
LPC Meeting January 19, 2012

Bill List for Agenda

50th Legislature - 2nd Regular Session, 2012

Wednesday, Jan 18 2012 11:02 AM

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Bill Summaries

H2130: DISEASE TESTING; PUBLIC SAFETY EMPLOYEES

The list of situations where a public safety employee or volunteer or the employing agency may petition the court for an order authorizing disease testing is expanded to include if there is probable cause to believe that the person bit, scratched, spat or transferred blood or other bodily fluid on or through the skin of the employee or volunteer.

First sponsor: Rep. J. Pierce

H2144: PROHIBITED POSSESSOR; DOMESTIC VIOLENCE CONVICTION

Any person convicted of a domestic violence offense is prohibited from possessing a firearm, instead of only those offenders who are serving probation.

First sponsor: Rep. C. Miranda
Others: Rep. R. Miranda, Rep. Saldate

H2169: MISSING PERSONS; LAW ENFORCEMENT DUTIES

Adds a new chapter to Title 41 (state government) relating to law enforcement procedures involving missing persons or unidentified human remains. Includes provisions for accepting missing person reports, information and materials that law enforcement must attempt to obtain about a missing person, circumstances that classify an individual as a high-risk missing person, and procedures for handling unidentified human remains.

First sponsor: Rep. Dial
Others: Rep. Gallego

H2198: PUBLIC PROPERTY; PERMIT; DEPOSIT; INSURANCE

Conducting a "public event" (defined) on public property is prohibited unless the person obtains a public event permit from the public institution controlling the property. Establishes requirements for public event permits, including a damage deposit.

First sponsor: Rep. Burges
Others: Rep. Crandell, Rep. Montenegro, Rep. J. Pierce, Rep. D. Smith

H2201: GRAFFITI IMPLEMENTS; UNLAWFUL POSSESSION; MINORS

It is a petty offense for a person under 18 to possess any graffiti implement (defined) while on public or private property without the express consent of the property owner. Some exceptions.

First sponsor: Rep. Campbell
Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gallego, Rep. Hobbs, Rep. Meyer, Rep. Tovar, Rep. Wheeler

H2210: MEDICAL MARIJUANA; LIMIT MUNICIPAL TAXATION

Municipalities are prohibited from levying a tax or fee on the sale of medical marijuana such that the aggregate tax levied exceeds 10 percent of the amount of the sale.

First sponsor: Rep. Patterson
Others: Rep. Fillmore, Rep. Heinz

H2211: BICYCLES; YIELD AT STOP SIGNS

Bicycle riders who are at least 16 years of age must yield when approaching a yield or stop sign.

First sponsor: Rep. Williams
Others: Rep. Patterson

H2216: AGGRAVATED ASSAULT; STRANGULATION

Strangulation is classified as aggravated assault. Previously, the victim and defendant were required to have a relationship that could classify the offense as domestic violence for strangulation to be classified as aggravated assault.

First sponsor: Rep. Proud

H2218: DEPARTMENT OF JUVENILE CORRECTIONS; CONTINUATION

The statutory life of the Department of Juvenile Corrections is extended 10 years to July 1, 2022. Retroactive to July 1, 2012.

First sponsor: Rep. Proud

H2224: UNRESTRAINED MINORS; MOTOR VEHICLES; PROHIBITION

It is illegal to transport a minor in an open compartment of a motor vehicle (bed of a pickup) unless the minor is safely restrained. Includes exemptions for farm or ranch vehicles, emergency situations, vehicles on private property or Indian reservations, parades, and vehicles driven at or below a posted speed limit of 35 mph.

First sponsor: Rep. Goodale
Others: Rep. Heinz, Rep. Jones

H2231: AGGRAVATED ASSAULT; HEALTH CARE PRACTITIONERS

Assault is considered aggravated assault if the defendant knows that the victim is a health care practitioner, including a pharmacist, physical therapist, or psychologist.

First sponsor: Rep. Heinz

H2233: STATE EMPLOYEE HEALTH INSURANCE; DEPENDANTS

For the purposes of state employee health insurance, the definition of "dependent" is removed from statute. A legislative intent section directs the Department of Administration to use the definition contained in AZ Administrative Code. Retroactive to October 1, 2009.

First sponsor: Rep. Heinz

H2234: STATE HEALTH COVERAGE; SURVIVOR BENEFITS

If a state employee dies and the surviving spouse continues the health insurance coverage, the spouse and any dependents are required to pay the only out-of-pocket premium amount for their classification that an active employee would pay, instead of 102 percent of the group rates. The prohibition on public monies being used for surviving spouse and dependent health coverage is deleted.

First sponsor: Rep. Heinz

H2240: COUNTY OFFICERS; PAY SCALE

Effective January 1, 2012 and in counties with a population of less than 500,000 persons, the

annual salary of the county assessor, recorder, superintendent of schools, supervisor and treasurer is increased to \$76,600, from \$63,800.

First sponsor: Rep. Harper

H2241: STATUTE OF LIMITATIONS; MOVING VIOLATION

A prosecution for causing serious physical injury or death by a moving violation must be commenced within five years after discovery of the offense by the state or political subdivision.

