Arizona Senate
Judiciary Committee

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JUDICIARY COMMITTEE

Forty-seventh Legislature
Second Regular Session

LEGISLATION ENACTED

informal probate; value of property (S.B. 1020) – Chapter 26

Increases, from $50,000 to $75,000, the maximum real property value for small estate affidavits.

chop shops; vehicle theft (S.B. 1027) – Chapter 73

Classifies as a class 4 felony: 1) theft of a motor vehicle engine or transmission, regardless of the value, and 2) buying, selling, transferring or possessing a motor vehicle part knowing that the Vehicle Identification Number that has been placed on the vehicle by the manufacturer has been removed, destroyed, defaced or otherwise altered.

elections; canvass deadline (S.B. 1037) – Chapter 145

Extends the election canvass deadline for most elections. Allows persons registered to vote with no party preference to work as inspectors, marshals and judges in a general or primary election. Allows persons between the ages of 16 and 18, who are citizens of the United States, to serve as election board clerks.

Arizona criminal justice commission; duties (S.B. 1038) – Chapter 28

Expands the Arizona Criminal Justice Commission's (ACJC) ability to use monies to investigate *or* prosecute and adjudicate any crime, rather than just serious offenses, and to implement ACJC's programs and other enabling statutes.

voyeurism; surreptitious viewing (S.B. 1039) – Chapter 146

Creates the crime of voyeurism. Modifies the way in which a person commits and the sentence for the crime of surreptitious photographing, videotaping, filming or digitally recording or viewing.

election law revisions (S.B. 1041) – Chapter 44

An emergency measure amending election laws relating to electioneering at the polling place and opening a ballot box in certain situations. Allows a voter to correct missing or illegible information on a voter registration form by 7:00 p.m. on an election day and be deemed to have been registered on the date the registration was initially received. Reduces the number of petition signatures needed for a new political party to be recognized on the ballot. Requires

elections for candidates, except for recall elections and special elections to fill vacancies, in a city or town with a population of 175,000 persons or more to occur only on the September or November consolidated election dates. If the mayor or city council person for one of these cities or towns is elected in an even-numbered year, the term of office begins on or after the second Tuesday in January. Alters, effective July 1, 2006, when certain publicity pamphlets will be mailed and the information contained in publicity pamphlets, but the delayed effective date does not apply to publicity pamphlets for nonpartisan elections and for certain district creation elections.

courts; personnel and volunteers; fingerprinting (S.B. 1047) – Chapter 74

Allows the Arizona Supreme Court to require all contract workers or volunteers in the judicial department to submit fingerprints for a criminal background investigation. Requires the Court to collect fingerprints from all persons applying for licensure to the practice of law for a criminal background investigation. The person fingerprinted must pay for the actual cost of obtaining the criminal background investigation.

serious drug offenses; definition. (S.B. 1048) – Chapter 147

Expands the definition of serious drug offense to include attempt and conspiracy of certain drug offenses.

prior convictions and admissions; sentencing. (S.B. 1050) – Chapter 148

Requires the court, instead of the trier of fact, to determine the aggravating circumstance of whether a person has been previously convicted of a felony. Permits an aggravated term of imprisonment to be imposed if the defendant admits one or more aggravating circumstances.

victims' rights; cleanup (S.B. 1051) – Chapter 46

Rectifies conflicting enactments relating to victims' rights.

victim compensation and assistance fund (S.B. 1052) – Chapter 149

Requires the Arizona Criminal Justice Commission to state in the Victim Compensation and Assistance Fund rules that a person who is injured or killed while trying to aid a public safety officer in the prevention of a crime or the apprehension of a criminal may be eligible for victim compensation.

probation; extension (S.B. 1053) – Chapter 182

Requires the court to extend the period of probation imposed on a person who is sentenced to a term of probation immediately following a term of incarceration and who waives community supervision, by the amount of time the Arizona Department of Corrections approves temporary release.

