

# COMMITTEE ON JUDICIARY

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

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### **HB 2019 – Chapter 23 – sex offender registration; multiple residences**

Requires a sex offender who has more than one address to provide the location of any temporary residence and register as a transient at least every 90 days in the jurisdiction where they are physically present.

### **HB 2033 – Chapter 361 – \*public electronic posting; government bodies**

Makes numerous changes to the laws governing elections and electors, including the following:

- Modifies timeframes in which various petition and nomination forms must be filed with the required elections entities.
- Provides a website address at which prompt updates to information regarding write-in and withdrawn candidates is available.
- Allows voters to be assisted by someone who has worked for a candidate, campaign, political organization, or political party in that election, including precinct committeemen.
- Delineates the course of action that the SOS must take after receiving a petition for statewide recognition.
- Defines *political committee*, in the case of a candidate for public office, to include those that receive contributions or makes expenditures of more than \$250.
- Broadens the committees that must report contributions by committees acting on ballot measures to include those in support of or in opposition to a recall election. Specifies that a corporation, LLC, or labor organization that makes an independent expenditure for literature or an advertisement must notify the candidate within 24 hours. An expenditure made by a corporation, LLC, or labor organization that does not meet the definition of an independent expenditure is an in-kind contribution to the candidate.
- Removes statute pertaining to a person who delivers more than 10 early ballots to an election official.
- Specifies that the person who is appointed to fill the vacancy of specified federal and state offices must be of the same political party that the vacating officeholder was at the time of their election or appointment.
- Establishes criteria by which candidates are included in the PPE and modifies the rate at which the state must reimburse the counties for expenses relating to the PPE.
- Permits the court to award the county recorder reasonable expenses incurred in signature verification in any challenge where the county recorder or officer in charge of elections is required to conduct signature verification and is a party.
- Requires county and municipal campaign finance reporting information that is currently posted online to include the names of candidates who have filed an exemption statement pursuant to statute.
- Requires the SOS to develop electronic database systems for financial disclosures and lobbyist reporting required by statute.
- As session law, allows the SOS's Office to hire independent counsel until December 31, 2014.

### **HB 2034 – Chapter 89 – hookah use; minor; prohibition**

Expands the list of items that are prohibited from being sold or given to a minor, knowingly possessed by a minor, or bought by a minor to include any instrument or paraphernalia that is solely designed for smoking or ingesting tobacco or *shisha*. Classifies the violation as a petty offense with a fine of \$100 or 30 hours of community restitution.

**HB 2218 – Chapter 28 – department of juvenile corrections; continuation**

Continues the ADJC for 10 years until July 1, 2022.

**HB 2241 – Chapter 29 – statute of limitations; moving violation**

Increases the statute of limitation for a criminal offense arising from a serious physical injury caused by a moving violation from one to two years.

**HB 2282 – Chapter 204 – campaign finance; reporting; contributions**

Raises the monetary threshold necessary to report a contribution in a campaign finance report by an individual from \$25 to \$50.

**HB 2284 – Chapter 236 [E] – DUI; jury trial**

Requires the court to inform the defendant that they may request a trial by jury. If the request is made, it must be granted by the court. Excludes certain DUI offenders from requesting a jury trial if a trial has commenced, or the defendant pled guilty or no contest, between January 1, 2012 and the legislation's effective date. Applies retroactively from and after December 31, 2011.

**HB 2319 – Chapter 110 – notice; claim; private property rights**

Exempts claims made for just compensation pursuant to the Private Property Protection Act from the pre-suit requirements relating to actions against public entities.

**HB 2356 – Chapter 1 [E] – drugs; definition**

Expands the definition of *dangerous drugs* to include chemical compounds that compose bath salts and adds these compounds to Schedule IV of the Arizona Uniform Controlled Substances Act.

**HB 2371 – Chapter 160 – disposal of unclaimed property**

Reduces from 90 to 30 days the period within which reasonable efforts must be made to locate and notify the owner of unclaimed property that is available for release. Changes the custody of unclaimed property from a state, county, city, or town officer to an agency. Removes provisions that allow for the disposal of unclaimed properties to appropriate charities or museums as well as the provision that allows selling coins to a dealer or for fair market value. A record of all transactions must be maintained for at least 24 months. If the owner of found property is not known, the agency holding the property must publish or post a notice before the final disposal of the property.