First sponsor: Rep. Montenegro

Others: Rep. Ugenti

H2254: FIREARMS; CONCEALED WEAPONS; COMM COLLEGES; UNIVERSITIES

Faculty members with concealed weapons permits may possess a concealed firearm on the grounds of a community college or university.

First sponsor: Rep. Harper

Others: Rep. Seel

H2263: METHAMPHETAMINE PRECURSOR LOGGING SYSTEM

A person cannot purchase, and a retailer cannot sell to the same person, products containing more than 3.6 grams per day or more than 9 grams per 30 days of ephedrine or pseudoephedrine base or their salts or isomers. Retailers must keep nonprescription products containing these substances behind the counter or in a locked case and must require a purchaser to present photo identification and record specified information on the purchaser at the point of sale. Beginning January 1, 2013, retailers must use an electronic sales tracking system to submit this information to a national precursor log exchange if the system is available without charge. Sales of these products are of statewide concern and not subject to further regulation by political subdivisions.

First sponsor: Rep. Carter

Others: Rep. Brophy McGee, Rep. Farley, Rep. Goodale, Rep. Hobbs, Rep. Stevens, Rep. Urie, Rep. Yee

H2264: RETIREMENT; ASRS; EMPLOYEE; EMPLOYER CONTRIBUTIONS; RATE

ASRS member contributions are reduced to 50 percent of the total contributions, from 53 percent. ASRS employer contributions are increased to 50 percent, from 47 percent. By June 30, 2012, ASRS employers must return employee contributions made in excess of 50 percent during FY2011-2012. Retroactive to July 1, 2011. Emergency clause.

First sponsor: Rep. Robson

H2266: CLIFF JUMPING; VIOLATION

It is a class 2 misdemeanor to jump or dive from ten feet or higher off a cliff or rock formation into a lake or stream in public parks, on state land or on private property without permission of the landowner.

First sponsor: Rep. Burges

H2284: DUI; JURY TRIAL

In any trial for driving under the influence or extreme driving under the influence, a trial by jury may be unilaterally waived by the defendant. Retroactive to January 1, 2012.

First sponsor: Rep. D. Smith

H2285: DUI; IGNITION INTERLOCK DEVICE

A person convicted of a first offense of driving under the influence is no longer required to equip a motor vehicle with an ignition interlock device for 12 months.

First sponsor: Rep. D. Smith

H2286: DRIVER LICENSE VIOLATIONS; SUSPENSIONS

If a person drives a motor vehicle with a suspended driver license and the suspension is due to failure to pay a civil penalty and not related to a DUI, the court is authorized to find the person guilty of not possessing a valid driver license instead of a class 1 misdemeanor for driving with a suspended license. If the court finds the person guilty of a class 1 misdemeanor, the conviction is set aside after six months.

First sponsor: Rep. D. Smith

H2287: DRIVING UNDER THE INFLUENCE; RETROACTIVE APPLICATION

Laws 2011, Chapter 341, which makes various changes to statutes pertaining to driving under the influence and the use of continuous alcohol monitoring programs and ignition interlock devices, apply retroactively to any person sentenced from and after April 29, 2011 for a DUI, extreme DUI or aggravated DUI, regardless of the date of the offense. Some sections of Laws 2001, chapter 341 are exempted from retroactive application.

First sponsor: Rep. D. Smith

H2288: DUI; DRUGS; DRIVER LICENSE REVOCATION

Driving a motor vehicle while under the influence of a drug is removed from the list of offenses that are grounds for mandatory revocation of a driver license.

First sponsor: Rep. D. Smith

H2289: CRIMINAL JURY TRIAL; JUSTICE COURTS

For criminal proceedings in justice courts, a trial by jury must be had if demanded at any time before commencement of the trial, instead of at least five days before commencement of the trial.

First sponsor: Rep. D. Smith

H2294: MUNICIPAL HOME DETENTION PROGRAMS; ESTABLISHMENT

Municipalities are required, instead of allowed, to establish a prisoner work, community restitution work and home detention program for eligible sentenced prisoners.

First sponsor: Rep. D. Smith

H2296: ARIZONA SENTENCING & CORRECTIONS COMMISSION

Establishes a 17-member Arizona Sentencing and Corrections Commission to continuously collect data and evaluate the effectiveness of the state's sentencing practices and policies and the policies and procedures of the Department of Corrections. The Commission terminates in statute on July 1, 2017.

First sponsor: Rep. D. Smith

H2297: PROBATION; COMMUNITY SUPERVISION; VIOLATIONS; REVOCATION

A defendant must commit two or more additional offenses or violate two or more conditions of probation or parole, instead of one offense or violation, in order for the court or Board of Executive Clemency to revoke or modify the conditions of probation, community supervision or

parole.

First sponsor: Rep. D. Smith

H2299: 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, 2012. Self-repeals October 1, 2013.

First sponsor: Rep. Campbell

H2307: PROPERTY DAMAGE BY LIVESTOCK

In counties with a population of 900,000 persons or more (Maricopa and Pima), cattle are added to the list of livestock (currently, sheep or goats) which may not be herded or camped on property owned by another without the other's approval. The owner of any livestock that trespass and cause damage to another's property is responsible for the damage even if the land is not fenced.