~~standard income tax deduction; amounts~~ (NOW: civil liability; presumptions; police tools) (S.B. 1072) – Chapter 254

Establishes presumptions that apply to civil liability actions or claims if a court finds by a preponderance of the evidence that the plaintiff is harmed while the plaintiff is attempting to commit, committing or fleeing after having committed or attempted to commit a felony criminal act. Given the existence of specified circumstances, the presumptions are that: 1) a victim or peace officer is acting reasonably; 2) the state or political subdivision reasonably hired and trained its peace officers to use physical force or deadly physical force; or 3) the police tool product that caused the physical harm is not defective and the manufacturer of police tools is not negligent.

juvenile corrections; medical services (S.B. 1092) – Chapter 30

Makes a conforming change to the statute regulating the reimbursement rates for health care for juveniles committed to the Arizona Department of Juvenile Corrections.

blank subpoenas; victims; notice (S.B. 1093) – Chapter 79

Prohibits the use of a blank subpoena to procure discovery in a criminal case, including access to the records of a victim, except that records relating to recovered or disassociated memories that are not privileged are subject to a subpoena if the state seeks to introduce them as evidence and the court conducts a hearing. Requires victims to be given notice of the right to be heard at any proceeding involving a subpoena for records of the victim from a third party.

competency; sealed reports; exceptions (S.B. 1116) – Chapter 153

Changes the time when the court must seal juvenile competency reports to after an admission or adjudication of delinquency and adult competency reports to after a plea of guilty or guilty except insane or the trial. Expands the circumstances when the court may open sealed juvenile and adult competency reports.

clean elections; verification; reporting slips (S.B. 1118) – Chapter 154

Subject to the requirements for enactment for initiatives and referendums (Proposition 105), which require the affirmative vote of at least three-fourths of the members of each house of the Legislature, allows county recorders to stop the verification process for clean elections reporting slips once they have counted a sufficient number of slips.

DPS; criminal justice information (S.B. 1125) – Chapter 101

Classifies system network log searches as criminal justice information.

victim's right to refuse interview (S.B. 1126) – Chapter 50

Allows a parent or guardian who is exercising victims' rights on behalf of a minor child to refuse an interview with the defendant or a defense attorney.

juvenile competency (S.B. 1128) – Chapter 80

Specifies that in a juvenile competency proceeding, age alone does not render a person incompetent.

self-defense; home protection (S.B. 1145) – Chapter 199

An emergency measure that alters the burden of proof when a justification defense is presented. Justifies threatening or using force against others in prescribed instances and establishes a presumption for when a person is acting reasonably when using justifiable force. The court must award reasonable attorney fees, costs, compensation for lost income and all expenses incurred by a defendant in the defense of any civil action based on justified defensive conduct if the defendant prevails in the civil action.

telephone usage; interference during emergencies (S.B. 1147) – Chapter 248

Classifies as a class 2 misdemeanor, intentionally preventing or interfering with the use of a telephone by another person when human health, life or safety is in jeopardy and the prompt summoning of aid is essential, and it is reasonable to believe that a domestic violence offense is being, has been or is about to be committed. A person is not required to allow another person entry to a private home or business for the purpose of using a telephone in an emergency situation.

~~community facilities districts; financing~~ (NOW: animal welfare; rescue; bestiality) (S.B. 1160) – Chapter 295

Establishes the crime of bestiality as a class 6 felony, except that causing a minor less than 15 years of age to engage in bestiality is a class 3 felony punishable as a Dangerous Crime Against Children. Makes an animal owner liable for costs associated with animal rescue if the owner is convicted of animal cruelty.

law enforcement merit system; fees (S.B. 1165) – Chapter 83

Provides for the awarding of reasonable costs and attorney fees incurred on behalf of a law enforcement officer in connection with an appeal resulting from the suspension, demotion or dismissal of the officer, if the officer is exonerated.

victims' rights; failure to comply (S.B. 1176) – Chapter 85

Specifies that the failure to comply with a victim's constitutional or statutory right is a ground for the victim to request a reexamination proceeding and establishes procedures and guidelines for the proceeding. Allows a victim to seek to reopen a plea or a sentence under limited circumstances.

interstate compact; adult offender supervision (S.B. 1227) – Chapter 51

An emergency measure increasing Arizona's maximum annual assessment for the interstate compact for the supervision of adult offenders by $500.

sex offender registration; homeless offenders. (S.B. 1229) – Chapter 184

Requires a person who is required to register as a sex offender and who does not have an address or permanent place of residence to register as a transient not less than every 90 days with the sheriff in whose jurisdiction the person is physically present.

