

Judiciary Committee

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JUDICIARY COMMITTEE

LEGISLATION ENACTED

DUI; transportation network drivers (NOW: DUI threshold; drivers) ([S.B. 1025](#)) – Chapter 101

Deems it unlawful for a person to have a blood alcohol concentration of 0.04 or more while driving or in actual physical control of a taxi, livery vehicle or limousine or while providing transportation network company services as a transportation network company driver. Subjects such a driver to the presumptions that arise from an analysis of blood alcohol concentration within two hours of driving.

judgments; interest rates ([S.B. 1059](#)) – Chapter 3

[SEE THE FINANCE & COMMERCE COMMITTEE.](#)

catalytic converter; unlawful use; classification ([S.B. 1185](#)) – Chapter 231

Increases the penalty, from a class 1 misdemeanor to a class 6 felony, for an unlawful purchase, solicitation, advertisement, possession or sale of a used detached catalytic converter, if the violation involves the unlawful possession of 10 or more used detached catalytic converters.

county procedures; technical correction (NOW: continuing education; agency license requirements) ([S.B. 1214](#)) – Chapter 9

Requires the Arizona Supreme Court to allow a member of the Arizona State Bar who attends a continuing education program to fulfill a state agency license renewal requirement to also earn credit towards the member's annual continuing legal education activity requirement if the continuing education program deals with matters directly related to law, consists of an organized program of learning, follows an agenda and is accompanied by substantive or practical written materials or exercises.

sexual conduct; minor; capital punishment. (NOW: sexual conduct; minor; punishment) ([S.B. 1232](#)) – Chapter 233

Classifies *sexual conduct with a minor* who is 12 years old or younger and who suffers serious physical injury during the offense as a class 1 felony punishable by natural life imprisonment without eligibility for commutation, parole, work furlough, work release or release from confinement on any basis.

child abduction from state agency ([S.B. 1302](#)) – Chapter 108

Reduces the prescribed felony penalty for committing an *abduction of a child from a state agency* to a class 1 misdemeanor if the person who fails or refuses to return the child is the child's natural or adoptive parent, the child has voluntarily and without consent left the placement location

and the person's motive is to protect and care for the child when the person: 1) takes, entices or keeps the child from the lawful custody of the state agency; or 2) impedes the immediate return or intentionally fails or refuses to immediately return a child to the lawful custody of the state agency, including at the expiration of visitation or access.

probation; transfer (S.B. 1364) – Chapter 13

Allows a probationer to make a written request to the supervising probation department for a courtesy transfer to a different county if the probationer provides proof of family caregiver obligations, employment, housing or an offer of employment or housing that will assist in the probationer's positive behavioral change. The supervising probation department must: 1) confirm the details of employment, housing or family caregiving plans; 2) review any victim safety concerns and ensure compliance with the victims' bill of rights; and 3) submit the courtesy transfer request to the receiving county within seven business days after receipt.

After verifying the submitted information, the receiving probation department must provide the sending probation department with permission for transfer within seven business days after receipt, unless the receiving probation department finds the basis for the transfer plan is not factual or the transfer will endanger the probationer's victim. A probationer that violates probation or commits an additional offense may not be transferred back to the county in which probation was originally imposed, except for revocation hearings or by court order.

police reports; time; cost requirements. (S.B. 1371) – Chapter 56

Grants a victim of a domestic violence or sexual offense, or their attorney, the right to: 1) receive one copy of the police report and video recordings from the investigating law enforcement agency at no charge; and 2) request the court to provide, at no charge, the minute entry or portion of the record of any proceeding in the case that arises out of the offense committed against the victim and that is reasonably necessary to pursue a claimed victim's right. A law enforcement agency must prioritize the processing and providing of requested police reports.

family reunification treatment; prohibitions (S.B. 1372) – Chapter 166

[SEE THE TRANSPORTATION, TECHNOLOGY & MISSING CHILDREN COMMITTEE.](#)

offenses; lifetime injunction (S.B. 1436) – Chapter 5

Adds stalking, voyeurism and aggravated assault by way of strangulation or domestic violence to the list of felony offenses for which a victim may petition for, and the court must issue, a lifetime injunction against the defendant.

