

Legislative Policy Committee Meeting- January 28, 2016

III. Items for Consideration

52nd Legislature - 2nd Regular Session, 2016

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Bill Summaries

H2224: PRIVATE FIREARM TRANSACTIONS; PROHIBITED ENCUMBRANCES

The transfer of a firearm between two private parties who are otherwise allowed to possess a firearm under federal law is not subject to any additional fee, tax, assessment, lien or other encumbrance by the state or any political subdivision.

First sponsor: Rep. Lawrence

Others: Rep. J. Allen, Rep. Barton, Rep. Borrelli, Sen. Burges, Rep. Cobb, Sen. D. Farnsworth, Rep. Finchem, Rep. Gowan, Sen. Kavanagh, Rep. Kern, Rep. Leach, Rep. Rivero, Rep. Shope, Rep. Thorpe

H2224 Daily History

Date Action

PRIVATE FIREARM TRANSACTIONS; PROHIBITED ENCUMBRANCES	1/27	House jud amended; report awaited.
PRIVATE FIREARM TRANSACTIONS; PROHIBITED ENCUMBRANCES	1/19	referred to House jud.

H2374: CHILD PROSTITUTION; OFFENSE

The list of acts constituting child prostitution is expanded to include knowingly providing a means by which a minor engages in prostitution.

First sponsor: Rep. E. Farnsworth

H2374 Daily History

Date Action

CHILD PROSTITUTION; OFFENSE	1/26	from House rules okay.
CHILD PROSTITUTION; OFFENSE	1/25	to House consent calendar.
CHILD PROSTITUTION; OFFENSE	1/20	from House jud do pass.
CHILD PROSTITUTION; OFFENSE	1/19	referred to House jud.

H2524: UNIFORM FIREARMS TRANSFER COMPACT

The state of Arizona adopts and agrees to be bound by a uniform firearms transfer compact, which prohibits member states from enacting or enforcing any law, regulation or policy that would "impose 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 then-existing federal law. Some exceptions. Any law, regulation or policy existing on the effective date of this compact which is in conflict with this prohibition is repealed and held for naught to the extent of the conflict.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.

First sponsor: Rep. Thorpe

Others: Rep. Borrelli, Rep. Bowers, Rep. Boyer, Sen. Burges, Rep. Finchem, Sen. Kavanagh, Rep. Lawrence, Sen. Lesko, Rep. Mesnard, Rep. Mitchell, Rep. Montenegro, Rep. Olson, Rep. Rivero, Rep. Shope, Sen. Smith

H2524 Daily History

Date

Action

No actions posted for this bill.

H2539: SEX OFFENDER REGISTRATION; PETITION; TERMINIATION

A defendant who is convicted of sexual conduct with a minor, who is required to register as a sex offender, and who successfully completes a term of probation may petition the court for an order to terminate any duty to register and must serve a copy of the petition on the prosecutor. In the petition, the defendant is required to avow, under penalty of perjury, that none of a list of specified factors applies. The court is required to deny the petition if the court

finds that any of the factors applies, and may deny the petition if denial is in the best interests of justice or tends to ensure the safety of the public.

First sponsor: Rep. Bowers

H2539 Daily History	Date	Action
No actions posted for this bill.		

H2540: 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.

First sponsor: Rep. Townsend

Others: Rep. J. Allen, Rep. Boyer, Rep. Carter, Rep. Cobb, Rep. Finchem, Rep. Leach, Rep. Mesnard, Rep. Petersen, Rep. Rivero

H2540 Daily History	Date	Action
No actions posted for this bill.		

S1214: CRIMINAL TRIALS; LOCATION

Statute permitting a trial to be held in any county through or over which transit occurred applies to any offense committed in transit, instead of those committed in or upon a list of specified methods of transit.

First sponsor: Sen. Smith

Others: Rep. Ackerley, Sen. Dalessandro, Rep. Gabaldon

S1214 Daily History	Date	Action
CRIMINAL TRIALS; LOCATION	1/21	referred to Senate jud.

