



# Legislative Summary

Arizona Criminal Justice Commission

POLICY  
2020

# ARIZONA CRIMINAL JUSTICE COMMISSION



Chairperson:  
**SHEILA POLK,**  
Yavapai County Attorney

Vice-Chairperson:  
**STEVE STAHL,** Chief  
City of Maricopa, Police  
Department

**MARK BRNOVICH**  
Attorney General

**DAVID K. BYERS,** Director  
Administrative Office of the Courts

**BARBARA LAWALL**  
Pima County Attorney

**GREG MENGARELLI**  
Mayor, City of Prescott

**ALLISTER ADEL**  
Maricopa County Attorney

**MARK NAPIER**  
Pima County Sheriff

**COL. HESTON SILBERT,** Director  
Department of Public Safety

**DAVID SHINN,** Director  
Department of Corrections

**DAVID SANDERS,** Chief  
Pima County Probation Officer

**PAUL PENZONE**  
Maricopa County Sheriff

**C.T. WRIGHT,** Chairperson  
Board of Executive Clemency

**ANDREW T. LEFEVRE**  
Executive Director

**MOLLY E. EDWARDS**  
PIO/Legislative Liaison

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## ***About the Arizona Criminal Justice Commission***

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. To date, the Commission has six vacancies.

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.

***Our mission is to continuously address, improve, sustain and enhance public safety in the State of Arizona through the coordination, cohesiveness, and effectiveness of the Criminal Justice System.***

## ***Executive Summary***

The second regular session of the 54<sup>th</sup> Arizona State Legislature commenced on January 13<sup>th</sup>, 2020. This session was impacted due to the COVID-19 pandemic. As of April 21st, there was a total of 1,607 bills and 126 memorials and resolutions introduced. Governor Ducey signed 90 bills into law. The Arizona Criminal Justice Commission (ACJC) tracked 139 bills that affected the criminal justice system throughout this session. Of the 139 bills the ACJC tracked, one was signed into law by the Governor. The legislature adjourned on May 26, 2020 for a total of 135 days in session.

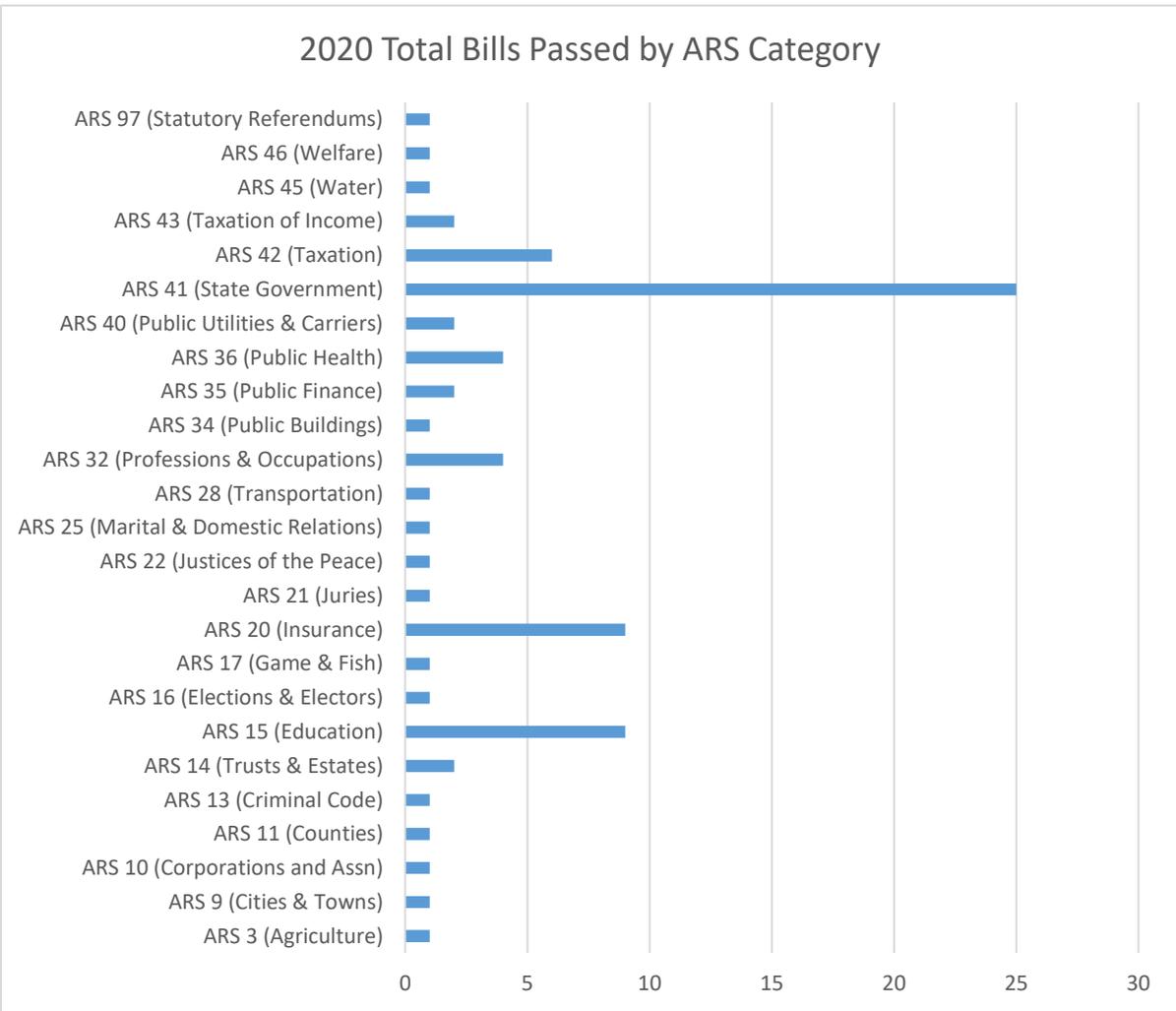
In the Governor's State of the State Address, he outlined specific topics he expected the Legislature to focus on which are stated below:

- Growing revenue and general funds
- The reassurance of no new taxation
- The removal of state income taxes on Veterans
- Better mental and behavioral health for Veterans
- The removal of regulations in order for new ones to be introduced
- Increasing the education budget
- Investments for safer schools
- Improving the department of Corrections, Rehabilitation and Reentry
- The production of highly staffed prisons with new locks
- Pay raise for correctional officers

Of the bills introduced this session, the primary Arizona Revised Statutes (ARS) categories that had the most bills were:

- Title 13- Criminal Code
- Title 15- Education
- Title 28- Transportation
- Title 36- Public Health and Safety
- Title 41- State Government

Of the 90 bills the Governor signed, the primary ARS categories with the most bills were:



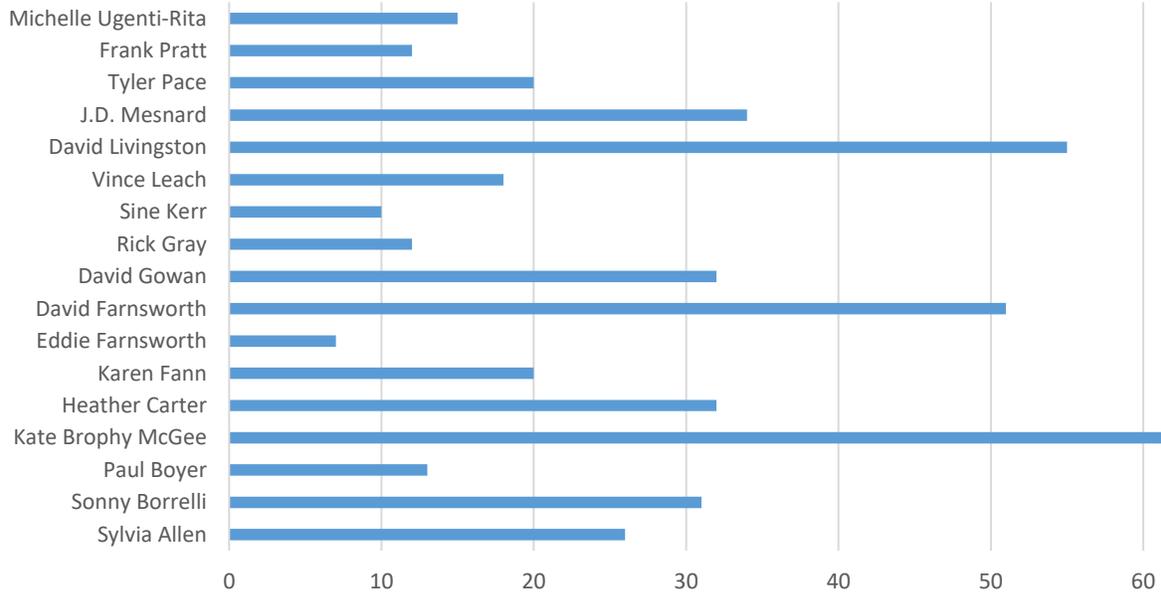
This legislative session, the members of each chamber was comprised of the following:

	<u>Republicans</u>	<u>Democrats</u>
<u>House</u>	31	29
<u>Senate</u>	17	13

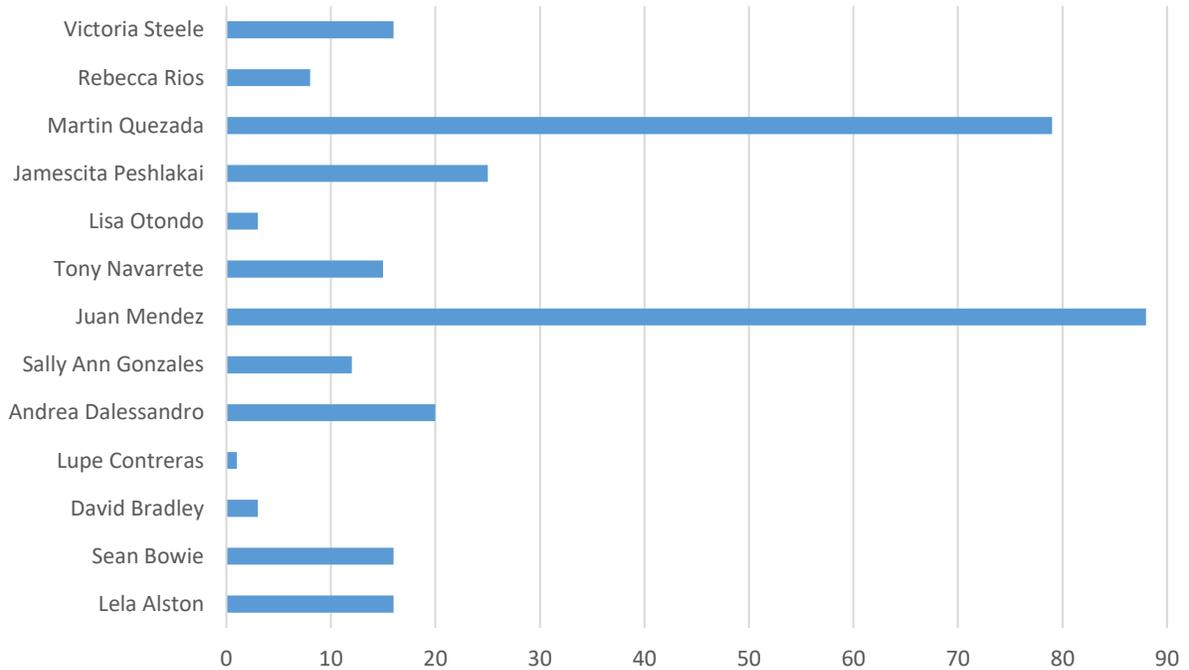
Both chambers were run by Republicans this session.

The following charts show which primary sponsors had the most bills introduced.

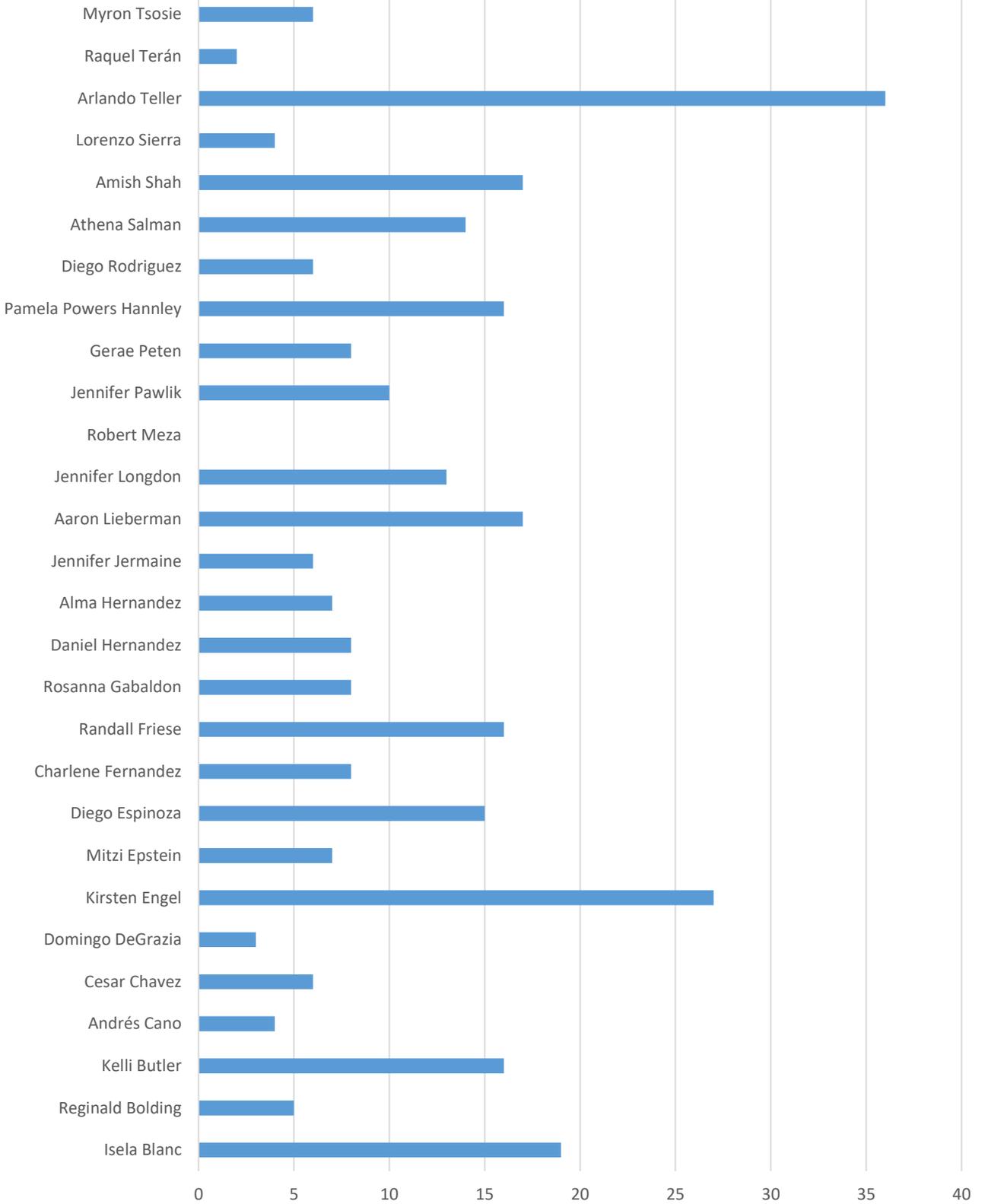
### 2020 Primary Sponsored Bills Introduced - Senate Republicans



