

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

MAJORITY CAUCUS CALENDAR

January 26, 2016

Bill Number	Short Title	Committee	Date	Action
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Committee on Banking and Financial Services

Chairman: Kate Brophy McGee, LD28

Vice Chairman: Jeff Weninger, LD17

Analyst: Paul Benny

Intern: Jon Rudolph

[HB 2152](#) consumer lenders; referral fees; insurance
SPONSOR: WENINGER, LD17 HOUSE
BFS 1/19 DP (5-3-0-0-0)
(No: GABALDÓN, MCCUNE DAVIS, ESPINOZA)

Committee on Commerce

Chairman: Warren H. Petersen, LD12

Vice Chairman: Jill Norgaard, LD18

Analyst: Diana Clay

Intern: Kris Beecher

[HB 2047](#) trade names; trademarks; online registration
SPONSOR: STEVENS, LD14 HOUSE
COM 1/20 DPA (7-0-0-1-0)
(Abs: RIVERO)

[HB 2112](#) technical event production services; exemption
SPONSOR: PETERSEN, LD12 HOUSE
COM 1/20 DPA (7-1-0-0-0)
(No: MACH)

[HB 2114](#) independent business status; declaration
SPONSOR: PETERSEN, LD12 HOUSE
COM 1/20 DPA (7-1-0-0-0)
(No: MACH)

Committee on Education

Chairman: Paul Boyer, LD20

Vice Chairman: Jay Lawrence, LD23

Analyst: Aaron Wonders

Intern: Ellen Hill

[HB 2058](#) state board of education; members
SPONSOR: TOWNSEND, LD16 HOUSE
ED 1/20 DP (7-0-0-1-0)
(Abs: MONTENEGRO)

Committee on Government and Higher Education

Chairman: Bob Thorpe, LD6

Vice Chairman: J. Christopher Ackerley, LD2

Analyst: Sharon Carpenter

Intern: Taylor McGrew

[HB 2013](#) information technology; transfer; title 18
SPONSOR: STEVENS, LD14 HOUSE
GHE 1/21 DP (8-0-0-1-0)

(Abs: TOWNSEND)
[HB 2014](#) electronic documents; state agencies
 SPONSOR: STEVENS, LD14 HOUSE
 GHE 1/21 DP (8-0-0-1-0)
 (Abs: TOWNSEND)
[HB 2019](#) credited service; military service purchase
 SPONSOR: STEVENS, LD14 HOUSE
 GHE 1/21 DP (8-0-0-1-0)
 (Abs: TOWNSEND)
[HB 2046](#) statewide technology policy; acceptable use
 SPONSOR: STEVENS, LD14 HOUSE
 GHE 1/21 DP (8-0-0-1-0)
 (Abs: TOWNSEND)
[HB 2082](#) committee of reference; chairperson; appointment
 SPONSOR: STEVENS, LD14 HOUSE
 GHE 1/21 DP (8-0-0-1-0)
 (Abs: TOWNSEND)

Committee on Health

Chairman: Heather Carter, LD15
Analyst: Ingrid Garvey

Vice Chairman: Regina Cobb, LD5
Intern: Alexandra Erickson

[HB 2109](#) pharmacists; licensure
 SPONSOR: BOYER, LD20 HOUSE
 HEALTH 1/19 DP (6-0-0-0-0)

Committee on Judiciary

Chairman: Edwin W. Farnsworth, LD12
Analyst: Katy Proctor

Vice Chairman: Sonny Borrelli, LD5
Intern: Meagan Anglin

[HB 2374](#) child prostitution; offense
 SPONSOR: FARNSWORTH E, LD12 HOUSE
 JUD 1/20 DP (5-0-0-1-0)
 (Abs: MESNARD)

[HB 2375](#) crime victims' rights; facility dog
 SPONSOR: FARNSWORTH E, LD12 HOUSE
 JUD 1/20 DP (5-0-0-1-0)
 (Abs: FRIESE)