S1227: ANIMAL CRUELTY; SENTENCING; BOND

The list of acts constituting cruelty to animals is expanded to include to intentionally, knowingly or recklessly "hoard animals" (defined), and cruelty to animals by hoarding animals is a class 1 misdemeanor. The classification for second or subsequent violations of specified cruelty to animals violations is increased to a class 6 felony. The bond that an animal owner is required to post for an animal that was properly seized is increased to \$250 per animal, from \$25.

First sponsor: Sen. Kavanagh

Others: Rep. Boyer, Sen. Dial, Sen. Farley, Sen. Hobbs, Rep. Lawrence, Rep. Mesnard, Rep. Meyer, Rep. Norgaard, Sen. Smith, Rep. Townsend, Rep. Weninger

S1227 Daily History	Date	Action
No actions posted for this bill.		

S1228: DUI; DRUGS; IGNITION INTERLOCK REQUIREMENT

The Department of Transportation is required to remove the requirement that a person maintain a functioning certified ignition interlock device if the Dept finds that the person is convicted only of a violation of driving while under the influence of any drug, and/or vapor releasing substance or a violation of aggravated driving while under the influence of drug if the violation did not involve intoxicating liquor. An order that requires the installation of a functioning certified ignition interlock device is required to state that the person may request an administrative review within 15 days if the person was convicted of those violations. The administrative review process is specified.

First sponsor: Sen. Kavanagh

S1228 Daily History	Date	Action
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DUI; DRUGS; IGNITION INTERLOCK REQUIREMENT 1/21 referred to Senate trans.

S1229: EXECUTIVE CLEMENCY BOARD; EXECUTIVE SESSION

The Board of Executive Clemency is authorized to meet in executive session to discuss reprieves, commutations, paroles and pardons.

First sponsor: Sen. Miranda

Others: Sen. Bradley, Sen. Contreras, Sen. Dalessandro, Rep. Fernandez, Sen. Pancrazi, Rep. Velasquez

S1229 Daily History

Date Action

EXECUTIVE CLEMENCY BOARD; EXECUTIVE SESSION 1/21 referred to Senate jud.

S1230: WRONGFUL ARREST; RECORD CLEARANCE

If a law enforcement agency determines that a person was wrongfully arrested and is factually innocent of the offense that was the basis of the arrest, the agency is required to immediately seal the person's arrest record, retract any information that the agency reported to any person or entity about the arrest, and notify the person of the sealed arrest record. A person whose arrest record is sealed is authorized to deny that the arrest ever occurred, including when applying for a state-issued license, a law enforcement or school-related job, a concealed weapons permit, or state bar membership or when running for public office or purchasing a firearm.

First sponsor: Sen. Miranda

Others: Sen. Begay, Sen. Bradley, Sen. Contreras, Sen. Dalessandro, Rep. Espinoza, Sen. D. Farnsworth, Rep. Fernandez, Sen. Hobbs, Sen. Meza, Sen. Pancrazi, Rep. Velasquez

S1230 Daily History

Date Action

WRONGFUL ARREST; RECORD CLEARANCE 1/21 referred to Senate jud.

S1231: RACIAL PROFILING; PROHIBITION; REPORTING

An article is added to Title 41 (State Government) prohibiting peace officers from engaging in racial profiling or using the race or ethnicity of an individual as the sole factor in determining the existence of probable cause to take an individual into custody. The AZ Peace Officer Standards and Training Board is permitted to develop and distribute a suggested model written racial profiling prevention policy for use by law enforcement agencies. Each law enforcement agency in Arizona is required to annually report specified information on motor vehicle stops to the Board, and the Board is required to review and analyze the information for evidence of racial profiling.

First sponsor: Sen. Miranda

Others: Sen. Bradley, Sen. Contreras, Sen. Dalessandro, Rep. Espinoza, Rep. Fernandez, Sen. Hobbs, Sen. Meza, Sen. Pancrazi, Rep. Velasquez

S1231 Daily History

Date Action

RACIAL PROFILING; PROHIBITION; REPORTING 1/21 referred to Senate jud, gov, pub-mil-tech.