**HB 2373 – Chapter 207 – sentencing; first, second degree murder**

Makes numerous changes to sentencing statutes related to the death penalty and life sentences. Increases the maximum sentence for persons convicted of second degree murder. Clarifies that a defendant sentenced to natural life is not eligible for commutation, parole, work furlough, work release, or release. Requires a sentence for death or imprisonment for natural life if the state is seeking the death penalty and the defendant is convicted of first degree murder for premeditated murder or the murder of a law enforcement officer. Requires a sentence for imprisonment for life or natural life if the state is seeking the death penalty and the defendant is convicted of first degree murder and was a minor at the time of the offense. Requires a sentence for death or imprisonment for life or natural life if the state is seeking the death penalty and a defendant is convicted of first degree murder for committing murder during the commission of specified felonies.

**HB 2374 – Chapter 52 – deferred prosecution program; conditions**

Allows a county attorney to divert or defer a prosecution for the following individuals: 1) a person who has a previous felony charge as long as they have not been convicted of a serious or dangerous offense, sexual offense, or a dangerous crime against children or 2) a person who has previously completed a special supervision program. Prohibits a county attorney from diverting or deferring a prosecution of a person who has been convicted three or more times of either personal possession of a controlled substance or drug paraphernalia.

**HB 2376 – Chapter 185 – court fees; payment method**

Allows fees to be paid by alternative methods and permits the court to impose a convenience fee.

**HB 2377 – Chapter 223 – \*incapacitated persons; definition; voting**

Amends the definition of *incapacitated person* to specify that a person under limited guardianship is not deemed incapacitated for voting purposes if the person files a petition and a judge determines by clear and convincing evidence that the person retains a sufficient understanding of the right to vote.

**HB 2382 – Chapter 96 – criminal offenses; sentencing**

Raises the monetary threshold in which the superior court has original and concurrent jurisdiction to fines that do not exceed \$2,500. Modifies the mitigated sentencing range for category one repetitive offenders who have committed Class 3 and 4 felonies.

**HB 2384 – Chapter 31 – burglary; trespass; commercial yard; definition**

Expands the definition of *fenced commercial yard* to include yards that are zoned for business.

**HB 2386 – Chapter 109 – asbestos related liability; successor corporations**

Limits the cumulative successor asbestos-related liability of a successor corporation to the fair market value of the total gross assets of the transferor at the time of merger or consolidation. Caps a successor corporation's responsibility for successor asbestos-related liabilities at this limitation.

**HB 2432 – Chapter 264 – \*special district petitions; multiple ownership**

Prescribes how the number of persons owning property inside the boundaries of a special district is determined for the purposes of validating petitions. Specifies that petition signers must be current on taxes and assessments at the time of petition review for the signature to be valid and states that in a community park maintenance district, a leaseholder of real property is not authorized to sign a formation or boundary change petition.

**HB 2503 – Chapter 333 – \*exemptions from punitive damages**

Exempts a manufacturer from exemplary and punitive damages if it complies with state, federal, or agency issued product standards. Nullifies the exemption if the manufacturer sold the product, activity, or service after the effective date of a final order of a government agency to remove the product from the market at any time before the activity or event at issue occurred.

**HB 2544 – Chapter 305 – recovery of attorney fees**

Deletes statute requiring the court to award reasonable attorney fees in any action that, by clear and convincing evidence, demonstrates the claim or defense constitutes harassment, is groundless and is not made in good faith. Removes *harassment* from the definition of *without substantial justification* and contains a delayed effective date of December 31, 2012.

**HB 2549 – Chapter 359 – electronic; digital devices; stalking; threatening**

Updates current statute to make unlawful any misuse of electronic or digital devices to terrify, intimidate, threaten, or harass in the course of the conduct of stalking.

**HB 2550 – Chapter 268 – victims’ rights; criminal offense; interviews**

Allows peace officers to refuse to give an interview as a victim if the act that would have made the officer a victim occurs while the peace officer is acting in the scope of the officer’s official duties. Expands the definition of *criminal offense* to include petty offenses, all misdemeanors, or violations of a local criminal ordinance.