First sponsor: Rep. Patterson
Others: Rep. Harper

H2308: SCRAP METAL DEALERS; SUSPICIOUS METALS

A scrap metal dealer who suspects that a seller is trying to sell stolen metal must require additional information from the seller as determined by the Department of Public Safety by rule.

First sponsor: Rep. Patterson
Others: Rep. McCune Davis

H2310: ANIMAL ABUSER REGISTRATION; COMMUNITY NOTIFICATION

An adult who has been convicted of cruelty to animals or other related offenses must register with the county sheriff within 10 days after the conviction or after entering and remaining in that county. Within 10 days of the registration, the sheriff must notify every residence, school, humane society, animal shelter and other business within 1/2 mile of the animal abuser's residence.

First sponsor: Rep. Farley
Others: Sen. Melvin, Sen. Nelson, Sen. Reagan

H2311: COMMUNICATION DEVICES; CLASS G LICENSEES

Class G driver license holders (drivers under the age of 18) are prohibited from operating a motor vehicle while using a wireless communication device. Some exceptions.

First sponsor: Rep. Farley
Others: Rep. Arredondo, Rep. Hobbs, Sen. McComish, Sen. Melvin, Sen. Nelson, Rep. Tovar

H2312: DISTRACTED DRIVING PROHIBITION

It is illegal to operate a motor vehicle while distracted in any manner. Law enforcement officers may issue citations to a distracted driver if the officer believes the driving is hazardous to public safety.

First sponsor: Rep. Farley
Others: Rep. Arredondo, Rep. Hobbs, Sen. Melvin, Sen. Nelson, Rep. Tovar

H2321: TEXTING WHILE DRIVING; PROHIBITION

Effective January 1, 2013, it is a nonmoving civil traffic violation to use a handheld wireless communication device to write, send or read a written message while operating a motor vehicle. Some exceptions. Violations are subject to a civil penalty of \$50, or \$200 if the person is involved in a motor vehicle accident. Establishes a warning period from January 1, 2013 to January 31, 2013.

First sponsor: Rep. Williams
Others: Rep. Farley, Sen. Melvin, Sen. Nelson

H2331: EMERGENCY CONTRACEPTION

Health professionals that provide care to a female of reproductive age who states that she is the victim of rape must provide the patient with medical information about emergency contraception (defined as a drug or device that prevents pregnancy after sexual intercourse) and provide or prescribe emergency contraception at the patient's request. Health professionals may refer the patient to another provider for forensic medical care and emergency contraception. Licensed pharmacies are required to properly fill valid prescription orders presented to the pharmacy by or for a customer. Pharmacy employees must notify the pharmacy in writing of all categories or types of prescription drugs and devices that the employee would decline to fill because of sincerely held religious beliefs, and the pharmacy must attempt to accommodate the employee if the accommodation can be made without causing undue hardship to the pharmacy or its customers. Also requires the Department of Health Services to administer a program to reduce the risks of unintended pregnancy by improving awareness of emergency contraception.

First sponsor: Rep. Tovar
Others: Rep. Alston, Rep. Campbell, Rep. Chabin, Rep. Gallego, Rep. Gonzales, Rep. Hobbs, Rep. McCune Davis, Rep. R. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2338: PRISONER TRANSFER; DEPT OF CORRECTIONS

Repeals the requirement that beginning July 1, 2012, prisoners sentenced to one year or less in the Department of Corrections will serve that time in county jails unless the county sheriff contracts with the Dept to house county prisoners in a state facility for a fee. Emergency clause.

First sponsor: Rep. Jones
Others: Rep. Barton, Rep. Chabin, Rep. Crandell, Rep. Goodale, Sen. Griffin, Sen. Jackson, Rep. Judd, Rep. McLain, Rep. Pancrazi, Rep. Urie, Rep. Vogt

H2341: PROCESS SERVERS; PRIVILEGES; RECORDS; ASSAULT

While serving process, a registered process server is authorized and privileged to enter and remain lawfully unannounced in a guarded or-gated community, and on real property. Assault is classified as aggravated assault if the defendant knows that the victim is a certified process server attempting to serve process. Certified process servers are added to the list of persons the county recorder or county treasurer must notify when a court order granted to that person expires.

First sponsor: Rep. Jones
Others: Rep. Judd, Rep. Pancrazi, Rep. Urie, Rep. Vogt

H2349: MEDICAL MARIJUANA; CARDHOLDER; CAMPUSES; PROHIBITION

A person may not lawfully possess or use medical marijuana on the campus of any educational institution or in any child care facility. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Reeve

H2350: MARIJUANA; TRANSFER FOR VALUE; PRESUMPTION

Establishes a conclusive presumption that a transfer of medical marijuana is a transfer for value if the transferee is required to pay anything of value to be a member of an organization or to participate in an activity in order to receive the transfer. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Reeve

H2356: DRUGS; DEFINITION

Various substances are added to the definition of "dangerous drugs" and the list of schedule IV controlled substances. Emergency clause.