S1240: PRIVATE POSTSECONDARY INSTITUTIONS; POLICE OFFICERS

A private postsecondary institution that offers baccalaureate degrees is authorized to appoint persons to be designated as police officers to aid and supplement law enforcement agencies in the protection of persons and property. While engaged in the conduct of this employment, a private postsecondary institution police officer possesses and must exercise law enforcement powers of peace officers. A person appointed as a private postsecondary institution police officer is required to have the minimum qualifications established by the AZ Peace Officer Standards and Training Board for peace officers and police officers. A private postsecondary institution police officer is not eligible to participate in the Public Safety Personnel Retirement System based solely on that employment. The definition of "peace officer" that applies to all statutes and laws of Arizona is expanded to include police officers who are appointed by a

private postsecondary institution and who have received a certificate from the AZ Peace Officer Standards and Training Board.

First sponsor: Sen. Kavanagh

S1240 Daily History	Date Action
PRIVATE POSTSECONDARY INSTITUTIONS; POLICE OFFICERS	1/21 referred to Senate educ, pub-mil-tech.

S1242: ATTORNEY GENERAL; INITIATION OF ACTION

At the direction of the Governor or if deemed necessary by the Attorney General, the Department of Law is required to initiate any proceeding in which the state or an officer of the state is a party or has an interest.

First sponsor: Sen. Griffin

Others: Rep. J. Allen, Sen. S. Allen, Sen. Barto, Rep. Barton, Sen. Begay, Rep. Borrelli, Rep. Bowers, Rep. Boyer, Sen. Burges, Rep. Cardenas, Rep. Carter, Rep. Cobb, Sen. Donahue, Sen. Driggs, Rep. Fann, Rep. Finchem, Rep. Gowan, Rep. Kern, Rep. Leach, Rep. Livingston, Rep. Mach, Rep. Mitchell, Rep. Norgaard, Rep. Otondo, Rep. Petersen, Sen. Shooter, Rep. Shope, Sen. Smith, Rep. Thorpe, Rep. Weninger, Sen. Worsley, Sen. Yee

S1242 Daily History	Date Action
ATTORNEY GENERAL; INITIATION OF ACTION	1/26 referred to Senate jud.

S1246: CORRECTIONS DEPT; REVOLVING FUND USES

The authorized uses for monies in the Department of Corrections Revolving Fund are modified to include reentry programs, to allow the drug treatment, reentry or education programs funded to be administered by the Dept, and to require a qualified agency, organization or individual that administers such programs to be approved by the Dept instead of the Department of Health Services. Program participants are no longer limited to offenders who the Dept determines have a history of substance abuse and who have been released from confinement.

First sponsor: Sen. Smith
Others: Rep. Borrelli

S1246 Daily History	Date Action
CORRECTIONS DEPT; REVOLVING FUND USES	1/27 Senate pub-mil-tech amended; report awaited.
CORRECTIONS DEPT; REVOLVING FUND USES	1/26 referred to Senate pub-mil-tech, appro.

S1247: PRISONERS; COMMUNITY REENTRY; WORK PROGRAM

The Department of Corrections is permitted to authorize an eligible inmate who is within 12 months of the inmate's earliest release date to participate in a community reentry work program. The Dept is required to adopt rules to implement the program. Minimum eligibility for inmates to participate in the program is specified. Requirements for inmates participating in the program are listed, and the Dept may remove an inmate from the program if the inmate fails to comply with those requirements or if the Dept determines that the best interests of the state would be served by the removal. An inmate who is absent without leave from a facility in the program is guilty of a class 5 (second-lowest) felony. The program ends July 1, 2026.

First sponsor: Sen. Smith

S1247 Daily History	Date Action
PRISONERS; COMMUNITY REENTRY; WORK PROGRAM	1/27 Senate pub-mil-tech do pass; report awaited.
PRISONERS; COMMUNITY REENTRY; WORK PROGRAM	1/26 referred to Senate pub-mil-tech.

