

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

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

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HB 2020 – Chapter 111 – honor and remember flag; half-staff

Requires the Honor and Remember flag to be displayed below the POW/MIA flag at the state capitol, the county superior court, and a city or town hall on days when the US flag is flown at half-staff due to the death of a member of the armed forces.

HB 2071 – Chapter 265 – *resisting arrest; classification

Establishes engaging in passive resistance to prevent an arrest as a Class 1 misdemeanor. *Passive resistance* is a nonviolent physical act or failure to act that is intended to impede, hinder, or delay the effecting of an arrest.

HB 2130 – Chapter 25 – disease testing; public safety employees

Authorizes a public safety employee, volunteer, or an employing agency to petition the court to have a person tested for specified diseases if there is probable cause to believe that the person bit, scratched, spat, or transferred blood or other bodily fluid to the employee or volunteer performing an official duty.

HB 2165 – Chapter 157 – *veterans; employment preference

States that a veteran who qualifies, or would qualify but for age, for federal retirement pay for non-regular military service is eligible to apply for and receive employment regardless of age under a state or political subdivision merit based employment system. Such a veteran who takes an exam for employment by a political subdivision of Arizona under a merit based employment system, and who earns a passing grade, must be given five points of preference over persons who are not veterans.

HB 2184 – Chapter 158 – *fire district; alternative tax rate

Allows a fire district to adopt a budget and the county BOS to levy a tax not to exceed \$3.75 per \$100 of assessed valuation in specific circumstances through December 31, 2014. Provides formulas for calculating the amount of the tax levy raised and the maximum tax rate. Requires the fire district to certify certain employee salary and expenditure information to the county BOS and the Property Tax Oversight Commission. Prohibits a fire district that utilizes the alternative tax rate from calling for an override election.

HB 2215 – Chapter 201 – probation officers; witness; representation

Provides witness probation officers with the right to representation during an investigative interview that could lead to the disciplinary action of another probation officer and subjects the probation officer and the representative to specific requirements.

HB 2428 – Chapter 241 – veteran benefits; reservists

- Requires ADOT to issue non-operating identification cards and driver licenses with a veteran designation upon the request of an applicant who submits proof of veteran status.
- Excludes government employees serving in the auxiliary forces of the US Military from receiving a leave of absence without loss of time or pay for certain federal training.
- Modifies the eligibility criteria for the Military Family Relief Fund.

HB 2429 – Chapter 315 – department of public safety; continuation

Continues DPS for 10 years until July 1, 2022.

HB 2430 – Chapter 267 – private investigators; security guards; licensing

Prohibits registered sex offenders from qualifying for a private investigator or security guard agency license or registration certificate. Persons who have completed the terms of their sentence for a misdemeanor offense may be granted a good cause exception by the Private Investigator and Security Guard Hearing Board.

HB 2442 – Chapter 208 – prisoners; payment for drug testing

Authorizes the supervising agency to order persons on parole, community supervision, or home arrest to pay for the reasonable costs associated with participation in a drug testing program. Drug testing fees must be used to offset the drug testing program costs and must not exceed the costs of the drug testing program.

HB 2462 – Chapter 73 – animals; seizure; hearing; forfeiture

Establishes procedures relating to the seizure of animals that are cruelly mistreated or cruelly neglected. A peace officer, county enforcement agent, or animal control officer who lawfully seizes an animal for animal cruelty must follow specific notification requirements. A hearing process is provided for owners who submit a declaration of ownership and request a post seizure hearing. Provides exemptions for agricultural activities, equine seizures, and cities, towns, or counties with equal or more stringent requirements. An animal determined not to be vicious may be returned to the owner, or if forfeited by the owner, transferred to a county animal shelter or approved rescue agency.

HB 2476 – Chapter 54 – fire, building; life safety; continuation

Continues DFBLS for two years until July 1, 2014.

HB 2498 – Chapter 6 [E] – girl scouts; state holiday

Designates March 12 of every year as Girl Scouts of the United States of America Day.

HB 2605 – Chapter 74 – law enforcement dogs; biting

Exempts law enforcement dogs from statutory protocols regarding dog bites as long as the bite occurred while the dog was under proper law enforcement supervision and the care of a licensed veterinarian. A law enforcement agency must notify a county enforcement agent after a bite if the dog behaves abnormally and make the dog available for examination.