[HB 2376](#) victim restitution; stipulated amount; hearings
 SPONSOR: FARNSWORTH E, LD12 HOUSE
 JUD 1/20 DP (6-0-0-0-0)

[HB 2377](#) criminal sentencing; restoration of rights
 SPONSOR: FARNSWORTH E, LD12 HOUSE
 JUD 1/20 DPA (6-0-0-0-0)



HOUSE OF REPRESENTATIVES

HB 2152

consumer lenders; referral fees; insurance

Prime Sponsor: Representative Weninger, et al., LD 17

DP Committee on Banking and Financial Services

X Caucus and COW

House Engrossed

OVERVIEW

HB 2152 eliminates the prohibition on referrals and the monetary cap on prizes and goods for consumer lenders. Additionally, allows a consumer lender to offer and sell Accidental Death and Dismemberment Insurance (AD&D) and Disability Income Protection (DIP) Insurance.

PROVISIONS

1. Removes the prohibition for a consumer lender from paying a fee, commission, or bonus for referring consumer lending loan business.
2. Removes the monetary cap on prizes and goods that a consumer lender may offer.
3. Allows a consumer lender to offer AD&D Insurance and DIP Insurance in connection with a consumer lender loan.
4. Allows a consumer lender to sell AD&D Insurance and DIP Insurance if certain criteria are met.

CURRENT LAW

Pursuant to [A.R.S. § 6-611](#), a consumer lender is prohibited from paying a fee, commission or bonus to any merchant or consumer for referring consumer lending loan business. A consumer lender may not give a consumer a prize or goods of a value of more than \$25 dollars.

A consumer lender may offer and sale Property Insurance, Life Insurance, Credit Disability Insurance, and Credit Involuntary Unemployment Insurance in connection with a loan. Additionally, any insurance purchased, except insurance on property securing a consumer lender loan, is optional and may be canceled for any reason within 30 days upon receiving the written receipt for the insurance policy. If canceled within thirty days, the consumer is entitled to a full refund of any premiums paid ([A.R.S. § 6-636](#)).



HOUSE OF REPRESENTATIVES

HB 2047

trade names; trademarks; online registration

Prime Sponsor: Representative Stevens, LD 14

DPA Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2047 directs the Secretary of State's (SOS) office to utilize its website for any person or business to file initial registrations and renewals for trade names, trademarks, or service marks.

PROVISIONS

5. Permits online registration of trade names, trademarks, and service marks through the SOS website.
6. Clarifies that a renewal must be filed and the appropriate fee paid within six months before the registration expires.
7. Makes technical and conforming changes.

AMENDMENTS BY COMMERCE COMMITTEE

Adds an effective date of January 1, 2017.

CURRENT LAW

[A.R.S. § 44-1443](#) outlines the process to register trade names, trademarks and service marks at the SOS's office. Applications for the various registrations may be obtained from the SOS's office or downloaded from their website. Completed applications must be notarized and submitted to the SOS with the appropriate [filing fee](#) listed in the [Trade Name and Trademark Handbook](#). Trademarks and service marks must be renewed every 10 years and trade names every 5 years.

Registration filings include the name and business address of the person applying. A trade name, title or designation to be registered must list the general nature of the business conducted by the applicant, and length of time the name, title or designation has been used. A trademark or service mark registration must describe the goods or services and manner with which the mark is used in connection with those goods and services, the date of its first use, and a statement that the applicant is the owner and that no other person has a right to use the mark.

ADDITIONAL INFORMATION

According to the [SOS's website](#):

Filing a trade name registers a business name for public record. A trade name is similar to a *doing business as* ("DBA") name, and is not legally required but is an acceptable business practice. Customers should perform an extensive and independent search for name availability. Once filed, the names are checked against the state's database of over 300,000 names.

Filing a trademark registers a logo or slogan to be displayed on goods or services for public record. Trademarks are also referred to as service marks. These are also not required to be registered, but are an acceptable business practice.