S1272: 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.

First sponsor: Sen. Quezada
 Others: Rep. Andrade, Rep. Cardenas, Rep. Espinoza, Rep. Fernandez, Rep. Mendez, Rep. Velasquez

S1272 Daily History	Date Action
CRIMINAL CHARGES; UNLAWFUL ORDERS; REIMBURSEMENT	1/26 referred to Senate jud.

S1273: CRIMINAL CASES; ARRESTS; RECORDS; ERASURE

In any criminal case commenced beginning 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 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.

First sponsor: Sen. Quezada

S1273 Daily History	Date Action
CRIMINAL CASES; ARRESTS; RECORDS; ERASURE	1/26 referred to Senate jud.

S1274: 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.

First sponsor: Sen. Quezada
 Others: Rep. Alston, Rep. Andrade, Rep. Cardenas, Sen. Dalessandro, Rep. Espinoza, Rep. Fernandez, Rep. Mendez, Rep. Velasquez

S1274 Daily History	Date Action
LENGTH OF PAROLE; JUVENILE OFFENDERS	1/26 referred to Senate jud, pub-mil-tech.

S1275: ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP

Increases the number of members of the Arizona Criminal Justice Commission to 19 members by adding 2 attorneys who practice primarily in the area of criminal defense, to be appointed by the Governor. Session law provides for the initial terms of the attorney members.

First sponsor: Sen. Quezada
 Others: Rep. Andrade, Rep. Cardenas, Rep. Espinoza, Rep. Fernandez, Rep. Mendez, Rep. Velasquez

S1275 Daily History	Date Action
ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP	1/26 referred to Senate jud, gov.

S1276: BOARD OF EXECUTIVE CLEMENCY; MEMBERSHIP

Increases the number of members of the Board of Executive Clemency to nine members, from five, establishes required expertise or professions for six members, and prohibits more than

two of the remaining three public members from belonging to the same political party. Session law provides for terms of additional Board members.

First sponsor: Sen. Quezada
 Others: Rep. Alston, Rep. Andrade, Rep. Cardenas, Sen. Dalessandro, Rep. Espinoza, Rep. Fernandez, Rep. Mendez, Rep. Velasquez

S1276 Daily History	Date Action
BOARD OF EXECUTIVE CLEMENCY; MEMBERSHIP	1/26 referred to Senate jud, gov.

S1277: 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, 2017 and self-repeals January 1, 2018.

First sponsor: Sen. Quezada
 Others: Rep. Andrade, Rep. Espinoza, Rep. Fernandez, Rep. Mendez, Sen. Sherwood, Rep. Velasquez

S1277 Daily History	Date Action
PAROLE REFORM STUDY COMMITTEE	1/26 referred to Senate jud, gov.

S1278: FORFEITURES; ALLOCATION OF MONIES

Ten percent of monies received by any state agency or department or any political subdivision are required to be deposited in the general fund.

First sponsor: Sen. Quezada
 Others: Rep. Andrade, Rep. Espinoza, Rep. Fernandez, Rep. Mendez, Rep. Velasquez

S1278 Daily History	Date Action
FORFEITURES; ALLOCATION OF MONIES	1/26 referred to Senate jud, appro.

S1281: ANIMAL CRUELTY; CLASSIFICATION

The classification for specified acts constituting animal cruelty is increased to a class 5 (second lowest) felony, from a class 6 (lowest) felony.

First sponsor: Sen. Kavanagh

S1281 Daily History	Date Action
ANIMAL CRUELTY; CLASSIFICATION	1/26 referred to Senate gov, jud.

S1282: 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.

First sponsor: Sen. Kavanagh

S1282 Daily History	Date Action
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	1/26 referred to Senate gov.

S1283: CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM

Beginning January 1, 2017, a medical practitioner, before prescribing an opioid analgesic or benzodiazepine controlled substance, is required to obtain a patient utilization report regarding the patient for the preceding 12 months from the Controlled Substances Prescription Monitoring Program's central database tracking system. Some exceptions.