HB 2639 – Chapter 272 – game and fish omnibus act.

- Allows the G&F Commission to sell certain goods and services to the public. Monies from the sale of goods and services at G&F Commission owned shooting ranges go into the Firearms Safety and Ranges Fund (Fund); the purposes for which monies in this Fund may be used are also expanded. Monies from the sale of goods and services at other G&F Commission owned locations go into the G&F Fund.
- The G&F Commission may solicit and accept grants, gifts, or donations for any game and fish purpose.
- Exempts certain G&F Department geospatial data and wildlife species location information from state disclosure and inspection requirements.
- Classifies the actions of purchasing, accepting, or using a license, permit, tag, or stamp by fraud or misrepresentation as a Class 2 misdemeanor.
- Permits the sale of heads, horns, hides, feet, or skin of lawfully taken bighorn sheep.
- Authorizes vehicles driven by G&F Department enforcement officers to operate without light equipment if conducting a night poaching investigation.

HB 2674 – Chapter 338 – central state repository; nonprofit organizations

Allows the director of DPS to exchange information from the central state repository or the Arizona criminal justice information system with nonprofit organizations that interact with children or vulnerable adults to evaluate employees, contractors, and volunteers. Requires the nonprofit organization to provide a fingerprint card and pay a fee.

HB 2723 – Chapter 276 – law enforcement officer; discipline; information

Modifies disclosure requirements for law enforcement officer disciplinary action appeal hearings by requiring all parties to provide certain information no later than 10 business days before the hearing. States that failure to comply with the specified requirements will result in the exclusion of the witness, evidence, or testimony, unless it is a result of excusable neglect.

HB 2728 – Chapter 128 – firearms; sound suppressors; hunting

Allows a person to lawfully possess any firearm silencing, muffling, or minimizing device while hunting. The G&F Commission is prohibited from adopting or enforcing any rule that prevents the lawful possession or use of a firearm silencer or muffler, including for the taking or hunting of wildlife. A *firearm silencer* or *muffler* means any device that is designed, made, or adapted to muffle the report of a firearm.

SB 1037 – Chapter 354 – juvenile corrections; education

Requires ADJC to assign each committed youth to an appropriate educational program in a secure care facility or other placement based on their individual treatment plan. The director of ADJC must designate and assign each youth on conditional liberty to an educational program; the assignment may be to a specific public or private educational program if it is in the best interests of the youth and the community.

SB 1038 – Chapter 81 – juvenile corrections department; fingerprinting exception

Authorizes the director of ADJC to allow paid or unpaid employees of a licensee or contract provider to have direct contact with committed youth upon a determination that the person has been successfully rehabilitated after a conviction of certain drug or DUI offenses. Allows the director of ADJC to consider listed factors and require disclosure of certain evidence when making the determination.

SB 1039 – Chapter 134 – department of corrections; continuation

Continues ADC for 10 years until July 1, 2022.

SB 1058 – Chapter 13 – department of veterans' services; continuation

Continues DVS for 10 years until July 1, 2022. The COR must hold a public hearing on or before December 31, 2013 to review DVS's implementation of the sunset review recommendations.

SB 1104 – Chapter 247 – appropriation; border security advisory committee

Appropriates monies from the Border Security Trust Fund to the Joint Border Security Advisory Committee (JBSAC) in FYs 2011-12 and 2012-13 for administering and managing the construction and maintenance of the border fence. Clarifies that Arizona may develop its own funding mechanism and use correctional inmates as well as private contractors to construct and maintain the border fence without entering into a compact with other states. JBSAC members are also prohibited from receiving reimbursement of expenses for JBSAC activities.

SB 1126 – Chapter 5 [E] – World War II memorial.

Authorizes ADOA to provide for the placement of a memorial in Wesley Bolin Plaza that is dedicated to the memory of the commencement of WWII at Pearl Harbor on December 7, 1941 and the signing of the surrender by Japan on September 2, 1945. The SOS is allowed to solicit and accept contributions to pay for the memorial and is required to enter into an interagency service agreement with ADOA for the maintenance, repair, recondition, or relocation of the memorial instead of depositing monies into the State Monument and Memorial Repair Fund.