DUI; license suspension; records (S.B. 1453) – Chapter 109

Modifies requirements related to driving under the influence (DUI) offenses and orders of suspension issued by the Arizona Department of Transportation (ADOT). If a person is arrested for suspected DUI or refuses a DUI test, the law enforcement officer must file a certified report of

the arrest or refusal with ADOT within 30 days after the date of arrest. ADOT may not suspend a person's driver license if a certified report is not received, unless the DUI violation resulted in serious physical injury or death. Law enforcement officers must provide specified information to a person who is arrested for DUI and refuses testing. Aligns relevant reporting and notification requirements with the 30-day timeframe.

The Director of ADOT may only expunge a note of administrative suspension or revocation for a DUI involving death or serious physical injury if the offender has not been charged with another DUI violation within 24 months, rather than 12 months, from the date of the DUI. A notification of suspension must include outlined information relating to drug and alcohol treatment programs and hearing or summary review eligibility.

If a person is subject to ignition interlock device (IID) requirements and has a medical condition that prevents the person from using the IID, ADOT must receive satisfactory evidence of the medical condition from an authorized physician or physician assistant and require monthly alcohol and drug screening in lieu of an IID.

aggravated assault; developmental disability; exception (S.B. 1594) – Chapter 113

[SEE THE HEALTH & HUMAN SERVICES COMMITTEE.](#)

technical correction; state facilities (NOW: ombudsman; corrections; reporting requirements) (S.B. 1629) – Chapter 59

Requires the Ombudsman-Citizens Aide, by December 31 of each year, to submit a report to the Legislature that includes the number, topic and resolution of complaints made regarding the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR).

By December 31 of each year, the Director of ADCRR must submit a report to the Legislature that contains outlined information, including staff compensation, tenure and turnover rate, inmate-to-staff ratios and the number of: 1) staff and staff vacancies; 2) facility lockdowns lasting more than 24 hours; 3) inmates and inmates who were segregated or confined and the duration of segregation or confinement; 4) in-custody physical and sexual assaults, suicide attempts and deaths; 5) in-person visits made and denied for each inmate; and 6) inmate complaints submitted to ADCRR and complaint resolutions, including the time period to reach resolution.

sex offender management working group (NOW: sex offender management board; establishment) (S.B. 1630) – Chapter 241

Establishes the Sex Offender Management Board (Board) and outlines Board membership and duties. Requires the Board to develop and present to the Legislature various procedures, programs, guidelines, standards and recommendations relating to the intervention and treatment of sex offenders, including juvenile sex offenders and sex offenders with intellectual and developmental disabilities. The Board must adopt recommendations by majority vote, but the recommendations are subject to the discretion of the cochairpersons, who must both approve each recommendation. If sufficient monies are appropriated to the Department of Public Safety, the

Board may request individuals or entities that provide specified services that conform with the Board-adopted standards to submit data and information to the Board for use in evaluating the effectiveness of the Board-developed guidelines and standards, as prescribed. Terminates the Board on July 1, 2032.

~~residential property; transient occupant; remedies~~ (NOW: Pacific conflict; assessment) ([S.B. 1638](#))
– Chapter 243

Requires, until January 1, 2029, the Department of Emergency and Military Affairs to: 1) identify any threats posed to Arizona in the event of a Pacific conflict; 2) complete a comprehensive risk assessment, including all vulnerabilities and recommendations for emergency response strategies for outlined areas; 3) provide mitigation strategies and suggestions to limit or eliminate the risk posed to critical infrastructure, other assets and the safety and security of the state or nation; and 4) by December 31 of each year, conduct a briefing before the Governor and Legislature to address compliance with the assessment requirements and provide any legislative action recommendations. Designates this legislation as the *Pacific Conflict Stress Test Act*.