sex offenders; address verification (S.B. 1230) – Chapter 160

Increases to a class 6 felony the penalty for sex offenders who fail to obtain or annually renew their driver's license or non-operating identification. Requires sheriffs to take DNA samples from persons who move to Arizona and who are required to register as sex offenders. Permits a person who registers as a sex offender to affix an electronic fingerprint to the required statement for sex offender registration. Requires the Motor Vehicle Division to provide daily address updates to the Department of Public Safety for persons required to register as sex offenders.

prostitution; house abatement (S.B. 1260) – Chapter 162

Permits city attorneys to initiate abatement proceedings for a nuisance related to lewdness or prostitution.

community notification; warrants (S.B. 1301) – Chapter 201

Removes the requirement that law enforcement agencies distribute fliers regarding a sex offender who fails to register or re-register before a warrant may be obtained. Allows a local law enforcement agency, in addition to the Department of Public Safety, to request the county attorney petition the court for an arrest warrant if a sex offender fails to register or re-register, but requires at least one of these entities to make the request.

change of name; application; venue (S.B. 1303) – Chapter 164

Adds additional criteria that the court must consider when determining whether to grant a legal name change. Permits a victim or prosecutor to contest a legal name change up to one year after the change and the court to set aside a name change or deny a name change application if the person is convicted of certain felony offenses involving false statements or misrepresentations.

capital defendants; mental evaluations (S.B. 1305) – Chapter 55

Permits a defendant to object to the initial intelligence prescreening evaluation in a criminal case in which the state intends to seek the death penalty. If the defendant objects, the defendant waives the right to a pretrial determination of mental retardation status but may offer

evidence of mental retardation in the penalty phase of sentencing. Modifies who may perform certain competency evaluations on a defendant in a capital case.

firearms; possession; persons adjudicated delinquent (S.B. 1339) – Chapter 221

Allows the court to prohibit a juvenile from carrying or possessing a firearm while the juvenile is within the jurisdiction of the Arizona Department of Juvenile Corrections or the juvenile court if the juvenile is adjudicated delinquent for an offense that, if committed by an adult, would be a misdemeanor. Specifies that a person who is adjudicated delinquent for a felony, rather than for either a felony or misdemeanor, does not have the right to carry or possess a gun or firearm. Recodifies statute relating to the unlawful possession of firearms by minors and makes the statute applicable to all counties instead of only counties with 500,000 persons or more.

sex offenders; GPS monitoring; appropriations (S.B. 1371) – Chapter 368

An emergency measure requiring global positioning system (GPS) monitoring of persons convicted of a Dangerous Crime Against Children (DCAC) and who are released from the Arizona Department of Corrections (ADC). Further specifies that, beginning November 1, 2006, after a person is convicted of a DCAC, if a term of probation is imposed, the court must require GPS monitoring for the duration of the person's term of probation. Establishes the crime of interfering with a GPS monitoring device and the Joint Legislative Study Committee on Global Position System Monitoring. Appropriates $750,000 each to ADC and the Arizona Supreme Court from the state General Fund in FY 2006-2007 for the purpose of electronic monitoring of sex offenders.

capital case litigation; public defender (S.B. 1376) – Chapter 369

Establishes the State Capital Postconviction Public Defender Office (Office) to provide representation to any person who financially is unable to employ counsel in postconviction relief (PCR) proceedings in state court after a judgment of death has been rendered. Beginning, January 1, 2007, the Arizona Supreme Court must appoint counsel to represent the capital defendant in PCR proceedings from the Office unless a conflict exists or the court makes a finding that the Office cannot represent the defendant. Establishes the Nomination, Retention and Standards Commission on Indigent Defense to nominate the Postconviction Public Defender whose appointment to an initial term begins on February 1, 2007. Appropriates $220,000 from the state General Fund in FY 2006-2007 to the Office for establishing and managing the Office and requires the county to reimburse the Office, if the Office requests reimbursement, for 50 percent of case fees, up to $30,000 per case.

crime victims; free police reports (S.B. 1386) – Chapter 167

SEE GOVERNMENT COMMITTEE.

juvenile corrections; work restitution (S.B. 1396) – Chapter 202

Eliminates conflicting statutory language relating to youth work programs and juvenile restitution.

