 41

First Sponsor: Rep. Andrade

Last Action: 1/17 Referred to House Military, Veterans & Regulatory Affairs

HB2103: PRIVATE PRISON STUDY COMMITTEE

Establishes a 19-member Private Prison Study Committee to research and report on the impact of private prisons on the safety of the public and prisoners, the economic efficiency of housing prisoners in private facilities, and the provision of constitutionally appropriate services for prisoners at private prisons. The Committee must submit a report to the Governor and the Legislature by December 31, 2017 and self-repeals October 1, 2018.

ARS Titles Affected: 41

First Sponsor: Rep. Andrade

Last Action: 1/17 Referred to House Rules

HB2154: SUPERVISED PRISONERS; VIOLATIONS; GRADUATED SANCTIONS

The Department of Corrections is required to develop and maintain a graduated sanctions policy for prisoners who violate a condition of parole or community supervision. Parole and community supervision officers are required to comply with the policy before submitting a petition to the Board of Executive Clemency that alleges a violation of the prisoner's release conditions. The Department is required to adopt rules for the policy, which must include a list of specified provisions. The Department is authorized to contract with a county to permit a prisoner who is on parole or community supervision to be incarcerated in a county jail facility as a sanction. The Department is required to submit an annual report on the sanctions to the Governor and the Legislature, and information that must be included in the report is specified. Also repeals statute requiring inmates to achieve functional literacy at an eighth grade literacy level before the inmate becomes eligible for early release.

ARS Titles Affected: 31 41

First Sponsor: Rep. Coleman

Last Action: 1/17 Referred to House Judiciary & Public Safety

HB2185: JUVENILE CORRECTIONS; TRANSFER TO COUNTIES

Repeals the Department of Juvenile Corrections and all related statutes contained in Title 41 (State Government, Chapter 26. The counties succeed to the authority, powers, duties and responsibilities of the Department. All equipment and other property, investigative findings, and appropriated monies that remain unexpended and unencumbered on the effective date of this legislation are transferred to the counties. Of the appropriated monies that remain unexpended and unencumbered, 60 percent are allocated in equal shares to each of the 15 counties, and 40 percent are allocated to each county based on population. The Legislature is required to annually appropriate an amount equal to at least \$39,876,700, increased each

calendar year by the increase in the consumer price index, allocated to the counties in the same manner. Effective July 1, 2019.

ARS Titles Affected: 41

First Sponsor: Rep. Thorpe

Last Action: 1/17 Referred to House Judiciary & Public Safety and House Appropriations

HB2293: PRISONER MEDICAL CARE; EXCLUDED SURGERY

Medical and health services provided to prisoners sentenced to the Department of Corrections do not include gender reassignment surgery.

ARS Titles Affected: 31

First Sponsor: Rep. Kern

Last Action: 1/23 Referred to House Health

HB2413: JUVENILES; NATURAL LIFE SENTENCE; REPEAL

Eliminates the sentencing option of natural life for defendants who were under 18 years of age at the time of the commission of various offenses.

ARS Titles Affected: 13

First Sponsor: Rep. Bolding

Last Action: 2/7 Referred to House Judiciary & Public Safety

HB2428: PRISONERS; EARNED RELEASE CREDITS

For prisoners who are in the eligible earned release credit class, the earned release credit is increased to one day for every three days served, from one day for every six days served, except for prisoners sentenced to a term of imprisonment for a serious offense or violent or aggravated felony.

ARS Titles Affected: 41

First Sponsor: Rep. Navarrete

Last Action: 2/7 Referred to House Judiciary & Public Safety

[Senate Bills that Failed](#)

SB1067: SUPERVISED PRISONERS; VIOLATION; GRADUATED SANCTIONS

The Department of Corrections is required to develop and maintain a graduated sanctions policy for prisoners who violate a condition of parole or community supervision. Parole and community supervision officers are required to comply with the policy before submitting a petition to the Board of Executive Clemency that alleges a violation of the prisoner's release conditions. The Department is required to adopt rules for the policy, which must include a list of specified provisions. The Department is authorized to contract with a county to permit a prisoner who is on parole or community supervision to be incarcerated in a county jail facility as a sanction. The Department is required to submit an annual report on the sanctions to the Governor and the Legislature, and information that must be included in the report is specified.

Also repeals statute requiring inmates to achieve functional literacy at an eighth grade literacy level before the inmate becomes eligible for early release.

ARS Titles Affected: 31 41

First Sponsor: Sen. Burges

Last Action: 2/16 Held in Senate Judiciary

SB1068: COMMUNITY SUPERVISION; EARNED RELEASE CREDITS

The term of community supervision imposed by the court for persons convicted of a felony offense is increased to three days for every seven days of the sentence or sentences imposed, from one day for every seven days of the sentence or sentences imposed, except for prisoners sentenced to a term of imprisonment for a violent crime (defined elsewhere in statute). For prisoners who are in the eligible earned release credit class, the earned release credit is increased to two days for every six days served, from one day for every six days served, except for prisoners sentenced to a term of imprisonment for a violent crime (defined elsewhere in statute).

ARS Titles Affected: 13 41

First Sponsor: Sen. Burges

Last Action: 2/16 Held in Senate Judiciary

SB1155: CORRECTIONAL FACILITIES; COMMUNITY NOTIFICATION

Before incurring any obligation for the establishment of or any "significant change of use" (defined) of any "correctional facility" (defined), private incarceration facility or community correctional center, the Department of Corrections is required to give at least 60 days' written notice to a list of specified persons, including property owners, government and school officials and operators of day care centers. Information that must be included in the notice is specified. The Department is required to post a sign that is at least four feet by eight feet in a conspicuous location on the proposed site for 15 calendar days before a required public hearing, and the sign must give notice of the date, time and location of the hearing.

ARS Titles Affected: 41

First Sponsor: Sen. Barto

Last Action: 2/23 Passed Senate (30-0); 5/1 Passed out of House Rules

SB1171: EARNED RELEASE CREDITS; SENTENCE

For prisoners who are in the eligible earned release credit class, the earned release credit is increased to one day for every two days served, from one day for every six days served, for prisoners sentenced to a term of imprisonment for a class 4, 5 or 6 felony that was not a sexual offense and the court did not designate the prisoner as a dangerous or repetitive offender.

ARS Title Affected: 41

First Sponsor: Sen. S. Allen

Last Action: 1/23 Referred to Senate Judiciary

SB1279: SPECIAL SENTENCING PROVISIONS; UNLAWFUL PRESENCE

If a person is convicted of any felony offense and the trier of fact determines that the person is unlawfully present in the U.S., the court is required to sentence the person to imprisonment for not less than the presumptive sentence and the person is not eligible for probation, suspension of sentence, community supervision, commutation or release on any basis.

ARS Titles Affected: 13

First Sponsor: Sen. Smith

Last Action: 3/9 Failed to pass Senate (14-16)

SB1345: ADULT INCARCERATION CONTRACTS; COST COMPARISON

The Department of Corrections is required to conduct a biennial comparison of private prison contractors to the state in operating similar facilities, based on professional correctional standards specified by the Department's director. The comparison is used to determine if the contractor is providing at least the same quality of services at a lower cost or superior quality services at the same cost. Factors that must be considered in the comparison are listed. The director is required to provide the comparison to the Joint Legislative Budget Committee for contractors who contract exclusively with the Department.

ARS Titles Affected: 41

First Sponsor: Sen. Farley

Last Action: 1/31 Referred to Senate Commerce & Public Safety and Senate Appropriations

Bills Introduced Pertaining to the Court System

This session, ACJC tracked 17 bills pertaining to the Arizona court system. Of these, HB2239, legislation which the Pima County Attorney's Office advanced, was signed into law. ACJC supported this legislation which amends statute relating to defendants who are incompetent to stand trial. ACJC also supported HB2151 regarding the Indigent Defense Fund but this bill did not pass. Also pertaining to the courts but included in the reform section (pg. 7) of this report are the Supreme Court's Fair Justice for All Legislation. This includes SB1160, SB1163, SB1158, and SB1157.

House Bills Signed Into Law

HB2084: TRIBAL COURTS; INVOLUNTARY COMMITMENT ORDERS

A mental health treatment facility is authorized to admit a patient for involuntary treatment pending the filing of a tribal court's involuntary commitment order with the clerk of the superior court as required by statute. The facility is required to discharge the patient if the order is not filed by the close of business on the next day that the court is open after the admission of the patient.

ARS Titles Affected: 12

First Sponsor: Rep. E. Farnsworth

Last Action: 3/29 Signed by Governor. Chapter 89, Laws 2017.

HB2220: ELECTRONIC FILES; ACCESS; OFFICIAL RECORD

If the presiding judge of the superior court provides electronic file access or filing privileges to attorneys, the privileges must also be provided to pro se litigants. Effective January 1, 2018.

ARS Titles Affected: 12

First Sponsor: Rep. Bowers

Last Action: 3/23 Signed by Governor. Chapter 51, Laws 2017.

HB2239: INCOMPETENT; NONRESTORABLE DEFENDANTS; INVOLUNTARY COMMITMENT

Various changes related to defendants who are incompetent to stand trial. If the county attorney receives a report that determines a defendant is incompetent to stand trial, the county attorney is permitted to request that the defendant be screened to determine if the defendant may be a sexually violent person if the defendant is charged with a sexually violent offense and if the report concludes that there is no substantial probability that the defendant will regain competency within 21 months. If the court orders a screening, the court is required to appoint a competent professional to conduct it and the criminal case cannot be dismissed until the professional's report is provided to the court and the parties and a hearing is held on the report. If the court finds that a defendant is incompetent to stand trial and that there is no substantial probability that the defendant will regain competency within 21 months, the court

is authorized to order an assessment of the defendant's eligibility for private insurance or public benefits that may be applied to the expenses of the defendant's medically necessary maintenance and treatment. Petitions for evaluation or court-ordered treatment are required to include any known criminal history. A patient whose period of court-ordered treatment is tolled for at least 60 continuous days is permitted to request a judicial review on the patient's voluntary or involuntary return to treatment. The medical director of a mental health treatment agency is not civilly liable for any acts committed by a released patient if the director complied with statutory requirements in good faith. Establishes various notice and reporting requirements.

ARS Titles Affected: 13 36

First Sponsor: Rep. E. Farnsworth

Last Action: 3/24 Signed by Governor. Chapter 59, Laws 2017.

HB2246: ARIZONA LENGTHY TRIAL FUND

The termination date of the Arizona Lengthy Trial Fund is extended eight years to July 1, 2027. The termination date of the additional fee on each filing, appearance and answer or response fee charged by a clerk of the superior court (which is deposited in the Fund) is extended eight years to January 1, 2027.

ARS Titles Affected: 41

First Sponsor: Rep. Grantham

Last Action: 4/10 Signed by Governor. Chapter 141, Laws 2017.

Senate Bills Signed Into Law

SB1072: ADMINISTRATIVE DECISIONS; SCOPE OF REVIEW

When the court reviews a final administrative decision, the court is required to reverse, modify or vacate and remand the agency action if the court determines the agency's action was contrary to law. The court is required to decide all questions of law without regard to any previous determination that may have been made on the question in an administrative action. Applies in any action for judicial review of an agency action. Some exceptions.

ARS Titles Affected: 12

First Sponsor: Sen. Peterson

Last Action: 5/22 Signed by Governor. Chapter 329, Laws 2017.

SB1161: IMPROVEMENT DISTRICTS; RETENTION BASINS (COURTHOUSE SECURITY; FUND)

The distribution of all monies received from the superior court is modified to reduce the percentage distributed to all recipients and require the 2.0 percent remaining after those reductions to be deposited in the newly established Statewide Court Security Fund. The distribution of all monies received from justice of the peace courts is modified to reduce the percentage distributed to all recipients and require the 2.0 percent remaining after those reductions to be deposited in the Fund. Monies in the Fund must be used to provide assistance,

training and grants to courts to meet minimum standards of courthouse security that are adopted by the Supreme Court. Effective January 1, 2018.

ARS Titles Affected: 12 22

First Sponsor: Sen. Borrelli

Last Action: 5/10 Signed by Governor. Chapter 300, Laws 2017.

House Bills That Failed

HB2098: CIVIL FORFEITURE; PUBLIC DEFENDER

The list of proceedings and circumstances at which a public defender is required to defend, advise and counsel any person who is entitled to counsel and who is not financially able to employ counsel is expanded to include all seizure and forfeiture proceedings held under the criminal code.

