

# ARIZONA STATE SENATE

## 49TH LEGISLATURE SECOND REGULAR SESSION

### MINUTES OF COMMITTEE ON JUDICIARY

**DATE:** January 25, 2010                      **TIME:** 1:30 p.m.                      **ROOM:** SHR1

**CHAIRMAN:** Senator Paton                      **VICE-CHAIRMAN:** Senator Huppenthal

**ANALYST:** Garth Kamp                      **INTERN:** Brian Chafey

**ASSISTANT ANALYST:** Dakotah Pratt-Hewitt                      **COMMITTEE SECRETARY:** Shelley Ponce

#### ATTENDANCE

##### Committee Members

	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Burton Cahill	X			SB 1009	HELD
Senator Chevront	X			SB 1021	DP
Senator C. Gray	X			SB 1059	DP
Senator Miranda	X			SB 1061	DP
Senator R. Pearce	X			SB 1062	DP
Senator Huppenthal, Vice-Chairman	X			SB 1068	DP
Senator Paton, Chairman	X			SB 1088	HELD
				SB 1098	HELD
				SB 1101	DPA
				SB 1102	HELD
				SB 1153	DP

#### BILLS

Chairman Paton called the meeting to order at 1:51 p.m. and attendance was taken.

## **CONSIDERATION OF BILLS**

### **SB 1102 – concealed weapons; permit; justification – HELD**

Senator Paton announced that SB 1102 would be HELD.

### **SB 1068 – military overseas voting; ballot arguments – DO PASS**

**Garth Kamp, Judiciary Committee Analyst**, explained SB 1068.

**Ken Bennett, Arizona Secretary of State**, testified in support of SB 1068.

**Senator Huppenthal moved SB 1068 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 7-0-0 (Attachment 1).**

### **SB 1009 – juvenile prosecutions; adult court; age – DISCUSSION/HELD**

**Garth Kamp, Judiciary Committee Analyst**, explained SB 1009.

Senator Paton noted the individuals who registered their position on the bill (Attachment A).

**Senator Linda Gray, bill sponsor**, further explained SB 1009.

**Beth Rosenberg, Children's Action Alliance**, distributed "Youth in the Adult Criminal Justice System" (Attachment B) and testified in support of SB 1009.

**Paul Ahler, Executive Director, Arizona Prosecuting Attorneys' Council**, testified as neutral and explained the implications of SB 1009.

**Kathleen Mayer, Pima County Deputy Attorney, Pima County Attorney's Office**, answered questions posed by the committee.

**Carol Boone, representing herself**, testified in support of SB 1009.

**Chris Phillis, representing herself**, testified in support of SB 1009.

Senator Paton announced that SB 1009 would be HELD.

### **SB 1088 – juveniles; discretionary transfer; adult court – DISCUSSION/HELD**

**Garth Kamp, Judiciary Committee Analyst**, explained SB 1088.

**Senator Linda Gray, bill sponsor**, further explained SB 1088.

**Beth Rosenberg, Children's Action Alliance**, testified in support of SB 1088.

**Kathleen Mayer, Pima County Deputy Attorney, Pima County Attorney's Office**, testified in opposition to SB 1088.

**Robin Lubitz, representing himself**, testified in support of SB 1088.

**Carol Boone, representing herself**, testified in support of SB 1088.

**Chris Phillis, representing herself**, testified in support of SB 1088.

Senator Paton announced that SB 1088 would be HELD.

**SB 1021 – justification; defensive display; firearm – DO PASS**

**Dakotah Pratt-Hewitt, Judiciary Committee Assistant Analyst**, explained SB 1021.

**John Wentling, Vice President, Arizona Citizens Defense League (AZCDL)**, testified in support of SB 1021.

Senator Paton noted the individuals who registered their position on the bill (Attachment A).

**Senator Huppenthal moved SB 1021 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 4-1-2 (Attachment 2).**

Senators Chuck Gray and Burton Cahill explained their votes.

**SB 1153 – state preemption; knives – DO PASS**

**Brian Chafey, Judiciary Committee Intern**, explained SB 1153.

**Dale Wiebusch, Legislative Associate, League of Arizona Cities and Towns**, testified in opposition to SB 1153.

**Todd Rathner, Legislative Consultant, Arizona State Rifle & Pistol Association**, testified in support of SB 1153.

Senator Paton noted the individuals who registered their position on the bill (Attachment A).

**Senator Huppenthal moved SB 1153 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 4-3-0 (Attachment 3).**

Senator Burton Cahill explained her vote.

**SB 1101 – firearms; detention officers – DO PASS AMENDED**

**Dakotah Pratt-Hewitt, Judiciary Committee Assistant Analyst**, explained SB 1101 and the 8-line Pearce amendment dated 01/21/10 at 4:22 p.m. (Attachment C).

Senator Paton noted the individuals who registered their position on the bill (Attachment A).

**Senator Pearce moved SB 1101 be returned with a DO PASS recommendation.**

**Senator Pearce moved the 8-line Pearce amendment dated 01/21/10 at 4:22 p.m. (Attachment B) be ADOPTED. The motion CARRIED by voice vote.**

**Senator Pearce moved SB 1101 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 4-2-1 (Attachment 4).**

**SB 1098 – Arizona manufactured firearms; regulation. – HELD**

Senator Paton announced that SB 1098 would be HELD.

**SB 1059 – human trafficking; definition – DO PASS**

**Dakotah Pratt-Hewitt, Judiciary Committee Assistant Analyst**, explained SB 1059.

Senator Paton noted the individuals who registered their position on the bill (Attachment A).

**Senator Pearce moved SB 1059 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 5).**

**SB 1061 – incest; classification – DO PASS**

**Brian Chafey, Judiciary Committee Intern**, explained SB 1061.

**Greg Stanton, Director of Legislative Affairs, Arizona Attorney General's Office**, testified in support of SB 1061.

**Tim Linnins, Assistant Attorney General, Attorney General's Office**, answered questions posed by the committee.

Senator Paton noted the individuals who registered their position on the bill (Attachment A).

**Senator Pearce moved SB 1061 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 6).**

Senator Pearce explained his vote.

**SB 1062 – sentencing; prior convictions; methamphetamine – DO PASS**

**Garth Kamp, Judiciary Committee Analyst**, explained SB 1062.

Senator Paton noted the individuals who registered their position on the bill (Attachment A).

**Greg Stanton, Director of Legislative Affairs, Arizona Attorney General's Office**, testified in support of SB 1062.

**Senator Pearce moved SB 1061 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 7).**

There being no further business, the meeting was adjourned at 3:42 p.m.

Respectfully submitted,

Shelley Ponce  
Committee Secretary

(Audio recordings and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)