

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.C.R. 1030

(Reference to Senate engrossed bill)

1 Strike lines 1 through 34

2 Strike everything after the resolving clause and insert:

3 "1. Under the power of the referendum, as vested in the Legislature, the  
4 following measure, relating to marijuana, is enacted to become valid as a law if  
5 approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING SECTION 13-901.03, ARIZONA REVISED STATUTES; AMENDING  
8 TITLE 36, CHAPTER 28.2, ARIZONA REVISED STATUTES, BY ADDING  
9 SECTION 36-2866; RELATING TO MARIJUANA.

10

11 Section 1. Title 36, chapter 28.2, article , Arizona Revised  
12 Statutes, is amended by adding section 36-2866, to read:

13 36-2866. Social equity ownership program; transfer

14 A. ON PASSAGE BY VOTERS AND CERTIFICATION BY THE SECRETARY OF STATE,  
15 NO ADDITIONAL MARIJUANA ESTABLISHMENT LICENSES SHALL BE ISSUED BY THE  
16 DEPARTMENT FOR ANY SOCIAL EQUITY OWNERSHIP PROGRAM PURSUANT TO SECTION 36-  
17 2854, SUBSECTION A, PARAGRAPH 9. ON APRIL 8, 2022, THE ORIGINAL PRINCIPAL  
18 OFFICER OR BOARD MEMBER WITH AT LEAST FIFTY-ONE PERCENT OWNERSHIP OF ANY  
19 ENTITY THAT RECEIVED A MARIJUANA ESTABLISHMENT LICENSE PURSUANT TO SECTION  
20 36-2854, SUBSECTION A, PARAGRAPH 9, ON APRIL 8, 2022, MAY TRANSFER THE  
21 MARIJUANA ESTABLISHMENT LICENSE TO ANY ENTITY OF THE OFFICER'S OR MEMBER'S  
22 CHOICE IF ANY OF THE FOLLOWING APPLIES:

1           1. A PRINCIPAL OFFICER OR BOARD MEMBER WHO HELD A MINORITY INTEREST  
2 WHEN THE MARIJUANA ESTABLISHMENT LICENSE WAS ORIGINALLY ISSUED VIOLATED ANY  
3 RULES ADOPTED PURSUANT TO THIS CHAPTER.

4           2. A PRINCIPAL OFFICER OR BOARD MEMBER WHO HELD A MINORITY INTEREST  
5 IN THE ENTITY AT THE TIME OF APPLICATION FAILED TO DISCLOSE AN EXCLUDED  
6 FELONY OFFENSE.

7           3. A PRINCIPAL OFFICER OR BOARD MEMBER WHO HELD A MINORITY INTEREST  
8 IN THE ENTITY AT THE TIME OF APPLICATION DID NOT POSSESS A CARD FOR A  
9 MARIJUANA FACILITY AGENT AT THE TIME OF THE APPLICATION.

10           B. THE TRANSFER OF THE LICENSE PURSUANT TO SUBSECTION A OF THIS  
11 SECTION IS SUBJECT TO THE ATTORNEY GENERAL'S REVIEW AND INVESTIGATIVE  
12 DETERMINATION.

13           Sec. 2. Section 13-901.03, Arizona Revised Statutes, is amended to  
14 read:

15           13-901.03. Violent crimes; allegation; definition

16           A. The allegation that the defendant committed a violent crime shall  
17 be charged in the indictment or information and admitted or found by the  
18 court. The court shall allow the allegation that the defendant committed a  
19 violent crime at any time before the date the case is actually tried unless  
20 the allegation is filed fewer than twenty days before the case is actually  
21 tried and the court finds on the record that the defendant was in fact  
22 prejudiced by the untimely filing and states the reasons for these  
23 findings.

24           B. For the purpose of this section, "violent crime" includes any  
25 criminal act that results in death or physical injury or any criminal use  
26 of a deadly weapon or dangerous instrument. THIS DEFINITION APPLIES  
27 REGARDLESS OF WHETHER THE INDIVIDUAL HAS ENTERED INTO PARTICIPATION IN ANY  
28 FIRST OFFENDER, DEFERRED ADJUDICATION OR SIMILAR PROGRAM WHERE JUDGMENT OF  
29 CONVICTION IS WITHHELD.

30           Sec. 3. Legislative intent

1           The legislature intends that the amendments made in section 13-  
2           901.03, Arizona Revised Statutes align Arizona state law with federal law,  
3           specifically 42 CFR Part 1001, which defines "convicted" as:

4           1. A judgment of conviction has been entered against an individual  
5           or entity by a Federal, State or local court, regardless of either of the  
6           following:

7           (a) There is a post-trial motion or an appeal pending.

8           (b) The judgment of conviction or other record relating to the  
9           criminal conduct has been expunged or otherwise removed.

10          2. A Federal, State or local court has made a finding of guilt  
11          against an individual or entity.

12          3. A Federal, State or local court has accepted a plea of guilty or  
13          nolo contendere by an individual or entity.

14          4. An individual or entity has entered into participation in a first  
15          offender, deferred adjudication or other program or arrangement where  
16          judgment of conviction has been withheld.

17  
18          2. The Secretary of State shall submit this proposition to the voters at  
19          the next general election as provided by article IV, part 1, section 1,  
20          Constitution of Arizona."

21          Amend title to conform

DAVID LIVINGSTON

SCR1030LIVINGSTON SE.docx  
03/21/2024  
04:22 PM  
H: AF/lis