SB 1186 – Chapter 355 – law enforcement officers; omnibus

- Allows an employer to order a law enforcement officer to submit to a physical fitness for duty examination under certain circumstances. Provides requirements for the order and for the final report of the examination. Preexamination materials are not prohibited from being used in disciplinary action proceedings.
- Authorizes a public safety employee, volunteer, or employing agency to petition the court to have a person tested for specified diseases if the person is arrested, charged, or in custody and the employee or volunteer provides an affidavit that the person interfered with their official duties by biting, scratching, spitting, or transferring blood or other bodily fluids on or through their skin or membranes.
- Allows reserve peace officers who are accident deconstructionists or fire origin and cause investigators to be licensed as private investigators.
- Specifies when certain cities, towns, and counties must enter into interagency agreements to provide an alternate hearing officer for disciplinary action appeals.
- Allows an officer to bring action in superior court for a hearing *de novo* regarding their termination if the civil service board or merit commission finding states there was no just cause for the termination.
- Defines *independent medical examination*, *law enforcement officer*, and *preexamination materials* and modifies the definition of *peace officers* to include AZPOST certified special agents from the AG's office or a county attorney's office.

SB 1197 – Chapter 144 – law enforcement; overtime compensation

Authorizes a person engaged in law enforcement activities to work more than 40 hours per work week without overtime compensation if in agreement with the employer. If a person with an alternate work period agreement takes a new position with the employer, the person may terminate the existing agreement.

SB 1212 – Chapter 356 – law enforcement officers; just cause

Applies the just cause appeals process for law enforcement officer terminations to demotions. Procedures allowing an officer to bring certain actions in superior court are provided for officers demoted due to the employer reversing a decision stating there was not just cause for the demotion or who are demoted without any review. Remedies are provided if the court finds that just cause did not exist for the demotion.

SB 1213 – Chapter 65 [E] – transition program; qualifications

Excludes an inmate convicted of a domestic violence offense from participating in the ADC transition program.

SB 1241 – Chapter 173 – forfeiture of weapons and explosives

Requires the court to order the sale of a firearm to a business authorized to receive and dispose of firearms under federal and state law for public resale. Law enforcement agencies may trade a retained firearm to a federal firearms licensed business for certain materials to be used for law enforcement purposes. The court must order the sale to an authorized business within one year after forfeiture. Local jurisdictions are prohibited from establishing laws pertaining to the sale of forfeited deadly weapons, dangerous instruments, or explosives.

SB 1291 – Chapter 151 – veterans' donations fund; grants

Removes the ability for the director of DVS to use discretion in determining how Veterans' Donations Fund monies are used. Donations may be used as grants to benefit Arizona veterans subject to statutory grant solicitation and award requirements or, for grants less than \$5,000, rules or policies adopted by DVS that encourage competition.

SB 1293 – Chapter 22 – veterans' organizations; solicitations

Removes DVS's approval authority of veterans' organizations that solicit money or other support in Arizona in the name of American veterans; such organizations must register with the SOS.

SB 1296 – Chapter 194 – emergency management; relief; rules exemption

Exempts the administration of Public Assistance Program monies authorized for liabilities incurred from declared disasters from the APA.

SB 1369 – Chapter 153 – crime victim advocates; privileged communications

Prohibits a crime victim advocate from disclosing any communication or documentation made by or with the victim, including when others are present, unless the victim provides written consent. A victim may provide written or verbal consent to allow disclosure of any communication to a prosecutor or law enforcement agency. If the communication contains exculpatory information, the prosecutor or law enforcement agent must disclose it to the accused's attorney.

SB 1405 – Chapter 293 – students; residency; military service

Clarifies that honorably discharged veterans of the US Armed Forces who served on or retired from active duty or reserve or National Guard status are immediately classified as in-state students for tuition purposes, if other requirements are met.

SB 1438 – Chapter 327 – drug lab remediation; investigators

Establishes notification guidelines relating to the remediation of property used for clandestine drug laboratories. Certain felony classifications are provided for violating notification guidelines as well as improperly occupying or entering contaminated property. Guidelines are also provided for BTR relating to the remediation of contaminated property and a \$15 assessment is added to drug offenses for deposit into the Technical Registration Fund for use by BTR for investigation and enforcement action expenses or by a county, city, or town for remediation purposes.