ARS Titles Affected: 11

First Sponsor: Rep. Thorpe

Last Action: 1/25 Received a “do pass” recommendation from House Federalism, Property Rights & Public Policy

HB2151: INDIGENT DEFENSE FUND; DISTRIBUTION; PURPOSE

The ACJC is required to distribute monies in the State Aid to Indigent Defense Fund each fiscal year to each county for the sole purpose of providing state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

ARS Titles Affected: 11

First Sponsor: Rep. Cardenas

Last Action: 1/25 Received a “do pass” recommendation from House Local and International Affairs

HB2261: DEFENSIVE DRIVING SCHOOL LIST; PROHIBITION

The Supreme Court is prohibited from posting on the internet a list of certified defensive driving schools.

ARS Titles Affected: 28

First Sponsor: Rep. Thorpe

Last Action: 2/15 Held in House Transportation & Infrastructure

HB2346: ERRONEOUS CONVICTIONS; CIVIL ACTION

A person who has been erroneously convicted is permitted to apply to a court for compensation. The person claiming to have been erroneously convicted has the burden of proving the erroneous conviction. If the court determines that the person did not commit the offense by clear and convincing evidence, the court must enter a judgment for damages against the agency that prosecuted the person. Damages that the court is permitted to award are specified. A person who was convicted before the effective date of this legislation may file a civil action within two years after the effective date.

ARS Titles Affected: 31

First Sponsor: Rep. Saldate

Last Action: 1/26 Referred to House Judiciary & Public Safety

HB2409: INJUNCTION AGAINST HARASSMENT; PETITION; HEARING

For the purposes of injunctions against harassment, the definition of "harassment" is changed to "three or more distinct acts that occur within one calendar year that are clearly directed at a specific person and that would cause a reasonable person to be seriously in fear for the person's physical safety and the conduct in fact seriously threatens the physical safety of the person." A petition for an injunction against harassment is required to include a statement articulating at least three specific and distinct events and dates of the acts constituting the alleged harassment. When the court makes a determination on the petition, the court may consider only evidence that was included in the petition, and the court is prohibited from finding that good cause exists if the irreparable harm that would result to the plaintiff is not based on the specific information that would lead a reasonable person to believe the harm may occur.

ARS Titles Affected: 12

First Sponsor: Rep. Thorpe

Last Action: 2/7 Referred to House Judiciary & Public Safety

HB2470: JUVENILES; COURT JURISDICTION; AGE

Increases the age at the time of the commission of an alleged offense which allows a juvenile to be prosecuted as an adult for certain felony offenses to 17, from 15, for a list of violent felony offenses and to 16, from 14, for other felony offenses.

ARS Titles Affected: 8 13 41

First Sponsor: Rep. Bolding

Last Action: 2/7 Referred to House Judiciary & Public Safety

HB2534: JUDICIAL ELECTIONS; TERM: REQUIREMENTS

Various changes in order to eliminate merit selection of justices and judges and provide instead for their election. The term of office of a Supreme Court Justice and a judge of the court of appeals is reduced to two years, from six. Judges of the court of appeals are elected instead of appointed by the Governor, and the names of all candidates for judge of the court of appeals must be placed on the regular ballot with partisan or other designation and the court and the title of the office. The Governor is required to fill any vacancy in office of a judge of the court of appeals by appointing a person of the same political party as the person vacating the office to serve until the election and qualification of a successor. Repeals the Commission on Trial Court Appointments. Judges seeking retention are removed from the list of persons exempt from campaign finance reporting requirements. Conditionally enacted on the state Constitution being amended by a vote of the people at the 2018 general election to repeal the merit selection of justices and judges and provide instead for their election.

ARS Titles Affected: 12 16 19 38 41

First Sponsor: Rep. Shooter

Last Action: 2/22 Held in House Appropriations

HCR2030: JUDICIAL ELECTIONS; TERM OF OFFICE

Health and disability insurance policies or contracts executed or renewed on or after January 1, 2018 are required to provide coverage for health care services for urology that are provided through "telemedicine" (defined as the use of interactive audio, video or other electronic media for diagnosis, consultation or treatment) if the service would be covered were it provided through in-person consultation and if the service is provided to a subscriber receiving the service in Arizona, instead of only in a rural region of Arizona. Effective January 1, 2019.

ARS Titles Affected: 20

First Sponsor: Rep. Carter

Last Action: 4/11 Passed out of Senate Rules

[Senate Bills That Failed](#)

SB1083: AZ LENGTHY TRIAL FUND; CONTINUATION

The termination date of the Arizona Lengthy Trial Fund is extended eight years to July 1, 2027. The termination date of the additional fee on each filing, appearance and answer or response fee charged by a clerk of the superior court (which is deposited in the Fund) is extended eight years to January 1, 2027.

ARS Titles Affected: 41

First Sponsor: Sen. Worsley

Last Action: 3/21 Passed out of House Rules

SB1311: PAROLE REFORM; STUDY COMMITTEE

Establishes a 15-member Parole Reform Study Committee to research and report on all matters related to parole. The Committee is required to reports its findings and recommendations to the Governor and the Legislature by June 30, 2018 and self-repeals January 1, 2019.

ARS Titles Affected: 41

First Sponsor: Sen. Quezada

Last Action: 1/26 Referred to Senate Commerce & Public Safety

SB1424: LENGTH OF PAROLE; JUVENILE OFFENDERS

The Board of Executive Clemency is required to determine the length of parole for a juvenile offender who is sentenced to life imprisonment with the possibility of release and who is granted parole.

ARS Titles Affected: 13

First Sponsor: Sen. Quezada

Last Action: 1/31 Referred to Senate Judiciary

Bills Introduced Pertaining to Law Enforcement

This session, ACJC tracked 16 bills pertaining to law enforcement, the most notable of these being HB2243 and HB2477. These bills reform the civil forfeiture processes in Arizona and influence ACJC's role in creating, issuing, and consolidating other agencies' civil forfeiture reports. House Bill 2477 mandates that new information be included in the RICO expense reports that provide a greater level of granularity to the various expense categories. In addition, it creates an entirely new report on Forfeiture Orders that ACJC will collect on the same quarterly basis. HB2477 was signed by the Governor on April 12th while HB2243 was signed on May 2nd with a delayed effective date of October 1st.

House Bills Signed Into Law

HB2243: ANTI-RACKETEERING REVOLVING FUNDS; ELECTRONIC REPORTS

The quarterly report that each government entity receiving monies from the Anti-Racketeering Revolving Fund is required to file with the Attorney General, and the summary report of that information that the Attorney General is required to file quarterly with the ACJC must be made in an electronic format. The due dates for the quarterly reports are moved back two weeks, and the due dates for the summary reports are moved back four weeks. The Commission is required to compile the reports quarterly, instead of annually, and submit a single comprehensive electronic report to the Governor and the Legislature. Effective October 1, 2017.

ARS Titles Affected: 13

First Sponsor: Rep. E. Farnsworth

Last Action: 5/2 Signed by Governor. Chapter 250, Laws 2017.

HB2477: CIVIL FORFEITURE; REPORT INFORMATION; REMEDIES

The burden of proof in actions to prevent or remedy racketeering is clear and convincing evidence, instead of the preponderance of the evidence. Agencies applying for monies from the Anti-Racketeering Revolving Fund are required to submit a written application to the Attorney General that includes a description of what the monies will be used for, and the Attorney General is authorized to deny an application that requests monies for a purpose not authorized by statute. The quarterly reports that each state department, agency, county or municipality receiving monies from the Fund are required to submit to the Attorney General must include a list of specified information if monies were obtained as a result of a forfeiture, and must include a list of specified information with regard to all expenditures made from the Fund. Beginning in 2018 and every other year thereafter, the Auditor General is required to conduct a performance audit and a financial audit of the Attorney General's use of the Fund for the previous two years, and to submit copies of the audits to the Legislature. The seizing agency or

attorney for the state is prohibited from transferring or referring seized property to a federal agency for the purpose of forfeiture if the property was seized pursuant to an investigation that either did not involve a federal agency or involves a violation of a state law and no violation of a federal law is alleged.

ARS Titles Affected: 13

First Sponsor: Rep. Farnsworth

Last Action: 4/12 Signed by Governor. Chapter 149, Laws 2017.

Senate Bills Signed Into Law

SB1253: PEACE OFFICERS; INVESTIGATIVE INTERVIEWS; RECORDINGS

In an administrative investigation of a law enforcement officer's use of force incident that resulted in a death or serious physical injury to another person, if the law enforcement officer recorded a video, the investigation is not complete until the officer has had an opportunity to view the video and provide any further information regarding the footage that the officer believes is relevant, and the officer must be read a specified notice before viewing the video.

ARS Titles Affected: 38

First Sponsor: Sen. Borrelli

Last Action: 5/2 Signed by Governor. Chapter 260, Laws 2017.

House Bills That Failed

HB2109: FORFEITURE; MONIES; ASSETS; PROHIBITED DISTRIBUTION

Any monies obtained as a result of a seizure or forfeiture that involved a drug or gambling offense are prohibited from being distributed to or used by any law enforcement agency. If the property forfeited is money that cannot be specifically identified, the court is required to order the monies distributed to crime victims who have not received the full amount of restitution that was ordered by a court before any remaining monies are distributed to law enforcement agencies.

ARS Titles Affected: 13

First Sponsor: Rep. Thorpe

Last Action: 1/25 Received a "do pass" recommendation from House Federalism, Property Rights & Public Policy; 1/17 Referred to House Judiciary & Public Safety

HB2110: UNCONTESTED CIVIL FORFEITURE; REPEAL

Repeals statute allowing the state to make uncontested civil forfeiture available to owners of and interest holders in personal property and regulating that process.

ARS Titles Affected: 13

First Sponsor: Rep. Thorpe

Last Action: 1/25 Received a "do pass" recommendation from House Federalism, Property Rights & Public Policy; 1/17 Referred to House Judiciary & Public Safety

HB2111: ANTI-RACKETEERING FUNDS; ADMINISTRATION; REVENUE DEPARTMENT

Authority to administer the Anti-Racketeering Revolving Fund is transferred to the Department of Revenue (DOR), from the Attorney General, and authority to administer each County Anti-Racketeering Revolving Fund is transferred to DOR, from the County Attorney. A department or agency that receives monies from either Fund is subject to random audit by DOR and must provide a full accounting for monies received from the Fund.

ARS Titles Affected: 13

First Sponsor: Rep. Thorpe

Last Action: 1/25 Received a “do pass” recommendation from House Federalism, Property Rights & Public Policy; 1/17 Referred to House Judiciary & Public Safety

HB2170: ANTI-RACKETEERING MONIES; POLICE TRAINING

Requires five percent of the monies deposited in the Anti-Racketeering Revolving Fund and five percent of the monies deposited in each County Anti-Racketeering Revolving Fund to be transferred to the State Treasurer for deposit in the Peace Officers' Training Fund.

ARS Titles Affected: 13

First Sponsor: Rep. Thorpe

Last Action: 3/23 Failed Senate Judiciary

HB2259: TRAFFIC VIOLATION SURCHARGES; CRIME LAB

Levies a surcharge of \$14 on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses, on civil penalties imposed and collected for a civil traffic violation, and on any fine, penalty or forfeiture for a violation of motor vehicle statutes, certain local ordinances or game and fish statutes. The appropriate authorities are required to transmit the surcharge to the State Treasurer on or before the 15th day of each month for deposit in the Crime Laboratory Operations Fund. The \$45 surcharge on each individual attending defensive driving school, which was previously deposited in the Fund, is eliminated.

ARS Titles Affected: 12 28 41

First Sponsor: Rep. Thorpe

Last Action: 1/17 Referred to House Judiciary & Public Policy

HB2281: ANTI-RACKETEERING MONIES; AUTH USES; PROHIBITIONS

Monies in the Anti-Racketeering Revolving Fund and in each county anti-racketeering revolving fund can no longer be used to fund gang prevention programs, substance abuse prevention programs, or programs that provide assistance to victims of a criminal offense. Monies in the Funds are prohibited from being used for providing a gift to any individual or group, or for any political or promotional purpose. The Attorney General is required to investigate all allegations of unlawful use of Fund monies, and is required to cause an annual audit to be made of the Funds and each entity that receives monies from the Funds.

ARS Titles Affected: 13

First Sponsor: Rep. Thorpe

Last Action: 2/7 Received a “do pass” recommendation from House Federalism, Property Rights & Public Policy; 1/18 Referred to House Judiciary & Public Safety

HB2340: MUNICIPALITIES; PEACE OFFICER STAFFING REQUIREMENT

Municipalities with a population of 500,000 or more persons are required to provide a minimum of 2.5 peace officers for every 1,000 persons.