~~failure to register; presumptive sentence~~ (NOW: sentencing; third felony offenses) (S.B. 1444) – Chapter 177

Requires a person convicted of three violent or aggravated felonies to be imprisoned for life, but allows the person sentenced to life imprisonment to be eligible for commutation of sentence after a period of 35 years.

sex offender treatment; privileged communications (S.B. 1471) – Chapter 186

Allows statements by a sex offender during the course of the sex offender's court-ordered treatment to be admissible in court if there is a reasonable belief that the person has committed a new sex offense violation and the new violation occurred during the course of the person's treatment. Treatment providers who furnish the statements do not violate privileged communication laws.

election reform; manual count (S.B. 1557) – Chapter 394

An emergency measure establishing a process for hand counting and auditing certain ballots. Creates the Vote Count Verification Committee to establish a designated margin of error for the hand counts and audits. Requires the Secretary of State to hold in escrow, filed election computer program software for three years and to securely destroy the software at the end of that period. The court, if the hand count is expanded to the entire jurisdiction, must appoint a special master to review the escrowed source code and report on the reasons for the discrepancies between the hand counts and the electronic tabulation of ballots. Institutes procedures to reduce voter wait time at the polls.

~~homeowners' associations; violation notices~~ (NOW: DUI; prior offenses) (S.B. 1560) – Chapter 395

Increases the time frame for when a person will be considered a repeat driving under the influence (DUI) offender, from 60 to 84 months, for purposes of applying increased penalties. Additionally, if a person refuses to submit to a test to determine the person's blood alcohol or drug content for the second or subsequent time within a period of 84 months, rather than 60 months, the person's license will be suspended for two years. Requires, in addition to other penalties, a person to perform at least 30 hours of community restitution if within 84 months of any previous DUI violation, the person is convicted of another DUI or extreme DUI.

~~deadly force; use; home protection~~ (NOW: standing; federal violation; damages) (S.C.R. 1001)

Subject to voter approval at the next general election, constitutionally prevents a person who is present in Arizona in violation of federal immigration law related to improper entry by an alien from being awarded punitive damages in any action in any court in this state.

methamphetamine; probation ineligibility (S.C.R. 1033)

Subject to voter approval at the next general election, statutorily provides for the possibility that a person convicted of personal possession or use of a controlled substance or drug paraphernalia involving methamphetamine for the first or second time will receive a prison sentence, whereas currently a person may only be sentenced to probation.

voter registration rolls; juror qualifications (H.B. 2013) – Chapter 116

Places summoned jurors on the inactive voter list if the juror's summons is returned as undeliverable and if the juror fails to respond to a follow-up notice sent by the county recorder.

concealed weapons; training requirement; renewal (H.B. 2074) – Chapter 121

Permits a person to renew a permit to carry a concealed weapon (CCW permit) without attending the two-hour refresher training course. Removes the current statutory guidelines for reciprocity agreements and recognition of out-of-state CCW permits and establishes new guidelines for recognizing a concealed weapon, firearm or handgun permit or license that is issued by another state or political subdivision of another state. Restricts access to records that are maintained about CCW permit applicants, permit holders or instructors, except by court order.

weapons; misconduct; storage; map pocket (H.B. 2076) – Chapter 313

Requires an operator of a public establishment (operator) or sponsor of a public event (sponsor) to provide an accessible, temporary and secure storage facility for weapons if the operator or sponsor asks persons to remove deadly weapons before entering the public establishment or event. An operator or sponsor that is licensed to serve liquor is not required to provide storage. Establishes limited liability for an operator, sponsor, employee or agent for acts or omissions that occur in connection with the provision of storage.

Allows a person to carry a concealed weapon that is within the person's immediate control in a motor vehicle if the weapon is within the map pocket of the vehicle.

