

Judiciary Committee

Senator Ron Gould, Chairman



Garth Kamp, Research Analyst

Cherie Stone, Assistant Analyst

Hannah Meyer, Intern

JUDICIARY COMMITTEE

LEGISLATION ENACTED

school tuition organizations; credits; administration (NOW: elections; candidates) (S.B. 1048) – Chapter 61 E

SEE THE FINANCE COMMITTEE.

entertainment districts; liquor; location restrictions (NOW: private attorney retention; contingency fees) (S.B. 1132) – Chapter 138 E

SEE THE COMMERCE AND ENERGY COMMITTEE.

committed youths; technical correction (NOW: candidate; eligibility; fines; penalties) (S.B. 1137) – Chapter 289 E

An emergency measure, effective May 7, 2012, that prohibits a filing officer from accepting the nomination paper of a candidate who has failed to fully pay certain fines, penalties or judgments related to violations of the campaign contributions and expenses statutes, except in cases where the liability is being appealed.

clean elections; trigger reports; repeal (S.B. 1138) – Chapter 290 E RFEIR

An emergency measure, effective May 7, 2012, that eliminates matching fund reporting requirements for nonparticipating candidates under the Clean Elections Act and modifies certain pre-election report filing timeframes. Portions of the bill concerning limits on spending and contributions for political campaigns, limits on early contributions and the manner of filing reports are subject to the requirements for enactment for initiative and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature.

indecent exposure; classification (S.B. 1146) – Chapter 189

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. Classifies, as a class 3 felony, an indecent exposure violation where the person has two or more convictions for indecent exposure or public sexual indecency involving a minor under 15 years old.

sexually violent persons; definition (S.B. 1147) – Chapter 16

Includes an attempt, solicitation, facilitation or conspiracy to commit a sexually violent offense in another jurisdiction in the statutory definition of a sexually violent offense in this state.

trafficking; weapons or explosives; offense (S.B. 1149) – Chapter 231

Classifies, as a class 3 felony, trafficking in 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.

theft by extortion; offense (NOW: offense; theft by extortion) (S.B. 1150) – Chapter 83

Classifies, as a class 2 felony, theft by extortion by knowingly obtaining or seeking to obtain property or services by means of a threat to cause death or serious physical injury to anyone.

sentencing; out-of-state convictions (S.B. 1151) – Chapter 190

Specifies that persons convicted in a court outside of this state of an offense punishable as a felony by that jurisdiction are subject to the provisions of the Arizona repetitive and dangerous offenders sentencing statutes.

homeless court; establishment; jurisdiction. (S.B. 1152) – Chapter 180

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 or municipal court. Requires the presiding judge of the superior court to establish eligibility criteria and specifies notice requirements regarding case referral. Details court jurisdiction and judicial officer authority to adjudicate cases.

town elections; signature requirements (S.B. 1198) – Chapter 145

Increases the number of signatures required on nomination petitions for congressional candidates, unless the candidacy is for a special election to fill a vacancy. Permits a city or town that holds a nonpartisan election to specify by ordinance certain minimum candidate petition signature requirements.

right of intervention; initiative; referendum (S.B. 1210) – Chapter 84

Establishes intervenor standing for certain persons who wish to defend the constitutionality, legality or application of a law enacted through an initiative or referendum. Details objection requirements that may be raised to a motion to intervene, and states that an intervenor is not liable for the fees or costs of a party who is challenging the law.

transition program; qualifications (S.B. 1213) – Chapter 65 E

An emergency measure, effective March 21, 2012, that prohibits an inmate convicted of a domestic violence offense from participating in the Department of Corrections transition program.

superior court clerk; arbitration; records (S.B. 1225) – Chapter 44

Directs the court to refund an arbitration appeal deposit on motion of an appellant within 30 days after a trial *de novo* judgment if certain requirements are met. Requires the court, on its own motion or on motion of the appellee, within 30 days after the trial *de novo* judgment to order the arbitration appeal deposit be used to pay certain costs and fees in specified circumstances. Requires the court clerk to transfer an arbitration appeal deposit to the county General Fund if the court does not provide an order for the disposition of the deposit within 90 days after the trial, and requires the court clerk to refund any deposit balance to the appellant.