ARS Titles Affected: 9

First Sponsor: Rep. Lawrence

Last Action: 2/15 Held in House Local & International Affairs

HB2363: PEACE OFFICER DATABASE; DISCIPLINARY ACTIONS

The Arizona Peace Officer Standards and Training Board is required to establish and make available on its website a law enforcement officer database that includes the names and discipline record, if any, of every law enforcement officer in Arizona that is accessible only to a law enforcement agency that is conducting a background investigation of an applicant for the position of a law enforcement officer. Law enforcement agencies are required to check the database before hiring an applicant for the position of a law enforcement officer. Law enforcement agencies are required to report to the Board specified information within 10 days after a final ruling or determination on certain disciplinary actions of law enforcement officers. A person is authorized to bring an action in superior court to enforce these requirements.

ARS Titles Affected: 41

First Sponsor: Rep. Bolding

Last Action: 1/31 Referred to House Judiciary & Public Safety

[Senate Bills That Failed](#)

SB1054: TRAFFIC ACCIDENTS; FATALITY; IMPLIED CONSENT

If a person was involved in a traffic accident resulting in death and the peace officer has probable cause to believe that the person caused the accident, the officer must require the person to submit to and successfully complete a test or tests of the person's blood, breath, urine or other bodily substance to determine alcohol concentration or drug content.

ARS Titles Affected: 28

First Sponsor: Sen. Burges

Last Action: 2/16 Passed Senate (26-3); 2/22 Referred to House Judiciary & Public Safety

SB1100: GIITEM SUBACCOUNT; USES; SPECIALIZED EQUIPMENT

Local entities that use Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund Border Security and Law Enforcement Subaccount monies for safety equipment are required to use those monies for specialized safety equipment and are prohibited from supplanting local monies that are used for safety equipment.

ARS Titles Affected: 41

First Sponsor: Sen. Kavanagh

Last Action: 2/14 Received “do pass” recommendation from Senate Commerce & Public Safety with amendment; 1/17 Referred to Senate Appropriations

SB1151: WRONG-WAY DRIVERS; ALERTS; DPS

The Department of Public Safety is required to establish the buddy alert notification system as a quick response system designed to issue and coordinate alerts following the report of a motor vehicle that is traveling against the direction of traffic on a divided highway. Conditions under which the Department must issue a buddy alert are specified.

ARS Titles Affected: 41

First Sponsor: Sen. Worsley

Last Action: 1/19 Referred to Senate Commerce & Public Safety

SB1162: SEX OFFENDERS; ELECTRONIC DEVICE MONITORING

A person who is required to register as a sex offender is required, within 10 days after conviction or release from incarceration, to register each "electronic device" the person possesses or uses with the Department of Public Safety, and install "electronic device monitoring software" (defined) that is approved by the Department on each registered device. A "licensed electronic device monitoring company" is required to continuously monitor each registered device for as long as the person is required to register as a sex offender.

ARS Titles Affected: 13

First Sponsor: Sen. Borrelli

Last Action: 2/13 Failed Senate Commerce & Public Safety

SB1423: IMMIGRATION; LAW ENFORCEMENT; REPEAL

Repeals the following statutes established by Laws 2010, Chapter 113 (S1070): the prohibition on state and local government agencies or governing bodies restricting the enforcement of federal immigration law; the requirement for law enforcement officials to determine the immigration status of a person at any lawful stop or arrest where reasonable suspicion exists that the person is unlawfully present in the U.S.; provisions allowing law enforcement to arrest without warrant any person the officer has probable cause to believe has committed a public offense that makes the person removable from the U.S.; the defense of entrapment for employers found to be employing unauthorized aliens; the establishment of willful failure to complete or carry an alien registration document, unlawful stopping to hire and pick up passengers for work, and unlawful application for employment or employment by an unauthorized alien as class 1 misdemeanors; the requirement that a vehicle driven in furtherance of the illegal presence of an alien in the U.S. and in violation of a criminal offense be immobilized or impounded; and the establishment of the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund.

ARS Titles Affected: 11 12 13 23 28 41

First Sponsor: Sen. Quezada

Last Action: 1/31 Referred to Senate Judiciary

Bills Introduced Which Affect Criminal Histories

Of the 19 bills included in this section, 16 pertain directly to criminal histories while three are related to privacy policies and laws regarding the release of personal records. Most of these 16 bills would mandate the destroying of criminal records given a person meets specified requirements in an effort to increase a person's opportunities after exiting the Department of Corrections. Bills such as HB2290 expand a person's employment opportunities by granting convicted persons the ability to get regular or provisional licenses valid up to one year. The licenses provided for in this legislation increases the types of jobs available to persons convicted of a crime while continuing to monitor them in order to reduce recidivism rates. Of these 19 bills, four were signed into law.

House Bills Signed Into Law

HB2085: SENTENCING DOCUMENT; FINGERPRINT; MISDEMEANOR OFFENSES

The list of offenses for which the court is required to obtain and record the defendant's fingerprints at the time of sentencing is expanded to include theft and shoplifting.

ARS Titles Affected: 13

First Sponsor: Rep. Farnsworth

Last Action: 3/21 Signed by Governor. Chapter 27, Laws 2017.

HB2290: PROVISIONAL LICENSES; CRIMINAL CONVICTIONS

A "licensing authority" (defined) is required to issue to an otherwise qualified applicant who has been convicted of an offense either the regular license or a provisional license that is valid for up to one year. The licensing authority may revoke a provisional license if the licensee commits a new felony, commits an act or omission causing the licensee's community supervision, probation or parole to be revoked, or violates the law or rules governing the practice of the occupation for which the provisional license is issued. Establishes various reporting requirements for provisional licenses issued under these requirements. Does not apply to a person who is convicted of specified criminal offenses, including violent crimes, sexual offenses, and repetitive offenders. Each licensing authority is required to report to the Governor by July 1 each year on specified information relating to provisional licenses.

ARS Titles Affected: 41

First Sponsor: Rep. Rivero

Last Action: 5/1 Signed by Governor. Chapter 230, Laws 2017.

HB2515: GOVERNOR APPOINTEES; CRIMINAL RECORDS CHECK

Before nomination by the Governor, a prospective nominee for any state office that is appointed by the Governor and subject to the consent of the Senate is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Before appointment by the Governor, the nominees for a justice or judge of the Supreme Court, an intermediate appellate court, the superior court or another court is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Some exceptions. Before appointment by the Governor, a prospective member of the Board of Osteopathic Examiners, Naturopathic Physicians Medical Board, Board of Homeopathic and Integrated Medicine Examiners, Board of Behavioral Health Examiners, Board of Occupational Therapy Examiners, Board of Respiratory Care Examiners, Acupuncture Board of Examiners, Board of Podiatry Examiners, Regulatory Board of Physician Assistants, Board of Nursing, Board of Dispensing Opticians, Board of Optometry or Board of Dental Examiners is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Before appointment by the Governor, a prospective member of the Arizona Commerce Authority Board, the Arizona Finance Authority Board, the Board of Trustees of the Public Safety Personnel Retirement System or the Arizona Peace Officer Standards and Training Board is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Before an individual is hired as an employee of the Office of the Governor, that individual is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. The Department of Public Safety is authorized to exchange criminal justice information and central state repository information with the Governor for these purposes.

ARS Titles Affected: 12 23 26 32 38 41

First Sponsor: Rep. E. Farnsworth

Last Action: 5/22 Signed by Governor. Chapter 327, Laws 2017.

[Senate Bills Signed Into Law](#)

SB1422: VACATING CONVICTION; TRAFFICKING; LOCAL OFFENSES

Statute allowing a person convicted of prostitution that was committed prior to July 24, 2014 to apply to the court that pronounced sentence to vacate the person's conviction applies to municipal ordinances that have the same or substantially similar elements of the state crime of prostitution.

ARS Titles Affected: 13

First Sponsor: Sen. Quezada

Last Action: 3/28 Signed by Governor. Chapter 87, Laws 2017.

House Bills That Failed

HB2289: VACATING FELONY CONVICTION; EXPUNGEMENT; RECORDS

A person convicted of a class 5 (second-lowest) or class 6 (lowest) felony is permitted to petition the court that pronounced sentence to vacate the judgment of conviction and expunge any records related to that conviction. The person may file the petition no less than five years after the date the person fulfills the conditions of probation or sentence. Information that must be included in the petition is listed. Does not apply to a person convicted of a list of specified criminal offenses.

ARS Titles Affected: 13

First Sponsor: Rep. Rivero

Last Action: 1/17 Referred to House Judiciary & Public Safety

HB2291: VACATING FELONY CONVICTION; RECORD DESTRUCTION

A person convicted of a class 4, 5 or 6 felony is authorized to petition the court that pronounced sentence to vacate the judgment of conviction and expunge any records relating to that conviction. The person may file the petition no less than five years after the date the person fulfills the conditions of probation or sentence. Information that must be included in the petition is listed. Does not apply to a person convicted of a list of specified criminal offenses.

ARS Titles Affected: 13

First Sponsor: Rep. Rivero

Last Action: 1/17 Referred to House Judiciary & Public Safety

HB2292: VOTING RIGHTS; RESTORATION; FELONIES

For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment.

ARS Titles Affected: 13

First Sponsor: Rep. Navarrete

Last Action: 1/18 Referred to House Judiciary & Public Safety and House Government

HB2312: CRIMINAL HISTORY; HIRING PRACTICES; LIMITATION

Employers are prohibited from inquiring, considering or requiring disclosure of the criminal conviction record of an applicant for employment during the hiring process unless it has a direct relationship to the employment position, is only for the period of the five most recent consecutive years, and takes place after the applicant has received a conditional offer of employment. Does not apply to positions that require a valid fingerprint clearance card.

ARS Titles Affected: 23

First Sponsor: Rep. Navarrete

Last Action: 1/17 Referred to House Commerce

HB2362: CRIMINAL; ARREST RECORDS; ERASURE

If a person is arrested for, charged with or indicted for a violation of a criminal law and the court or a prosecutor dismisses or does not file a criminal charge against the person for at least 13 months after the arrest or dismissal, all law enforcement, grand jury, prosecuting agency and court records that pertain to the arrest or charge must be erased. Some exceptions. If a judgment of guilt is set aside, the person may request that the court seal the person's arrest and conviction records. The court or a law enforcement agency is prohibited from publicly disclosing an arrest and conviction record that is sealed. A person whose arrest record is sealed is authorized to deny under all circumstances that the arrest and conviction ever occurred.

ARS Titles Affected: 13

First Sponsor: Rep. Bolding

Last Action: 1/31 Referred to House Judiciary & Public Safety

Senate Bills That Failed

SB1018: PROCESS SERVERS; MOTOR VEHICLE RECORDS

The list of circumstances in which the Department of Transportation is required to disclose personal information is expanded to include for use by a certified process server in connection with any civil, criminal, administrative or arbitration proceeding in any court or government agency or before any self-regulatory body.

ARS Titles Affected: 28

First Sponsor: Sen. Kavanagh

Last Action: 1/9 Referred to Senate Transportation & Technology

SB1059: ADULT PROTECTIVE SERVICES; CONFIDENTIAL INFORMATION

The list of persons who may request that the general public be prohibited from accessing that person's residential address and telephone number as contained in records maintained by the county, Secretary of State and Department of Transportation is expanded to include employees of the Department of Economic Security Adult Protective Services.

ARS Titles Affected: 11 13 16 28 39

First Sponsor: Sen. Barto

Last Action: 2/2 Passed Senate (30-0); 2/20 Referred to House Judiciary & Public Safety

SB1069: VACATING FELONY CONVICTION; RECORD DESTRUCTION

A person whose conviction is set aside is permitted to answer on any application for employment or public benefits that the person was not convicted of the offense that was set aside.

ARS Titles Affected: 13 41

First Sponsor: Sen. Burges

Last Action: 2/27 Passed Senate (29-1); 2/28 Referred to House Judiciary & Public Safety

SB1127: HIRING PRACTICES; LIMITATION; CRIMINAL HISTORY

Employers are prohibited from inquiring, considering or requiring disclosure of the criminal conviction record of an applicant for employment during the hiring process unless it has a direct relationship to the employment position, is only for the period of the five most recent consecutive years, and takes place after the applicant has received a conditional offer of employment. Does not apply to positions that require a valid fingerprint clearance card.