HOUSE OF REPRESENTATIVES

HB 2112

technical event production services; exemption

Prime Sponsor: Representative Petersen, et al., LD 12

DPA Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2112 exempts technical event production services personnel from the definition of *employee* for purposes of the unemployment insurance (UI) program administered by the Department of Economic Security (DES).

PROVISIONS

8. Excludes from the definition of *employee*, individuals who perform technical event production services if they meet all of the following requirements: have the option to accept/reject assignments; have the right to work for multiple businesses; are not otherwise employed by the entity that coordinates or sponsors the events; are not otherwise employed by the entity that is coordinating, organizing or sponsoring the conference, convention, trade show, business, professional, charitable or similar event (Event).
9. Asserts that all qualifying persons who perform technical event production services are exempt, whether there is a direct contract or third party contract.
10. Defines *technical event production services* as all services to plan, coordinate, set-up, operate or breakdown the stages, tables, seating, displays, signs, audio/video equipment for an Event.

AMENDMENTS BY COMMERCE COMMITTEE

Makes a technical correction.

CURRENT LAW

DES administers Arizona's [UI Program](#). Employers pay into the UI Trust Fund on behalf of their employees, and benefits are based on wages the employees earn in Arizona from employers who pay the unemployment insurance tax. Employees who lose their job through no fault of their own may receive monetary benefits while searching for another job. The current maximum benefit amount is \$240 per week, and eligible workers must be able to work, available for work and actively seeking work.

[A.R.S. § 23-613.01](#) defines an *employee* as any person performing services for an employer, and subject to the direction, rule or control of the employer in both method and final result performing a job. Statute describes control as setting the employee's work hours, work location, right to perform services for other employers, use of certain tools, equipment, materials, expenses and using other workers. Statute also lists a description of individuals that do not fall into the category of *employee*, such as independent contractors, business people, agents or consultants, or those working in an independent trade, skill or occupation, including sports officials, among others.



HOUSE OF REPRESENTATIVES

HB 2114

independent business status; declaration

Prime Sponsor: Representative Petersen, et al., LD 12

DPA Committee on Commerce

X Caucus and COW

House Engrossed

OVERVIEW

HB 2114 establishes the Declaration of Independent Business Status (Declaration), which prescribes the relationship between the employer and the independent contractor.

PROVISIONS

11. Creates a new chapter of law entitled *Employment Relationships*, which outlines the criteria for a Declaration form that serves as proof of an independent contractor relationship between the employer and the contractor.
12. States that an independent contractor may assert the relationship with an employer by executing the Declaration, if both parties consistently follow its provisions.
13. Creates a rebuttable presumption of the business relationship by executing the Declaration between the independent contractor and the employer.
14. Requires the Declaration be signed/dated by the independent contractor and that the form contain the following statements:
The contractor:
 - a. Operates an independent business to provide services for the contracting party as an independent contractor.
 - b. Is not an employee of the contracting party and any services or work performed do not create a right to unemployment benefits or any other benefits resulting from an employment relationship.
 - c. Is not insured by the contracting party's insurer, including workers' compensation.
 - d. Is responsible for all tax liability, and is authorized to accept work from other business entities and individuals besides the contracting party.
 - e. Acknowledges that the contracting party expects the contractor to provide services to other business entities and is not solely dependent on the contracting party.
 - f. Has the right to accept or refuse requests for services by the contracting party.
 - g. Reserves the right to subcontract services to qualified employees or subcontractors.
 - h. Recognizes that the contracting party does not determine the time, day, method, or process to perform services; however, does have the right to enforce quality standards and deadlines to complete services.
 - i. Is responsible for all required registrations and licenses to operate the business.
 - j. Understands the contracting party will make payments according to the contract, but not pay a regular salary or payment.
 - k. Is responsible for all tools, equipment and expenses incurred while performing the services for the contracting party.
 - l. Acknowledges that the terms and conditions of the Declaration apply to the contractor, all employees and independent contractors.
15. Acknowledges that a Declaration does not solely constitute an independent contractor status.
16. States any supervision or control exercised by a business to comply with state or municipal laws, ordinances, rules or regulations may not be considered for the purposes of determining the independent contractor or employment status of any relationship.