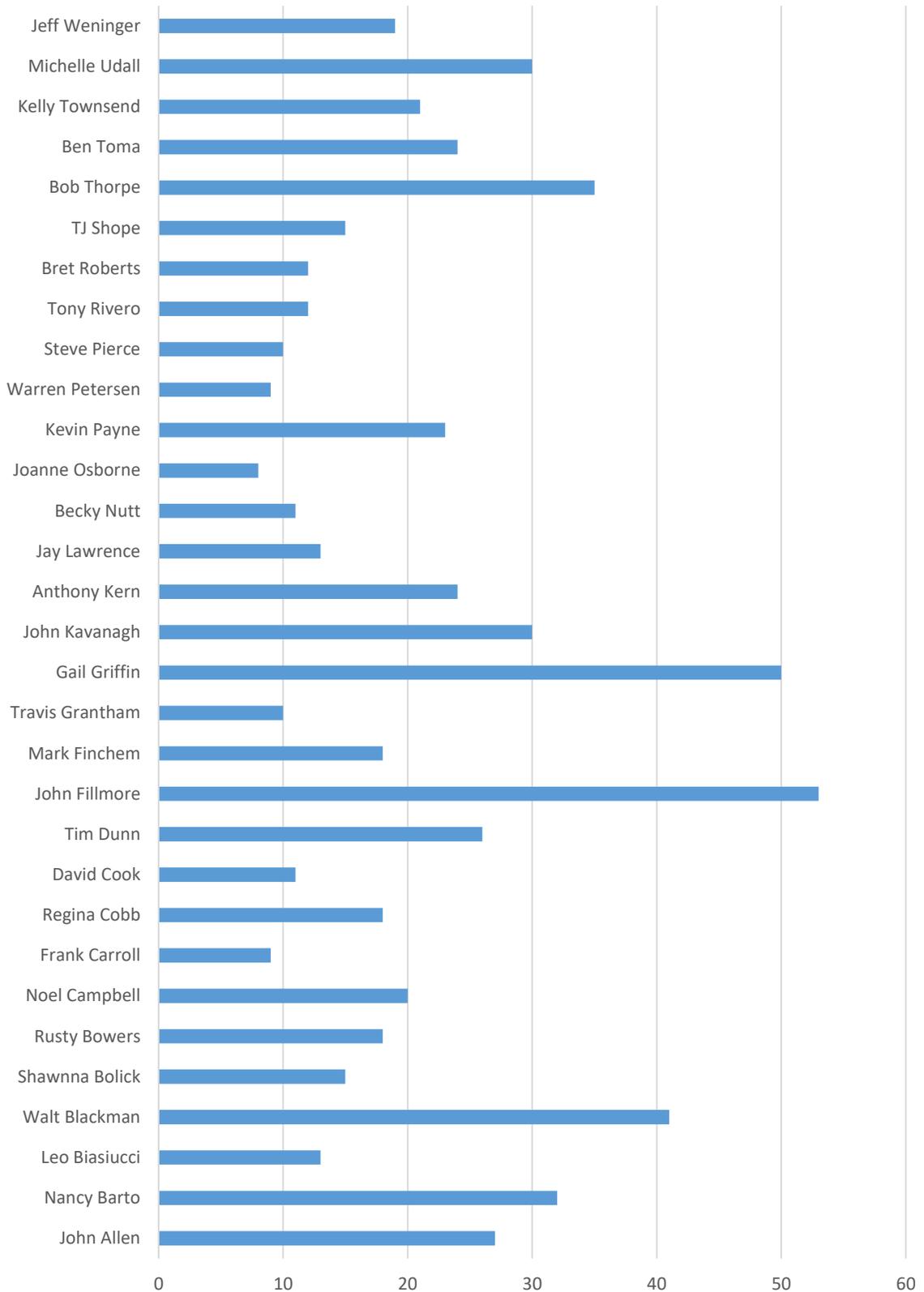
### 2020 Primary Sponsored Bills Introduced- Senate Democrats



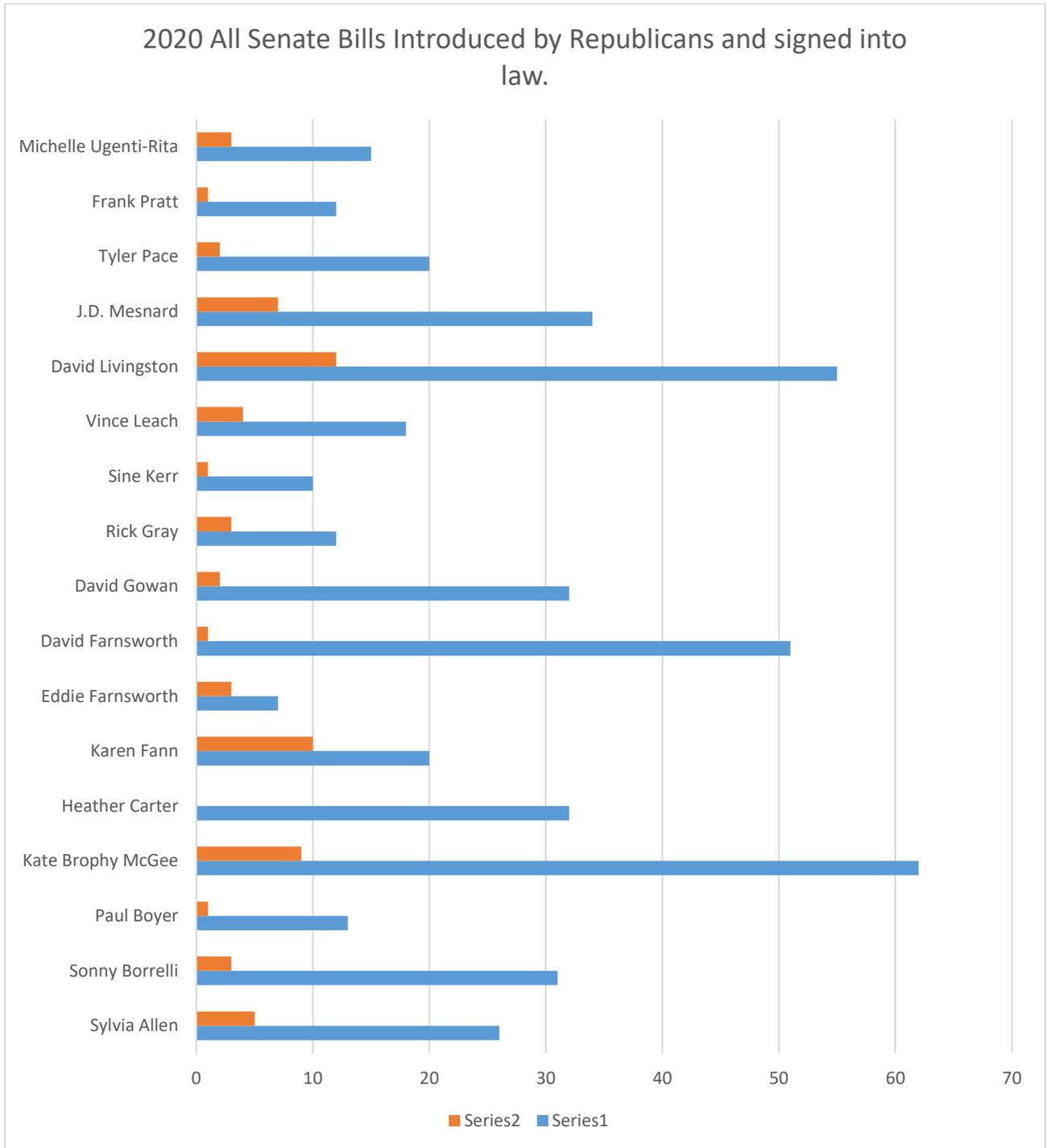
## 2020 Primary Sponsor Bills Introduced - House Democrats