ARS Titles Affected: 41

First Sponsor: Sen. Quezada

Last Action: 1/18 Referred to Senate Commerce & Public Safety

SB1141: ANIMAL ABUSER REGISTRATION; REGISTRY

An adult who has been convicted of cruelty to animals or other related offenses must register with the Secretary of State within 5 days after the conviction or after entering and remaining in the state. Beginning January 1, 2018, the Secretary of State's office is required to maintain a central animal abuser registry with the names and registration information of every person required to register. Beginning January 1, 2018, any person that sells, gives or adopts out three or more animals in one year is authorized to conduct a central animal abuser registry check for the name and address of every person who is requesting or who is provided with an animal, and is prohibited from selling, giving or adopting out an animal to a person whose name is listed in the registry.

ARS Titles Affected: 13

First Sponsor: Sen. Kavanagh

Last Action: 1/26 Held in Senate Judiciary

SB1199: CRIMINAL HISTORY INVESTIGATION; NAME CHANGE

Before the court considers an application to change a person's name, the court must require the applicant to furnish a full set of fingerprints and pay a fee to enable the Department of Public Safety to conduct a criminal history records check. Does not apply to an application filed on behalf of a minor or if the name change is requested in a divorce proceeding or because the applicant is a victim of domestic violence. If the superior court determines that a person is knowingly changing the person's name to that of another individual for the purpose of committing or furthering the commission of certain criminal offenses, the court is permitted to enter an order setting aside a change of name judgment or to deny a pending application.

ARS Titles Affected: 12 41

First Sponsor: Sen. Kavanagh

Last Action: 3/16 Received a "do pass" recommendation in House Judiciary & Public Safety with an amendment

SB1374: SCHOOLS; DATA PRIVACY

"School service providers" (defined) are required to provide information about the types of "student personal information" (defined) collected, obtain consent before using student personal information in a manner inconsistent with the privacy policy in effect at the time of

collection, maintain a comprehensive information security program for student personal information, and deleted student personal information within a reasonable period of time unless consent is obtained from the student's parent or guardian to retain the information. School service providers are permitted to collect, use and share student personal information only for the purposes authorized by the school district, charter school or teacher, or with the consent of the student's parent or guardian. Establishes a list of prohibited acts by school service providers to take with student personal information. Violations are an unlawful practice and subject to investigation and enforcement by the Attorney General.

ARS Titles Affected: 15

First Sponsor: Sen. Montenegro

Last Action: 1/31 Referred to Senate Education

SB1420: VOTING RIGHTS; RESTORATION; FELONIES

For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment.

ARS Titles Affected: 13

First Sponsor: Sen. Quezada

Last Action: 1/31 Referred to Senate Judiciary

SB1425: CRIMINAL CASES; ARRESTS; RECORDS; ERASURE

In any criminal case commenced beginning October 2, 1969 or after, if the accused is found not guilty by a final judgment or the charge is dismissed, all law enforcement, prosecuting agency and court records that pertain to the charge must be erased when the time to file a notice of appeal expires. Some exceptions. In any criminal case commenced before October 1, 1969, if the accused is found not guilty by a final judgment or the charge is dismissed, all law enforcement, prosecuting agency and court records that pertain to the charge must be erased by operation of law. Some exceptions. If a person is arrested or charged with violating a criminal law and the prosecutor dismisses or does not file a criminal charge against the person for at least 13 months after the arrest or dismissal, all law enforcement, grand jury, prosecuting agency and court records that pertain to the arrest or charge must be erased. Some exceptions. If a judgment of guilt is set aside, the person may request that the court seal the person's arrest and conviction records. The court or a law enforcement agency is prohibited from publicly disclosing an arrest and conviction record that is sealed. A person whose arrest record is sealed is authorized to deny under all circumstances that the arrest and conviction ever occurred.

ARS Titles Affected: 13

First Sponsor: Sen. Quezada

Last Action: 1/31 Referred to Senate Judiciary

SB1426: CRIMINAL CHARGES; UNLAWFUL ORDERS; REIMBURSEMENT

If a person is charged with a crime and it is determined that the factual basis for the crime involved violating an "unlawful order" (defined as an order that violates a person's constitutional or statutory rights), the court is required to dismiss those charges and order the prosecuting agency that filed the charges to reimburse the defendant for any attorney fees and costs.

ARS Titles Affected: 13

First Sponsor: Sen. Quezada

Last Action: 1/31 Referred to Senate Judiciary

Bills Introduced that Change Criminal Penalties

Bills in this category have a range of effects on the criminal justice system. There were 39 bills introduced which ACJC tracked that aimed to either create a new penalty, change an existing penalty, change the definition of certain crimes, or add a defense to existing crimes. Of note is SB1080 which prohibits a licensed driver from using a cell phone for the first six months that the licensee holds the license. Texting and using a cell phone while driving is distracting and has led to numerous accidents in the state. In his signing message, the Governor stated he is skeptical of large-scale bans on texting while driving. Of these 32 bills ten were signed into law.

House Bills Signed Into Law

HB2026: SECRETARY OF STATE; OMNIBUS

Various changes to statutes relating to the Office of the Secretary of State. A person who violates provisions is guilty of a class 1 misdemeanor. The Secretary of State is required to promptly chapter laws filed by the Legislature, to electronically publish and maintain them on the Secretary of State's website, and to transfer to the custody of the Arizona State Library, Archives and Public Records all original paper copies filed. The Secretary of State is also required to publish the Arizona Administrative Register electronically, and information that must be contained in the Register is modified. Repeals statutes requiring athlete agents to register with the Office and related regulations. Repeals statute requiring dance studios to file a \$5,000 bond with the Office. Eliminates various requirements for copies of reports to be filed in the Office. Also establishes the 4-member Commission on Uniform State Laws to review efforts nationally to enact uniform laws and recommend to the Governor and the Legislature the adoption of uniform legislation the Commission deems desirable. The Commission terminates on July 1, 2025.

ARS Titles Affected: 9 15 18 32 33 37 41 44 49

First Sponsor: Rep. Coleman

Last Action: 5/1 Signed by Governor. Chapter 223, Laws 2017.

HB2216: PROHIBITED FIREARM TRACKING; CLASSIFICATION

It is a class 6 (lowest) felony to require a person to use or be subject to "electronic firearm tracking technology" (defined) or to disclose any identifiable information about a person or the person's firearm for the purpose of using electronic firearm tracking technology. Does not apply to a "criminal justice employee" (defined) who obtains a search warrant, a pawnbroker or employee of a pawnshop if used to report information to the sheriff pursuant to statute, a probation, parole or surveillance officer who supervises a person serving a term of probation, community supervision or parole, or to the owner of a firearm who consents in writing.

ARS Titles Affected: 13

First Sponsor: Rep. Boyer

Last Action: 4/18 Signed by Governor. Chapter 165, Laws 2017.

HB2238: SEX TRAFFICKING; VIOLATION

The crime of child prostitution, a class 2 (second-highest) felony, is renamed child sex trafficking, and the crime of sex trafficking of a minor is deleted. The acts constituting a commission of child sex trafficking are expanded to include knowingly enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in, or with the knowledge that the minor will engage in, prostitution or any “sexually explicit performance” (defined). These acts were previously classified as sex trafficking of a minor. A sentence for child sex trafficking must be consecutive to any other sentence imposed on the person at any time.

ARS Titles Affected: 8 13

First Sponsor: Rep. Grantham

Last Action: 4/18 Signed by Governor. Chapter 167, Laws 2017.

HB2249: VEHICLE REGISTRATION; NONRESIDENTS; PENALTY

A person who violates license plate requirements for a nonresident's foreign vehicle is responsible for a civil traffic violation, instead of being guilty of a class 2 (second-highest) misdemeanor.

ARS Titles Affected: 28

First Sponsor: Rep. Boyer

Last Action: 5/22 Signed by Governor. Chapter 322, Laws 2017.

HB2280: Department of Revenue; Electronic Filing

Numerous changes relating to the Department of Revenue and tax administration. Various reports and returns are required to be filed electronically for reporting periods beginning January 1, 2020, or when the Department has established an electronic filing program, whichever is later. The threshold that triggers a requirement for a tax other than individual income tax to be paid by electronic funds transfer is lowered from \$20,000 in taxes owed for any tax period ending before January 1, 2019, to \$10,000 in 2019, \$5,000 in 2020, and \$500 in 2021 and beyond, and those same thresholds trigger new requirements for those taxpayers to file returns electronically in those same tax years. Taxpayers are permitted to apply to the Department of Revenue for an annual waiver from the electronic payment requirements for taxes other than individual income taxes. All orders for the purchase or receipt of luxury privilege tax stamps are required to be submitted using an electronic filing program established by the Department, and luxury privilege taxes must be paid by electronic funds transfer in monies that are immediately available to the state. Establishes a transaction privilege tax credit for accounting and reporting expenses for taxpayers who file using an electronic filing program. Changes criminal violation in that a first-time offender may be designated as a class 1 (highest) misdemeanor.

ARS Titles Affected: 5 41 42 43

First Sponsor: Rep. Shooter

Last Action: 3/24 Signed by Governor. Chapter 60, Laws 2017.

HB2404: INITIATIVES; CIRCULATORS; SIGNATURE COLLECTION; CONTESTS

It is a class 1 (highest) misdemeanor for a person to pay or receive money or any other thing of value based on the number of signatures collected on a statewide initiative or referendum petition. Signatures that are obtained by a paid circulator who violates this prohibition are void and cannot be counted in determining the legal sufficiency of the petition. The deadline to challenge the lawful registration of a paid petition circulator is 10 business days after, instead of five days after, the date on which the petitions are filed. Any person is permitted to contest the validity of an initiative or referendum. If multiple actions contesting the validity of an initiative or referendum are filed, the separate actions must be consolidated before the appropriate venue. In addition to contesting the validity of an initiative or referendum, any person is permitted to seek to enjoin the Secretary of State or other officer from certifying or printing the official ballot for the election that will include the proposed initiative or referendum measure.

ARS Titles Affected: 19

First Sponsor: Rep. Leach

Last Action: 3/23 Signed by Governor. Chapter 52, Laws 2017

[Senate Bills Signed Into Law](#)

SB1080: TEENAGE DRIVERS; COMMUNICATION DEVICES PROHIBITED

For the first six months that a class G driver licensee holds the license, the licensee is prohibited from driving a motor vehicle while using a wireless communication device for any reason, except during an emergency in which stopping the vehicle is impossible or will create an additional hazard, or when using an audible turn-by-turn navigation system if the licensee does not manually enter or adjust the device while driving. Does not apply beginning on the licensee's 18th birthday. Instruction permit holders for a class D or G driver license are prohibited from driving a motor vehicle while using a wireless communication device for any reason, except during an emergency in which stopping the vehicle is impossible or will create an additional hazard. Effective July 1, 2018.

ARS Titles Affected: 28

First Sponsor: Sen. Fann

Last Action: 4/27 Signed by Governor. Chapter 209, Laws 2017.

SB1350: TERRORIST THREATS; FALSE REPORTS; TERRORISM

The list of acts constituting terrorism, a class 2 (second-highest) felony, is modified to include to knowingly provide advice, assistance or direction in the conduct, financing or management of a terrorist organization. Minimum, presumptive and maximum sentences are established for the crime of terrorism. It is a class 3 (mid-level) felony to threaten to commit an act of terrorism and communicate the threat to any other person, and to knowingly make a false report of an act of terrorism and communicate the false report to any other person. Specified acts relating to infectious biological substances or radiological agents are removed from the list of acts constituting terrorism and are established as a separate class 2 felony. For the purpose of

specified portions of the criminal code, the definition of "terrorism" is expanded to include any felony that involves the use of a deadly weapon or the intentional or knowing infliction of serious physical injury with the intent to intimidate or coerce a civilian population and further the goals, desires, aims, public pronouncements, manifestos or political objectives of any "terrorist organization" (defined).

ARS Titles Affected: 13

First Sponsor: Sen. Petersen

Last Action: 3/29 Signed by Governor. Chapter 119, Laws 2017.