AMENDMENTS

Committee on Commerce

1. Makes a modification to the Declaration form.
2. Stipulates that the Declaration must comply with the Worker's Compensation statutes regarding independent contractors.
3. Makes a technical change.

CURRENT LAW

Although no current law exists that details the specific independent business status and relationship between an employer and a contractor, the various statutory definitions and descriptions are utilized by state agencies to determine the work relationship.

For example, [A.R.S. § 23-613.01](#) defines an *employee* as any person performing services for an employer, and subject to the direction, rule or control of the employer in both method and final result performing a job. Statute describes control as setting the employee's work hours, work location, right to perform services for other employers, use of certain tools, equipment, materials, expenses and using other workers. Statute also lists a description of individuals that do not fall into the category of *employee*, such as independent contractors, business people, agents or consultants, or those working in an independent trade, skill or occupation, including sports officials, among others.



HOUSE OF REPRESENTATIVES

HB 2058

state board of education; members

Prime Sponsor: Representative Townsend, et al., LD 16

DP Committee on Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2058 conforms the statutory number of Arizona State Board of Education (SBE) members to the Arizona Constitution.

PROVISIONS

17. Conforms the statutory number of SBE members to the Arizona Constitution.

CURRENT LAW

The SBE is a constitutional body charged with exercising general supervision and regulation over Arizona's public school system. [Article 11, Section 3](#) of the Arizona Constitution outlines the following membership of the SBE:

- a. The Superintendent of Public Instruction
- b. A president of a state university or a state college, appointed by the Governor
- c. Four lay members, appointed by the Governor
- d. A president or chancellor of a community college district, appointed by the Governor
- e. An owner or administrator of a charter school, appointed by the Governor
- f. A superintendent of a high school district, appointed by the Governor
- g. A classroom teacher, appointed by the Governor
- h. A county school superintendent, appointed by the Governor

[A.R.S. § 15-201](#) reflects a nine, rather than eleven, member SBE and does not include the following constitutional members:

- a. A fourth lay member
- b. An owner or administrator of a charter school



HOUSE OF REPRESENTATIVES

HB 2013

information technology; transfer; title 18

Prime Sponsor: Representative Stevens, LD 14

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2013 establishes Title 18 relating to information technology (IT).

PROVISIONS

18. Transfers and renumbers all IT related statutes into Title 18.
19. Deletes obsolete statute relating to liability for year 2000 date failures.
20. Makes technical and conforming changes.

CURRENT LAW

Information technology is defined as all computerized and auxiliary automated information processing, telecommunications and related technology, including hardware, software, vendor support and related services, equipment and projects ([A.R.S. § 41-3501](#)). The Arizona Department of Administration is responsible for developing, implementing and maintaining a coordinated statewide plan for IT ([A.R.S. § 41-3504](#)).



HOUSE OF REPRESENTATIVES

HB 2014

electronic documents; state agencies

Prime Sponsor: Representative Stevens, LD 14

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2014 requires agencies to provide for electronic submission of reports, audits, applications or any other documentation (reports) beginning July 1, 2018.

PROVISIONS

21. Directs agencies to provide a method on their website for the electronic submission of reports required by statute or rule.
22. Allows a person to submit agency mandated reports electronically.
23. Defines *agency* as any department, office, agency, commission, board or other instrumentality of this state regardless of whether monies are appropriated.
24. Becomes effective July 1, 2018.

CURRENT LAW

Not currently addressed in statute.



HOUSE OF REPRESENTATIVES

HB 2019

credited service; military service purchase

Prime Sponsor: Representative Stevens, LD 14

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2019 reduces the number of credited service years required in specified retirement plans to receive credit for active military service performed before employment.

