

# COMMITTEE ON JUDICIARY

Representative Adam Driggs, Chairman  
 Representative Cecil Ash, Vice-Chairman  
 Kristine Stoddard, Legislative Research Analyst



\* Strike-Everything Amendment  
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 [P 105] Proposition 105 Clause  
 [P 108] Proposition 108 Clause  
 [LIV] Line Item Veto

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**HB 2048 – Chapter 16 – local elections; signature requirements**

Allows cities that choose to hold nonpartisan elections to provide by ordinance that the minimum number of signatures required for a candidate for mayor be 1,000 signatures or 5% of the vote in the city, whichever is less, but not more than 10% of the vote in the city.

**HB 2315 – Chapter 82 – criminal sentencing**

Clarifies that the sentences for second degree murder and certain drug offenses are in *calendar* years and makes technical and conforming changes to Arizona's criminal sentencing statutes.

**HB 2344 – Chapter 119 – vulnerable adults; financial exploitation**

Changes the definition of *position of trust and confidence* as applied to incapacitated or vulnerable adults to include a person who is in a confidential relationship with the adult and specifies that the existence of such a relationship is an issue of fact.

**HB 2532 – Chapter 145 – prohibited possessors; persistently, acutely disabled**

Extends certain restrictions which apply to persons that are a *danger to self or others* to additionally apply to persons that are *persistently or acutely disabled*, and establishes a process by which such persons may request to have their right to possess a firearm restored.

**HB 2569 – Chapter 146 – smuggling; use of weapon; classification**

Specifies a Class 2 felony for human smuggling which involves the use of a deadly weapon or dangerous instrument.

**SB 1011 – Chapter 125 – \*sex offenders; probation; monitoring**

Requires registered level three sex offenders be placed on GPS or electronic monitoring if serving a term of probation and clarifies that probation fees are not subject to any surcharge. Establishes in session law a study committee to review the effectiveness of Arizona's current sex offender registration laws and the standards set forth in Title 1 of the Adam Walsh Child Protection and Safety Act of 2006.

**SB 1015 – Chapter 174 – dispersing unlawful assembly; peace officers**

Adds peace officers to the list of law enforcement members who may assist in dispersing unlawfully assembled persons.

**SB 1059 – Chapter 127 – organized retail theft**

Establishes the crime of organized retail theft and classifies it as a Class 4 felony.

**SB 1074 – Chapter 149 – \*amendments; election law**

Makes various changes to the elections statutes, including:

- Changes the primary election date to the 10<sup>th</sup> Tuesday before the general election, rather than the 9<sup>th</sup> Tuesday before the general election.
- Establishes that early ballot distribution must not begin more than 26 days before the election.
- Allows the county school superintendent to cancel an election for a community college board no earlier than 75 days before the election if one person or no persons files a nominating petition or nomination paper for a write-in candidate.
- Specifies that the hand count is not subject to live video requirements but allows the party representatives who are observing the hand count to bring their own video cameras in order to record the hand count.

- Prohibits the recording to interfere with the conduct of the hand count and allows the election officer to prohibit recording and allows the election officer to remove from the facility persons who are taking actions to disrupt the count.

**SB 1088 – Chapter 129 – domestic violence; dating relationships**

Expands the definition of domestic violence to include relationships that are currently or were previously, a romantic or sexual relationship.

**SB 1091 – Chapter 114 [P 105]– \*secretary of state; elections; filing**

Makes various changes to elections statutes, including:

- Stipulates that a person commits petition signature fraud if the person does either of the following with the intent to defraud:
  - Intentionally submits petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition; or
  - Uses any fraudulent means, method, trick and device or artifice to obtain signatures on a petition.
- Establishes petition signature fraud as a Class 1 misdemeanor, except that a person who engages or participates in a pattern of petition signature fraud is guilty of a Class 4 felony and must be prohibited from participating for five years in any election, initiative, referendum or recall campaign.
- Allows a nomination petition for the office of presidential elector to be circulated by a person who is not a resident of this state but who is otherwise eligible to register to vote in this state.
- Removes the ability of persons circulating petitions to print the first and last name, address and the date for the elector signing the petition at the time of signing.
- Removes contribution limit exemptions for an opponent of a candidate who contributes or promises personal monies to the candidate’s campaign.
- Removes the notice requirement and civil penalty for failure to notify if a candidate contributes or promises personal monies to the candidate’s campaign.
- Specifies the use of a candidate’s personal monies, or the use of personal monies by an individual who designates an exploratory committee, is not subject to contribution limitations.

**SB 1106 – Chapter 57 – domestic violence; child custody**

Modifies considerations for determining child custody when a parent is acting in good faith to protect a child from domestic violence and establishes the burden of proof necessary to overcome the presumption that domestic violence is contrary to the best interests of the child.

**SB 1113 – Chapter 175 – \*restaurants; handguns; posting**

Allows a person with a CCW permit to carry a concealed handgun on the premises of an on-sale liquor licensee.

**SB 1115 – Chapter 151 – animals; fighting**

Expands current statutes prohibiting dog fighting to include all animals, with the exception of animals trained to protect livestock from predators.

**SB 1123 – Chapter 176 – city elections; nonpartisan primaries; districts**

Prohibits cities and towns from holding partisan elections and specifies voter eligibility for candidates in districts, wards, precincts, or other geographic designations.

**SB 1243 – Chapter 183 – justification; defensive display of firearm**

Defines and creates statutory justification for the *defensive display of a firearm*.

**SB 1253 – Chapter 130 – felony murder; drive by shooting**

Adds drive by shooting to the list of specified felonies that are subject to the felony murder classification.

**SB 1254 – Chapter 155 [E] – anti-marital fact privilege; exception**

Allows a spouse to be examined as a witness against his or her spouse in certain circumstances.

**SB 1281 – Chapter 185 – \*violation; human trafficking**

Expands the crime of sex trafficking to apply to any prostitution or sexually-explicit performances.

**SB 1282 – Chapter 186 – \*smuggling; classification; defenses**

Classifies human smuggling as a Class 3 felony if the offense involves the use or threatened use of deadly physical force.

**SB 1449 – Chapter 190 – applicability; self-defense**

SB 1449 retroactively applies specified statutory changes relating to justification defenses to all cases in which the defendant did not plead guilty or no contest that were submitted to the fact finder as of April 24, 2006. The bill also states that its purpose is to clarify that the Legislature intended to apply Laws 2006, Chapter 199, retroactively to all cases in which the defendant did not plead guilty or no contest and that were pending at the time it was signed into law by the Governor on April 24, 2006, regardless of when the conduct underlying the charges occurred.

**SB 1459 – Chapter 132 – \*cold case register; victim report**

Mandates law enforcement agencies to establish and maintain a cold case register.