~~gold; silver; currency; study committee~~ (NOW: subsequent felony; sealing case records) ([S.B. 1639](#))
– Chapter 244

Modifies requirements relating to the sealing of case records for eligible criminal offenses by: 1) allowing a person convicted of a subsequent felony offense to petition the court to seal the person's case records after the applicable waiting period has expired and an additional five years have passed; and 2) beginning the waiting period for an eligible offense after a person has completed all nonmonetary terms and conditions of the person's sentence. A petitioner must have paid all monetary obligations at the time of filing. A court may not grant a petition to seal case records if the petitioner has a charge pending that could result in a disqualifying conviction. Extends, from 30 days to 60 days, the timeframe to provide an opportunity for objection during which a court may not grant a petition to seal case records.

Removes the requirement that a person must have been convicted of an ineligible offense for the person's records to be ineligible for sealing and specifies that dangerous offenses are ineligible for sealing even if the person is not sentenced as a dangerous offender.

Modifies the eligible offenses that must be disclosed despite being sealed when applying for certain employment positions. The Board of Fingerprinting must consider sealed case records as a mitigating factor when determining whether to grant a good cause exception.

~~failure to pay; suspension; restriction~~ (NOW: master jury list; juror information) ([S.B. 1673](#)) –
Chapter 175

Adds the birth dates and, if available, telephone numbers and email addresses of eligible jurors to the information required in a *master jury list* and the lists of qualified voters and adults with driver licenses that are provided to jury commissioners.

sex trafficking; minors; natural life (NOW: sex trafficking; child; natural life) (S.C.R. 1021/H.C.R. 2042)

Subject to voter approval and notwithstanding any other law, statutorily requires an adult who is convicted of a class 2 felony for any child sex trafficking offense to be sentenced to natural life imprisonment without eligibility for any form of release. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

judicial retention elections (S.C.R. 1044)

[SEE THE ELECTIONS COMMITTEE.](#)

dangerous drugs; definition; xylazine (H.B. 2045) – Chapter 85

Expands the definition of *dangerous drug* to include xylazine. Exempts, from penalties associated with the possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs, a licensed veterinarian who lawfully acquires, uses, prescribes, dispenses or administers a dangerous drug while acting in a professional capacity, in good faith and in accordance with generally accepted medical standards.

school safety zone; offenses; sentencing (H.B. 2064) – Chapter 86

Allows the court to impose a sentence that is up to five years longer than the minimum, maximum and presumptive sentence for a felony committed in a school safety zone if the person is in a position of trust and is convicted of a felony involving sexual offenses, sexual exploitation of children or child sex trafficking.

property; criminal damage (H.B. 2191) – Chapter 29

Specifies that a person commits *criminal damage* by recklessly physically obstructing a passageway, rather than parking any vehicle, in such a manner as to deprive livestock of access to the only reasonably available water.

bestiality; visual depiction; minors (H.B. 2241) – Chapter 251

Expands the criminal classification of *bestiality* to include possessing, distributing, transporting, exhibiting, selling, purchasing or electronically transmitting any visual depiction of a real person engaging in outlined sexual activity with a real animal. Classifies a violation of *bestiality* in this manner as a class 1 misdemeanor.

grooming; classification (NOW: child enticement; classification; definition) ([H.B. 2310](#)) – Chapter 189

Establishes the criminal classification of *child enticement* which a person commits by knowingly using various means to lure or entice a minor to distribute a visual depiction of a person's genitals or the female breast or committing any act in furtherance of the sexual abuse of the minor. A child enticement violation is a class 5 felony, or a class 4 felony if the defendant is in a position of trust. A child enticement offense: 1) is eligible for the Romeo and Juliet prosecution defense if all requirements are met; and 2) does not prohibit the distribution of visual depictions that, when taken as a whole, have serious literary, artistic, political or scientific value for minors.

candidates; digital impersonation; injunctive relief (NOW: digital impersonation; injunctive relief; requirements) ([H.B. 2394](#)) – Chapter 193 E

[SEE THE ELECTIONS COMMITTEE.](#)

duty of care; leased vehicles ([H.B. 2461](#)) – Chapter 144

Specifies that, in a civil action where a motor vehicle is involved in an accident, there is no obligation or duty for the owner, lessor or operator of the vehicle or the person renting the vehicle to another person to retrofit the vehicle with component parts or optional equipment or to include selected component parts or optional equipment on the vehicle if the parts or equipment were not required by Federal Motor Vehicle Safety Standards when the vehicle was manufactured or first sold. Evidence related to such an alleged obligation or duty is inadmissible in a civil action.

