

COMMITTEE ON JUDICIARY

Representative Adam Driggs, Chairman
 Representative Cecil Ash, Vice-Chairman
 Stacy Weltsch, Legislative Research Analyst



* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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 [LIV] Line Item Veto

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HB 2062 – Chapter 97 – *aggravated assault; peace officer

States it is a Class 4 felony to commit aggravated assault pursuant to A.R.S. §13-1204(A)(8)(a) if the assault results in any physical injury to a peace officer, and a Class 5 felony if the assault does not result in physical injury to a peace officer.

HB 2069 – Chapter 173 [E] – county election law amendments

Amends current county election laws regarding school district boundaries, cancellation of elections and permanent early voter lists.

HB 2109 – Chapter 32 – superior court; holiday hours

Allows the superior court of a county, upon the approval of the county's presiding judge, to transact business on Columbus Day if the county's board of supervisors declares Black Friday a legal holiday, and prohibits the superior court in a county from conducting business on Black Friday if that county's superior court is open to conduct business on Columbus Day.

HB 2236 – Chapter 226 – theft by extortion; tax liens

States a person commits theft by extortion by knowingly obtaining or seeking to obtain property or services by means of a threat to take or withhold action regarding an alleged claim of easement or other right of access to a servient estate if:

- The claimant's interest in the dominant estate is the result of a tax lien, and
- The fair market value of the dominant estate is equal to or less than the amount paid by the claimant for the purchase of the tax lien or foreclosure, including taxes paid after the lien purchase and any costs and attorney fees paid in connection with the lien foreclosure.

HB 2238 – Chapter 255 – sexual offenses; probation; sentencing

Makes various changes to statutes involving indecent exposure, public sexual indecency, dangerous crimes against children, child prostitution and sexually violent persons.

HB 2307 – Chapter 18 – Arizona manufactured firearms; regulation

Exempts certain Arizona manufactured firearms, firearms accessories and ammunition from federal interstate commerce laws and regulations.

- Exempts from federal law or federal regulation, including registration, any firearm, firearms accessory or ammunition that is manufactured from basic materials in the state of Arizona, and which remains within state of Arizona.
- Exempts from federal regulation, any imported firearms accessory, generic or insignificant part, or basic materials that are incorporated into, attached to, or used in conjunction with a firearm, firearms accessory or ammunition manufactured in Arizona.

HB 2333 – Chapter 149 – department of gaming; continuation

Continues the Department of Gaming, retroactive to July 1, 2010, until July 1, 2020.

HB 2334 – Chapter 134 – *document preparation costs; award

Allows a court to award the cost of document preparation by a certified legal document preparer to the prevailing party in a legal action, and stipulates that the party seeking recovery will file a sworn affidavit of costs with the court.

HB 2426 – Chapter 101 – adult guardianship and protective proceedings

Adopts the Uniform Adult Guardianship and Protective Proceeding Jurisdictions Act in order to comply with model legislation prepared by The National Conference of Commissioners on Uniform State Laws.

HB 2427 – Chapter 2 [E] – military overseas voting; ballot arguments

Makes various changes to statutes governing absent uniformed services and overseas voters, including allowing these voters to designate the means by which they receive voting materials and requiring the county recorder to provide a method by which the voters may verify that their ballot have received at no cost to the voters.

HB 2429 – Chapter 193 – mediation agreements; privileged communications

States the terms of an agreement that are evidenced by a record signed by both parties are subject to disclosure if the said terms are necessary to enforce or obtain approval of an agreement reached by the parties in a mediation.

- Stipulates the agreement may be used in any proceeding in order to enforce or obtain court approval of the agreement.
- Provides that the argument may be disclosed to the court under seal with a request to issue appropriate orders to protect the confidentiality of the agreement if a party requests that all or a portion of the agreement remain confidential.

HB 2430 – Chapter 139 – revised uniform arbitration act

Codifies the Revised Uniform Arbitration Act adopted by the National Conference of Commissioners on Uniform State Laws.

HB 2435 – Chapter 194 – repetitive offenders; probation; marijuana offenses

Makes various technical and clarifying changes to Arizona's sentencing statutes.

HB 2437 – Chapter 151 [E] – *guardianship of foreign citizens

Allows the court to appoint an adult as the guardian of a foreign citizen if the foreign citizen is less than 21 years-old, and the foreign citizen has a temporary visa issued by the United States.

HB 2470 – Chapter 195 – public defender; duties; reimbursement

Allows a court to appoint a public defender as counsel to an indigent person in guardianship, conservatorship and involuntary quarantine proceedings.

HB 2471 – Chapter 259 – appointed mental health experts; requirements

Removes the requirement that at least one of the mental health experts appointed by a court in the competency examination of a juvenile or criminal defendant be a licensed psychiatrist, but stipulates that, on the motion of the court or any party, the court must appoint a psychiatrist.

HB 2477 – Chapter 72 – civil actions; public employee; definition

Includes leased employees in the definition of employee in the statutes relating to actions against public entities or public employees.

HB 2491 – Chapter 51 [E] – city elections; majority vote

Permits a city or town to adopt an ordinance to provide that the total of all votes tabulated for mayoral candidates constitutes the total number of votes cast at the election, and those votes are the basis for calculating whether a candidate for mayor or city council has received the majority of all votes cast at the election.

HB 2493 – Chapter 103 – sexually violent persons; commitment

Allows the director of ADC to enter into a written agreement with the AG or county attorney to have a sexually violent person retrieved by another state or federal jurisdiction if the person has a pending sentence of imprisonment in that other jurisdiction, and states that if ADC or the Arizona State Hospital is unable to submit a written request for petition between 30 and 120 days prior to the release of a sexually violent person, the county attorney or AG is not precluded from filing the petition.