First sponsor: Rep. Fann

Others: Rep. Barton, Rep. Burges, Rep. Crandell, Rep. Harper, Rep. Jones, Rep. Judd, Rep. J. Pierce, Rep. Reeve, Rep. Ugenti, Rep. Urie, Rep. Yee

H2373: SENTENCING; FIRST, SECOND DEGREE MURDER

Various changes to sentencing for convictions of first and second degree murder, including treating an unborn child like a minor under 12 years of age for purposes of punishment. A person convicted of first degree murder who was under 18 years of age at the time of the commission of the offense must be sentenced to life or natural life imprisonment. Increases the maximum sentence for second degree murder to 25 years, from 22 years, and to 29 years, from 25 years, for a person previously convicted of certain felonies.

First sponsor: Rep. Farnsworth

H2374: DEFERRED PROSECUTION PROGRAM; CONDITIONS

The county attorney may not divert or defer the prosecution of a person who has been previously convicted of a serious offense, sexual offense, dangerous offense or dangerous crime against children, or a person who has been convicted three or more times of drug possession.

First sponsor: Rep. Farnsworth

H2378: SOLICITATION; TEXT MESSAGE; PROHIBITION

It is a class 2 misdemeanor to use an automated system to send a text message for the purpose of soliciting persons to purchase goods or services.

First sponsor: Rep. Farnsworth

H2380: SEARCH WARRANTS; RETURN

Search warrants must be returned to a magistrate within four court business days after execution, instead of three court business days.

First sponsor: Rep. Farnsworth

H2382: CRIMINAL OFFENSES; SENTENCING

The superior court has concurrent jurisdiction with justices of the peace over misdemeanors with a maximum penalty of \$2,500, increased from \$1,000. Modifies mitigated and aggravated sentencing ranges for certain repetitive offenders.

First sponsor: Rep. Farnsworth

H2384: BURGLARY; TRESPASS; COMMERCIAL YARD; DEFINITION

For purposes of criminal trespass and burglary, a "fenced commercial yard" is property zoned for business operations, instead of used primarily for business operations.

First sponsor: Rep. Farnsworth

H2390: HOME DETENTION PROGRAMS

A prisoner in a home detention program established by counties or municipalities may work within a 120 mile radius of his/her primary residence, instead of only within the county. The court is authorized, instead of required, to terminate a prisoner's participation in a program under specified conditions, and to order prisoners on electronic monitoring to pay an electronic monitoring fee.

First sponsor: Rep. Pratt

H2395: SCRAP METAL DEALERS; PROHIBITED TRANSACTIONS

Scrap metal dealers are prohibited from knowingly purchasing air conditioner components, except from an industrial account.

First sponsor: Rep. Forese
Others: Rep. Vogt

H2396: THEFT OF METAL; SENTENCING

For the purposes of sentencing for theft of metal, the value is the average fair market value of the metal, instead of the average fair market value of the metal as scrap metal.

First sponsor: Rep. Forese
Others: Rep. Vogt

H2398: JUDICIAL ACTIONS; CHILDREN; NAMES; REDACTION

The court is required to assign a letter in place of each child's name in any order or minute entry relating to paternity, annulment, legal separation, dissolution of marriage, in loco parentis or visitation. A parent or a parent's attorney may view the confidential data sheet used to establish the letter.

First sponsor: Rep. Forese
Others: Rep. Hobbs

H2403: PUBLIC NOTICES; INTERNET

If publication of a notice in a newspaper is directed by law, the notice may be published at a designated site on the internet for at least the specified number of days or weeks required by law.

First sponsor: Rep. Stevens

H2411: ELECTED OFFICIALS; DRUG TESTING

Prior to taking the oath of office, every elected official in the state of Arizona is required to pay for and take a drug test. The Department of Health Services is required to report any positive test results to the appropriate persons.

First sponsor: Rep. Stevens
Others: Sen. Antenori, Sen. Griffin, Sen. Shooter

H2429: DEPT OF PUBLIC SAFETY; CONTINUATION

The statutory life of the Department of Public Safety is extended 10 years to July 1, 2022. Retroactive to July 1, 2012.

First sponsor: Rep. Gowan
Others: Rep. Proud

H2430: PRIVATE INVESTIGATORS; SECURITY Gaurds; LICENSING

A private investigator or security guard cannot be a registered sex offender.

First sponsor: Rep. Gowan

H2432: SECURED APPEARANCE BOND EXONERATION; REMISSION

If a surety or bail bond agent surrenders the defendant within 30 days after the defendant's failure to appear, they are relieved from liability, except when a judicial officer orders a forfeiture of up to \$1,000.

First sponsor: Rep. Gowan
Others: Sen. Antenori, Rep. Ash, Rep. Fillmore, Sen. Gallardo, Sen. Lopez, Sen. Murphy, Rep. Seel, Sen. Shooter, Rep. D. Smith, Rep. Stevens

H2433: BAIL BOND AGENT LISTS; SOLICITATION

The list of authorized bail bond agents for a county or city jail is required to be updated and the order rotated monthly. A private company cannot solicit bail bond business within 200 feet of any entrance to a court building or county or city jail.

First sponsor: Rep. Gowan
Others: Sen. Antenori, Rep. Ash, Rep. Fillmore, Sen. Gallardo, Sen. Lopez, Sen. Murphy, Rep. Seel, Sen. Shooter, Rep. D. Smith, Rep. Stevens

H2434: BAIL BOND REQUIREMENTS; CASH; SECURED

A person who has been convicted of a felony within seven years of the current offense is not eligible for supervision under pretrial services. A judicial officer is required to allow a cash or a secured appearance bond in all cases in which bail is authorized, except in specified circumstances.