SB1478: OCCUPATIONAL SAFETY & HEALTH OMNIBUS

Various changes to statutes related to occupational safety and health. If an employer requests a hearing on an additional penalty for a repeated violation causing employee permanent disability or death covered by workers' compensation, the Industrial Commission is required to refer the request to the Office of Administrative Hearings for determination, instead of being permitted to either hear the issue raised or refer it to an administrative law judge. The Industrial Commission Division of Occupational Safety and Health is authorized to require the attendance and testimony of witnesses and the production of evidence under oath in making inspections and investigations. The Division is required to adopt regulations necessary for the operation of a voluntary protection and other model system implementation program, and program requirements are specified. The program terminates on July 1, 2027. Statutes regulating safety conditions for boilers and line hot water heaters are expanded to include "pressure vessels" (defined). Modifies the requirements for members of the Review Board within the Industrial Commission, and conditionally eliminates those changes if the Federal Occupational Safety and Health Administration rejects the changes to Arizona's occupational safety and health plan. Any person who violates provisions is guilty of a class 2 misdemeanor.

ARS Titles Affected: 23

First Sponsor: Sen. Smith

Last Action: 4/10 Signed by Governor. Chapter 147, Laws 2017.

SB1370: ELECTIONS; UNLAWFUL VOTING; RESIDENCE

It is a class 5 (second-lowest) felony to knowingly vote in two or more jurisdictions in Arizona for which residency is required for lawful voting and the person is not a resident of all jurisdictions in which the person voted. Specifies that a person has only one residence for the purpose of voting. It is a class 5 felony to knowingly vote in Arizona in an election in which a federal office appears on the ballot and vote in another state in an election in which a federal office appears on the ballot and the election day for both states is the same.

ARS Titles Affected: 16

First Sponsor: Sen. Griffin

Last Action: 5/2 Signed by Governor. Chapter 264, Laws 2017.

House Bills That Failed

HB2023: SALT RIVER HORSE HERD; PENALTY

The criminal classification for harassing, shooting, killing or slaughtering a horse that is part of the Salt River horse herd is increased to a class 6 (lowest) felony, from a class 1 (highest) misdemeanor. Conditionally enacted on the conditional enactment of Laws 2016, Chapter 136, which establishes the crime of harassing, shooting, injuring, killing or slaughtering a horse that is part of the Salt River horse herd.

ARS Titles Affected: 3

First Sponsor: Rep. Lawrence

Last Action: 1/10 Referred to House Land, Agriculture & Rural Affairs

HB2024: FALSE REPORTING; CLASSIFICATION

The criminal classification for knowingly making a false or fraudulent report for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a peace officer is increased to a class 4 (mid-level) felony, from a class 1 (highest) misdemeanor.

ARS Titles Affected: 13

First Sponsor: Rep. Lawrence

Last Action: 1/9 Referred to House Judiciary & Public Safety

HB2046: MOTORCYCLE RIDERS; HELMETS; FEES

All operators and passengers of motorcycles, all-terrain vehicles and motor driven cycles are required to wear a protective helmet at all times, instead of only those operators and passengers who are under 18 years of age. An operator or passenger who is at least 18 years of age may be exempted from the helmet requirement if the owner pays a fee in an amount determined by the Director of the Department of Transportation when registering the vehicle. Fees collected are deposited in the Highway User Revenue Fund (HURF). Violations of the helmet requirement are subject to secondary enforcement and are subject to a civil penalty of \$500. Of the civil penalty, \$200 is deposited in HURF and \$300 is deposited in the Spinal and Head Injuries Trust Fund.

ARS Titles Affected: 28 41

First Sponsor: Rep. Friese

Last Action: 1/18 Failed House Transportation & Infrastructure

HB2053: CAMPAIGN FINANCE; CORPORATE RECIPIENTS; REGISTRATION

Any corporation, limited liability company or labor organization that makes a contribution of a specified amount to a political committee or to another corporation, limited liability company or labor organization in an attempt to influence an election is required to register and notify the appropriate filing officer no later than one business day after making the contribution. The contribution amount that triggers this requirement is based on the office which is up for election. The corporation, limited liability company or labor organization is also required to notify the filing officer of each additional accumulation of contributions that exceeds the

threshold amount. Corporations, limited liability companies or labor organizations that fail to meet these requirements are liable in a civil action for a civil penalty of up to three times the total amount of the contributions. Any person who makes a knowingly false filing relating to a contribution under this requirement is guilty of a class 1 (highest) misdemeanor.

ARS Titles Affected: 16

First Sponsor: Rep. Clark

Last Action: 1/23 Referred to House Government

HB2174: AGGRAVATED DUI; AFFIRMATIVE DEFENSE

It is an affirmative defense to a violation of aggravated driving under the influence (DUI) because a person committed a DUI while the person's driver license was suspended, canceled, revoked or refused as a result of a previous DUI that the person did not know that the driver license was suspended, canceled, revoked or refused.

ARS Titles Affected: 28

First Sponsor: Rep. Boyer

Last Action: 1/17 Referred to House Judiciary & Public Safety

HB2242: ANIMAL CRUELTY; DOMESTIC ANIMALS; CLASSIFICATION

The list of acts constituting cruelty to animals is expanded to include intentionally or knowingly subjecting a "domestic animal" (defined) to cruel mistreatment and intentionally or knowingly killing a domestic animal without either legal privilege or consent of the domestic animal's owner or handler. Cruelty to animals under these circumstances is a class 5 (second-lowest) felony.

ARS Titles Affected: 13

First Sponsor: Rep. E. Farnsworth

Last Action: 1/31 Stricken from House Consent Calendar by Representative Cook

HB2299: CRIMES; EMPLOYMENT STATUS; FIRST RESPONDERS

It is unlawful for any person to select the victim of a list of specified criminal offenses because of the victim's actual or perceived employment as a peace officer, a public or private firefighter or emergency medical services personnel. If the underlying offense is a felony, a violation is a class 4 (mid-level) felony. If the underlying offense is a misdemeanor, a violation is a class 1 (highest) misdemeanor. The sentence imposed for a violation must be consecutive to any other sentence imposed on the person.

ARS Titles Affected: 13

First Sponsor: Rep. Kern

Last Action: 1/18 Referred to House Judiciary & Public Safety

HB2333: PATIENT REFERRAL INDUCEMENTS; UNLAWFUL COMPENSATION

It is unlawful for any person, including any health care provider, health care facility or structured sober living home to offer or pay, or to solicit or receive, any commission or bonus to induce the referral of patients or patronage to or from a health care provider, health care

facility or structured sober living home. Some exceptions. Violations are a class 3 (mid-level) felony if the consideration has a value of \$1,000 or more, a class 4 (lower mid-level) felony if the consideration has a value of more than \$100 but less than \$1,000, and a class 6 (lowest) felony if the consideration has a value of \$100 or less.

ARS Titles Affected: 13

First Sponsor: Rep. Campbell

Last Action: 1/23 Referred to House Judiciary & Public Safety

HB2434: DRIVING; HANDHELD COMMUNICATION DEVICES; PROHIBITION

It is a civil traffic violation for a person to use a "handheld wireless communication device" (defined) to manually type or enter written or visual messages, or send or read data to access or search the internet or engage in non-voice communications with another person, while operating a motor vehicle. Some exceptions.

ARS Titles Affected: 28

First Sponsor: Rep. Clodfelter

Last Action: 2/7 Referred to House Transportation & Infrastructure

HB2445: INTERFERING; JUDICIAL PROCEEDING; PROSECUTION; SENTENCE

Increases the criminal classification for interfering with judicial proceedings if the violation involves domestic violence to a class 5 (second-lowest) felony, from a class 1 (highest) misdemeanor. A person who is arrested for a domestic violence offense and then released and who violates a release condition that is included for the protection of an alleged victim or any other specifically designated person may be prosecuted for interfering with judicial proceedings. A person who violates a parenting plan or order in a way that poses a reasonable risk of harm to a child who is less than 15 years of age may be prosecuted for interfering with judicial proceedings.

ARS Titles Affected: 13 25

First Sponsor: Rep. Syms

Last Action: 2/7 Referred to House Judiciary & Public Safety

HB2463: SEXUAL ABUSE; MOLESTATION; MENTAL STATE

The definitions of sexual abuse, a class 5 (second-lowest) felony, and child molestation, a class 2 (second-highest) felony, are modified to specify that the sexual abuse or the molestation is motivated by a sexual interest. Eliminates the defense to a prosecution of sexual abuse or molestation that the defendant was not motivated by a sexual interest.

ARS Titles Affected: 13

First Sponsor: Rep. Kern

Last Action: 2/16 Received a "do pass" recommendation from House Judiciary & Public Safety

HB2489: ONLINE IMPERSONATION; OFFENSE

Establishes the crime of online impersonation, defined as using the name or persona of another person without their consent, and with the intent to harm, harass, defraud or threaten any person, to create a web page or send messages through a website or other electronic communication.

ARS Titles Affected: 13

First Sponsor: Rep. Descheenie

Last Action: 2/8 Referred to House Judiciary & Public Safety

HB2525: PROHIBITION; PHOTO RADAR

State agencies and local authorities are prohibited from using a photo enforcement system to identify violators of traffic control devices and speed regulations. Statutes authorizing and regulating photo enforcement are repealed.

ARS Titles Affected: 28

First Sponsor: Rep. Grantham

Last Action: 2/23 passed House (32-28); 2/28 Referred to Senate Transportation & Technology

[Senate Bills That Failed](#)

SB1009: THEFT; AMERICAN FLAG; PENALTY

Increases the penalty for theft of an American flag on display for other than its retail sale to a class 6 (lowest) felony, from a class 1 (highest) misdemeanor.

ARS Titles Affected: 13

First Sponsor: Sen. Kavanagh

Last Action: 1/26 Approved by Senate Committee of the Whole

SB1019: PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS

It is a defense to any action under public records law that the request for access to public records is unduly burdensome or harassing.

ARS Titles Affected: 39

First Sponsor: Sen. Kavanagh

Last Action: 1/9 Referred to Senate Government

SB1022: POLITICAL BELIEFS; HATE CRIMES; TRAINING

The types of information to be collected and disseminated by the central state repository of criminal justice information is expanded to include criminal offenses that manifest evidence of prejudice based on political affiliation, beliefs or opinions. The courses of training required for law enforcement officers as prescribed by the Arizona Peace Officer Standards and Training Board are required to include responding to and reporting all criminal offenses that are motivated by political affiliation, opinions or beliefs.

ARS Titles Affected: 41

First Sponsor: Sen. Kavanagh

Last Action: 1/9 Referred to Senate Commerce & Public Safety and Senate Judiciary

SB1024: VEHICLE THEFT; SECURITY INTEREST; REPEAL

Repeals statute establishing the crime of unlawful failure to return a motor vehicle subject to a security interest, which was a class 6 (lowest) felony.

ARS Titles Affected: 13

First Sponsor: Sen. Burges

Last Action: 1/26 Held in Senate Judiciary

SB1049: TEXT MESSAGING WHILE DRIVING; PROHIBITION

It is a nonmoving civil traffic violation to use a wireless communication device to manually write or send a written message while operating a motor vehicle on a highway. Some exceptions. Violations are subject to a civil penalty of \$100 for a first violation and \$300 for a second or subsequent violation. If a person in violation is involved in a motor vehicle accident, the person is subject to a civil penalty of \$500, except that if the accident results in the death of another person, the civil penalty is \$10,000.

ARS Titles Affected: 28

First Sponsor: Sen. Kavanagh

Last Action: 1/11 Referred to Senate Transportation & Technology

SB1051: AGGRESSIVE SOLICITATION; APPROACHING STOPPED VEHICLE

The list of acts constituting aggressive solicitation, a petty offense, is expanded to include approaching within 10 feet of a person who is in a vehicle that is stopped at a traffic control device except if the driver of the vehicle grants the person permission to approach the vehicle.

ARS Titles Affected: 13

First Sponsor: Sen. Kavanagh

Last Action: 1/26 Failed Senate Judiciary

SB1075: AGGRAVATED ASSAULT; PRIVATE PROCESS SERVERS

The list of victims of assault that cause an assault to be classified as aggravated assault if the defendant knows of their profession is expanded to include private process servers while in the execution of official duties.

ARS Titles Affected: 13

First Sponsor: Sen. Kavanagh

Last Action: 1/26 Received a "do pass" recommendation from Senate Judiciary

SB1085: VULNERABLE USERS OF PUBLIC WAYS

An operator of a motor vehicle is prohibited from knowingly, intentionally or recklessly operating the vehicle within three feet of a "vulnerable user of a public way" (defined as a law enforcement officer, emergency responder or a worker in a state highway work zone while in

the course of official duties or a pedestrian, person riding an animal or a person operating a farm tractor, skateboard, skates, scooter, wheelchair or bicycle in a crosswalk or on a shoulder of the highway). An operator of a motor vehicle is prohibited from knowingly, intentionally or recklessly distracting or attempting to distract a vulnerable user of a public way for the purpose of causing violence or injury, or forcing or attempting to force a vulnerable user of a public way off of a public way, crosswalk or shoulder of the highway except as necessary for public safety. A violation is a class 2 (mid-level) misdemeanor, except that if a violation resulted in serious physical injury to or death of a vulnerable user of a public way, the court must impose specified penalties.