~~corporation commission employees; annual leave~~ (NOW: hit and run; mitigating; aggravating) (H.B. 2083) – Chapter 104

Requires the jury to determine and the court to consider a person's compliance with hit-and-run statutes when increasing or reducing the presumptive sentence for a felony offense.

epinephrine; administration by good Samaritans (H.B. 2110) – Chapter 92

Exempts persons from civil liability for the emergency administration of epinephrine to another person who is suffering from a severe allergic reaction if the person acts in good faith and without compensation and a health professional who is qualified to administer epinephrine is

not immediately available. The exemption from liability only applies if the person was not acting with grossly negligent willful misconduct or intentional wrongdoing in the administration of the epinephrine.

amusement gambling; charitable organizations (H.B. 2128) – Chapter 127

An emergency measure excluding certain tax-exempt organizations from registering with the Attorney General prior to conducting an amusement gambling contest and permits foundations established to support cardiovascular research to contract with an outside agent to conduct a raffle if the proceeds are used for charitable purposes.

lengthy trial fund; juror compensation (H.B. 2133) – Chapter 179

Allows jurors to request replacement or supplemental earnings from the Lengthy Trial Fund (Fund) beginning on the sixth day of jury service, rather than on the eleventh day, and increases from $100 to $300 the maximum replacement or supplemental earnings a juror may receive from the Fund for the fourth through tenth days of jury service.

~~license plate design~~ (NOW: motor vehicle accidents; unlawful operations) (H.B. 2208) – Chapter 297

Creates the crimes of causing death by use of a vehicle, a class 4 felony, and causing serious physical injury by use of a vehicle, a class 5 felony. Criminalizes, as a class 3 misdemeanor, causing serious physical injury or death by a moving violation and limits the restitution available for this crime to $10,000. The criminal charge for causing serious physical injury or death by a moving violation will be dismissed and the defendant discharged if the court acknowledges the victim's receipt of satisfaction for the injury. Repeals these three statutes on January 1, 2012.

~~homeowners' associations; disclosure.~~ (NOW: prostitution; jail time) (H.B. 2307) – Chapter 259

Establishes minimum mandatory jail terms for persons convicted of prostitution. Requires a person convicted of a third violation of prostitution to complete an appropriate court ordered education or treatment program in addition to the mandatory jail term. Specifies that a person who was previously convicted of prostitution three or more times and who commits a subsequent violation is guilty of a class 5 felony. Cities and towns may enact ordinances that provide a punishment for misdemeanor prostitution violations that are at least as stringent as the statutory penalties.

indecent exposure; breast-feeding (H.B. 2376) – Chapter 135

Exempts a breast-feeding mother from indecent exposure laws and allows a mother to breast-feed in any public place if the mother is legally present.

~~clean up of victims' rights~~ (NOW: lawsuits; public participation in government) (H.B. 2440) – Chapter 234

An emergency measure allowing the defending party, in any legal action involving the defending party's exercise of the right to petition, to file a motion to dismiss, within 90 days of service of the complaint, and establishes procedures for awarding costs and attorney fees in these cases.

~~cleanup; victims' rights~~ (NOW: election officer certification committee; continuation) (H.B. 2441) – Chapter 138

Retroactive to July 1, 2006, continues the Election Officer Education, Training and Certification Advisory Committee until July 1, 2016, and continues the statute relating to election officers and their certification indefinitely.

~~sex offenders; annual community notification~~ (NOW: sexually oriented business; location; penalty) (H.B. 2490) – Chapter 227

An emergency measure prohibiting an adult oriented business from locating within one-quarter mile of a child care facility, school, public playground or recreational facility, residence or place of worship. Permits the county attorney or a citizen to maintain an action to abate and prevent a violation of these location restrictions and to enjoin perpetually any person who is committing the violation and the building owner from directly or indirectly committing or permitting the violation. Counties or municipalities are not prohibited from enacting ordinances that regulate the location of adult oriented businesses.

statewide voter database; access (H.B. 2491) – Chapter 192

Requires the county recorder to provide a voter's voting history in all elections, rather than only from the primary and general elections, in the previous four years on the precinct lists provided to political parties. Increases the number of occurrences in which precinct lists must be delivered to recognized political parties. Beginning January 1, 2008, allows the parties to request precinct lists from the Secretary of State if the county recorder fails or refuses to provide the precinct lists to the parties.

illegal aliens; serious felonies; bail (H.B. 2580) – Chapter 380

Provides procedures for determining the citizenship of arrestees. Establishes when law enforcement must notify the arrestee's home country of the person's arrest. Requires the judicial officer, when determining the method of release or amount of bail, to take into account whether the accused has entered or remained in the United States illegally and whether the accused's residence is in this state, another state or outside of the United States. Classifies as a class 2 felony the smuggling of a human being under the age of 18 who is unaccompanied by a family member over the age of 18, but specifies a person cannot be charged with a preparatory violation of this offense.