First sponsor: Rep. Gowan
Others: Sen. Antenori, Sen. Gallardo, Rep. Seel, Rep. D. Smith

H2435: ATTORNEY GENERAL; REMOVAL; FED COURT

When the attorney general's office represents the state in a federal district court in a case where the U.S. Supreme Court has original jurisdiction, the office is required to file a motion to remove the action to the U.S. Supreme Court.

First sponsor: Rep. Gowan
Others: Sen. Klein, Sen. Shooter

H2436: FED LAW ENFORCEMENT OFFICERS; NOTIFICATIONS

A federal law enforcement officer is required to notify the county sheriff before taking any official action in that county.

First sponsor: Rep. Gowan

H2437: FED MANDATES; PROOF OF CONSTITUTIONALITY

The Legislature is prohibited from enacting any statute that appropriates state monies to comply with a federal mandate unless the mandate contains a document with reasonable arguments based on the U.S. Constitution that the mandate is a function of the federal government and will pass a Constitutional challenge.

First sponsor: Rep. Gowan

H2441: CONSTITUENT COMMUNICATIONS; PUBLIC RECORD EXCEPTION

Any communication between a state legislator and their constituent that is intended to be private is not considered a public record.

First sponsor: Rep. Gowan

H2442: PRISONERS; PAYMENT FOR DRUG TESTING

The Department of Corrections is authorized to collect fees as a condition of a person's probation, parole or community supervision to offset costs of any drug testing program that person is required to participate in.

First sponsor: Rep. Gowan

H2443: CIVIL ACTIONS; TIME LIMITS; CRIMES

A person seeking damages due to suffering from the result of the sexual conduct of another committed against a minor must do so within seven years after the minor turns 18 years of age.

First sponsor: Rep. Gowan

H2457: POSSESSION OF WEAPONS WHILE HUNTING

The possession of a weapon used for taking wildlife does not preclude the possession of other legal weapons that are not used to take wildlife in the hunt.

First sponsor: Rep. Barton

Others: Sen. Allen, Rep. Burges, Sen. Gould, Rep. Gowan, Rep. Judd, Rep. Seel, Rep. D. Smith, Sen. S. Smith

H2461: HISTORICAL PRIOR FELONY CONVICTION; DEFINITION

Modifies the definition of "historical prior felony conviction" to add pretrial or presentence incarceration for any reason to the incarceration time that is excluded in calculating if the offense was committed within the preceding 10 years.

First sponsor: Rep. Ugenti

H2462: ANIMALS; SEIZURE; HEARING; FORFEITURE

Peace officers, county enforcement agents and animal control officers are authorized to enter enclosed areas or yards or vehicles to seize an animal if there is probable cause to believe that the animal is suffering from cruel mistreatment, neglect or abandonment. The officer must leave a notice of seizure. The owner may request a hearing to determine whether the animal is forfeited to the seizing agency or returned to the owner.

First sponsor: Rep. Ugenti

Others: Rep. Barton, Rep. Brophy McGee, Rep. Burges, Rep. Carter, Rep. Fann, Rep. Fillmore, Sen. L. Gray, Rep. Hobbs, Rep. Judd, Sen. Melvin, Rep. Meyer, Rep. Montenegro, Rep. J. Pierce, Rep. Stevens, Rep. Urie

H2474: ELECTRONIC COMMUNICATION DEVICES; UNLAWFUL USE

Establishes the crime of unlawful use of an electronic communication device by using the device to solicit, plan, incite, direct or promote a felony or misdemeanor offense. Unlawful use of an electronic communication device is a class 3 misdemeanor unless the offense planned or promoted is a violent crime, which increases the classification to a class 4 felony.

First sponsor: Rep. Proud

H2521: COMMUNITY SUPERVISION; EARNED RELEASE CREDITS

Terms of the earned release credit program operated for inmates by the Dept of Corrections are changed to provide one day for every three days served if the offense is not classified as a serious offense or a violent or aggravated felony (per ARS 13-706). The credit of one day for every six served remains for those convicted of serious crimes. Terms of the community supervision program are likewise changed to provide for one day for every three served for non-serious offenses. The credit of one day for every seven served remains for those convicted of serious crimes.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Arredondo, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Hale, Rep. Jones, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2522: SENTENCING; MINIMUM & MAXIMUM TERMS

Modifies sentencing structure for various felony offenses. The sentences previously used as mitigated sentence terms are established as the new minimum sentence, and those used as aggravated sentence terms are established as the new maximum sentence. The terms mitigated and aggravated are no longer used, and the previous minimum and maximum sentences are deleted. Increases the number of felony convictions necessary for a person to be sentenced as a repetitive offender. Also changes sentencing for violation of parole for drug offenses.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Arredondo, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Jones, Rep. Judd, Sen. Lewis, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2523: CORRECTIONS DEPT; DIRECTOR; POWERS

The authority for the Director of the Department of Corrections to charge a fee for conducting background checks on visitors to prisons is eliminated.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Goodale, Rep. Jones, Rep. Vogt