ARS Titles Affected: 13 28

First Sponsor: Sen. Farley

Last Action: 1/17 Referred to Senate Judiciary and Senate Transportation & Technology

SB1086: SENTENCING; AGGRAVATING FACTOR; TEXTING

The list of aggravating circumstances for the purpose of determining the sentence for felony offenses is expanded to include that during the commission of the offense, the defendant was operating a motor vehicle while using a "wireless communication device" (defined) to manually type, send, read or enter a written or visual communication, including a text message, instant message, e-mail or a communication on social media.

ARS Titles Affected: 13

First Sponsor: Sen. Farley

Last Action: 1/17 Referred to Senate Transportation & Technology and Senate Judiciary

SB1087: WIRELESS COMMUNICATION DEVICE; DRIVING; PROHIBITION

It is a nonmoving civil traffic violation to use a wireless communication device to manually type, send, read or enter a written message or visual communication while operating a motor vehicle on a highway. Some exceptions. Violations are subject to a civil penalty of \$100 for a first violation, \$300 for a second or subsequent violation, or \$500 if the person is involved in a motor vehicle accident.

ARS Titles Affected: 28

First Sponsor: Sen. Farley

Last Action: 1/17 Referred to Senate Transportation & Technology and Senate Judiciary

SB1088: VEHICLES; COLLISIONS; INJURY; TEXTING; PENALTY

The lists of acts constituting the crimes of causing serious physical injury or death by a moving violation, a class 3 (lowest) misdemeanor, and causing serious physical injury by use of a vehicle, a class 5 (second lowest) felony, are expanded to include operating a motor vehicle while using a "wireless communication device" (defined) to manually type, send, read or enter a written or visual communication. Some exceptions.

ARS Titles Affected: 28

First Sponsor: Sen. Farley

Last Action: 1/17 Referred to Senate Transportation & Technology and Senate Judiciary

SB1135: HANDHELD COMMUNICATIONS DEVICES; DRIVING; PROHIBITION

It is an unspecified class of misdemeanor (blank in original) to manually type or enter written or visual messages into a cellular telephone or other handheld wireless communications device or to send or read data using a device to access or search the internet or engage in non-voice communications with another person, or to use a device to engage in voice communications with another person unless the device is used with a hands-free accessory, while operating a motor vehicle on a highway. Some exceptions. Violations are subject to a civil penalty of \$100 for a first violation, \$300 for a second violation, or \$500 for a third or subsequent violation.

ARS Titles Affected: 28

First Sponsor: Sen. Farley

Last Action: 1/18 Referred to Senate Transportation & Technology and Senate Judiciary

SB1142: RIOT; PLANNING; PARTICIPATION; RACKETEERING

The definition of "riot," a class 5 (second-lowest) felony is modified to include three or more persons acting together and using force or violence that results in damage to the property of another person, instead of only which disturbs the public peace. For the purpose of the criminal code, the definition of "racketeering" is expanded to include rioting. The list of acts constituting conspiracy is expanded to include agreeing with one or more persons to commit riot.

ARS Titles Affected: 13

First Sponsor: Sen. Borrelli

Last Action: 2/22 Passed Senate (17-13); Was not assigned to a House committee

SB1159: CIVIL LIABILITY; DAMAGES; WEAPONS

A person or entity is not liable in any civil action for damages that result from another person's use of a weapon in an area that is not a "gun-free zone" (defined), unless the person or entity intends to cause injury or acts with gross negligence.

ARS Titles Affected: 12

First Sponsor: Sen. Borrelli

Last Action: 3/9 Received a "do pass" recommendation from House Judiciary & Public Safety

SB1187: SENTENCING; AGGRAVATING FACTOR; POLITICAL AFFILIATION

For the purpose of determining the sentence for a felony offense, the list of aggravating circumstances is expanded to include evidence that the defendant committed the crime out of malice toward a victim because of the victim's political affiliation, beliefs or opinions or because of the defendant's perception of those things.

ARS Titles Affected: 13

First Sponsor: Sen. Kavanagh

Last Action: 1/24 Referred to Senate Judiciary

SB1354: SCHOOLS; BULLYING POLICY; DEFINITION

Defines "bullying" as any written, verbal or physical act or any electronic communication that is intended to harm a student. Charter schools are required to prescribe and enforce policies and procedures to prohibit students from harassing, intimidating and bullying other students. The policies and procedures must include specified elements. Also modifies the required elements of school district anti-bullying policies.

ARS Titles Affected: 15

First Sponsor: Sen. Hobbs

Last Action: 1/31 Referred to Senate Education

Bills Introduced Pertaining to Firearms

This session, there were 18 bills introduced pertaining to firearms. Most of these aimed to uphold a citizen's right to carry a firearm, and of these 18 bills introduced, three that were passed extend the rights of gun owners and one detailed requirements for firearms safety training instructors. HB2216 outlaws mandatory electronic firearm tracking technology while SB1344 limits a political subdivision's ability to regulate an employee acting within the scope of their employment from carrying a firearm. In addition, SB1122, although it doesn't explicitly mention firearms, will make it illegal for any state or local government to require the search of any federal or state database before personal property is sold or transferred. SB1122 essentially blocks local governments from instituting background checks on the purchase of firearms.

House Bills Signed Into Law

HB2216: PROHIBITED FIREARM TRACKING; CLASSIFICATION

It is a class 6 (lowest) felony to require a person to use or be subject to "electronic firearm tracking technology" (defined) or to disclose any identifiable information about a person or the person's firearm for the purpose of using electronic firearm tracking technology. Does not apply to a "criminal justice employee" (defined) who obtains a search warrant, a pawnbroker or employee of a pawnshop if used to report information to the sheriff pursuant to statute, a probation, parole or surveillance officer who supervises a person serving a term of probation, community supervision or parole, or to the owner of a firearm who consents in writing.

ARS Titles Affected: 13

First Sponsor: Rep. Boyer

Last Action: 4/18 Signed by Governor. Chapter 165, Laws 2017.

HB2319: SECURITY GUARD TRAINING INSTRUCTORS; CERTIFICATION

Establishes qualifications for "firearms safety training instructor" and "security guard training instructor" (both defined) registration certificates. The Department of Public Safety is required to issue registration certificates to firearms safety training instructors and security guard training instructors who satisfactorily comply with these requirements. The Department is authorized to charge and collect reasonable fees for registration. Security guard agencies are required to use only registered firearms safety training instructors and security guard training instructors.

ARS Titles Affected: 32

First Sponsor: Rep. Lawrence

Last Action: 5/2 Signed by Governor. Chapter 252, Laws 2017.

Senate Bills Signed Into Law

SB1122: PERSONAL PROPERTY TRANSFER; LIMITATIONS; PROHIBITED

The state, counties and municipalities are prohibited from requiring as a condition of a private sale, gift, donation or other transfer of personal property that the property owner search or facilitate the search of any federal or state databases or that a third party be involved.

ARS Titles Affected: 44

First Sponsor: Sen. Griffin

Last Action: 5/1 Signed by Governor. Chapter 238, Laws 2017.

SB1344: FIREARMS; STATE PREEMPTION; INDEPENDENT CONTRACTORS

For the purpose of a political subdivision's authority to enact and enforce any ordinance or rule regulating employees or independent contractors who are acting within the course and scope of their employment or contract, "acting within the course and scope of their employment or contract" does not include the lawful possession, carrying, transporting or storing of a firearm or other weapon on real property owned by the employee or independent contractor, in or on a private vehicle or craft owned by the employee or independent contractor, or the lawful transport or storage of a firearm in a private vehicle.

ARS Titles Affected: 13

First Sponsor: Sen. Kavanagh

Last Action: 4/12 Signed by Governor. Chapter 148, Laws 2017.

House Bills That Failed

HB2022: UNLAWFUL DISCHARGE OF FIREARMS; EXCEPTION

The list of exceptions from the definition of unlawful discharge of firearms, a class 6 (lowest) felony, is modified to include using rat shot or snake shot that consists of pellets that are 1.3 millimeters or less in diameter and that are loaded in a rimfire cartridge with a caliber that does not exceed 0.22 inches.

ARS Titles Affected: 13

First Sponsor: Rep. Lawrence

Last Action: 4/10 Failed to pass Senate (15-15)

HB2117: STATE MILITIA; FIREARMS; RIGHTS

Declares a legislative finding that the state militia is necessary for the security of the state, that militia members include citizens and residents who are law abiding and who legally own firearms, and that militia members have the right to keep and bear arms under the 2nd amendment of the U.S. Constitution.

ARS Titles Affected: 26

First Sponsor: Rep. Thorpe

Last Action: 3/23 Received a "do pass" recommendation from Senate Government with an amendment

HB2118: FIREARMS TRANSFERS; COMPACT

The state of Arizona enacts, adopts and agrees to be bound by a uniform firearms transfer compact, which prohibits member states from creating, imposing or enforcing any fee, tax, penalty, mandate or regulation governing, punishing, restricting, conditioning or otherwise burdening in any respect or at any time the transfer of firearms by any person in addition to those imposed by federal law, with some exceptions. Any law, regulation or policy existing on the effective date of the compact which is in conflict with this prohibition is repealed and held for naught to the extent of the conflict. Provides for construction, enforcement, withdrawal from and severability of the compact.

ARS Titles Affected: 13

First Sponsor: Rep. Thorpe

Last Action: 1/23 Referred to House Judiciary & Public Safety

HB2149: MENTAL HEALTH; INJUNCTION; FIREARM POSSESSION

An immediate family member or a peace officer is authorized to file a verified petition with a magistrate, justice of the peace or superior court judge for an injunction that prohibits a person from possessing, controlling, owning or receiving a firearm. Any court may issue or enforce a mental health injunction against firearm possession, regardless of the location of the person. Information that must be included in the petition is specified. If the court finds that there is clear and convincing evidence to issue a mental health injunction against firearm possession, the court must issue the injunction. Information that must be included in the injunction is specified. Provides for enforcement. More.

ARS Titles Affected: 12

First Sponsor: Rep. Friese

Last Action: 1/18 Referred to House Judiciary & Public Safety

HB2150: FIREARM SALES; TRANSFERS; BACKGROUND CHECKS

If neither party to a prospective firearms sale or transfer is a licensed firearms dealer, the parties must complete the transaction through a licensed firearms dealer. Some exceptions. The dealer must process the sale or transfer and comply with all requirements of federal, state and local law as if the dealer were a party to the transaction, including a background check on both parties. If the dealer cannot legally deliver the weapon to the purchaser, the dealer must return the weapon to the seller. If the dealer cannot legally return the weapon to the seller, the dealer must deliver the weapon to law enforcement. The dealer may charge a fee of up to \$20 for the costs incurred in facilitating the sale or transfer. Violations are a class 5 (second-lowest) felony.

ARS Titles Affected: 13

First Sponsor: Rep. Friese

Last Action: 1/18 Referred to House Judiciary & Public Safety

**HB2244: (~~CONCEALED WEAPONS PERMIT; ELECTRONIC REPORTS~~) INITIATIVE PETITIONS;
STANDARD OF REVIEW**

Requires the Arizona Department of Public Safety to submit its annual concealed carry weapons report electronically and expands the report to include any changes made in the previous year to a written agreement with another state.

ARS Titles Affected: 13

First Sponsor: Rep. Farnsworth

Last Action: 4/12 Received a strike-everything amendment in Senate Committee of the Whole

HB2287: FIREARM DISCHARGE; MENTAL STATE; APPLICABILITY

Changes the culpable mental state for unlawful discharge of a firearm, a class 6 (lowest) felony, to intentionally, knowingly or recklessly, instead of with criminal negligence.

ARS Titles Affected: 13

First Sponsor: Rep. Rivero

Last Action: 3/2 Received a "do pass" recommendation from Senate Government

HB2318: CONCEALED WEAPONS PERMIT; SUSPENSION; REVOCATION

Concealed weapons permits of a person who is arrested or indicted of an offense that would make the person unqualified for the permit are no longer immediately suspended and seized and then restored if the permittee is found not guilty or the charges are dismissed. On the effective date of this legislation, the Department of Public Safety is required to reinstate all suspended concealed weapons permits unless the Department determines that a permit should be revoked or that the person is no longer eligible for a permit. The Department is required to notify each suspended permit holder of the status of the person's permit.