HB 2608 – Chapter 230 – constables jurisdiction

Permits constables to execute, serve, and return processes and notices in adjoining precincts of other counties if those precincts adjoin the precinct in which the constable was elected or appointed, and requires the court to collect a ten percent surcharge on the amount of a fine owed by a person if the sheriff or constable serves the warrant for failure to pay a fine.

HB 2609 – Chapter 198 [E] – officeholder expense accounts; statewide; legislative

Authorizes a person holding an elected statewide or public office or legislative office to establish an officeholder expense account in order to defray the costs of performing officeholder duties.

HB 2629 – Chapter 327 – *self-defense; political subdivisions; weapon records

Prohibits a political subdivision from maintaining records related to the transfer or storage of firearms and specifies circumstances under which a person is justified in using deadly physical force.

HB 2647 – Chapter 95 – initiatives; review; title; signature collection

Allows political committees to submit copies of their proposed initiative or referendum language to legislative council for review, provides an affirmative defense for offenses involving petition signature fraud and prohibits the numbers for constitutional amendments from being repeated until all of the numbers in the sequence are used.

HB 2774 – Chapter 105 – notice; claim of unconstitutionality; parties

Prohibits the AG, Speaker of the House of Representatives and President of the Senate from being compelled to intervene as a party in any proceeding or from being named as defendants in a proceeding based on a claim of unconstitutionality brought pursuant to the Uniform Declaratory Injunctions Act.

HB 2788 – Chapter 4 [E] – campaign finance; independent expenditures

Allows corporations, limited liability companies and labor organizations to make independent expenditures in an attempt to influence the outcome of a candidate election provided they register with the Secretary of State and follow the guidelines established in statute for making such expenditures.

SB 1009 – Chapter 183 – juvenile prosecutions; adult court; age

Requires a criminal charge brought against a juvenile to be based on the age of the juvenile at the time the offense was committed.

SB 1055 – Chapter 233 – victims' rights; disclosure of information

States that a crime victim may consent either verbally or in writing to allow a crime victim advocate to disclose information to the court in furtherance of the victim's rights.

SB 1056 – Chapter 234 – sentencing; guilty except insane

Applies sex offender registration, community notification and internet sex offender website requirements to persons adjudicated guilty except insane for certain sex offenses and requires that persons adjudicated guilty except insane but no longer in need of treatment be transferred to ADC for the remainder of their sentence.

SB 1059 – Chapter 76 – human trafficking; definition

Eliminates the requirement that a person be enticed, recruited, harbored, provided or otherwise obtained *for transport* for an offense to qualify as sex trafficking or trafficking of persons for forced labor or services.

SB 1062 – Chapter 235 – *permissible raffles

Allows a nonprofit booster club, civic or political club, or a political organization to conduct a raffle with the following restrictions:

- No club or organization member, director, officer, employee or agent may receive any direct or indirect monetary benefit, other than participation in the raffle on a basis equal to all other participants.
- No person, except for a bona fide local member of the club or organization, may participate in the management, sales or operation of the raffle.
- The maximum annual benefit received by the club or organization for all raffles is \$10,000.
- The club or organization must be organized and operated exclusively for nonprofit purposes and no part of the net earnings may personally benefit any member, director, officer, employee or agent of the club or organization.

SB 1071 – Chapter 112 – involuntary civil commitment; privileged communications

Allows a husband or wife to testify about physical acts and behaviors made by one to the other in a civil commitment hearing without the consent of the other.

SB 1081 – Chapter 237 – *trial court appointments; nonattorney member

Establishes procedures for filling vacancies left by non-attorney members on a commission on trial court appointments.

SB 1122 – Chapter 56 – prison contraband; wireless communication device

Adds wireless communication devices and multimedia storage devices to the list of contraband items not permitted in a correctional facility or juvenile secure care facility.

SB 1135 – Chapter 241 – *aggravated assault; classification; definition

States that a person is guilty of a Class 6 felony for aggravated assault if the person committing the assault knows or has reason to know that the victim is a code enforcement officer, state park ranger or municipal park ranger.

SB 1144 – Chapter 203 – drug offenses; definitions

Adds various dangerous drugs to the general definitions section of the drug offenses statute, and expands the definition of vapor-releasing substance containing a toxic substance.

SB 1204 – Chapter 109 – state capital postconviction public defender

Allows the State Capital Postconviction Public Defender (SCPPD) to provide outside counsel to, and to sponsor or fund training for, an attorney outside the SCPPD Office, and prohibits the SCPPD from representing a person who is not assigned by the Supreme Court.

SB 1232 – Chapter 304 – *civil rights; discrimination; employment

Conforms Arizona civil rights statutes to the federal Americans with Disabilities Act Amendments Act.

SB 1266 – Chapter 276 – juveniles; communication devices; sexual material

Establishes the offense of unlawful use of an electronic communication device by a minor, expands the acts that constitute domestic violence, classifies strangulation and suffocation within a relationship included in the definition of domestic violence as a Class 4 felony and allows the court to grant custody of an animal to a petitioner of an order of protection.

SB 1393 – Chapter 209 [E] – secretary of state; elections; lobbyists

Makes numerous changes to election law statutes, changes the ballot measure numbering system and modifies registration deadlines for lobbyists.

SB 1422 – Chapter 284 – petitions; post office box addresses

Changes the partisan and nonpartisan nomination petition forms to allow an individual to use a post office box address provided that the individual's residence has not changed since last being updated in the voter registration file, specifies that a person who signs a nominating petition must use their actual residence address unless there is no actual residence address assigned by an official governmental entity or the person's residence is protected pursuant to the voter registration confidentiality statute and states that if a signature is challenged the burden falls on the challenger to prove that the voter was not registered to vote at the residence given or at the address on the general county register if a mailing address was given.