H2524: LIFE SENTENCE; PAROLE ELIGIBILITY

A person convicted of murder for an offense committed before August 8, 1973, and who was sentenced to life in prison is eligible for parole after serving 25 calendar years. If the person was convicted of any other offense, the person is eligible for parole only to the consecutive sentence. The Dept of Corrections is required to notify all persons eligible for parole under this legislation within 30 days after the effective date. Emergency clause.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Harper, Rep. Jones, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2525: AZ SENTENCING COMMISSION

A 20-member Arizona Sentencing Commission is established to evaluate the effectiveness of sentencing practices and policies and of alternative sentencing programs. An annual report must be submitted to the chairmen of the House and Senate Judiciary committees. The statutory life of the commission expires on July 1, 2022.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Jones, Sen. Lewis, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Tovar, Rep. Wheeler

H2527: SEX OFFENDER REGISTRATION; CONSENSUAL ACTS

Judges are authorized to exempt a person from the requirement to register as a sex offender for specified offenses if the offense involved consensual acts (the victim must agree that the

acts were consensual) and the judge finds that the person is not likely to reoffend.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Jones, Rep. Judd, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Saldate

H2528: PREGNANT PRISONERS; RESTRAINTS PROHIBITED; EXCEPTION

Correctional institutions cannot use restraints on a prisoner who is known to be pregnant unless the corrections official determines that the prisoner presents an extraordinary circumstance. If restraints are used, they must be used in the least restrictive manner necessary.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Hale, Rep. Jones, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Tovar, Rep. Wheeler

H2530: INCARCERATION COSTS; MUNICIPAL COURT WARRANTS

Municipalities must pay the costs of incarceration in a county jail for a person arrested on a warrant issued by the municipal court.

First sponsor: Rep. Ash

Others: Rep. Farley, Rep. Hale, Rep. McLain, Rep. Meyer, Rep. Patterson, Rep. Wheeler

H2531: PRISONERS; MEDICAL PAROLE

Authorizes the Board of Executive Clemency to release a prisoner on medical parole under specified circumstances, including an incapacitating physical condition or disease, with review and acceptance by the Department of Corrections. Does not apply to prisoners sentenced to death or natural life.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Arredondo, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Hale, Rep. Jones, Rep. Judd, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2532: COURT-ORDERED TREATMENT

Establishes requirements for evaluating a prisoner's need for continued court-ordered mental health treatment. If a medical director believes continued court-ordered treatment is needed, an application must be filed with the court. The process for the court to make a determination on continued treatment is modified. Additionally, the costs of mental health treatment of prisoners is no longer charged to the county in which the patient resided or was found prior to hospitalization.

First sponsor: Rep. Ash

Others: Rep. Chabin, Rep. Farley, Rep. Hale, Rep. Wheeler

H2535: PRIVATE POSSESSION OF WILDLIFE; PERMITS

Beginning January 1, 2013, it is illegal to own, possess, import or transport into Arizona, or propagate "restricted wildlife" (to be defined by the Game and Fish Department) without a permit. Permits may only be issued for specified reasons. Game rangers and peace officers may seize restricted wildlife in private possession without a permit, and the wildlife is subject to disposition by the Game and Fish Commission.

First sponsor: Rep. Patterson

H2536: HUNTING; PROHIBIT COMPUTER-ASSISTED REMOTE

It is a class 1 misdemeanor to take or assist in the taking of any bird or mammal by "computer-assisted remote hunting" (defined). Second or subsequent violations are a class 6 felony.

First sponsor: Rep. Patterson
Others: Rep. D. Smith

H2537: HUNTING ENDANGERED SPECIES; CRIMINAL PANALTY

It is a class 6 felony to knowingly take, attempt to take or possess an endangered species.

First sponsor: Rep. Patterson

H2548: DANGEROUS & INCOMPETENT DEFENDANTS; COMMITMENT

If the court finds a defendant incompetent to stand trial, any party may request that the court determine if the defendant is "dangerous" (defined) and incompetent. If the defendant is dangerous and incompetent, s/he must be committed to a licensed facility under the supervision of the Superintendent of the Arizona State Hospital and periodic reports on the defendant must be submitted to the court. If a report indicates the defendant is competent to stand trial, the court must hold another determination hearing.

First sponsor: Rep. Vogt
Others: Sen. Aboud, Sen. Antenori, Sen. Barto, Rep. Campbell, Rep. Fann, Rep. Farley, Rep. Gowan, Sen. Melvin, Rep. Proud, Rep. Tovar, Rep. Wheeler, Rep. Williams

H2549: ELECTRONIC ; DIGITAL DEVICES; STALKING; THREATENING

The definition of stalking is expanded to include using any electronic, digital or GPS device to surveil a specific person or the person's Internet or wireless activity. The definition of threatening or harassing is expanded to include the use of any electronic or digital device, rather than a telephone only.

First sponsor: Rep. Vogt
Others: Rep. Campbell, Rep. Fann, Rep. Farley, Rep. Gowan, Rep. Proud, Rep. D. Smith, Rep. Tovar, Rep. Williams

H2550: VICTIMS' RIGHTS; CRIMINAL OFFENSE

For the purposes of crime victims' rights, the definition of "criminal offense" is expanded to encompass any misdemeanor (previously only those that caused physical injury or sexual offenses), petty offenses, and violations of local ordinances. Language exempting on-duty peace officers from being considered victims is deleted.