Makes a corresponding statutory change if the voters amend the Arizona Constitution at the next general election to make a serious felony offense not bailable if the person charged has entered or remained in the United States illegally. Defines a "serious felony offense" as a class 1, 2, 3 or 4 felony or any aggravated driving under the influence offense.

class 6 felonies; reclassification (H.B. 2581) – Chapter 195

Increases the monetary thresholds for classifying theft and shoplifting. Reclassifies the following class 6 felonies as class 1 misdemeanors: 1) owning a dog that the owner knows has a propensity to attack or endanger the safety of human beings without provocation; 2) failure to return rented or leased property; 3) providing loans at a higher rate of interest than authorized by law; 4) making any unsworn statement that is false to a public servant in connection with any official proceeding; 5) sending or delivering false messages; 6) betting and wagering; 7) having the ability to provide for a spouse, but abandoning and leaving a spouse in a destitute condition; and 8) having the ability to provide for a spouse, but failing to provide a spouse with necessary food, clothing, shelter or medical attendance.

concealed weapons; firearms safety training (H.B. 2584) – Chapter 70

Exempts qualified law enforcement officers who obtain a proficiency certificate from the Department of Public Safety from the initial training course required to obtain a permit to carry a concealed weapon.

firearms; possession; storage (H.B. 2649) – Chapter 288

Prohibits the state, except for the Legislature, or any political subdivision or state agency from enacting any law, rule or ordinance relating to the possession or storage of firearms except as established by law, with specific exceptions for state, county and municipal judicial departments, law enforcement agencies and prosecutorial agencies, and for political subdivisions.

adult probation; county responsibility (H.B. 2819) – Chapter 261

Transfers the responsibility of adult and juvenile probationary costs to Maricopa County permanently and reduces Maricopa County's share of Arizona Health Care Cost Containment System (AHCCCS) related payments to the state. Appropriates $7,435,400 from the state General Fund in FY 2006-2007 to AHCCCS to offset the Maricopa County contributions. Reduces the appropriation made to AHCCCS from county funds, specifically the AHCCCS Acute Care Contributions, by $7,435,400 in FY 2006-2007. Reduces the appropriations made from the state General Fund to the superior court juvenile standard probation special line item, juvenile intensive probation special line item and for salary adjustments by a total of $7,435,400 in FY 2006-2007.

Increases the required probation surcharge for all counties, except Maricopa County, from $5 to $10. Maricopa County may determine the probation surcharge that it levies. Removes the probation ratios of officers to probationers for Maricopa County, but requires the county to maintain appropriate ratios consistent with evidence based practices in differentiated

case management. Maricopa County must report annually on its probation performance to the Chief Justice of the Supreme Court and the Legislature.

precinct registers; voter registration count (H.B. 2829) – Chapter 144

Requires, if requested by a county or state party chairman, county recorders to provide daily lists regarding early ballot requests and weekly listings of persons who have returned the early ballots during the 33 days immediately preceding an election. Requires the county recorder to provide a voter's voting history in all elections, rather than only from the primary and general elections, in the previous four years on the precinct lists provided to political parties. Increases the number of occurrences in which precinct lists must be delivered to recognized political parties. Requires, in municipalities in which the county administers the municipal elections, the county and state party chairmen to obtain voter registration information and precinct lists from the city or town clerk, but allows the chairmen to obtain the information from the county recorder if the city or town clerk does not timely provide the information.

criminal justice; budget reconciliation. (H.B. 2868) – Chapter 348

SEE APPROPRIATIONS COMMITTEE.

VETOES

arbitration agreements; validity (S.B. 1075) – VETOED

Repeals the prohibition of the application of Arizona's Uniform Arbitration Act to agreements between employers and employees or their respective representatives.