PROVISIONS

25. Allows a member of the Elected Officials' Retirement Plan (EORP), the Public Safety Personnel Retirement System (PSPRS), or the Corrections Officer Retirement Plan (CORP) who has at least 5 years of service, rather than 10 years, receive credited service for active military service performed before employment if certain requirements are met.

26. Makes technical changes.

CURRENT LAW

A member of EORP, PSPRS or CORP who has at least 10 years of service may receive credited service for periods of active military service performed before employment with the member's current employer if: 1) the member was honorably separated from the military; 2) the period of military service for which the member receives credit does not exceed 60 months; 3) the period of military service for which the member receives credited service is not on account with any other retirement system, with exceptions; 4) the member pays the cost to purchase the prior active military service as specified; and 5) the amount of benefits purchased is subject to the limits established by the internal revenue code (A.R.S. §§ [38-820](#), [38-858](#) and [38-907](#)).

[Laws 2015, Chapter 38](#) reduced the number of years, from 10 to 5, a member of the Arizona State Retirement System has to serve before being eligible to purchase credit for military service ([A.R.S. § 38-745](#)).



HOUSE OF REPRESENTATIVES

HB 2046

statewide technology policy; acceptable use

Prime Sponsor: Representative Stevens, LD 14

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2046 instructs the Director of the Arizona Department of Administration (Director) to establish a statewide technology policy.

PROVISIONS

27. Requires the Director to establish:

- a. a statewide technology policy for the acceptable use of state information and state information systems to reduce risk due to disclosure, modification or disruption; and
- b. an access agreement and a virtual office access agreement for all budget units and outlines policy requirements.

28. Stipulates that each budget unit must:

- a. establish a portable electronic device access agreement if users are allowed to use a portable electronic device to access state information or state information systems;
- b. require each user to enter into the access agreement, virtual office access agreement or portable electronic device access agreement before being granted access to the state information or state information systems; and
- c. provide required notification statements to each user who has been granted access to the state information and state information systems.

29. Defines *budget unit*, *department* and *director*.

CURRENT LAW

Information Technology is defined as all computerized and auxiliary automated information processing, telecommunications and related technology, including hardware, software, vendor support and related services, equipment and projects ([A.R.S. § 41-3501](#)). The Director is responsible for information technology ([A.R.S. § 41-3502](#)). The Statewide Information Security and Privacy Office (Office), established within the Arizona Department of Administration, is required to develop, implement, maintain and ensure compliance by each [budget unit](#) with a statewide assurance plan for information security and privacy ([A.R.S. § 41-3507](#)).



HOUSE OF REPRESENTATIVES

HB 2082

committee of reference; chairperson; appointment
Prime Sponsor: Representative Stevens, LD 14

DP Committee on Government and Higher Education

X Caucus and COW

House Engrossed

OVERVIEW

HB 2082 outlines procedures to fill a Committee of Reference (COR) vacancy.

PROVISIONS

1. Permits the chairperson of the standing committee to appoint a person to fill a vacancy on a COR by filing a letter with the Secretary of the Senate or the Chief Clerk of the House of Representatives.
2. Eliminates the requirement that the Joint Legislative Audit Committee (JLAC) designates the chairman of each COR and instead transfers this role to the chairperson of each standing committee.
3. Clarifies the chairperson of each standing committee appoints the five members to the COR.
4. Makes technical changes.

CURRENT LAW

Committee of reference is defined as a joint subcommittee composed of the members of the appropriate standing committees of the House of Representatives and the Senate appointed for the purpose of evaluating agencies subject to termination ([A.R.S. § 41-2952](#)). Each standing committee of both legislative houses must appoint a subcommittee of five members, no more than three of whom may belong to the same political party. The subcommittee jointly constitutes a COR in their respective subject matter areas ([A.R.S. § 41-2954](#).) Although JLAC has the authority to designate the chairman of each COR, tradition has given this task to the standing committee chairs ([A.R.S. § 41-2953](#)).