Limits access to court, police and other agency records relating to a person who is wrongfully arrested, indicted or charged with a crime and subsequently cleared.

ballot appearance; general election; write-ins (S.B. 1230) – Chapter 148

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

forfeiture of weapons and explosives (S.B. 1241) – Chapter 173

Requires the court to order the sale of a forfeited deadly weapon, dangerous instrument or explosive within one year after its forfeiture, and specifies that only federal and state law is applicable to the sale of forfeited weapons. Includes in the sale of property statute a requirement that a court order a firearm sold to an authorized business for public resale, unless the sale is prohibited under federal and state law.

Permits a law enforcement agency to trade a retained firearm to a federal firearm licensed business for ammunition, weapons, equipment or other materials used for law enforcement purposes.

civil liability; wrongful life; birth (S.B. 1359) – Chapter 284

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

limited liability; trespassers (S.B. 1410) – Chapter 154

Declares that a real property possessor does not owe a duty of care to a trespasser, except to refrain from causing intentional, willful or wanton injury. States that the legislation does not establish or increase real property possessor liability and does not affect any immunities from, or defenses to, liability established by statute or available at common law.

criminal justice; budget reconciliation; 2012-2013. (S.B. 1531/H.B.2860) – Chapter 302

SEE THE APPROPRIATIONS COMMITTEE.

sex offender registration; multiple residences (H.B. 2019) – Chapter 23

Specifies sex offender registration requirements for a sex offender who has more than one residence.

appropriation; secretary of state (NOW: public electronic posting; government bodies) (H.B. 2033) – Chapter 361

SEE THE APPROPRIATIONS COMMITTEE.

home inspector liability; time limit (H.B. 2076) – Chapter 68

SEE THE COMMERCE AND ENERGY COMMITTEE.

statute of limitations; moving violation (H.B. 2241) – Chapter 29

Increases the statute of limitations from one year to two years for prosecutions for certain moving violation offenses that result in an accident that causes serious physical injury or death to another person.

hookah use; minors; prohibition (H.B. 2034) – Chapter 89

Prohibits hookah use by minors and establishes penalties and fines related to the prohibitions, with certain exemptions for religious use and gift or souvenir possession.

private attorney retention; contingency fees (NOW: abortion; procedures; informed consent; requirements) (H.B. 2036) – Chapter 250

Adds and modifies certain statutes regarding the regulation of abortion and abortion clinics.

Abortion Clinics – Requires the Director (Director) of the Department of Health Services (DHS) to adopt rules related to abortion clinics that require the following: a) for a surgical abortion or medication abortion, an available physician who has certain hospital admitting privileges; b) ultrasound equipment in all clinics and an ultrasound evaluation for all patients; and c) any medication, drug or substance used to induce an abortion be administered in compliance with the protocol authorized by the U.S. Food and Drug Administration. Instructs the Director to adopt certain rules prescribing required minimum standards for clinics relating to recovery rooms, follow up visits, incident reporting and enforcement.

Parental Consent – Requires parental consent to be obtained on a form prescribed by DHS and details form requirements. Subjects a person who performs an abortion on an un-emancipated minor or a person who causes, aids or assists a minor to obtain an abortion without obtaining parental or judicial consent to a civil action.

Informed Consent: Website; Ultrasound Requirements; Fetal Condition – Provides a timeframe for DHS to establish a website that includes specified materials and requires annual updates. Details informed consent requirements related to the website. Specifies certain clinic sign posting requirements and content, and prohibits a person from requiring a woman to obtain an abortion as a provision in a contract or condition of employment.

Requires the performing physician, the referring physician or a qualified person working in conjunction with either physician, to perform and meet certain specified ultrasound imaging requirements at least 24 hours before any part of an abortion is performed or induced, including the administration of any anesthesia or medication.

Details informed consent timeframes and requirements for abortions sought based upon lethal and nonlethal fetal conditions. States that a physician who knowingly fails to obtain informed consent related to fetal condition commits an act of unprofessional conduct and is subject to license suspension or revocation.