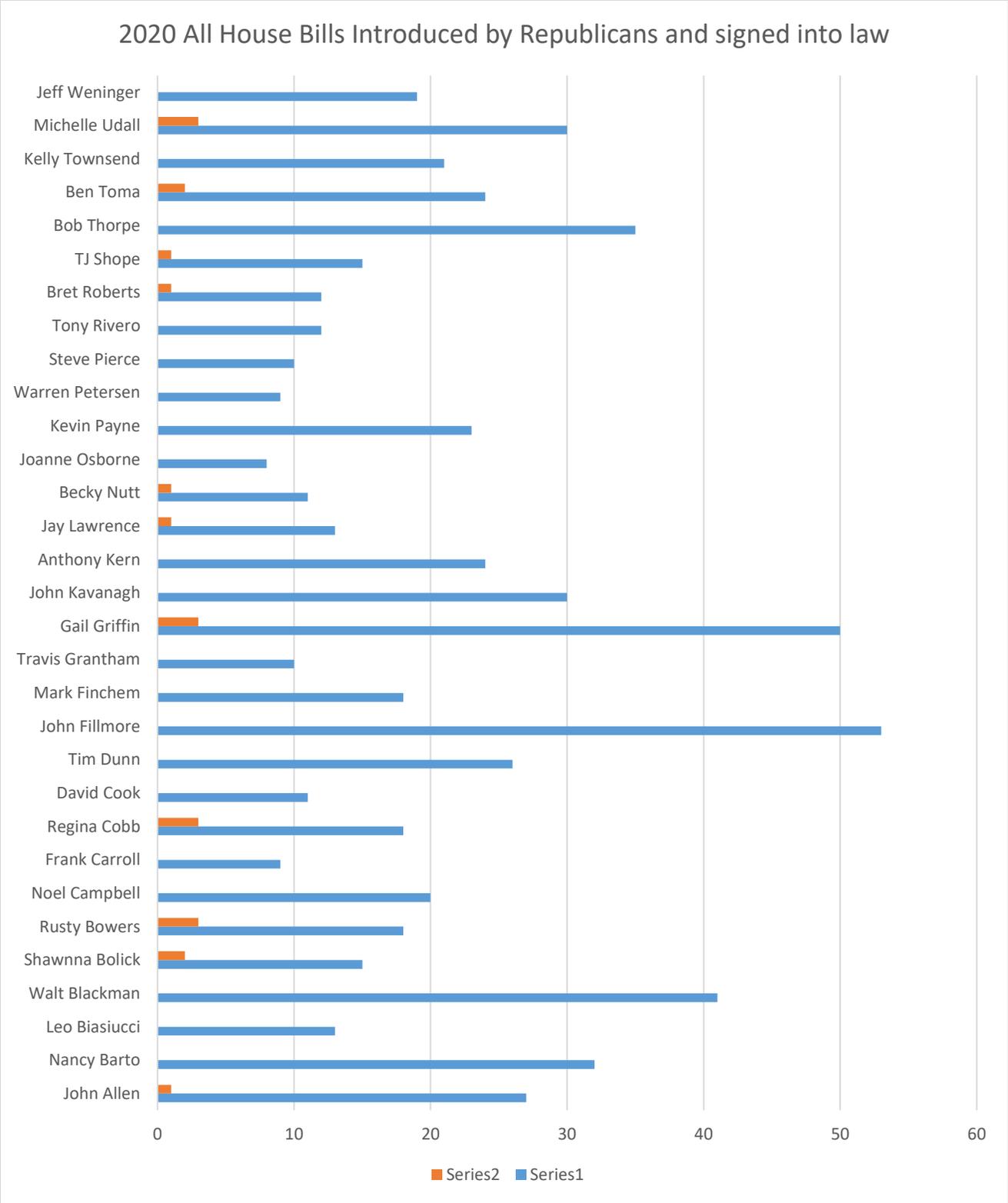


## 2020 Primary Sponsor Bills Introduced - House Republicans



The following chart shows the total number of bills introduced by the Primary Sponsor and the orange bar indicates the number of bills signed into law by that sponsor.





\*Note: no bills introduced by Democrats were signed into law this session.

## ***ACJC Priority Legislation***

The following legislation was deemed a priority on the list of bills tracked by the ACJC.

### **HB2227- Criminal Justice Commission; Data Collection (Did Not Pass)**

Arizona Criminal Justice Commission is authorized, unless prohibited by federal or state law, to require any state or local criminal justice agency to submit any necessary "information" (defined) that is available to the criminal justice agency or that can be collected without imposing a significant burden on or cost to the criminal justice agency. The Commission is also authorized to establish guidelines for submitting and retaining criminal justice information and includes procedures for data transfer, data privacy and security, and conditions for the release of data.

ARS Titles Affected: [41](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

### **HB2231 – Arizona Criminal Justice Commission; Members (Did Not Pass)**

Increases the number of members of the Arizona Criminal Justice Commission to 16 members by adding one public defender and one victim advocate, both of whom are appointed by the Governor.

ARS Titles Affected: [41](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

### **HB2437- Concealed Weapons Permit; Validity Check (Did Not Pass)**

The Department of Public Safety's computerized concealed weapon permit record system must be accessible to federal firearms licensees for the purpose of confirming the permit status of a permit that is presented to the licensee in the course of purchasing a firearm. If a federal firearms licensee is presented a concealed weapons permit, the federal firearms licensee is required to confirm the validity of the permit by checking the system before accepting the permit for any purpose. A permit that is suspended or revoked is not valid. If a permit is not valid, the federal firearms licensee must require the requesting party to follow and pass any other existing background check process that is established by the national instant criminal background check system.

ARS Titles Affected: [13](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

### **SB1171 – Criminal Justice Case Information; Reporting (Did Not Pass)**

Beginning 12 months after the effective date of this legislation and every 6 months thereafter, each county attorney from a county with a population of 2 million or more persons (Maricopa County) is required to make a report that includes a list of specified information about felony cases charged by the

respective prosecutor's office. Beginning 12 months after the effective date of this legislation and every 6 months thereafter, each county attorney from a county with a population of 2 million or more persons (Maricopa County) that prosecutes any of a list of drug-related charges is required to make a report for each applicable individual charge, including any preparatory offenses, that includes the drug type and weight in grams or pounds of the drugs involved. Beginning 12 months after the enactment of this law and every 6 months thereafter, each county attorney from a county with a population of 2 million or more persons (Maricopa County) is required to transmit the reports required by this legislation to the Arizona Criminal Justice Commission, and the Commission is required to publish the reports on the Commission's website in an electronic format that is machine-readable, machine-searchable and readily accessible to the public. Beginning 12 months after the enactment of this law and every 6 months after, each county attorney from a county with a population of 2 million or more persons (Maricopa County) is authorized to make information in the reports publicly available. The Arizona Criminal Justice Commission is required to conduct a comprehensive survey of data contained in criminal justice records systems housed at local and state criminal justice agencies in order to create a state criminal justice data inventory report identifying what data is housed at each type of agency. The Commission is required to submit the report to the Governor and the Legislature by August 1, 2021. Information that must be included in the report is specified. By November 1, 2021, the Commission is required to develop a comprehensive list of the data that local and state criminal justice agencies are required to report into the statewide reporting system after the reporting system becomes operational. Contains a legislative intent section. Appropriates \$300,000 from the general fund in FY2020-21 to the Commission for the costs of completing the report. AS PASSED SENATE.