HOUSE OF REPRESENTATIVES

HB 2109

pharmacists; licensure

Prime Sponsor: Representative Boyer, LD 20

DP Committee on Health

X Caucus and COW

House Engrossed

OVERVIEW

HB 2109 eliminates the requirement that a pharmacist seeking a reciprocal license must be licensed for at least one year in another jurisdiction.

PROVISIONS

30. Removes the requirement that a pharmacist must be licensed in good standing for at least one year in another jurisdiction in order to receive a reciprocal license

CURRENT LAW

A.R.S § 32-1922 states in part, that for an applicant to be licensed as a pharmacist in Arizona the applicant must be of good moral character, be a graduate of a board approved pharmacy education school or college and must have successfully completed practical experience under a licensed pharmacist who is approved by the board. Additionally, the applicant must pass the pharmacist and jurisprudence examination, and pay an application fee. The board may license a pharmacist in Arizona without the licensing examination if the applicant is licensed in another jurisdiction, if the applicant provides evidence of attendance of secondary and professional education and training, possesses good morals, provides proof that any license is in good standing and passes a jurisprudence examination.



HOUSE OF REPRESENTATIVES

HB 2374

child prostitution; offense

Prime Sponsor: Representative Farnsworth E, LD 12

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

HB 2374 makes it a Class 2 felony to knowingly provide the means for a minor to engage in prostitution and prescribes specific penalties for the offense.

PROVISIONS

31. Expands the offense of *child prostitution* to include knowingly providing a means for a minor to engage in prostitution.

32. Designates the violation as a Class 2 felony.

- a. If the victim is under 15 years of age, the offense is punishable as a dangerous crime against children with a presumptive prison term of 20 years ([A.R.S. § 13-705](#))
- b. If the victim is 15, 16 or 17 years of age, the offense carries a specific sentence outlined in [A.R.S. § 13-3212\(G\)](#) with a presumptive prison term of 13.5 years.

CURRENT LAW

A.R.S. Title 13, Chapter 32 outlines various offenses involving prostitution. *Child prostitution* is defined in A.R.S. § 13-3212 as knowingly:

- Causing a minor to engage in prostitution or using a minor for prostitution
- Allowing a minor in the person's custody to engage in prostitution
- Receiving any benefit for procuring or placing a minor in any place or in anyone's custody for the purpose of prostitution
- Receiving any benefit through an agreement to participate in the proceeds of prostitution
- Financing, managing, supervising, controlling or owning prostitution activity involving a minor
- Transporting or financing the transportation of a minor with the intent that the minor engage in prostitution

If the victim is under 15 years of age, *child prostitution* is punishable as a *dangerous crime against children* and carries a presumptive prison term of 20 years (no predicate felony). If the victim is 15, 16 or 17 years old, *child prostitution* is a Class 2 felony with a presumptive prison term of 13.5 years (first offense).

If the person is at least 18 years old, the offense of *child prostitution* also includes knowingly engaging in prostitution with a minor. Various penalties are provided based on the age of the victim and whether the offender should have known that the victim was underage.



HOUSE OF REPRESENTATIVES

HB 2375

crime victims' rights; facility dog

Prime Sponsor: Representative Farnsworth E, LD 12

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

HB 2375 allows victims under 18 to be accompanied by a *facility dog* when testifying in court.

PROVISIONS

33. Requires the court to allow victims under 18 to be accompanied by a *facility dog* while testifying in court.
 - a. Requires that a victim file a notice with the court that includes the dog's certification and proof that the dog is insured.
 - b. Outlines specific jury instructions that must be provided.
34. Requires the court to notify the jury of the presence of a *facility dog*.
35. Defines *facility dog*.
36. Contains a legislative intent clause.

CURRENT LAW

[Article 2, Section 2.1](#) of the Arizona Constitution enumerates specific rights granted to victims, which is detailed in [Title 13, Chapter 40 of Arizona Revised Statutes](#).



