

NOTICE OF MEETING
OF THE
ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

AGENDA

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Arizona Prosecuting Attorneys' Advisory Council and to the general public that the Arizona Prosecuting Attorneys' Advisory Council will hold a meeting open to the public on Thursday, February 21, 2013, at 10:00 a.m. at the APAAC Office. The toll-free dial-in number to appear telephonically is **1-877-820-7831** and the participant Passcode is **487550**. You may also attend the meeting via SCOPIA videoconferencing.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Prosecuting Attorneys' Advisory Council endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact Elizabeth Iniguez-Reyna at (602) 542-7222 at least 24 hours prior to the meeting so that an accommodation can be arranged.

- I. **Call to Order (Two Minutes)** **SHEILA POLK**

- II. **Roll Call (Two Minutes)** **SHEILA POLK**

- III. **Consent Agenda (Two Minutes)** **SHEILA POLK**
 - A. **Minutes from the January 11, 2013 (Attachment)** Possible Action
P – F – T

- IV. **Chair's Report (Fifteen Minutes)** **SHEILA POLK**
 - A. **Formation of Criminal Disposition Record Working Group**
 - B. **APAAC social media update**Information Only

- V. **Executive Director's Report (Fifteen Minutes)** **ELIZABETH ORTIZ**
 - A. **Status update on cases in which APAAC filed *amicus* briefs:**
 - 1. *Missouri v. McNeely*:
 - a. **Issue:** Whether the Fourth Amendment Search and Seizure Clause is violated when, following a lawful arrest for driving under the influence of alcohol, the police take a blood sample from the defendant in a medically approved manner to obtain and preserve evidence of the defendant's blood alcohol level, without waiting to first obtain a search warrant.Information Only

- b. **Status:** Argued in front of United States Supreme Court on January 9, 2013

2. *State v. Cooperman:*

- a. **Issue:** Whether the Court of Appeals erred in holding that under A.R.S. §28-1381(G) the presumption of intoxication must be given “whenever the state introduces evidence that a defendant had an alcohol concentration of 0.08 or more.”
- b. **Status:** Scheduled for the March 19, 2013, agenda before the Arizona Supreme Court

3. *Montgomery v. Bassett [Cuen, RPI]*

- a. **Issue:** Whether a *pro per* defendant has the right to personally cross-examine his sexual assault victim
- b. **Status:** Pending before the Arizona Court of Appeals

4. *State v. Okun (Attachments)*

- a. **Issue:** Whether the trial court erred in finding that the Sheriff is not subject to prosecution under the federal Controlled Substances Act, and ordering the Sheriff to return marijuana seized from a qualifying Arizona Medical Marijuana Act patient.
- b. **Status:** Pending before the Arizona Supreme Court. *Amicus* is being drafted.

B. Council office visits since last Council meeting: Gila County Attorney’s Office (1/18/13); La Paz County Attorney’s Office (1/25/13)

C. Update on Medical Marijuana and Child Abuse Working Groups

D. APAAC 2013-14 Training Calendar Art Contest

VI. APAAC Financial and Seminar Information (Ten Minutes) (Attachments)

SHEILA POLK
Possible Action
P – F – T

VII. City of Phoenix Prostitution Diversion Program (Ten Minutes) (Attachments)

KENT McCARTHY
Information Only

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| VIII. Proposed Training Registration Policy (Ten Minutes)
(Attachment) | ELIZABETH ORTIZ
Possible Action
P – F – T |
| IX. Training Committee Report (Five Minutes) | TOBIN SIDLES
Information Only |
| A. Recent and Upcoming APAAC Seminars (Attachment) | |
| X. Arizona Association of County Organizations Report (Five Minutes) | BRAD CARLYON
Information Only |
| XI. Legislative Policy Committee Report (Thirty Minutes)
(<i>S=Support, O=Oppose, N=No Position, I=Info</i>) | BRAD CARLYON
Possible Action
P – F – T |
| http://www.azcapitolreports.com/webreport.cfm?webreport=25069&listid=48766&print=true | |
| A. Support (Attachment / WebReport) | S – O – N – I |
| B. Oppose (Attachment / WebReport) | S – O – N – I |
| C. Neutral (Attachment / WebReport) | S – O – N – I |
| D. Information Only (Attachment / WebReport) | S – O – N – I |
| E. Council Discussion | S – O – N – I |
| 1. Budget Issue – Medicaid Expansion (Attachments) | S – O – N – I |
| 2. ADOT Restitution Lien draft (Attachment) | S – O – N – I |
| 3. S1390 – Convicted Felons; Attempted Weapon Possession | S – O – N – I |
| 4. S1413 – Appeals; Postconviction Relief | S – O – N – I |
| 5. S1471 – Prohibited Possessors; Offense; Classification | S – O – N – I |
| XII. NDAA Report (Five Minutes) | DEREK RAPIER
Information Only |
| XIII. Call to the Public | SHEILA POLK
Information Only |
| XIV. Next Council Meeting | SHEILA POLK
Information Only |
| A. March 15, 2013, at 10:00 a.m. at the APAAC Office | |
| XV. Adjournment | SHEILA POLK
Possible Action
P – F – T |