The Governor indicates in her veto letter that the exemption in current law has served Arizona and its work force well and the inclusion of arbitration agreements in employment contracts deprives employees of access to the courts to resolve disputes.

trespassing by illegal aliens (S.B. 1157) – VETOED

Establishes the crime of trespassing by illegal aliens. Permits a peace officer to question a person about his or her immigration status in certain situations and provides the public employee and public entity qualified immunity for questioning immigration status.

The Governor indicates in her veto message that S.B. 1157 was opposed by almost every major law enforcement group and many mayors. She indicates that the bill will impose an unfunded burden on law enforcement. The Governor also indicates that she does not agree that all persons here in violation of federal law should be deemed criminal trespassers under state law and that Arizona's and the nation's border security efforts need to focus on providing financial resources and border security equipment to law enforcement agencies along the border, imposing effective employer sanctions and encouraging Congress to pass a no-amnesty guest worker program.

~~civil rights; identity disclosure prohibited~~ (NOW: wrongful termination; cause of action) (S.B. 1370) – VETOED

Designates that the cause of action for breach of an oral or written employment contract accrues at the time the employer communicates to the employee the employer's decision to take the action that constituted the breach. Also, designates that the cause of action for damages for wrongful termination accrues when the employer communicates to the employee the employer's decision to terminate the employee.

The Governor indicates in her veto message that employees who are wrongfully terminated often do not discover the wrongful nature of their termination until several weeks or months after their termination. The Governor also indicates that in Arizona, the general rule is that tort actions do not accrue until the plaintiff discovers the wrongful nature of the defendant's action, and there is no reason for employment termination law to be different.

human eggs; sale; prohibition (H.B. 2142) – VETOED

Classifies the selling, purchasing or offering to sell or purchase a human egg for human somatic cell nuclear transfer, also known as human cloning, as a class 6 felony.

The Governor indicates in her veto message that H.B. 2142 represents an unwarranted intrusion into the medical decisions of only women. The Governor also indicates that she is not aware of any instances where human eggs have been used in Arizona for human cloning research.

~~initiative; single subject; supreme court~~ (NOW: Supreme Court opinion; single subject) (H.B. 2373) – VETOED

Establishes procedures for a petitioner of a citizen's initiative that proposes an amendment to the Constitution to obtain a determination as to whether the measure contains more than one proposed amendment. This legislation is effective only if the Arizona Constitution is amended at the next general election to establish a procedure for the Court to determine whether an initiative to amend the Constitution contains more than one proposed amendment.

The Governor indicates in her veto message that H.B. 2373 is not the appropriate solution to the problem of rooting out initiatives that violate the single subject rule before they reach the ballot and the bill would force the Arizona Supreme Court to review a significant number of petitions that ultimately, for other reasons, will not qualify for the ballot. The Governor also indicates that H.B. 2373 departs from the adversarial system of American jurisprudence because the Court is not guaranteed multiple points of view on an initiative that is under review.

~~illegal aliens; employment; verification~~ (NOW: immigration law; employment; enforcement) (H.B. 2577) – VETOED

SEE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE.

abortion; parental consent; notarized statement (H.B. 2666) – VETOED

Requires the written parental consent required for a minor to receive an abortion to be notarized, except for instances in which judicial authorization is provided. The notarized parental consent statement and the description of the document or notarial act recorded in the notary journal are confidential and not public records.

The Governor indicates in her veto message that H.B. 2666 constitutes a burden for the families of girls who seek abortions. The Governor also indicates that those seeking abortions should not have to disclose their medical decisions to anyone other than medical professionals who are bound by the doctor-patient privilege.

abortion; parental consent (H.B. 2776) – VETOED

Establishes the standard of proof, clear and convincing evidence, that a pregnant minor who does not have parental consent for an abortion must meet to prove to a court that she, in consultation with her physician, is mature and capable of giving informed consent for an abortion based on her experience level, perspective and judgment. Articulates the relevant factors that the court may consider in assessing the minor's experience level, perspective and judgment.

The Governor indicates in her veto letter that the basic evidentiary standards for judicial bypass of the parental consent are already set forth in case law and H.B. 2776 recasts these standards in statute, but also includes an additional requirement that the pregnant minor consult with a physician before seeking the judicial bypass. The Governor indicates that requiring consultation with a physician, as opposed to other medically trained personnel, would impose an unduly burdensome cost.