**HB 2555 – Chapter 214 – sexually violent person; escape; sentence**

Increases the penalty of escape for escapees from the Arizona State Hospital to a Class 5 felony for commitments arising from sexually violent offenses.

**HB 2556 – Chapter 269 – criminal restitution order**

Effective March 31, 2013, requires the trial court to retain jurisdiction of cases for the purpose of ordering and enforcing the method in which court ordered payments are made. Allows the superior court to enter a criminal restitution order in favor of each person who is entitled to restitution for the unpaid balance of any restitution order. States that monies received as a result of a criminal restitution order must be distributed in the following priority: 1) restitution ordered that is reduced to a criminal restitution order 2) associated interest.

**HB 2558 – Chapter 102 – victim restitution; civil actions**

Allows a person to bring a civil action for damages in excess of the restitution order paid by the defendant.

**HB 2559 – Chapter 243 – victims’ rights; courtroom posting**

Requires the victims’ rights statement to be posted in each justice of the peace and municipal court and read out loud by the judge at the daily commencement of the regular criminal docket.

**HB 2560 – Chapter 163 – adult protective services; attorney fees**

Removes the ability for the court to order the payment of attorney fees that do not exceed the total amount of compensatory damages and any additional attorney fees in connection with the vulnerable abuse claims of action. Permits reasonable costs and attorney fees to be awarded in a civil action related to the financial exploitation of a vulnerable adult.

**HB 2612 – Chapter 125 [E] – \*political action committee; solicitation; clarification**

Expands the scope of individuals that a corporation may solicit political contributions from to include employees of the corporation’s subsidiaries, branches, divisions, and affiliates.

**HB 2625 – Chapter 337 – \*insurers; healthcare coverage; religious beliefs**

Allows a religiously affiliated employer to deny coverage for specified items or services related to contraception if doing so is contrary to its religious beliefs, with specified provisos. Specifies that employers are not authorized to obtain an employee’s protected health information and the provisions do not limit any protections against employment discrimination. Adds alternate criteria for meeting the definition of *religiously affiliated employer* to include any entity whose articles of incorporation clearly state that it is a religiously motivated organization and whose religious beliefs are central to the organization’s operating principles.

**HB 2676 – Chapter 339 – government entities; attorney fees**

Requires the court to award reasonable attorney fees to the successful party in any action filed against the state and other governmental entities, by a governmental entity, agency, or political subdivision.

**HB 2721 – Chapter 319 – office; child welfare investigations; DES**

Requires DES to create the Office of Child Welfare Investigations and gives the director responsibility for its direction, operation and control. Outlines the training requirements and duties of a child welfare investigator. Prohibits a child welfare investigator from interviewing a child without the written consent of the parent, guardian or custodian, unless the child initiates the contact with the investigator or the child is the subject of, the sibling of, or living with a child who is subject of abuse or abandonment. Asserts that, unless a dependency petition is filed, a child must not remain in temporary custody for more than 72 hours and requires the investigator to file a report of the removal within 72 hours. Specifies that during an investigation, if the investigator is made aware of another allegation of abuse or neglect that has been made in another state, the investigator must contact the appropriate agency to determine the outcome of that allegation. Requires an annual report on joint investigations and contains a delayed effective date of December 31, 2012.

**HB 2722 – Chapter 275 – elections; polling places; electioneering**

Permits electioneering materials to be displayed within the 75-foot limit. Prohibits an election official, a representative of a political party, or a challenger from electioneering and wearing, carrying, or displaying materials that identify or express support for or opposition to a candidate, a political party or organization, a ballot question, or any other political issue within the 75-foot limit.

**HB 2753 – Chapter 215 – notice; claim; public entity; employee**

Requires that genuine issues of material fact as to whether someone complied with the pre-suit requirements for claims against public agencies must be resolved before a trial on the merits.