ARS Titles Affected: [41](#)

First sponsor: [Sen. Mesnard \(R - Dist 17\)](#)

Others: [Rep. Blackman \(R - Dist 6\)](#)

## ***Bills Introduced Pertaining to Law Enforcement***

This session, the ACJC tracked 17 bills that dealt with law enforcement. Due to the COVID-19 pandemic, all legislation regarding these bills were put on hold. The bills pertaining to law enforcement and passed through their original chamber are as follows.

### **HB2114- Law Enforcement Officers; Database; Rules**

A "prosecuting agency" (defined) is prohibited from placing a law enforcement officer's name in a "rule 15.1 database" (defined) unless the officer is given at least 10 days prior written notice by mail or email to the officer's current or last known employment address. Information that must be included in the written notice is listed, including information on the right to request reconsideration of the allegations and placement in the database. If an officer submits a request for reconsideration, and the reconsideration is approved on its merits, the officer's name must be removed from the database. A prosecuting agency that maintains a rule 15.1 database is required to adopt a policy that includes specified provisions, including the criteria used to place a law enforcement officer's name in the database and the notice requirements of this legislation. A law enforcement agency is prohibited from using the placement of an officer's name in a rule 15.1 database as the sole reason for taking a list of employment actions against the officer. AS PASSED HOUSE.

ARS Titles Affected: [38](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 31-28, ASSIGNED TO SENATE TRANSPORTATION-PUBLIC SAFETY

### **HB2239- Arrest Warrant; Affidavit; Issuance**

A magistrate is required to issue an "arrest warrant" (defined) after reviewing an affidavit that is sworn to or affirmed before the magistrate and that contains facts sufficient to establish probable cause that a specific offense has been committed and that a particular person committed that offense. The arrest warrant is required to be in a form substantially similar to a form adopted by the Arizona Supreme Court. AS PASSED HOUSE.

ARS Titles Affected: [13](#)

First sponsor: [Rep. Kern \(R - Dist 20\)](#)

PASSED HOUSE 31-29, ASSIGNED TO SENATE JUDICIARY

### **HB2257- Arrest Procedures; Magistrates**

If the offense a person is arrested for was committed in another county, the arrested person may be taken before either the nearest or most accessible magistrate in the county in which the arrest occurs or the county where the offense was committed.

ARS Titles Affected: [13](#)

First sponsor: [Rep. Roberts \(R - Dist 11\)](#)

PASSED HOUSE 60-0, PASSED SENATE RULES

**HB2422- Coordinated Reentry Planning Services Program**

Counties are authorized to establish a coordinated reentry planning services program within a county jail for the purpose of screening and assessing persons who are booked into the jail and connecting those persons with behavioral health and substance use disorder treatment providers at the earliest possible stage in the criminal justice process. Elements that must be included in the program are specified. The county is required to establish a committee to develop the program's policies and procedures, and stakeholders that must be represented on the committee are listed. Appropriates \$8 million from the general fund in FY2020-21 and \$7 million from the general fund in each of FY2021-22 and FY2022-23 to the newly established Coordinated Reentry Planning Services Program Fund for the program. Appropriates \$8 million from the Fund in FY2020-21 and \$7 million from the Fund in each of FY2021-22 and FY2022-23 to a county with a population of up to 1.5 million persons (any county but Maricopa) to establish and operate a coordinated reentry planning services program. Each eligible county is required to receive a proportional share of the monies based on the county's population.

ARS Titles Affected: [11](#)

First sponsor: [Rep. Barto \(R - Dist 15\)](#)

PASSED HOUSE 60-0, ASSIGNED TO SENATE TRANSPORTATION-PUBLIC SAFETY

**HB2760- Appropriations; DPS; Body Cameras**

Appropriates \$4.83 million from the general fund in FY2020-21 to the Department of Public Safety to purchase and deploy 1,267 body cameras for Dept personnel and task force members, and hire video management personnel and supervisors.

ARS Titles Affected: [41](#)

First sponsor: [Rep. Shah \(D - Dist 24\)](#)

PASSED HOUSE 60-0, ASSIGNED TO SENATE APPROPRIATIONS

**HB2785- Appropriations; DPS; School Safety Program**

The Public Safety Interoperability Fund is renamed the Arizona School Safety Fund, and monies in the Fund may be used only for school safety programs instead of interoperable communication systems. Appropriates the following amounts from the general fund to the Arizona School Safety Fund: \$1.5 million in FY2020-21, \$3 million in FY2021-22 and \$3 million in FY2022-23. Appropriates \$3 million from the Arizona School Safety Fund in each of FY2020-21, FY2021-22 and FY2022-23 to the Department of Public Safety to establish a School Safety Program that meets a list of specified criteria. AS PASSED HOUSE.

ARS Titles Affected: [41](#)

First sponsor: [Rep. Payne \(R - Dist 21\)](#)

PASSED HOUSE 42-18, ASSIGNED TO SENATE TRANSPORTATION-PUBLIC SAFETY AND APPROPRIATIONS

**SB10370- Public Fireworks Displays; Permits**

Authority to issue permits for public fireworks displays in a location that is more than 50 miles from the county seat and not within an incorporated municipality is granted to the fire district chief or fire district board in that locality, in addition to the justice of the peace of that precinct. AS PASSED SENATE.

ARS Titles Affected: [36](#)

First sponsor: [Sen. S. Allen \(R - Dist 6\)](#)

PASSED SENATE 24-5, PASSED HOUSE PUBLIC SAFETY

**SB1172- Sex Offender Registration; Requirements; Vehicles**

If a person who is required to register as a sex offender owns or operates a motor vehicle, the person is required to include on the statement of registration the make, model, color, vehicle identification number and license plate number of the motor vehicle, and is required to notify the sheriff either in person or electronically within 72 hours, excluding weekends and legal holidays, after the person makes any change to that information. If a person who is required to register as a sex offender has more than one residence, the person is required to register in person and in writing every residence and address at least every 90 days with the sheriff in whose jurisdiction the person is physically present. A person who is required to register as a sex offender and who transitions from a permanent residence to a temporary residence or transient status is required to notify the sheriff in person and in writing within 72 hours, excluding weekends and legal holidays. For a juvenile who is required to register as a sex offender, the duty to register terminates automatically when the person reaches 25 years of age only if the person provides advance written notice to the sheriff in the jurisdiction in which the person is registered. AS PASSED SENATE.

ARS Titles Affected: [13](#)

First sponsor: [Sen. Livingston \(R - Dist 22\)](#)

PASSED SENATE 19-10, ASSIGNED TO HOUSE JUDICIARY

## ***Bills Introduced Pertaining to the Administrative Office of the Courts***

This session, the ACJC followed 31 bills pertaining to the Administrative Office of the Courts (AOC). Due to the COVID-19 pandemic, all legislation regarding these bills were put on hold. The bills pertaining to AOC and passed through their original chamber are as follows.

### **HB2228- Theft by Extortion; Defense**

It is a defense to prosecution to theft by extortion by knowingly obtaining or seeking to obtain property or services by means of a threat to bring criminal charges, expose a secret or take or withhold action as a public servant that the property or services obtained or sought to be obtained was a reasonable claim, instead of was lawfully claimed as compensation, restitution or indemnification.

ARS Titles Affected: [13](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 60-0, ASSIGNED TO SENATE JUDICIARY

### **HB2230- Justice Court; Jurisdiction; Crimes**

For the purpose of determining jurisdiction, if a uniform traffic ticket and complaint is filed in the incorrect precinct of a justice court and that precinct is on the boundary of the precinct where the offense occurred, the case may be transferred to the correct precinct if both precincts are in the same county. Effective January 1, 2021. AS SIGNED BY GOVERNOR.