The outlined specification does not apply if the owner, lessor or operator of the vehicle or the person renting the vehicle to another person fails to comply with a mandatory recall or retrofit that is required by a law or regulation issued after the vehicle was manufactured or first sold.

parent-child relationship; restoration ([H.B. 2486](#)) – Chapter 147

Allows, if a parent-child relationship has been terminated, the Department of Child Safety (DCS), the child, the child's parent, attorney or guardian ad litem or an Indian child's tribe to petition to have the parent-child relationship restored if: 1) the child is in DCS care or custody and has not achieved permanency, is unlikely to achieve permanency and is not in a preadoptive placement; 2) at least two years have passed since the relationship was terminated, unless there is a demonstration of good cause for an earlier filing; and 3) the dependency adjudication finding did not include, or the relationship was not terminated because, the parent committed or was found to have failed to protect the child from outlined acts. Prescribes requirements relating to the contents of a petition for restoration of a parent-child relationship (petition) and disrupted adoptions.

On the filing of a petition and if DCS is not the petitioner, the court must order DCS to conduct an assessment, as outlined, and to provide a report that includes whether restoring the parent-child relationship is in the child's best interests and a description of the diligent efforts DCS made to locate permanent placement. On completion of DCS's assessment and if the court finds by clear and convincing evidence that restoring the parent-child relationship is in the best interests

of the child, the court must order DCS to conduct a trial in-home placement of the child with the child's parent or parents. DCS must provide an evaluation of the trial in-home placement to the court within three to six months after the trial placement starts. After receiving DCS's evaluation and considering specified criteria, the court may either grant the petition or order DCS to continue the trial in-home placement for up to one year. DCS must establish policies and procedures for trial in-home placements and immediately terminate a trial in-home placement if there is a substantiated report of abuse or neglect.

~~false reporting; public alarm; classification~~ (NOW: public alarm; false reporting; classification) (H.B. 2508) – Chapter 97

Expands the criminal classification of *false reporting* to add that a person commits false reporting by initiating a report of a serious offense involving an educational institution or any place used for worship or religious services knowing that the report is false and intending that it will cause an emergency response. A violation of false reporting in this manner is a class 6 felony.

~~partition; property; inheritance~~ (H.B. 2521) – Chapter 122

Establishes the *Uniform Partition of Heirs Property Act* which applies to partition actions filed on or after September 14, 2024, involving heirs property. *Heirs property* is real property that: 1) is held in tenancy in common where there is no agreement that binds the cotenants and governs the partition; 2) is acquired by one or more cotenants from a relative; and 3) meets outlined criteria relating to fractional ownership between cotenants. Prior to considering the merits of a partition action, the court must appoint a disinterested, licensed real estate appraiser to determine the property's fair market value and subsequently conduct a hearing to consider any other evidence and make a final determination of value. Prescribes plaintiff notification requirements and appraisal and hearing determinations.

After the final determination, the court must notify all applicable cotenants of the ability to buyout the property interests of any cotenant who requested partition by sale. If the property interests of parties who requested the partition by sale are not purchased by the other cotenants, the court must consider outlined factors and order partition in kind, unless it would result in manifest prejudice to the cotenants. If the court does not order partition in kind, it must order partition by sale according to open-market procedures, unless the court finds that sale by sealed bid or auction would be in the best interest of the cotenants.

Provides alternatives the court may take if previous partition options are unsuccessful or infeasible and outlines property sale requirements and rules and procedures for the buyout of fractional property interests.