Gestational Age – Prohibits a person from knowingly performing, inducing or attempting to perform or induce an abortion if the probable gestational age has been determined to be at least 20 weeks, except in the case of a medical emergency. Requires the physician to make inquiries and perform medical examinations, imaging studies and tests that a reasonably prudent physician in the community would consider necessary in determining gestational age. Classifies, as a class 1 misdemeanor, knowingly violating gestational age related provisions and specifies a physician who knowingly violates gestational age determination requirements commits an act of unprofessional conduct and is subject to license suspension or revocation. States a woman on whom an abortion is performed or induced in violation of gestation age determination requirements may not be subject to prosecution for a violation or for conspiracy to commit a violation.

Miscellaneous – Permits DHS to assess a civil penalty, impose an intermediate sanction, suspend, revoke or deny a license, or bring an action for an injunction if a licensed abortion clinic, facility or organization willfully violates the abortion reporting requirements. Permits certain individuals to file a civil action to obtain specified relief in the instance certain informed consent requirements are not met or an abortion is performed in violation of the gestational age determination requirements and details court venue, statute of limitations and basis of claims.

disease testing; public safety employees (H.B. 2130) – Chapter 25

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

campaign finance; reporting; contributions (H.B. 2282) – Chapter 204

Increases the threshold amount an individual may make as a contribution before being identified in a campaign finance report from \$25 to \$50.

DUI; jury trial (H.B. 2284) – Chapter 236 E

An emergency measure, effective April 11, 2012 and retroactive to January 1, 2012, that permits a defendant to request a jury trial for a first-time, non-extreme DUI offense. Exempts cases where a trial has commenced, or the defendant pled guilty or no contest, between the retroactive date and effective date of the act.

notice; claim; private property rights (H.B. 2319) – Chapter 110

Exempts claims against a public entity for just compensation under the Private Property Rights Protection Act from certain pre-litigation notice of claim requirements.

disposal of unclaimed property (H.B. 2371) – Chapter 160

Decreases the timeframe in which an agency is required to make reasonable efforts to locate and notify an unclaimed property owner before the property may be turned over to the finder of the property. Permits an agency to dispose of unclaimed property after 30 days. Requires an agency holding found property valued at more than \$150 to publish a notice before final property disposal. Eliminates the requirement that the notice be published in a newspaper.

sentencing; first, second degree murder (H.B. 2373) – Chapter 207

Eliminates the possibility of release from confinement for persons convicted of premeditated first degree murder or first degree murder that causes the death of a law enforcement officer. Sentences a person convicted of first degree murder who causes the death of another while committing or attempting to commit, or in furtherance of, or in flight from certain felony offenses to death or imprisonment for life or natural life. Sentences a person convicted of first degree murder who was under 18 years old at the time of the commission of the offense to life or natural life. Details the court's role in certain first degree murder sentencing. Permits the state to present certain evidence related to the defendant at the penalty phase regardless of whether the defendant presents mitigating evidence. Increases certain maximum sentences for second degree murder.

deferred prosecution program; conditions (H.B. 2374) – Chapter 52

Prohibits a county attorney from diverting or deferring the prosecution of a person who has been previously convicted of certain dangerous or sexual offenses or a person who has been convicted three or more times of certain drug related offenses.

court fees; payment method (H.B. 2376) – Chapter 185

Permits the payment of court fees by alternative methods, including credit and debit cards and electronic funds transfers. Permits the court to impose a convenience fee when accepting alternative payment methods.

~~garnishment; failure to comply~~ (NOW: incapacitated person; definition; voting) (H.B. 2377) – Chapter 223

Permits an incapacitated person under limited guardianship to exercise the right to vote if specific judicial criteria are met.

criminal offenses; sentencing (H.B. 2382) – Chapter 96

Modifies sentencing ranges for certain repetitive offenders who subsequently commit class 2, 3 or 4 felonies, and permits the court to impose a mitigated or aggravated sentence on certain repetitive offenders.

Renumbers statutes related to offenses involving criminal street gangs and sentencing provisions related to human smuggling organizations. Transfers statute regarding assessments for dangerous crimes against children from the Criminal Code to the Courts and Civil Proceedings code.