ARS Titles Affected: 13

First Sponsor: Rep. Lawrence

Last Action: 2/1 Held in House Judiciary & Public Safety

**HB2402: (~~PROHIBITED POSSESSORS; DRIVING RECORD; NOTATION~~) CIVIL PENALTY
MITIGATION; RESTRICTED DRIVER LICENSES**

If a person is convicted of or adjudicated delinquent for an offense that makes the person a prohibited possessor, the sentencing court is required to transmit specified information to the Department of Transportation Motor Vehicle Division (MVD), and the MVD is required to make a notation on the person's driving record containing that information and make that record readily available to peace officers in Arizona. Effective January 1, 2019.

ARS Titles Affected: 13 14 36

First Sponsor: Rep. Shope

Last Action: 5/9 Received a strike-everything amendment in Senate Committee of the Whole

HB2427: MISCONDUCT INVOLVING WEAPONS; FIREARM STORAGE

The list of acts constituting misconduct involving weapons is expanded to include storing a firearm without using a lock and key or combination on the trigger of the firearm or placing the firearm in a securely locked box or other container. Misconduct involving weapons for these actions is a class 1 (highest) misdemeanor.

ARS Titles Affected: 13

First Sponsor: Rep. Fernandez

Last Action: 2/7 Referred to House Judiciary & Public Safety

HB2464: PROHIBITED ACTIONS; FEDERAL ACTS; FIREARM

Except as required by a court order, a state agency or political subdivision or their employees while acting in an official capacity are prohibited from knowingly and willingly participating in any way in the enforcement of any federal act, law, order, rule or regulation issued or enacted on or after the effective date of this legislation regarding a personal firearm, firearm accessory or ammunition, and from using any assets or state monies to engage in any activity that aids a federal agency, federal agent or corporation that provides services to the federal government in the enforcement or investigation of those federal laws and regulations. The State Treasurer is prohibited from transferring any monies to a political subdivision in the fiscal year after a final judicial determination is made that the political subdivision adopted a rule, ordinance or policy that intentionally violated this prohibition. An agent or employee of the state or a political subdivision who knowingly violates this prohibition is subject to a civil penalty of up to \$3,000 for a first violation, and a class 1 (highest) misdemeanor for a second or subsequent violation. Contains legislative findings.

ARS Titles Affected: 13

First Sponsor: Rep. Kern

Last Action: 2/7 Referred to House Judiciary & Public Safety

HCR2009: FIREARM SALES; TRANSFERS; BACKGROUND CHECKS

Minor change in Title 42 (Taxation) related to tax refund accounts. Apparent striker bus.

ARS Titles Affected: 42

First Sponsor: Rep. Urgenti-Rita

Last Action: No actions posted

[Senate Bills That Failed](#)

SB1195: DOMESTIC VIOLENCE OFFENDERS; FIREARMS; SEIZURE

The court is required to order a person placed on probation for a domestic violence offense to transfer, for the duration of the probation, any firearms the person owns or possesses to the appropriate law enforcement agency within 24 hours after sentencing, or to provide the agency with an affidavit certifying that the person does not own or possess a firearm. The court must provide a copy of the order to the appropriate law enforcement agency, and if the agency has

not received an affidavit or any firearms from the person within 24 hours, the agency must notify the court and request a search warrant for the person's home and vehicle, if appropriate. If a court orders a defendant who is subject to an order of protection to transfer a firearm to the appropriate law enforcement agency and the firearm is not transferred to the agency within 24 hours, the agency must notify the court and request a search warrant for the person's home and vehicle, if appropriate, to retrieve the firearm.

ARS Titles Affected: 13

First Sponsor: Sen. Bradley

Last Action: 1/24 referred to Senate Government

SB1243: MISCONDUCT INVOLVING WEAPONS; PUBLIC PLACES

A person who possesses a valid concealed weapons permit is exempt from the prohibition on carrying a concealed weapon in a public establishment or at a public event. Some exceptions, including for public establishments or events that are a "secured facility" (defined), that are the licensed premises of a liquor licensee, that are an educational institution, and that are a vehicle or craft.

ARS Titles Affected: 13

First Sponsor: Sen. Kavanagh

Last Action: 2/28 Failed to pass Senate (14-16)

Bills Introduced Pertaining to Substance Abuse

This session there were 15 bills introduced relating to substance abuse. Of these, seven were signed into law including HB2307, HB2493, SB1023, and SB1278. These four pieces of legislation reflect greater efforts by the legislature to expand drug monitoring and treatment programs. HB2307 and SB1023 both expand prescription drug monitoring programs while HB2493 expands the duties and requirements of the Drug Overdose Fatality Review Team in order to address the opioid epidemic in the state. Additionally, SB 1278 will fund pretrial intervention programs to allow County Attorneys to direct offenders into substance abuse treatment programs in place of prosecution.

House Bills Signed Into Law

HB2033: CONTROLLED SUBSTANCES; DEFINITION

For the purpose of controlled substances regulations, certain specified substances are added to the list of controlled substances included in schedule I. For the purpose of the criminal code, the definition of "narcotic drugs" is expanded to include certain specified substances.

ARS Titles Affected: 13 36

First Sponsor: Rep. Carter

Last Action: 3/24 Signed by Governor. Chapter 53, Laws 2017.

HB2307: CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROG

The maximum amount the Executive Director of the Board of Pharmacy is authorized to annually transfer to the Controlled Substances Prescription Monitoring Program from the Board of Pharmacy Fund is increased to \$500,000, from \$395,795. Each medical practitioner regulatory board is required to notify medical practitioners who register under the federal Controlled Substances Act of the practitioner's responsibility to register with the Board of Pharmacy and be granted access to the Program's central database tracking system, instead of each board being required to notify the Board of Pharmacy and the Board of Pharmacy notifying the practitioners. The purposes for which the Arizona Health Care Cost Containment System Administration is authorized to use confidential data from the Program for are expanded to include for performing a drug utilization review for controlled substances to help combat opioid overuse or abuse or for ensuring the continuity of care.

ARS Titles Affected: 32 36

First Sponsor: Rep. Carter

Last Action: 3/24 Signed by Governor. Chapter 61, Laws 2017.

HB2395: SCHOOLS; ILLEGAL SUBSTANCES; NOTIFICATION

School district governing boards and charter school governing bodies are required to adopt procedures that require the school district or charter school to annually report to the Department of Education the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance and the type of illegal substance involved in each suspension or expulsion. The Department is required to compile this information and annually post it online. School districts and charter schools that provide high school instruction are authorized to establish a Career and College Readiness Program for "at-risk youth" (defined). Program requirements are established, and school districts and charter schools that participate in the Program are required to annually report specified information to the Department. The Department is required to submit to the Governor and the Legislature a report that summarizes Program information by September 15 of each year. The Program terminates on July 1, 2027.

ARS Titles Affected: 15

First Sponsor: Rep. Boyer

Last Action: 5/22 Signed by Governor. Chap. 324, Laws 2017

HB2493: DISPENSING OPIOIDS; DRUG OVERDOSE REVIEW TEAM (DRUG OVERDOSE; REVIEW TEAM; CONFIDENTIALITY)

A pharmacist is permitted to dispense naloxone hydrochloride or any other opioid antagonist for emergency purposes that is approved by the U.S. Food and Drug Administration on the receipt of a "standing order" (defined) and according to protocols adopted by the Board of Pharmacy. Deletes the requirement for a health professional to require a person receiving a prescription for an opioid antagonist to provide in writing a factual basis for a reasonable conclusion that the person meets the requirements for a prescription. Establishes the 21-member Drug Overdose Fatality Review Team in the Department of Health Services to develop a drug overdose fatalities data collection system, develop protocols for drug overdose investigations, and determine changes needed to decrease the incidence of preventable drug overdose fatalities. The Team is authorized to receive information and records from health care providers, the state and political subdivisions, and all information acquired by the Team is confidential. A violation of confidentiality requirements is a class 2 (mid-level) misdemeanor. The Review Team is repealed on January 1, 2023.

ARS Titles Affected: 36

First Sponsor: Rep. Carter

Last Action: 5/1 Signed by Governor. Chapter 234, Laws 2017.

Senate Bills Signed Into Law

SB1023: DISPENSERS; PRESCRIPTION DRUG MONITORING

The Controlled Substances Prescription Monitoring Program is expanded to include tracking the prescribing, dispensing and consumption of schedule V controlled substances, in addition to schedule II, III, and IV. Conditionally enacted on H2493 becoming law, the Board of Pharmacy is authorized to release to the Department of Health Services data from the Program regarding persons who are receiving or prescribing controlled substances if the information is necessary for the Department to implement a public health response to address opioid overuse or abuse.

ARS Titles Affected: 36

First Sponsor: Sen. Kavanagh

Last Action: 5/8 Signed by Governor. Chapter 283, Laws 2017.

SB1278: FELONY PRETRIAL INTERVENTION PROGRAM; APPROP

Appropriates \$2.75 million from the general fund in FY2017-18 to the ACJC, to be proportionally distributed to county attorney offices in counties with a population of less than 3 million persons for administering felony intervention programs that meet specified requirements.

ARS Titles Affected: 41

First Sponsor: Sen. Smith

Last Action: 5/8 Signed by Governor. Chapter 286, Laws 2017.

SB1377: CONTROLLED SUBSTANCES; APPROVED MEDICATIONS

Any compound, mixture or preparation that contains cannabidiol and that is approved by the U.S. Food and Drug Administration and rescheduled by the U.S. Drug Enforcement Administration is a controlled substance for the purposes of the Uniform Controlled Substances Act and may be prescribed in Arizona. Conditionally enacted on a cannabidiol investigational product being approved as a prescription medication under a federal interim final rule by January 1, 2020.

ARS Titles Affected: 36

First Sponsor: Sen. Brophy McGee

Last Action: 4/24 Signed by Governor. Chapter 188, Laws 2017.

House Bills That Failed

HB2002: MARIJUANA; SENTENCE; CIVIL PENALTY; FINES

Reduces the criminal classification for possession or use of marijuana with a specified weight as follows: less than one ounce is subject to a civil penalty of up to \$100, from a class 6 (lowest) felony; at least one ounce but less than two pounds is reduced to a petty offense, from a class 6 felony; two pounds or more to a class 3 (mid-level) misdemeanor, from either a class 4 or 5 felony. Reduces the criminal classification for importing, transporting for sale or selling marijuana with a specified weight as follows: less than two pounds to a class 3 misdemeanor, from a class 5 (second-lowest) felony; at least two pounds but less than four pounds to a class 6 felony, from a class 4 felony; more than four pounds to a class 5 felony, from a class 3 felony.

The court must order a juvenile who is adjudicated delinquent for a first violation of these marijuana related violations to complete at least 10 hours of community restitution in lieu of other penalties. If the community restitution is not complete within one year, the juvenile is subject to all other penalties prescribed by law.

ARS Titles Affected: 13 41

First Sponsor: Rep. Cardenas

Last Action: 1/9 Referred to House Judiciary & Public Safety and House Health

HB2003: MARIJUANA; REGULATION; TAXATION

A person who is at least 21 years of age may possess, consume, use, display, purchase or transport one ounce or less of marijuana, may grow up to five marijuana plants and may possess, process or transport the marijuana produced by the plants on the premises where the plants were grown. Some restrictions. It is unlawful to smoke marijuana in a public place. Establishes regulations for marijuana accessories and retail marijuana stores. Establishes an excise tax on the sale or transfer of marijuana at the rate of \$50 per ounce. Revenues generated by the tax must be used to enforce these regulations, and any remaining monies are distributed as follows: 30 percent to the Department of Education, 20 percent to the Department of Health Services for specified drug programs, and 50 percent to the general fund. The Department of Health Services is required to adopt rules necessary for implementation. Due to a potential increase in state revenue, this bill requires the affirmative vote of at least 2/3 of each house of the Legislature for passage.