ARS Titles Affected: [22](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

SIGNED BY THE GOVERNOR, CHAPTER 16

### **HB2232 – Competency Examinations; Records; Appointments**

If the court determines that reasonable grounds exist for a competency examination and the defendant is charged with only a misdemeanor, the court is required to appoint one or more mental health experts to examine the defendant, reduced from two or more experts. Deletes the requirement for the parties to provide all available medical and criminal history records to the court within three working days after a motion for a competency examination.

ARS Titles Affected: [13](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 59-0, PASSED SENATE RULES

### **HB2234- Sentencing; Aggravating Circumstances**

The list of aggravating circumstances for the purpose of determining the sentence for a felony is modified so that any other factor that the state alleges is relevant to the defendant's character or background or to the nature or circumstances of the crime may only be considered if the trier of fact or the court has already determined that at least two of the other aggravating circumstances are true.

ARS Titles Affected: [13](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 59-0, ASSIGNED TO SENATE JUDICIARY

### **HB2236- Deferred Prosecution Program; Definition**

The county attorney is no longer prohibited from diverting or deferring the prosecution of a person who has been previously convicted of serious offense, a sexual offense, a dangerous offense, or a dangerous crime against children, or a person who has been convicted three or more times of personal possession of a controlled substance or drug paraphernalia.

ARS Titles Affected: [11](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 60-0, ASSIGNED TO SENATE JUDICIARY

### **HB2383- Sentencing Ranges; Minimum; Maximum; Repeal**

The sentencing ranges for various criminal offenses are modified. The "minimum" and "maximum" sentencing guidelines are deleted. The guidelines formerly called "mitigated" are renamed as "minimum" guidelines and the guidelines formerly called "aggravated" are renamed as "maximum" guidelines. Sentencing guidelines on the use of mitigated and aggravated sentences for repetitive offenders are also deleted.

ARS Titles Affected: [13](#)

First sponsor: [Rep. Blackman \(R - Dist 6\)](#)

PASSED HOUSE 59-0, ASSIGNED TO SENATE JUDICIARY

### **HB2389- Public Nuisance; Noise; Evidence**

A prosecution for a public nuisance violation that involves noise is required to include an accurate recording and measurement of the noise made by a peace officer or code enforcement officer. Measurement standards are specified. Applies to all cases in which the defendant did not plead guilty or no contest and that, as of the effective date of this legislation, have not been submitted to the fact finder to render a verdict. AS PASSED HOUSE.

ARS Titles Affected: [13](#)

First sponsor: [Rep. Townsend \(R - Dist 16\)](#)

PASSED HOUSE 31-25, PASSED SENATE RULES

### **HB2402- Criminal Conviction; Set Aside; Applicability**

If the court grants an application to set aside the judgment of guilt, the court's order is required to include a certificate of second chance if the person has not previously received a certificate and the person was convicted of a misdemeanor, of a class 4, 5, or 6 (three lowest) felony and at least two years have elapsed since the person fulfilled the conditions of probation or sentence, or of a class 2 (second highest) or 3 (upper mid-level) felony and at least five years have elapsed since the person fulfilled the conditions of probation or sentence. A certificate of second chance releases the person from all barriers to obtain an occupational license if the person is otherwise qualified, with some exceptions, and releases an employer from liability for negligently hiring the person and a person or entity from liability for providing housing to the person if the liability is based on the existence of the person's prior criminal offense.

ARS Titles Affected: [13](#)

First sponsor: [Rep. Roberts \(R - Dist 11\)](#)

PASSED HOUSE 59-0, ASSIGNED TO SENATE JUDICIARY

### **HB2411- Conviction; Penalties; Surcharge Distribution**

Beginning July 1, 2020, on the first day of each month, for offenses committed before January 1, 2019, the distribution list for monies in the Criminal Justice Enhancement Fund is modified to require 7.68 percent to be deposited in the Victims' Rights Fund and 4.6 percent to be deposited in the Victim Compensation and Assistance Fund, and to reduce the percentages received by each Department and Fund on the current distribution list. The current distribution list applies for offenses committed beginning January 1, 2019. Emergency clause. AS PASSED HOUSE.

ARS Titles Affected: [41](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 60-0, ASSIGNED TO SENATE JUDICIARY

### **HB2412- Conviction Set-Aside; Traffic Violations**

Traffic violations are no longer excluded from statute allowing a person convicted of a criminal offense to apply to the court to have the judgment of guilt set aside on fulfillment of the conditions of probation or sentence and discharge by the court.

ARS Titles Affected: [13](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 60-0, PASSED SENATE RULES

### **HB2413- Juvenile Court; Dispositions**

Modifies statute governing when the juvenile court retains jurisdiction over a juvenile who is 17 years of age until the juvenile's 19th birthday. The notice of intent to retain jurisdiction must be filed at any time before an adjudication hearing or proceeding in which a juvenile is admitting to an allegation. The

juvenile court's jurisdiction is retained on the filing of the notice of intent. The purposes for which the juvenile court retains jurisdiction after the juvenile's 18th birthday are expanded to include modifying an outstanding monetary obligation imposed by the juvenile court, except for victim restitution. Modifies the written notices that the court is required to provide to a juvenile adjudicated as a first time felony juvenile offender or a repeat felony juvenile offender. AS PASSED HOUSE.

ARS Titles Affected: [8 41](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 60-0, PASSED SENATE RULES

**HB2471- Assessmentl; Peace Officer Training Equipment**

The \$4 assessment levied on civil penalties and deposited in the Peace Officer Training Equipment Fund is levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected. The assessment cannot be waived and is not subject to a surcharge.

ARS Titles Affected: [12](#)

First sponsor: [Rep. Payne \(R - Dist 21\)](#)

PASSED HOUSE 40-19, ASSIGNED TO SENATE TRANSPORTATION-PUBLIC SAFETY

**HB2581- Dangerous; Incompetent Person; Evaluation; Commitment**

Establishes a new chapter in Title 36 (Public Health and Safety) governing procedures for dangerous and incompetent persons who are committed. Requires a biannual examination of such persons, and requires the court to hold a hearing on an examination report that indicates the person is no longer dangerous or incompetent. A committed incompetent is allowed to petition the court for conditional release or discharge under certain circumstances, and requirements for hearings and determinations on the petition are established. Establishes requirements for detention and commitment and for revocation of conditional release. A committed incompetent cannot be transported from a licensed facility except for specified reasons. Also makes various changes to statutes relating to determining whether a defendant is dangerous or incompetent. Information that must be included in an expert's written report of an examination is expanded. More. Retroactive to January 1, 2020. AS PASSED HOUSE.

ARS Titles Affected: [13](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 55-0, ASSIGNED TO SENATE JUDICIARY

**HB2735- Guilty Except Insane; Court Jurisdiction**

Repeals the Psychiatric Security Review Board. Beginning from and after the effective date of this act, the superior court has exclusive supervisory jurisdiction over all persons who are under the supervision of the Board on the effective date of this legislation. The superior court is vested with the powers and duties of the Board as they existed before the effective date of this legislation. Various sections of

statute are repealed and replaced or transferred to a different section of statute. Impossible to determine new provisions without a line by line comparison. Retroactive to July 1, 2020.

ARS Titles Affected: [11](#) [12](#) [13](#) [36](#) [41](#)

First sponsor: [Rep. Barto \(R - Dist 15\)](#)

PASSED HOUSE 34-25, ASSIGNED TO SENATE JUDICIARY

**SB1013- DCS; Missing Children; Report**

The Department of Child Safety is required to make available on a semiannual basis a list of specified data relating to runaway children and abducted children. The Dept is required to make the data available on the Dept's website in a format that can be downloaded and that is conducive to analysis. The Dept is required to notify the Governor and the Legislature each time the information is made available. These requirements self-repeal January 1, 2025. The first reporting period is January 1, 2021 through June 30, 2021. AS PASSED SENATE.