Increases the superior court jurisdictional limit for misdemeanor fines.

burglary; trespass; commercial yard; definition (H.B. 2384) – Chapter 31

Redefines a fenced commercial yard regarding criminal trespass and burglary as a unit of real property that is zoned, rather than used primarily, for business operations.

asbestos related liability; successor corporations (H.B. 2386) – Chapter 109

Limits asbestos related liability for certain successor corporations. Specifies that the cumulative asbestos related liabilities are limited to the fair market value of the total gross assets of the transferor determined at the time of the merger or consolidation. Details guidelines for establishing the fair market value of total gross assets and specifies the formula for adjustment of the fair market value of total gross assets regarding determination of liability.

home detention programs (H.B. 2390) – Chapter 97

Eliminates the requirement that prisoners selected for the home detention program be employed. Permits, rather than requires, the following: 1) a city or town implementing a prisoner work, community restitution work or home detention program, to appoint a community restitution work committee; 2) a court to terminate a prisoner's participation in the home detention or

continuous alcohol monitoring program under certain circumstances; and 3) a court to order a prisoner placed on electronic monitoring to pay the electronic monitoring fee.

theft of metal; sentencing (H.B. 2396) – Chapter 53

SEE THE COMMERCE AND ENERGY COMMITTEE.

liquefied petroleum gas; emergency aid (H.B. 2446) – Chapter 121

Exempts a person who has knowledge and training related to liquefied petroleum gas from civil liability for damages that occur as a result of rendering emergency aid in a situation that involves liquefied petroleum gas if the person was conscripted at the scene as a volunteer. The exemption does not apply to vicarious liability or to a person who causes the emergency situation or whose willful, wanton or grossly negligent act or omission in response to the situation causes damage.

supreme court; audit; hearing (H.B. 2449) – Chapter 209

Requires the Senate and House of Representatives Judiciary Committees to hold a joint hearing on the performance audit of the Administrative Office of the Courts that is conducted by the Auditor General.

~~possession of weapons while hunting~~ (NOW: hunting; possession of unauthorized weapons) (H.B. 2457) – Chapter 225

Permits the possession of certain legal weapons that are not authorized to take wildlife if the weapon is not used to take wildlife while hunting. Classifies, as a class 1 misdemeanor, taking wildlife with an unauthorized weapon.

recovery of attorney fees (H.B. 2544) – Chapter 305

Beginning January 1, 2013, eliminates the requirement that a court award reasonable attorney fees in a contested action upon clear and convincing evidence that the claim or defense constitutes harassment, is groundless and is not made in good faith.

electronic; digital devices; stalking; threatening (H.B. 2549) – Chapter 359

Classifies the unlawful use of an electronic communication to terrify, intimidate, threaten or harass a specific person or persons, as a class 1 misdemeanor. Exempts constitutionally protected speech or activity, or any other activity authorized by law.

Expands the definition of *course of conduct* to include the use of any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more, or on two or more occasions over a period of time, however short, without authorization. Exempts activity authorized by law, the other person or their representative, or if the other person is a minor, the minor's parent or guardian.

victims' rights; criminal offense; interviews (H.B. 2550) – Chapter 268

Specifies that a peace officer may not be compelled to submit to an interview on certain matters and, as such, has a victim's right to refuse an interview.

sexually violent person; escape; sentence (H.B. 2555) – Chapter 214

Increases the criminal penalty classification from a class 2 misdemeanor to a class 5 felony for second degree escape when the escapee is a sexually violent person committed to the Arizona State Hospital for treatment.

criminal restitution order (H.B. 2556) – Chapter 269

Beginning April 1, 2013, permits the superior court to enter a criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any order at the time the defendant is ordered to pay restitution. Specifies jurisdictional requirements and details the order of priority for distributions made pursuant to a restitution order, applicable to all unpaid orders in effect on April 1, 2013. Specifies that a restitution order does not affect any other monetary obligation imposed on the defendant pursuant to law.

victim restitution; civil actions (H.B. 2558) – Chapter 102

States that an order of restitution in favor of a person does not preclude that person from bringing a separate civil action that proves damages in excess of the amount of the order that is actually paid.

victims' rights; courtroom posting (H.B. 2559) – Chapter 243

Details courtroom posting requirements regarding a crime victim's constitutional and statutory rights.

adult protective services; attorney fees (H.B. 2560) – Chapter 163

Eliminates the award of certain specified attorney fees in a civil action related to vulnerable adult care. Specifies that reasonable costs and attorney fees may be awarded in an action related to the financial exploitation of a vulnerable adult.