ARS Titles Affected: 36 42

First Sponsor: Rep. Cardenas

Last Action: 1/9 Referred to House Judiciary & Public Safety and House Ways & Means

HB2018: MEDICAL MARIJUANA; CULTIVATION; FACILITIES

Medical marijuana cultivation facilities must have a roof and a hardened covering. Due to voter protection, this legislation requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

ARS Titles Affected: 36

First Sponsor: Rep. Leach

Last Action: 1/23 Failed House Military, Veterans & Regulatory Affairs (4-5)

HB2029: MEDICAL MARIJUANA DISPENSARIES; LOCATION CHANGE

After the Department of Health Services issues a registration certificate to a nonprofit medical marijuana dispensary, the dispensary is permitted to change its location or the cultivation site only to another location in the same community health analysis area as established by the Department at the time the original registration certificate was issued, and the new dispensary is subject to the other requirements for a new dispensary. Due to voter protection, this legislation requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

ARS Titles Affected: 36

First Sponsor: Rep. Leach

Last Action: 1/23 Received “do pass” recommendation from House Military, Veterans, & Regulatory Affairs

HB2313: MEDICAL MARIJUANA; STUDY COMMITTEE

Establishes an 11-member Medical Marijuana Study Committee to discuss the purpose and benefits of medical marijuana and make recommendations for legislation that furthers the purpose of the Arizona Medical Marijuana Act. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 15, 2017 and self-repeals January 1, 2021.

ARS Titles Affected: 41

First Sponsor: Rep. Cardenas

Last Action: 1/18 Referred to House Health and House Appropriations

HB2335: TOBACCO POSSESSION; SALE; AGE; SIGNAGE

For the purpose of statute prohibiting furnishing a tobacco product to an underage person, a petty offense, tobacco products may not be furnished to a person who is under 21 years of age, instead of to a minor, and the required mental state of doing so knowingly is eliminated. The definition of "tobacco product" is expanded to include "electronic smoking devices" (defined). The crimes of a retail tobacco vendor selling, furnishing or giving beedies or bidis, of selling tobacco products through a vending machine except in specified circumstances, and of delivering or causing unsolicited tobacco products to be delivered to a residence are all modified to apply to products sold or given to an individual who is under 21 years of age, instead of to a minor. Retail tobacco vendors are prohibited from selling or permitting the sale of tobacco products unless a sign with specified dimensions is posted at the location stating that a person who is under 21 years of age cannot purchase tobacco products. Violations are an unlawful practice and a petty offense.

ARS Titles Affected: 13 36

First Sponsor: Rep. Boyer

Last Action: 2/2 Received a “do pass” recommendation from House Health

[Senate Bills That Failed](#)

SB1045: MARIJUANA; DEFINITION

For the purpose of the Criminal Code, the definition of "marijuana" does not include the plant cannabis sativa L and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of up to 0.3 percent on a dry weight basis.

ARS Titles Affected: 13

First Sponsor: Sen. Borrelli

Last Action: 1/19 Held in Senate Judiciary

SB1337: INDUSTRIAL HEMP; LICENSING

Adds a new article to Title 3 (Agriculture) regulating industrial hemp production, processing, manufacturing, distribution and commerce under the authority of the Department of Agriculture. The Department is required to adopt rules to oversee the licensing, production and management of industrial hemp, including fees for licensing, testing and production supervision, and is prohibited from adopting a rule that prohibits a person from growing industrial hemp based on the legal status of industrial hemp under federal law. Industrial hemp growers and processors are required to obtain a license from the Department, and licensing requirements are established. Licensing fees are deposited in the newly established Industrial Hemp Trust Fund, to be used by the Department for administering and enforcing these regulations. Establishes requirements for recordkeeping, inspection, transportation and distribution of industrial hemp, and penalties for violations. Appropriates \$250,000 and 3 FTE positions from the general fund in FY2017-18 to the Department for implementation.

ARS Titles Affected: 3 13 41

First Sponsor: Sen. Borrelli

Last Action: 5/22 Governor Vetoed

Bills Introduced Pertaining to Victims

This session there were eight bills introduced which explicitly advocate for victims' rights. In addition to bills included here which serve to improve a crime-victim's experience with the criminal justice system, there were multiple bills introduced and passed which amend practices in handling evidence and change reporting procedures in order to improve the criminal justice system as a whole and in turn have a positive impact on victims. Of note is HB 2268, which mandates all untested sexual assault kits in Arizona be tested and reported on. The Arizona Sexual Assault Task Force reported a total of 6,424 untested rape kits. As a result of testing these untested kits, the Task Force has identified 400 serial rapist suspects and 2,500 new suspects since last fall.

House Bills Signed Into Law

HB2241: VICTIMS; RIGHTS; PLEADING ENDORSEMENTS

On the filing of a notice of appearance, counsel for a crime victim is required to be endorsed on all pleadings.

ARS Titles Affected: 13

First sponsor: Rep. E. Farnsworth

Last Action: Signed by Governor. Chap. 36, Laws 2017.

HB2268: SEXUAL ASSAULT EVIDENCE; SUBMISSION; REPORTS

A health care facility that obtains written consent to release sexual assault kit evidence is required to notify the appropriate law enforcement agency within 48 hours after evidence collection. The law enforcement agency is required to take possession of the kit within five business days and submit the evidence to a public accredited crime laboratory for forensic analysis within 15 business days after its receipt in all cases in which a victim reports to law enforcement and law enforcement determines that a crime occurred. All kits submitted for analysis must be analyzed as soon as practicable if sufficient personnel and resources are available, and a public accredited crime laboratory is permitted to contract with a private accredited crime laboratory to perform the analysis. By August 30 of each year, each law enforcement agency and public accredited crime laboratory is required to report specified information about sexual assault kits to the Department of Public Safety, and the Department is required to report a compilation of those reports to the Governor and the Legislature by December 1 of each year.

ARS Titles Affected: 13

First Sponsor: Rep. Syme

Last Action: 3/21 Signed by Governor. Chapter 38, Laws 2017.

HB2269: VICTIMS' RIGHTS; REQUIREMENTS; MONETARY JUDGMENTS

In any civil action, a monetary judgment cannot be paid to a person who is or was previously incarcerated in the Department of Corrections before all restitution and incarceration costs owed by the person are paid if the monetary judgment is against the state, a political subdivision, a correctional facility, or any officer or agent of a correctional facility. If the monetary judgment is not sufficient to pay both restitution and incarceration costs owed, the judgment must first be used to pay any outstanding restitution. The trial court is required to retain jurisdiction of a case for all restitution orders in favor of a victim, including liens and criminal restitution orders, for purposes of ordering, modifying and enforcing the manner in which payments are made until paid in full. A justice court or municipal court is required to enter a criminal restitution order within one year after the date of the original restitution order. A filing fee, recording fee or any other charge is not required for recording a criminal restitution order. A victim in a criminal proceeding who suffers an economic loss is authorized to file a request with the court for a pre-conviction restitution lien after the filing of a misdemeanor complaint or felony information or indictment. The court is required to order the release of any pre-conviction restitution lien if the defendant is acquitted or the state does not proceed with the prosecution. The court has jurisdiction to preserve rights over all restitution liens. The court is no longer authorized to revoke a defendant's probation, parole or community supervision if the defendant has willfully failed to pay a fine, fee, restitution or incarceration costs. Also, various notices that must be provided to crime victims may be provided in electronic format or other specified formats.

ARS Titles Affected: 8 12 13

First sponsor: Rep. Syms

Last Action: 5/1 Signed by Governor. Chapter 229, Laws 2017.

HB2375: VICTIMS; MEDICAL BILLS; PROHIBITED ACTS

A "licensed health care provider" (defined) who provides health and medical services to a victim or claimant, who agrees to the victim compensation program rules and who accepts the full allowable payment for those services from a victim compensation program is deemed to have accepted the payment as the full payment for those services, and is prohibited from collecting or attempting to collect any payment for those services from the victim or claimant. Some exceptions.

ARS Titles Affected: 41

First sponsor: Rep. Boyer

Last Action: 3/31 Signed by Governor. Chap. 125, Laws 2017.

HB2444: SEXUAL ASSAULT; VICTIM ADVOCATES; PRIVILEGE

In a civil action, a "sexual assault victim advocate" (defined) is prohibited from being examined as to any communication made by the sexual assault victim to the advocate. Some exceptions.

Sexual assault victim advocates are added to the list of persons with a duty to report a reasonable belief of abuse or neglect that is developed in the course of their employment.

ARS Titles Affected: 12 13

First sponsor: Rep. Syms

Last Action: 3/24 Signed by Governor. Chapter 64, Laws 2017.

Senate Bills Signed Into Law

SB1366: PEACE OFFICER; VICTIM; AGGRAVATING FACTOR

The list of aggravating circumstances for the purpose of aggravated assault sentencing is expanded to include evidence that the defendant committed the crime out of malice toward a victim because of the victim's employment as a peace officer. An assault offense becomes aggravated assault if the person commits the assault knowing or having reason to know that the victim is a peace officer, and the previous requirement for the officer to be engaged in the execution of official duties for the offense to become aggravated assault is deleted. Specifies that it is not a defense to a prosecution for assaulting a peace officer or a mitigating circumstance that the peace officer was not on duty or engaged in the any official duties.

ARS Titles Affected: 13

First sponsor: Sen. Smith

Last Action: 4/17 Signed by Governor. Chapter 162, Laws 2017.

House Bills That Failed

HB2125: SEX TRAFFICKING VICTIM; VACATING CONVICTION

A person convicted of any non-dangerous offense that was committed as a direct result of the person being a victim of sex trafficking, instead of only a person convicted of prostitution that was committed prior to July 24, 2014, may apply to the court that pronounced sentence to vacate the person's conviction. The court is required to grant the application and vacate the conviction if the court finds by clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking. A conviction vacated does not qualify as a historical prior felony conviction and cannot be alleged for sentencing repetitive offenders. Except on an application for employment that requires a fingerprint clearance card, a person whose conviction is vacated may in all instances state that the person has never been arrested for, charged with or convicted of the crime that is the subject of the conviction.

ARS Titles Affected: 13

First sponsor: Rep. Coleman

Last Action: 1/12 Referred to House Judiciary & Public Safety

HB2155: VICTIMS' RIGHTS; FAILURE TO COMPLY

The failure to comply with a victim's constitutional or statutory rights is a ground for the victim to request a reexamination proceeding within 20 days, increased from 10 days, after the proceeding at which the victim's right was denied.

ARS Titles Affected: 8 13

First sponsor: Rep. Coleman

Last Action: 2/1 Held in House Judiciary & Public Safety

[Senate Bills That Failed](#)

No Senate bills relating to victims failed

Recommendations

Looking to future legislative sessions, ACJC recommends that the Legislature and criminal justice partners consider the following recommendations:

Review and Cleanup of Arizona Revised Statutes that Contain a Criminal Penalty

ACJC has done a preliminary review of all of the Arizona Revised Statutes that contain a criminal penalty associated with the individual code. As of the enactment of new laws after the end of the 2017 legislative session, there were over 4,300 criminal penalties contained in Arizona state law. Of those 4,300 criminal penalties, roughly 30% had not been used to charge a crime in 15 years. ACJC recommends that a more in depth analysis of these criminal penalties be completed and presented to the legislature for consideration of possible clean up and repeal.

Reducing Recidivism

The legislature should continue working to reduce recidivism rates in Arizona. Arizona should continue to survey best practices in reducing recidivism and seek to support the creation of policies and programs that enhance the likelihood of former inmates successfully transitioning back into society.

Data Sharing

Arizona should adopt policies expanding the ability of agencies, boards, and commissions to share data in order to promote evidence-based, data driven solutions to criminal justice issues.

Review of Statutorily Required Reports

ACJC also recommends reviewing statutorily required reports to assess that the reports are collecting information pertinent to the criminal justice stakeholders. If not, then changes should be made to statute to either eliminate them or to amend the information being collected and reported on so that it does provide data that will improve Arizona's criminal justice system.

Conclusion

Of the 178 bills ACJC tracked during the 1st Regular Session of the 53rd Legislature, 39 either created new, or changed existing, criminal penalties in some fashion making up the most significant portion of ACJC tracked legislation. Legislation introduced illustrated an effort by the Legislature and the Governor to reduce recidivism rates. Given the Governor's Recidivism Breakthrough Project, it can be expected that more programs and policies will be enacted to implement this important initiative. Most notable on the criminal justice front this session were the changes to civil forfeiture practices in the state included in HB 2243 and HB 2477 which significantly change reporting and the rules dictating when prosecutors can seize asset. Finally, ACJC accomplished all of its legislative priorities this session. HB 2085, HB 2087, and HB 2375 were all signed into law by the Governor and served to continue the agency for eight years, clean up past legislation regarding fingerprinting in the state, and improved the statute surrounding the Victim Compensation Program.