**HB 2779 – Chapter 257 [P 105] – clean elections; trigger reports; repeal.**

Eliminates the requirement for nonparticipating candidates to file financial reports whenever their spending or contribution amounts are triggered by specified dollar amounts. Modifies the timeframe in which a preelection report must be filed and completed. Permits electronic signatures for \$5 qualifying contribution slips. Prohibits the Clean Elections Commission (Commission) from certifying a candidate as eligible for funding if the candidate has been removed from office by the Commission or is delinquent on a debt plan with the Commission unless the debt is paid in full or the candidate is current on a payment plan. Specifies that tax reductions and tax credits issued under law do not constitute costs under the Commission's costs caps. Permits, rather than requires, the Commission to spend up to 10% of the cost cap on public education and defines certain public education topics, with a certain exception. Prohibits the Commission from using monies to promote the benefits of the Act.

**HB 2807 – Chapter 131 – redistricting commission; open meeting law**

Expands the definition of *public body* as it relates to open meeting laws.

**HB 2826 – Chapter 353 – consolidated election dates; political subdivisions**

Establishes, beginning with elections held in 2014, that an election held for or on behalf of any political subdivision of this state, other than a special election to fill a vacancy or a recall election, may only be held on specified dates and only in even numbered years. Specifies that, beginning with elections held in 2014, non-candidate elections, elections held for or on behalf of

any political subdivision of this state, including a special election to fill a vacancy or a recall election, must be held on specified consolidated election dates. Defines *political subdivision* as any governmental entity operating under the authority of this state and governed by an elected body, but not a special tax district.

**SB 1048 – Chapter 61 [E] – \*elections; candidates**

Requires the SOS to accept as a valid filing, the petition and paper of a person that designates a legislative or congressional district for candidacy 1) as used in the 2010 elections; 2) as adopted by the 2011 AIRC; or 3) as designated in a redistricting plan that is precleared for use by DOJ or that is ordered by a court of competent jurisdiction. Requires the SOS to accept as valid nominating petitions the signatures signed by registered voters who are residents of any or all of the aforementioned districts.

**SB 1100 – Chapter 280 – adoption; visitation pending final decree**

Provides prospective adoptive parents, during the probationary period or any extension, the right to refuse visitation between the child and a birth parent if that parent's rights have been terminated, pending appeal, unless the juvenile court orders visitation; the right, on request, to be notified of and to participate in all meetings in which the division is making decisions relating to the child in the prospective adoptive home; and the right, on request, to notification of an appeal of the termination of the birth parent's parental rights.

**SB 1137 – Chapter 289 [E] – \*candidate; eligibility; fines; penalties**

Prohibits a filing officer, except in cases where the liability is being appealed, from accepting nomination papers from someone who is liable for an aggregation of \$1,000 or more in fines, penalties, late fees, or administrative or civil judgments arising from a violation of campaign finance laws.

**SB 1138 – Chapter 290 [E/P 105] – clean elections; trigger reports; repeal**

Eliminates the requirement that nonparticipating candidates report expenditures and contributions and file supplemental reports whenever their spending or contribution amounts are triggered by specified dollar amounts.

**SB 1142 – Chapter 179 – jurors; Arizona lengthy trial fund**

Modifies the days in which a juror who serves more than five days begins to be compensated from the Arizona Lengthy Trial Fund from the fourth to the first day.

**SB 1146 – Chapter 189 – indecent exposure; classification**

Classifies, as a Class 6 felony, indecent exposure violations by repeat offenders that have two or more prior convictions for indecent exposure or have one or more prior convictions for sexual assault. Adds a Class 3 felony, along with the term of imprisonment currently outlined in statute, for an indecent exposure violation where the person has two or more violations for indecent exposure or public sexual indecency involving a minor less than 15 years of age.

**SB 1147 – Chapter 16 – sexually violent persons; definition**

Expands the definition of *sexually violent offense* to include an attempt, solicitation, facilitation, or conspiracy to commit a sexually violent offense in another jurisdiction.

**SB 1149 – Chapter 231 – trafficking; weapons or explosives; offense**

Classifies trafficking weapons or explosives for financial gain in order to assist, promote, or further the interests of a criminal street gang, a criminal syndicate, or a racketeering enterprise as a Class 3 felony.