~~technical correction; delinquent property; sale~~ (NOW: political action committee; solicitation; clarification) (H.B. 2612) – Chapter 125 E

An emergency measure, effective March 29, 2012, that specifies that corporate contribution solicitations apply to a corporation's subsidiaries, branches, divisions and affiliates.

~~domestic relations; disposition of property~~ (NOW: insurers; healthcare coverage; religious beliefs) (H.B. 2625) – Chapter 337

Permits a religiously affiliated employer to object to providing or paying for healthcare coverage of certain contraceptive items or services based on the employer's religious beliefs. Allows the employer to require a corporation, health care services organization, insurer or accountable health plan to provide a contract, evidence of coverage, group disability policy, blanket disability policy or

health benefits plan that excludes coverage of certain required contraceptive items or services. Requires the employer, if an objection is asserted, to file a written affidavit stating the objection with the corporation, health care services organization, accountable health plan or insurer. Directs the insurance provider, upon receipt of the affidavit, to issue a contract, evidence of coverage, group disability policy, blanket disability policy or health benefits plan that excludes coverage of certain required contraceptive items or services.

Specifies that coverage is not excluded for prescription contraceptive methods ordered by a health care provider with prescriptive authority for medical indications other than for contraceptive, abortifacient, abortion or sterilization purposes. Permits a religiously affiliated employer offering the plan or policy to state religious beliefs in its affidavit that require the insured, enrollee or subscriber to first pay for the prescription and then submit a claim, along with evidence that the prescription is not for a purpose covered by the objection.

Specifies that protections against employment discrimination, as prescribed in federal and state law, are not limited or restricted by the legislation, and states that a religiously affiliated employer is not authorized to obtain an employee's protected health information or to violate the Health Insurance Portability and Accountability Act of 1996 or any related federal regulations.

hunting; firearm magazine capacity (H.B. 2640) – Chapter 75

Prohibits the Arizona Game and Fish Commission from establishing rules that limit or restrict the magazine capacity of an authorized firearm that may be used for taking wildlife.

government entities; attorney fees (H.B. 2676) – Chapter 339

Requires the court to award reasonable attorney fees, in addition to costs awarded by statute, to the prevailing party in an action where certain governmental entities file a lawsuit against this state or other governmental entities.

elections; polling places; electioneering (H.B. 2722) – Chapter 275

Permits certain persons to display electioneering materials within the 75 foot limit of a polling place.

firearms; sound suppressors; hunting (H.B. 2728) – Chapter 128

Prohibits the Arizona Game and Fish Commission from adopting or enforcing rules that preclude the lawful possession or use of a firearm silencer or muffler while hunting.

murder; domestic violence; inheritance (H.B. 2742) – Chapter 277

Permits a decedent's estate to establish a constructive trust on the property or the estate of the person who murders the decedent to secure the payment of certain damages and judgments.

notice; claim; public entity; employee (H.B. 2753) – Chapter 215

Requires a genuine issue of material fact regarding compliance with the pre-litigation requirements of a claim against a public entity or public employee to be resolved before a trial on the merits and at the earliest possible time.

clean elections; trigger reports; repeal. (H.B. 2779) – Chapter 257 RFEIR

Portions of the bill concerning the Citizens Clean Elections Act are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature, including the following: 1) permits electronic signatures for \$5 qualifying contribution slips; 2) eliminates a reference related to the 16-week period preceding the general election regarding limitations on certain unreported expenditures and contributions; 3) prohibits the Citizens Clean Elections Commission (Commission) from certifying a candidate as eligible for funding under specified circumstances; 4) increases the random sample size from 5 percent to 20 percent of the names submitted for legislative offices; 5) eliminates certain matching fund provisions deemed unconstitutional; 6) eliminates certain tax check-off language and certain matching fund provisions from the Commission's required process for dealing with funding shortfalls; 7) specifies that the voter pamphlet be delivered, rather than mailed, to voters; 8) specifies language on certain inflationary adjustments; 9) modifies the end of the qualifying period for Clean Elections funding; and 10) beginning January 1, 2013, provides guidelines for certain expenditures related to the Clean Elections Fund.