First sponsor: Rep. Vogt
Others: Sen. Aboud, Sen. Antenori, Rep. Campbell, Rep. Fann, Rep. Farley, Rep. Gowan, Rep. Harper, Sen. Melvin, Rep. Proud, Rep. D. Smith, Rep. Tovar

H2555: SEXUALLY VIOLENT PERSON; ESCAPE; SENTENCE

The list of acts that constitute escape in the second degree is expanded to include persons committed to the Arizona State Hospital for treatment as a sexually violent person escaping or attempting to escape.

First sponsor: Rep. Vogt

H2556: CRIMINAL RESTITUTION ORDER

Criminal restitution orders are required, rather than permitted, to be recorded and enforced as any civil judgment, and may be entered at the time the defendant is ordered to pay restitution, instead of when the defendant completes the sentence or probation.

First sponsor: Rep. Vogt

H2558: VICTIM RESTITUTION; CIVIL ACTIONS

A restitution order in favor of a person does not preclude that person from bringing a separate

civil action and proving damages in excess of the amount of restitution actually paid, instead of in excess of the amount of the restitution order.

First sponsor: Rep. Vogt

H2559: VICTIMS' RIGHTS; COURTROOM POSTING

The statement of victims' rights that must be read by the judge at certain occasions must also be prominently posted in each superior and limited jurisdiction court in the state.

First sponsor: Rep. Vogt

H2560: ADULT PROTECTIVE SERVICES; ATTORNEY FEES

The court is no longer authorized to order the payment of reasonable attorney fees in adult protective services actions.

First sponsor: Rep. Vogt

H2571: PUBLIC EMPLOYEES; UNLAWFUL ACTS; TERMINATION

Public employers are required to immediately terminate from their employment any unelected public employee who has admitted or been found by a court to have unlawfully caused substantial harm to any person on three or more occasions in the course of performing official duties.

First sponsor: Rep. Olson

H2596: TANNING SALONS; MINORS; PROHIBITION

Tanning salons are prohibited from providing tanning bed services to a minor. The criminal classification for violations is blank in the original.

First sponsor: Rep. Judd
Others: Rep. Hobbs, Rep. Seel

H2605: LAW ENFORCEMENT DOGS; BITING

Exempts dogs used by law enforcement from being quarantined due to biting if the dog bite occurs under proper law enforcement supervision.

First sponsor: Rep. Mesnard

H2609: ACTIONS AGAINST GOVERNMENT OFFICIALS

A taxpaying resident of this state is authorized to bring a court action against any state or federal official who enforces any federal law or regulation that purports to displace, supersede, control or condition the exercise of the traditionally reserved powers of this state in violation of the U.S. Constitution. Establishes procedures and restrictions for these proceedings.

First sponsor: Rep. Mesnard

S1099: TERMINATION OF PARENTAL RIGHTS

Courts must determine if termination of the parent-child relationship is in the child's best interest by considering evidence submitted before the termination hearing. If the court determines that termination is clearly in the child's best interest and the child is placed in an adoptive home, the court must prohibit visitation between the child and a birth parent unless it is required by state or federal law.

First sponsor: Sen. Landrum Taylor
Others: Sen. Jackson, Sen. Lopez, Sen. Murphy

S1104: APPROP; BORDER SECURITY ADVISORY COMMITTEE

Monies in the Border Security Trust Fund (used for the construction and maintenance of a border fence) are no longer subject to legislative appropriation. Members of the Joint Border Security Advisory Committee are no longer eligible for reimbursement of expenses. Emergency clause.

First sponsor: Sen. S. Smith

S1114: IGNITION INTERLOCK DEVICE; EXCEPTION

As session law, a person convicted of a DUI before January 1, 2012 who is required to equip a motor vehicle with an ignition interlock device is eligible for deferral of the remainder of the ignition interlock period pursuant to statutory deferral requirements that went into effect January 1, 2012. Emergency clause.

First sponsor: Sen. L. Gray
Others: Rep. D. Smith, Rep. Williams

S1117: RETIREMENT; ASRS; ADMINISTRATION

Various changes to statutes governing the Arizona State Retirement System, including authorizing the ASRS Director to issue subpoenas and take evidence relevant to the collection of monies due to ASRS, and bring an action in court to recover unpaid monies due to ASRS. Debt owed to ASRS constitutes a lien on the debtor's property, and ASRS may collect the debt by levy. Also allows annual member statements to be delivered electronically or online.

First sponsor: Sen. Yarbrough
Others: Sen. McComish

S1118: RETIREMENT; ASRS; LONG-TERM DISABILITY AMENDMENTS

For ASRS members whose disability commences on or after the effective date of this legislation, a member's monthly income from all sources, including long-term disability program benefits, cannot exceed 100 percent of the member's monthly compensation. A disability must be based on "objective medical evidence" (defined).