HOUSE OF REPRESENTATIVES

HB 2376

victim restitution; stipulated amount; hearings
Prime Sponsor: Representative Farnsworth E, LD 12

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

HB 2376 makes changes to statutes governing crime victims' rights related to restitution.

PROVISIONS

37. Grants a victim or the victim's counsel the right at any restitution proceeding to:
 - a. Present information or evidence
 - b. Make an argument to the court
38. Clarifies that the state, in a restitution hearing, may make an argument relevant to the issue of restitution.
39. Requires the court to order that a restitution amount stipulated to in a plea agreement be paid, if the plea agreement is entered and accepted by the court.
40. Clarifies that the rights outlined in the following belong to the victim:
 - a. Article II, § 2.1 of the Arizona Constitution (Victims' Bill of Rights)
 - b. Implementing legislation
 - c. Court rules
41. Contains an intent clause.
42. Makes technical and conforming changes.

CURRENT LAW

[Article II, § 2.1](#) of the Arizona Constitution was enacted by the voters in 1990 and outlines specific rights that crime victims are entitled to. *Victim* is defined as a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative (unless the person is in custody for an offense or is the accused). Subsection D grants to the Legislature and the people the right to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims under § 2.1. Numerous statutes further implement § 2.1 along with A.R.S. Title 13, Chapter 40 (crime victims' rights).

[A.R.S. § 13-603\(C\)](#) states that the court shall require a convicted person to make restitution to a victim in the full amount of the *economic loss* (defined in [A.R.S. § 13-105\(15\)](#)). The process for determining and ordering restitution is outlined in [A.R.S. § 13-804](#). If the court does not have enough evidence to determine the amount of restitution or how the restitution should be paid, the court may hold a restitution hearing. At this hearing, the state may present evidence and information, but it does not represent the victim. Once a determination is made, the court must enter a restitution order. Any monies paid by the defendant to the court must first be applied to satisfy the restitution order (and any arrears) before being applied to fines or court fees.



HOUSE OF REPRESENTATIVES

HB 2377

criminal sentencing; restoration of rights

Prime Sponsor: Representative Farnsworth E, LD 12

DPA Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

HB 2377 allows a judicial officer to restore a person's civil rights after a felony conviction and makes conforming changes in other criminal statutes.

PROVISIONS

43. Allows a judicial officer to restore civil rights that are either lost or suspended by a felony conviction, instead of the presiding judge or the judge that sentenced the person or his/her successor.
44. Corrects internal references related to Laws 2015, Ch. 51 as related to repetitive offender sentencing.
45. Removes a penalty in the aggravated assault statute specific to victims under 15 years of age if the aggravated assault involves taking or attempting to take an officer's weapon.
46. Makes technical and conforming changes.

AMENDMENTS IN JUDICIARY COMMITTEE

1. Makes additional conforming changes by adding three sections related to restoration of civil rights.

CURRENT LAW

Several statutes address the process for a person convicted of one or more felonies to petition the court to have civil rights restored. These sections refer to either the sentencing judge or his/her successor ([A.R.S. §§ 13-905, 13-906, 13-908](#) and [13-912.01](#)) or the presiding judge ([A.R.S. §§ 13-909, A.R.S. 13-910](#) and [A.R.S. 13-911](#)) as having the authority to restore rights.

Laws 2015, Ch. 51 ([HB 2289--repetitive offenders; sentencing](#)) made numerous changes to A.R.S. § 13-703, including collapsing Subsection B into Subsection A, creating one paragraph. References to the prior Subsection B are still contained in A.R.S. § 12-2703, A.R.S. § 13-703(L) and A.R.S. § 41-1604.10.

Laws 2015, Ch. 109 ([HB 2304--aggravated assault; simulated deadly weapon](#)) expanded the aggravated assault statute (A.R.S. § 13-1204) to include a new offense related to the use of a simulated deadly weapon. The bill also created a penalty for the offense of taking/attempting to take an officer's weapon if the victim was under 15 years of age.