ARS Titles Affected: [8](#)

First sponsor: [Sen. D. Farnsworth \(R - Dist 16\)](#)

PASSED BY SENATE 29-0, ASSIGNED TO HOUSE HEALTH AND HUMAN SERVICES

**SB1441- Protection Orders; Modifications; Residence Possession**

While an order of protection is in effect, if a party was granted the use and exclusive possession of the parties' residence and subsequently moves out of the house, the party is required to file a notice in writing with the court within five days after moving out of the residence. The court is required to notify the defendant that the plaintiff has moved out of the residence and of the defendant's right to request a hearing. On written request of a party, the court is authorized to hold additional order of protection hearings at any time if there is a change in circumstances related to the primary residence. AS PASSED SENATE.

ARS Titles Affected: [13](#)

First sponsor: [Sen. E. Farnsworth \(R - Dist 12\)](#)

PASSED SENATE 28-2, AMENDED IN HOUSE JUDICIARY

**SB1556- Civil Asset Forfeiture; Conviction; Procedures**

The list of property subject to seizure and forfeiture is modified to require the proceeds to be traceable to an offense that resulted in a criminal conviction. Property is subject to forfeiture only if the owner is convicted of an offense to which forfeiture applies and the state establishes by clear and convincing evidence that the property is subject to forfeiture. The state is prohibited from initiating forfeiture proceedings before a criminal conviction for an offense to which forfeiture applies unless no claims for the seized property were timely filed or the court waived the conviction requirement. After a person is convicted of an offense for which forfeiture applies, the court may order the person to forfeit property acquired through the commission of the offense, property directly traceable to property acquired through the commission of the offense, and property the person used in the commission of the offense

or to facilitate the offense. Establishes circumstances under which the court is allowed to waive the conviction requirement. Does not prevent property from being forfeited by the terms of a plea agreement. A person who claims to be an innocent owner has the burden of production to show that the person either held a legal right, title or interest in the property seized at the time the illegal conduct occurred, or acquired as a bona fide purchaser a legal right, title or interest in the property after the commission of the crime. All property seized by a law enforcement agency at any time must be returned to the owner, if known, within ten business days after the property's seizure unless the owner has been arrested and charged with a criminal offense subject to forfeiture, the property is sought to be used as evidence, it is illegal for the owner to possess the property, or the property was seized for forfeiture. Within 60 days after making a seizure for forfeiture, the state is required to file a notice of pending forfeiture proceeding or return the property to the person from whom it was seized. Establishes requirements for serving the notice of pending forfeiture. Allows an owner of the property to file a claim against the property at any time within 60 days after the notice or 60 days before a criminal trial, whichever is later. Beginning August 28, 2020, the Attorney General is prohibited from using monies from the Anti-Racketeering Revolving Fund to pay salaries for full-time equivalent positions. Statutes governing various forfeiture proceedings are repealed and replaced. Much more. AS PASSED SENATE.

ARS Titles Affected: [13](#)

First sponsor: [Sen. E. Farnsworth \(R - Dist 12\)](#)

PASSED SENATE 30-0

### **SB1660- Child Sex Trafficking; Omnibus**

Various changes to statutes relating to child sex trafficking. Taking a child for "prostitution" in various statutes is replaced with taking a child for "child sex trafficking." For the purpose of sexual offenses, the definition of "position of trust" is expanded to include persons with specified types of relationships with a minor, including the minor's employer, youth pastor, and any school employee who is 18 years of age or older. The court is permitted to order that a pro se defendant in a prosecution for a violation of sexual abuse or child sex trafficking is prohibited from directly questioning the minor victim if the court determines that direct questioning by the pro se defendant would prevent the minor victim from being able to reasonably communicate. The State Board of Education is required to establish best practices for social media and cellular telephone use between students and school personnel, and encourage school district governing boards and charter school governing bodies to adopt policies that implement these best practices. The Department of Education is required to develop a statewide training curriculum on the mandatory reporting laws of Arizona for public school personnel, and each public school must require its personnel to complete the training.

ARS Titles Affected: [8](#) [13](#) [15](#) [41](#)

First sponsor: [Sen. Boyer \(R - Dist 20\)](#)

PASSED SENATE 28-0

## ***Bills Pertaining to the Department of Corrections***

The ACJC tracked 18 bills that were focused on the Department of Corrections. Due to the COVID-19 pandemic, all legislation regarding these bills were put on hold. The bills pertaining to DOC and passed through their original chamber are as follows.

### **HB2087- Probation; Technical Violations; Reinstatement**

The Arizona Lengthy Trial Fund is renamed the Arizona Lengthy Trial and Digital Evidence Fund. If monies in the Fund are available after paying jurors, monies in the Fund may be used to pay for the storage of digital evidence and facilitate the display of the evidence to the jury and court at a trial and related proceedings. AS PASSED HOUSE.

ARS Titles Affected: [13](#)

First sponsor: [Rep. Blackman \(R - Dist 6\)](#)

PASSED HOUSE 41-19, ASSIGNED TO SENATE APPROPRIATIONS

### **HB2140- Prisoner Injuries; Monetary Judgements; Reimbursement**

A monetary judgment in any civil action against the state, a political subdivision, any prison, jail or correctional facility or any officer or agent of a correctional facility must first be used to pay any outstanding "medical care costs" (defined as the costs the state incurs for a person's medical care while incarcerated), in addition to restitution and incarceration costs, before being paid to a person who is or was previously incarcerated in the Department of Corrections.

ARS Titles Affected: [12](#)

First sponsor: [Rep. Kern \(R - Dist 20\)](#)

PASSED HOUSE 31-29, ASSIGNED TO SENATE TRANSPORTATION-PUBLIC SAFETY

### **HB2580- Prisoners; Discharge; Transition Program**

The statutory termination date for the Department of Corrections Transition Program is extended ten years to July 1, 2030. Beginning July 1, 2020 and each year thereafter, the Dept is required to release at least 3,500 eligible inmates to enter the Transition Program, except that if the Legislature does not review and determine the minimum number of inmates to be released to enter the Transition Program at least once every five years, at the end of the five-year period the Director of the Dept is required to determine the number of eligible inmates to be released to enter the Transition Program each year during the following five-year period. Additionally, the Dept is required to designate one day each week as the discharge day for all prisoners who are scheduled to be discharged during that week. The Dept is required to inform a prisoner at least one month before the prisoner's discharge of the discharge date. Transition Program provisions are retroactive to July 1, 2020.

ARS Titles Affected: [31](#)

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 59-0, PASSED SENATE RULES

### **HB2649- Prisoners; Mental Health Transition Program**

The Department of Corrections is required to establish a mental health transition pilot program that provides eligible inmates with transition services in the community. The Dept is required to contract with private or nonprofit entities to provide eligible inmates with mental health transition services, and is required to place at least 500 eligible inmates in the pilot program each year. The Dept is required to adopt rules to implement the program, and required provisions are listed. The Dept is required to conduct an annual study on recidivism of program participants and submit a report to the Governor and the Legislature by July 31 of each year. The pilot program self-repeals January 1, 2025. Appropriates \$1.3 million from the general fund in each of FY2020-21, FY2021-22 and FY2022-23 to the Dept for the pilot program.

ARS Titles Affected: [31](#)

First sponsor: [Rep. Barto \(R - Dist 15\)](#)

PASSED HOUSE 59-0, ASSIGNED TO SENATE TRANSPORTATION-PUBLIC SAFETY AND APPROPRIATIONS

### **SB1141- Detention Officers; Arrest Warrant Custody**

A detention officer who is acting in the officer's official capacity pursuant to a warrant is authorized to arrest a person who is at a hospital facility or a superior, justice or municipal court facility, or a person who is within a jail facility as a visitor and who is found to have an outstanding warrant. A detention officer who is acting in the officer's official capacity is authorized to take custody of a person whom a judicial officer remands into custody during a court proceeding.