~~vacate conviction; sex trafficking; victims~~ (H.B. 2623) – Chapter 195

Removes the stipulation that a prostitution offense committed as a result of being a victim of sex trafficking must have been committed before July 24, 2014, for the offender to be eligible to apply to vacate the conviction. A prostitution conviction may be vacated if clear and convincing evidence shows that the offense was the direct result of being a victim of child sex trafficking.

child sex trafficking; facilitating prostitution (H.B. 2665) – Chapter 255

Specifies that a person who is at least 18 years old commits *child sex trafficking* by knowingly engaging in prostitution with a person for the purpose of facilitating the prostitution of a minor who is under 15 years old or a minor who the person knows or should know is 15, 16 or 17 years old. It is not a defense to a prosecution for *child sex trafficking* that the other person is a peace officer posing as a person facilitating the prostitution of a minor. Evidence relating to a victim's chastity and opinion evidence relating to a victim's chastity are inadmissible in any prosecution for *child sex trafficking* or any offense relating to the sexual exploitation of children.

The judicial officer for a person who is charged with *child sex trafficking* and is released on the person's own recognizance or bail must impose electronic monitoring where available and a condition prohibiting the person from having any contact with the victim. In addition to any other assessment or restitution, the court must order a person convicted of *sexual abuse, sexual conduct with a minor, sexual assault* or *child sex trafficking* to pay an assessment of \$500.

Removes the stipulation that a prostitution offense committed as a result of being a victim of sex trafficking must have been committed before July 24, 2014, for the offender to be eligible to apply to vacate the conviction.

abortion ban; repeal (H.B. 2677/S.B. 1734) – Chapter 181

[SEE THE HEALTH & HUMAN SERVICES COMMITTEE.](#)

aggravated assault; transit; airport; rail (H.B. 2742) – Chapter 257

Adds public transit employees, airport employees and railway workers who are engaged in official duties as protected persons in the *aggravated assault* criminal classification and classifies *aggravated assault* in this manner as a class 6 felony. Decreases the penalty, from a class 2 misdemeanor to a class 3 misdemeanor, for *assault* by way of intentionally placing another person in reasonable apprehension of imminent physical injury.

involuntary treatment; guardians; agents; rights (H.B. 2744) – Chapter 152

[SEE THE HEALTH & HUMAN SERVICES COMMITTEE.](#)

criminal justice; 2024-2025 (H.B. 2901/S.B. 1739) – Chapter 213

[SEE THE APPROPRIATIONS COMMITTEE.](#)

LEGISLATION VETOED

~~schools; sexually explicit materials; classification~~ (NOW: schools; libraries; explicit materials; classification) ([S.B. 1007](#)) – VETOED

Prohibits a public library employee or independent contractor from referring an unemancipated minor, or facilitating an unemancipated minor's access, to any sexually explicit material in any manner. A person acting with criminal negligence who violates the prohibition is guilty of a class 5 felony.

Classifies, as a class 5 felony, the act of a public school employee or independent contractor who, with criminal negligence, refers a student to, or uses, sexually explicit material in any manner, except as specified.

The Governor indicates in her [veto message](#) that S.B. 1007 attacks public schools and libraries and does nothing to protect minors.

~~obstruction highway; large event; classification~~ ([S.B. 1073](#)) – VETOED

Expands the criminal classification of *obstructing a highway or other public thoroughfare* to deem it unlawful for a person, having no legal privilege to do so and after receiving a verbal warning to desist, to intentionally interfere with passage on: 1) any roadway in or leading to an airport; or 2) a highway, bridge or tunnel currently holding 25 or more vehicles or people. Classifies an offense as a class 6 felony.

The Governor indicates in her [veto message](#) that in approaching these matters, it is critical to avoid infringing on Arizonan's freedoms.