First sponsor: Sen. Yarbrough
Others: Sen. McComish

S1119: RETIREMENT; ASRS; SPOUSAL CONSENT

An ASRS member who is married must name their current spouse as a beneficiary to receive at least 50 percent of the member's account, and at retirement the member is required to elect a joint and survivor annuity with the spouse as the contingent annuitant. The spouse may consent to a waiver of these requirements. Appropriates \$200,000 from the ASRS Administration Account in FY 2012-13 to the ASRS for implementation.

First sponsor: Sen. Yarbrough
Others: Sen. McComish

S1120: RETIREMENT PLANS; BENEFIT INCREASES

The effective date for retirement benefit increases for Elected Officials' Retirement Plan and Corrections Officer Retirement Plan retirees and survivors is moved to July 1, 2012, from July 1, 2013. Retroactive to July 1, 2012.

First sponsor: Sen. Yarbrough

S1127: CHILD CUSTODY; FACTORS

The list of factors the court must consider when determining child custody is expanded to

include whether an allegation of domestic violence or child abuse has been made by one parent against another in bad faith or for an improper purpose.

First sponsor: Sen. Allen

Others: Rep. Barton, Rep. Burges, Rep. Crandell, Sen. L. Gray, Sen. S. Smith

S1130: FIREARMS; WEAPONS MISCONDUCT; UNIVERSITIES; COLLEGES

The definition of "school" in the statutory prohibition against a person carrying a deadly weapon on school grounds is expanded to include state universities and community colleges.

First sponsor: Sen. Gallardo

S1140: PRIVATE PROCESS SERVERS; CRIMINAL LIABILITY

Private process servers performing official duties have the same privileges and protections afforded to a sheriff or constable. The list of victims of assault that make the assault classified as aggravated assault if the defendant knows of their profession is expanded to include private process servers engaged in official duties.

First sponsor: Sen. Crandall

Others: Sen. Barto, Sen. Cajero Bedford, Sen. Gallardo, Sen. Klein, Sen. Landrum Taylor, Sen. Lopez, Sen. Lujan, Sen. McComish, Sen. Nelson, Sen. Reagan, Sen. Shooter, Sen. Yarbrough

S1142: JURORS; ARIZONA LENGTHY TRIAL FUND

Earnings replacement paid to jurors during jury service begins on the first day of service, instead of the fourth day.

First sponsor: Sen. Driggs

Others: Sen. Crandall, Sen. McComish, Rep. Vogt, Sen. Yarbrough

S1143: AGGRAVATED IDENTITY THEFT; SENTENCING

Aggravated identity theft involving 50 or more persons or entities is a class 2 (second highest) felony (increased from a class 3 felony).

First sponsor: Sen. Driggs

Others: Sen. Crandall, Sen. McComish

S1144: SPECIAL SENTENCING; PEACE OFFICER IMPERSONATION

A person convicted of a felony offense who pretended to be a peace officer during commission of the offense, with the intent to induce another person to submit to their authority is not eligible for suspension of sentence, probation, pardon or release from confinement except under specified circumstances. The presumptive, minimum and maximum sentence for the offense is increased.

First sponsor: Sen. Driggs

Others: Sen. Crandall, Sen. McComish

S1146: INDECENT EXPOSURE; CLASSIFICATION

Increases the criminal classification for indecent exposure to a person who is 15 or older to a class 6 (lowest) felony, from a class 1 misdemeanor, if the defendant has two or more prior convictions of indecent exposure or one or more prior convictions of sexual assault.

First sponsor: Sen. Driggs

Others: Sen. Crandall, Sen. McComish, Rep. Vogt, Sen. Yarbrough

S1147: SEXUALLY VIOLENT PERSONS; DEFINITION

Modifies the definition of "sexually violent offense" in public health statutes relating to sexually

violent persons.

First sponsor: Sen. Driggs
Others: Sen. Crandall

S1148: MISCONDUCT INVOLVING WEAPONS; DRUGS; SENTENCING

A person convicted of misconduct involving weapons for using or possessing a deadly weapon during the commission of any felony offense is not eligible for suspension of sentence, probation, pardon or release from confinement. Some exceptions, including if the offense involved the personal possession of use of a controlled substance.

First sponsor: Sen. Driggs
Others: Sen. Crandall, Sen. McComish

S1149: TRAFFICKING; WEAPONS OR EXPLOSIVES; OFFENSE

The list of actions constituting misconduct involving weapons is expanded to include trafficking in weapons or explosives for financial gain in order to assist a criminal street gang, criminal syndicate or a racketeering enterprise.

First sponsor: Sen. Driggs

S1150: THEFT BY EXTORTION; OFFENSE

The list of threats used as a means to commit theft that cause the theft to be classified as theft by extortion is expanded to include a threat to cause death or serious physical injury to anyone.

First sponsor: Sen. Driggs

S1151: SENTENCING; OUT-OF-STATE CONVICTIONS

An offense that was punishable as a felony by the jurisdiction in which it was committed is considered when classifying category two or three repetitive offenders and when sentencing dangerous offenders.

First sponsor: Sen. Driggs
Others: Sen. Yarbrough

S1152: HOMELESS COURT; ESTABLISHMENT; JURISDICTION

The presiding judge of the superior court in each county is authorized to establish a homeless court to adjudicate cases filed in a justice of the peace or municipal court in the county, and to establish the eligibility criteria for referral to the homeless court.

First sponsor: Sen. Driggs