**SB 1150 – Chapter 83 – \*offense; theft by extortion**

Adds the threat to cause death or serious physical injury to anyone to the theft by extortion statutory classification and designates it as a Class 2 felony.

**SB 1151 – Chapter 190 – sentencing; out-of-state convictions**

Expands the definition of *historical prior felony conviction* regarding out of state felony convictions to include: 1) any offense committed outside the jurisdiction of this state that was punishable as a felony in that jurisdiction and was committed within five years of the present offense and 2) any offense committed outside the jurisdiction of this state that was punishable as a felony in that jurisdiction that involved the use of a deadly weapon or dangerous instrument, or resulted in death or serious bodily injury, related to felony weapons possession outside the jurisdiction of this state. Excludes any time spent on absconder status while on probation, on escape status, or incarcerated from calculating the look back time frame. Exempts a person who was convicted of a felony weapons possession violation in another jurisdiction outside of this state that would not be punishable as a felony under the laws of this state.

**SB 1152 – Chapter 180 – homeless court; establishment; jurisdiction.**

Permits the presiding judge of the superior court in each county to establish a homeless court to adjudicate cases filed in a justice of the peace court or a municipal court in the county as well as the eligibility criteria for a referral.

**SB 1193 – Chapter 322 – proposed rules; acceptable data**

Requires that in order to commence a review of a final administrative decision, a party must file a notice of appeal rather than a complaint, and requires that it identify the final administrative decision sought to be reviewed and include a statement of issues presented for review. Modifies the court fee schedule to reflect the new filing requirements. Expands the regulatory bill of rights to include specified rights. Allows a person, before submitting an application for a license, to request from the issuing agency a clarification of a statute, rule, delegation agreement, or substantive policy statement affecting the person's preparation of the license application, and, with the exception of AZPOST, delineates what the agency must do upon receipt of a request for clarification. Defines *acceptable data* and provides a delayed effective date of June 30, 2013 for specified sections of the bill.

**SB 1198 – Chapter 145 – town elections; signature requirements**

Modifies the number of signatures required on a nomination petition for an office of representative in Congress, except for a candidate for a special election to fill a vacancy, to at least 1% of the total voter registration of the party designated in the district. Permits a town that chooses to hold nonpartisan elections to require that the minimum number of signatures be 1,000 or 5% of the vote in the town, whichever is less, but not more than 10% of the vote in the town. Allows a city that holds nonpartisan elections to require 250 signatures, or 5% of the vote, for candidate nomination petition.

**SB 1210 – Chapter 84 – right of intervention; initiative; referendum**

Confers specified individuals an unconditional right to intervene in any proceeding in which the constitutionality, legality, or application of a law which was enacted is at issue. Asserts that the only objection that may be raised to a motion to intervene as of right is that the proposed intervenor does not have a good faith intention to defend to the law. A party who intervenes to defend a law is not liable for attorney fees or costs.

**SB 1225 – Chapter 44 – superior court clerk; arbitration; records**

Modifies the manner in which an appellant's deposit for appeal is disposed of or refunded. Prohibits law enforcement agencies and courts from providing access to specific records relating to the arrest or indictment of a person who has been cleared, except on court order.

**SB 1230 – Chapter 148 – ballot appearance; general election; write-ins**

Requires a candidate who appeared on the primary election ballot as a write-in candidate to comply with the provisions contained in the section of law governing the filing of nomination papers for write-in candidates.

**SB 1246 – Chapter 193 – \*child support; factors; supreme court**

Modifies the standard of living factor to require the Supreme Court to consider the standard of living the child would have enjoyed if the child lived in an intact home with both parents to the extent it is economically feasible considering the resources of each parent and each parent's need to maintain a home and to provide support for the child when the child is with them.

**SB 1359 – Chapter 284 – civil liability; wrongful life; birth**

Establishes that, except for an intentional or grossly negligent act or omission, a person is not liable for damages in any civil action on a claim that, but for an act or omission of the defendant, a child or claimant would not or should not have been born.

**SB 1410 – Chapter 154 – limited liability; trespassers**

Codifies the common law with respect to a landowner's duty of care to trespassers by abolishing a landowner's duty of care to trespassers except in cases of intentional, willful, or wanton injury, with specified exceptions.