~~transient occupants; property; removal~~ (NOW: unlawful occupants; property; removal) ([S.B. 1129](#)) – VETOED

Allows a property owner or the owner's authorized agent to request law enforcement to immediately remove an unlawful occupant from a residential dwelling and outlines factors to determine when a person unlawfully occupies a residential dwelling. To request the immediate removal of an unlawful occupant, the property owner or authorized agent must submit an affidavit to law enforcement that includes outlined information. Law enforcement must verify that the person is the record owner of the real property or the owner's authorized agent before directing the unlawful occupant to surrender possession of the real property, as prescribed. A person who is wrongfully removed from a premises may file an action against the person who claims the right to possession of the real property and may be entitled to restoration of property possession and recovery of outlined costs, damages and fees.

After law enforcement serves the notice to immediately vacate, the property owner or authorized agent may request that law enforcement stand by to keep the peace while changing the locks and removing the unlawful occupant's personal property from the premises to or near the property line and law enforcement may charge a reasonable hourly rate for the service to be paid

by the person requesting law enforcement presence. A person who fails or refuses to surrender possession of the property as directed by law enforcement is committing *trespass*. Neither law enforcement nor the property owner is liable to the unlawful occupant for loss, destruction or damage to the occupant's personal property.

The Governor indicates in her [veto message](#) that S.B. 1129 fails to leverage existing legal mechanisms, respect due process rights of lawful tenants and minimize unintended consequences.

political subdivisions; gun shows; preemption (S.B. 1189) – VETOED

Precludes a political subdivision from prohibiting a gun show from occurring in the political subdivision or from enacting or enforcing any ordinance, rule or policy that primarily affects gun shows and effectively prohibits a gun show from occurring in the political subdivision.

The Governor indicates in her [veto message](#) that S.B. 1189 restricts the authority of political subdivisions to make decisions about how to keep communities safe.

~~retirement; reemployment; school resource officers~~ (NOW: organized retail theft; repetitive offenders) (S.B. 1414) – VETOED

Requires a person convicted of a third or subsequent violation of *organized retail theft* with the intent to resell or trade the merchandise to be sentenced as a category two repetitive offender.

The Governor indicates in her [veto message](#) that she signed S.B. 1411 establishing the Organized Retail Theft Task Force and she looks forward to reviewing the required policy recommendations and finding balanced policies for this matter.

public entity liability; sexual offenses (S.B. 1435) – VETOED

Beginning January 1, 2027, subjects a public entity to liability for losses that arise out of an act or omission by a public employee that involves a sexual offense, if the victim is a minor or child with a disability and one or more of the following conditions apply: 1) the entity violated a statutory duty relating to employee background checks; 2) the entity or employee has a statutory duty to report and failed to do so; or 3) clear and convincing evidence proves that the entity failed to reasonably investigate or take reasonable action on an alleged policy violation that was substantially related to the harm that occurred. The public entity liability expansion applies to acts or omissions committed on or after September 14, 2024.

The Governor indicates in her [veto message](#) that S.B. 1435 fails to meet the standard of careful tailoring and thoughtful execution required by legislation that expands public entity liability.

sex-based terms; laws; rules; regulations (S.B. 1628) – VETOED

[SEE THE HEALTH & HUMAN SERVICES COMMITTEE.](#)

agricultural operations; water; protection; definition (H.B. 2124) – VETOED

[SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.](#)

probation; termination; deportation (H.B. 2157) – VETOED

Prohibits the court from using the deportation of a probationer as the sole reason for terminating the period of probation or intensive probation at a time earlier than originally imposed.

The Governor indicates in her [veto message](#) that H.B. 2157 is unnecessary as current Arizona Supreme Court administrative directives state that a person's probation continues upon returning to the country.

defense of premises; definition (H.B. 2843) – VETOED

Modifies the definition of *premises*, for the purpose of justifying the use of physical force in defense of *premises*, to be any real property or structure, movable or immovable, permanent or temporary, adapted for either, rather than both, human residence or lodging whether occupied or not.

The Governor indicates in her [veto message](#) that H.B. 2843 values property over human life and unnecessarily alters traditional laws on self-defense.