ARS Titles Affected: [13](#)

First sponsor: [Sen. Livingston \(R - Dist 22\)](#)

PASSED SENATE 17-13, PASSED HOUSE PUBLIC SAFETY

## ***Bills Pertaining to Firearms***

This session, the ACJC tracked 17 bills regarding firearms. Due to the COVID-19 pandemic, all legislation regarding these bills were put on hold. None of the bills pertaining to firearms were passed through their original chamber or signed by Governor Ducey.

### *Bills Pertaining to Drugs*

This session, the ACJC tracked 8 bills regarding drugs. Due to the COVID-19 pandemic, all legislation regarding these bills were put on hold. The bills pertaining to drugs that were passed through their original chamber are as follows.

#### **SB1010- Medical Marijuana Dispensaries; Inspections**

The Department of Health Services is authorized to inspect a medical marijuana dispensary during normal business hours, and the requirement for the Dept to give reasonable notice of an inspection is deleted. 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. Emergency clause.

ARS Titles Affected: [36](#)

First sponsor: [Sen. Borrelli \(R - Dist 5\)](#)

PASSED SENATE 30-0, PASSED HOUSE HEALTH AND HUMAN SERVICES

#### **SB1019- Prohibition; Regulations; Industrial Hemp Sites**

Counties and municipalities are prohibited from imposing any regulation or restriction on an industrial hemp site unless the site violates any applicable zoning law or building and fire code. The Department of Agriculture is required to establish and maintain a public registry of all industrial hemp licenses, and information that must be included in the registry is specified. The Dept is also required to establish and maintain a voluntary registry for cultivation sites of nonprofit medical marijuana dispensaries. The Director of the Dept is required to appoint an Advisory Committee on cross-pollination between industrial hemp sites and cultivation sites of nonprofit medical marijuana dispensaries. Te Committee is required to submit a report to the Legislature by December 31, 2021, and self-repeals October 1, 2022. AS PASSED SENATE.

ARS Titles Affected: [9](#) [11](#)

First sponsor: [Sen. Borrelli \(R - Dist 5\)](#)

PASSED SENATE 20-10

## ***Bills Pertaining to the ACJC***

This session, the ACJC tracked 17 bills that involve the ACJC in multiple ways including membership, data collection, and distribution. Due to the COVID-19 pandemic, all legislation regarding these bills were put on hold. The bills involving the ACJC that were passed through their original chamber are as follows.

### **HB2414- Appropriations; Alternative Prosecution; Division Programs**

Appropriates \$11,264,625 from the general fund in each of FY2020-21, FY2021-22 and FY2022-23 to the Arizona Criminal Justice Commission for alternative prosecution and diversion programs. Specifies amounts that must be allocated each fiscal year to each county attorney's office. Monies may be used only to establish and operate alternative prosecution and diversion programs, and to explore, develop, apply and evaluate evidence-based best practices for alternative prosecution and diversion programs. By September 30 of 2021, 2022 and 2023, the Commission is required to report to the Joint Legislative Budget Committee on the use of the monies and the outcomes obtained by the alternative prosecution and diversion programs during the previous fiscal year. AS PASSED HOUSE.

First sponsor: [Rep. J. Allen \(R - Dist 15\)](#)

PASSED HOUSE 60-0, ASSIGNED TO SENATE JUDICIARY AND APPROPRIATIONS

### **HB2479- Juvenile Dependency; State Aid; Appropriation**

Establishes the State Aid for Juvenile Dependency Proceedings Fund (SAJDP Fund), to be administered by the Arizona Criminal Justice Commission and used to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. On or before September 1 of each fiscal year, the Commission is required to distribute monies in the State Aid to Indigent Defense Fund to each county in which the three-year average of the total juvenile dependency case filings in the superior court in the county exceeds the three-year average juvenile dependency case filings in the superior court of the county for fiscal years 2011-2012, 2012-2013 and 2013-2014 based on the proportion that the population of each qualifying county bears to the total qualifying county population. Each county board of supervisors is required to separately account for these monies and may spend these monies only to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. Appropriates \$2 million from the general fund in FY2020-21 to the SAJDP Fund.

ARS Titles Affected: [41](#)

First sponsor: [Rep. Biasiucci \(R - Dist 5\)](#)

PASSED HOUSE 56-4, ASSIGNED TO SENATE JUDICIARY AND APPROPRIATIONS

### **HB2808- Prisoners; Release Credits**

For prisoners who are in the eligible earned release credit class, the earned release credit is decreased to 1 day for every 6 days served, from 3 days for every 7 days served. Establishes an additional earned release credit of 1.5 days for every 6 days served if the prisoner is not serving a sentence for or has not been previously convicted of a violent or aggravated felony and has successfully completed a drug treatment program or other major self-improvement program. A previous conviction for a violent or

aggravated felony only applies to a prisoner who committed the offense when the prisoner was at least 18 years of age. Reporting requirements for the earned release credit program are modified. Within 30 days after a prisoner qualifies for earned release credits, the Department of Corrections is required to notify a victim that has requested postconviction notices of the earliest release date of the prisoner. Contains a legislative intent section. Applies to prisoners who are serving a term of imprisonment in the Dept on or after the effective date of this legislation. Effective January 1, 2021. AS PASSED HOUSE.

ARS Titles Affected: [31 41](#)

First sponsor: [Rep. Blackman \(R - Dist 6\)](#)

PASSED HOUSE 60-0, ASSIGNED TO SENATE JUDICIARY

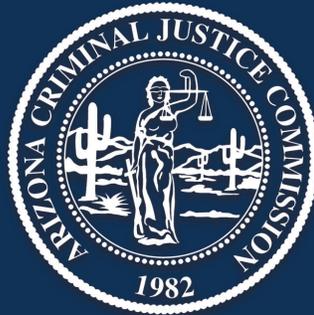
### **SB1171- Criminal Justice Case Information; Reporting**

Beginning 12 months after the effective date of this legislation and every 6 months thereafter, each county attorney from a county with a population of 2 million or more persons (Maricopa County) is required to make a report that includes a list of specified information about felony cases charged by the respective prosecutor's office. Beginning 12 months after the effective date of this legislation and every 6 months thereafter, each county attorney from a county with a population of 2 million or more persons (Maricopa County) that prosecutes any of a list of drug-related charges is required to make a report for each applicable individual charge, including any preparatory offenses, that includes the drug type and weight in grams or pounds of the drugs involved. Beginning 12 months after the enactment of this law and every 6 months thereafter, each county attorney from a county with a population of 2 million or more persons (Maricopa County) is required to transmit the reports required by this legislation to the Arizona Criminal Justice Commission, and the Commission is required to publish the reports on the Commission's website in an electronic format that is machine-readable, machine-searchable and readily accessible to the public. Beginning 12 months after the enactment of this law and every 6 months after, each county attorney from a county with a population of 2 million or more persons (Maricopa County) is authorized to make information in the reports publicly available. The Arizona Criminal Justice Commission is required to conduct a comprehensive survey of data contained in criminal justice records systems housed at local and state criminal justice agencies in order to create a state criminal justice data inventory report identifying what data is housed at each type of agency. The Commission is required to submit the report to the Governor and the Legislature by August 1, 2021. Information that must be included in the report is specified. By November 1, 2021, the Commission is required to develop a comprehensive list of the data that local and state criminal justice agencies are required to report into the statewide reporting system after the reporting system becomes operational. Contains a legislative intent section. Appropriates \$300,000 from the general fund in FY2020-21 to the Commission for the costs of completing the report. AS PASSED SENATE.

ARS Titles Affected: [41](#)

First sponsor: [Sen. Mesnard \(R - Dist 17\)](#)

PASSED SENATE 29-0, ASSIGNED TO HOUSE JUDICIARY AND APPROPRIATIONS



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