

NOTICE OF THE  
LEGISLATIVE POLICY COMMITTEE 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 its Legislative Policy Committee will hold a meeting open to the public on **Thursday, September 17, 2015, at 3:00 p.m.** in the APAAC office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona. The toll-free call-in number to appear telephonically is **1-888-238-5279** and at the voice prompt enter your Meeting ID **9890052100** and the PIN is **1951**. You may also attend the meeting via SCOPIA video-conferencing.

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.

Legislative Policy Committee members:

Jon Smith, Chair  
Brad Beauchamp  
David Byers  
Brad Carlyon  
Vicki Hill  
Barbara LaWall  
Bill Montgomery  
Lando Voyles  
Rob Walecki

The Agenda for this meeting is as follows:

- I. **Call to Order** **Jon Smith**
- II. **Roll Call** **Jon Smith**
- III. **DISCUSSION ITEMS** **Kim MacEachern**  
Discussion

**A. Amend 13-109. B. 3**

**Liliana Ortega**  
Possible Action

*From Liliana Ortega: amend 13-109.B.3. "If an offense is committed ~~in or upon any railroad, train, automobile, aircraft, vessel, or other conveyance~~ in transit and it cannot readily be determined in which county the offense was committed, trial of the offense may be held in any county through or over which the ~~conveyance~~ TRANSIT passed OCCURRED".*

**B. DEC: Child Fatalities**

**Kim MacEachern**  
Discussion and  
Possible Action

*Drug Endangered Children, reprise: Child fatalities due to maltreatment increased to 92 deaths in 2013 compared to 70 deaths in 2012. Eighty percent of children who died due to maltreatment were less than 5 years old. In 36 percent of maltreatment deaths, the perpetrator was the child's mother or father. Substance use was associated with 51 maltreatment deaths. In 2012, 11 of the deaths had a case open with a child protective services agency at the time of death; in 2013, 22 deaths had an open case with a child protection services agency at the time of death. Blunt force traumas, suffocation and motor vehicle crashes accounted for 57 percent of maltreatment deaths.*

*Source November 2014 Child Fatality Review Team report for 2013*

**C. RICO Proposals**

**Kim MacEachern**  
Discussion and  
Possible Action

*Award attorney's fees to everyone who wins rather than only the state; Adopt APAAC guidelines for using RICO funds.*

**D. Heroin: Prop 200**

**Kim MacEachern**  
Discussion and  
Possible Action

*Heroin scourge: Prop 200 they get released and cannot be kept safe (remove from 202?); Naloxone. Trafficking: delete threshold amount.*

### **E. Limit Death Row Inmates**

**Kim MacEachern**  
Discussion and  
Possible Action

*Limit death row inmates' ability to access multiple shots at clemency: reprieves, commutations, pardons. The victims are re-victimized each time.*

### **F. Human Trafficking**

**Kim MacEachern**  
Discussion and  
Possible Action

*Amend constitution to raise age of no bail for sex assault from 15 to 18.  
Add furnishing means of prostitution to 13-3212.A.  
Hold victims so they can get services without charging them  
DCS Flag and provide services  
Add fines to pay for services for victims  
Simplify provider licensing (attract more people to the field)  
Simplify reporting process so the caller is not stuck on phone all day  
CE for trafficking ed  
Review Title 13 for consistency  
Amend fed law to hold internet providers liable for ads.*

### **G. Sex Crimes- Children**

**Kim MacEachern**  
Discussion

*Priors=Automatic Counseling but asking 8 year old to see private parts is not chargeable; rubbing back and asking to touch penis is not either where there was no actual touching.*

### **H. Juvenile Justice System**

**Brad Carlyon**  
Discussion

*Administrative Office of the Courts proposals (would like all 4 considered by the Legislature and Stakeholders)*

- 1. Proposal I** – *Shift responsibility for Juvenile Parole and Interstate Compact to Juvenile Probation (using “excess juvenile probation” capacity)*
  - *Treat commitments to ADJC as condition of probation*
  - *Place youth on probation upon release from ADJC*
  - *Handle revocation hearings in the Juvenile Court*
  - *Provide case management for juveniles on Interstate Compact by the juvenile probation system instead of parole*
  - *Continuity of care that is localized*

2. **Proposal II** – *Close ADJC within 2 years*
  - *Take the approx. \$50M (possibly save 5-10 M) State is spending and manage juveniles locally in 3 types of programs*
  - *Specialized caseloads with supportive services, specialized regional programs established in the current juvenile detention centers*
  - *Private placements*
  - *Juveniles diagnosed as conduct disorder, treatment modalities to address needs of the majority of juveniles committed to ADJC are:*
    - *Mental health, substance abuse and sex offenders*
  
3. **Proposal III** – *Allow Juvenile Probation to Manage Teen Dependency Cases*
  
4. **Proposal IV** – *Raise Juvenile Court and Probation Jurisdiction to 19 years of age, without changing the age of majority*
  - *Reduce number of juveniles with adult criminal records*
  - *Provide prosecutors with another alternative to charging juveniles*

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| <b><u>I. Criminal Code Cleanup</u></b>   | <b>Amy Love</b><br>Discussion                              |
| <b><u>J. Incompetent and Non- Restorable Defendants</u></b><br><b><i>(Attachment)</i></b>  | <b>Kathleen Mayer</b><br>Discussion and<br>Possible Action |
| <b>IV. Other Items for Discussion</b>  | <b>Kim MacEachern</b>                                      |
| <b>V. Call to the Public</b>   | <b>Jon Smith</b>   |
| <p>At this time, any member of the public is allowed to address the Legislative Policy Committee on any issue, whether or not on the Agenda. Pursuant to Arizona Open Meeting Law, at the conclusion of the Call to the Public, individual members of the Legislative Policy Committee may respond to criticism made by those who have addressed the Committee; may ask staff to review the matter; or may ask that the matter be placed on a future agenda. However, members of the Legislative Policy Committee shall not discuss or take legal action on matters raised during an open call to the public unless the matters appear on this Agenda and are otherwise properly noticed for discussion and legal action. On items specified for a vote on this Agenda, members of the public may comment after the Legislative Policy Committee discussion and prior to any vote on the matter.</p> |  |
| <b>VI. Next LPC Meeting</b>  | <b>Jon Smith</b>   |
| <b>VII. Adjournment</b>  | <b>Jon Smith</b>   |