First sponsor: Sen. Kavanagh

S1283 Daily History

Date Action

CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM 1/26 referred to Senate hel-hu ser.

S1285: 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.

First sponsor: Sen. Kavanagh

S1285 Daily History

Date Action

AGGRESSIVE SOLICITATION; APPROACHING STOPPED VEHICLE 1/26 referred to Senate jud.

S1286: INTERNET SEX OFFENDER WEBSITE; OFFENSES

The sex offenders that the Department of Public must include on the internet sex offender website is expanded to include any offender who was convicted of or adjudicated guilty except insane for a list of specified completed or preparatory offenses. Applies to a person who is convicted of or adjudicated guilty except insane for these offenses committed before, on or after the effective date of this legislation.

First sponsor: Sen. Kavanagh

S1286 Daily History

Date Action

INTERNET SEX OFFENDER WEBSITE; OFFENSES 1/26 referred to Senate pub-mil-tech, jud.

S1295: DUI; WATERCRAFT; MEDICAL PRACTITIONER; AUTHORIZATION

A person using a drug prescribed by a licensed medical practitioner "who is authorized to prescribe the drug," instead of who is licensed under specified chapters of statute, is not guilty of violating the prohibition on operating a motorized watercraft or vehicle while there is any drug or its metabolite in the person's body.

First sponsor: Sen. Driggs
Others: Sen. S. Allen

S1295 Daily History

Date Action

DUI; WATERCRAFT; MEDICAL PRACTITIONER; AUTHORIZATION 1/26 referred to Senate jud.

S1298: PROBATION; JUVENILE; ADULT

Various changes relating to probation. The list of activities that a juvenile on probation is required to participate in one or more of is expanded to include activities that improve the juvenile's prosocial skill development, including enhancing the juvenile's relationship with the juvenile's family. The requirement for persons convicted of certain crimes to have global position system or electronic monitoring for the duration of the term of probation does not apply if the court determines that the defendant is in a "secure facility" or is physically incapacitated to the extent that the monitoring is unnecessary. Session law provides for applicability of this exception to persons currently required to have global position system or electronic monitoring.

First sponsor: Sen. Driggs

S1298 Daily History

Date Action

PROBATION; JUVENILE; ADULT 1/26 referred to Senate jud.

S1307: COMMUNITY PROPERTY; LIFE SENTENCE; SPOUSE

In an action for disposition of property upon the dissolution of the marriage or legal separation, the court is prohibited from awarding any community property to a "convicted

spouse" (defined as a person convicted of an offense committed against the person's spouse or child and who is sentenced to life in prison).

First sponsor: Sen. Griffin

S1307 Daily History	Date	Action
COMMUNITY PROPERTY; LIFE SENTENCE; SPOUSE	1/26	referred to Senate jud.

S1308: JUVENILE CHARGED AS ADULT; DETENTION

After a juvenile has been formally charged as an adult, the juvenile may be detained in a juvenile facility if ordered by the court.

First sponsor: Sen. Griffin
Others: Sen. S. Allen, Rep. Boyer

S1308 Daily History	Date	Action
JUVENILE CHARGED AS ADULT; DETENTION	1/26	referred to Senate jud, pub-mil-tech.

S1339: FIREARMS 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.

First sponsor: Sen. Quezada
Others: Rep. Fernandez, Rep. Velasquez

S1339 Daily History	Date	Action
FIREARMS SALES; TRANSFERS; BACKGROUND CHECKS	1/27	referred to Senate gov.

S1340: HIRING PRACTICES; LIMITATIONS; 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.

First sponsor: Sen. Quezada
Others: Rep. Andrade, Rep. Cardenas, Rep. Fernandez, Rep. Gabaldon, Rep. Mendez, Rep. Velasquez

S1340 Daily History	Date	Action
HIRING PRACTICES; LIMITATIONS; CRIMINAL HISTORY	1/27	referred to Senate com-work dev.

S1349: 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.

First sponsor: Sen. Farley

S1349 Daily History	Date	Action
No actions posted for this bill.		