Modifies certain pre-election report filing timeframes and eliminates tax credits and tax reductions for Clean Elections.

animal cruelty; ranching dogs (H.B. 2780) – Chapter 258

States that a city, town or county may not adopt an ordinance that prohibits or restricts certain ranching activities involving dogs.

public funding; family planning; prohibition (H.B. 2800) – Chapter 288

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

consolidated election dates; political subdivisions (H.B. 2826) – Chapter 353

Beginning with elections held in 2014, modifies statute related to consolidated election dates as follows: a) requires a candidate election, other than a special election to fill a vacancy or a recall election, to be held on the primary and general election dates in even-numbered years; and b) provides that non-candidate elections are held on the consolidated election dates in odd and even numbered years, including a special election to fill a vacancy or a recall election. Specifies that certain elections related to bonds or taxes are held on the November consolidated election date, and provides guidelines for political subdivisions regarding candidate elections held on the primary and general election dates in even-numbered years. Permits an election officer to use a unified ballot format in certain all mail ballot elections. Contains a preemption statement, a severability clause, and defines political subdivision.

LEGISLATION VETOED

small claims division; jurisdiction; limits (S.B. 1310) – VETOED

Increases the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$5,000.

The Governor states in her veto letter that doubling the jurisdictional limit runs counter to the purpose of the small claims division of the justice courts, which is to “resolve claims with a lower value at a reduced cost.”

bail bond agent lists; solicitation (H.B. 2433) – VETOED

Bail Bond Agent Lists; Acceptance of Bonds; Solicitation - Requires the list of names and telephone numbers of persons authorized to post bail bonds to be updated and rotated monthly and directs the clerk of the court to electronically transmit the list each month to county and city jails. Requires the sheriff or keeper of a county or city jail to directly accept secured appearance bonds, money orders, cashier’s checks or cash in \$50 increments or less for the release of persons in custody and to accept a secured appearance bond from an employee of a bail bond agent if the employee provides proper identification. Permits a county or city to restrict the location immediately outside a court building or county or city jail where a person is permitted to solicit bail bond business and classifies, as a class 3 misdemeanor, unlawful solicitation of bail bond business.

Bail Bond Agent Prohibitions - Prohibits a bail bond agent from employing or assisting in the employment of the following: a) a person who has been convicted of theft, a crime involving a deadly weapon or dangerous instrument, or any felony, with certain exceptions; or b) a person who has not complied with certain statutes related to the licensure of bail bond agents or whose bail agent license or bail recovery agent registration is revoked or suspended. Permits the Director of the Department of Insurance to deny, suspend, revoke, or refuse to renew a bail bond agent’s license for a conviction of theft, a crime involving a deadly weapon or dangerous instrument, or a violation of certain statutes related to the licensure of bail bond agents.

Exoneration of appearance bonds – Permits the court to relieve a surety from liability on an appearance bond and order the forfeiture of up to ten percent of the appearance bond, if certain requirements are met.

The Governor’s veto message states H.B. 2433 removes the discretion currently provided to the courts to relieve sureties of liability when a defendant is returned to a sheriff and creates an incentive to delay the return of a defendant. The message additionally expresses concern over removing the ban on bail bond agents employing individuals convicted of certain theft or weapons violations because bail bond agents have certain fiduciary duties. The Governor indicates that the provisions of the legislation present a risk to public safety and could lead to delays in the justice system.

state regulation of firearms (H.B. 2729) – VETOED

Permits this state, its agencies or political subdivisions to enact ordinances or rules in accordance with state law that limit or prohibit the possession of firearms on public property if certain requirements are met, and provides a misdemeanor penalty classification for certain ordinance violations. Permits a private entity or operator of a multipurpose facility to limit or prohibit the possession of firearms on specified property that is not used by a governmental entity for a governmental purpose. Declares that any rule or ordinance relating to firearms that is inconsistent with or more restrictive than state law is null and void.

Permits a person to file suit for declarative and injunctive relief and damages if an ordinance, regulation, measure, directive, rule, enactment, order or policy is enacted or enforced in violation of

the firearms regulated by the state statute. Specifies court requirements regarding costs, fees and civil penalties.

The Governor states in her veto message that emotions can run high in certain public buildings because government officials make decisions that impact all areas of life and can have a profound impact upon an individual's family and livelihood. As such, the decision to permit or prohibit guns in public buildings, should be cooperatively reached and supported by a broad coalition of stakeholders, including citizens, law enforcement officials and local government leaders. The Governor also notes a concern with the fiscal impact of the legislation.