

COMMITTEE ON JUDICIARY

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HB 2087 (Chapter 22): sex offender registration; address verification

Requires a registered sex offender to verify the offender's address upon request by DPS and classifies noncompliance as a Class 4 felony. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2088 (Chapter 276): magistrates; municipal courts

Replaces outdated statutory references and changes the judiciary line item appropriation to provide the courts with flexibility regarding the revenue reductions contained in the FY 2016 budget reconciliation bill. Modifies the definition of *personal property*. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2089 (Chapter 95): aggravated assault; judicial officers

Prescribes a Class 6 felony for a conviction of committing an aggravated assault against a judicial officer while the officer is engaged in the execution of any official duties or if the assault results from the execution of the judicial officer's official duties. Defines *judicial officer*. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2131 (Chapter 234): tax adjudications; attorney fees

Increases the cap on the award of attorney fees to a prevailing party in an adjudication of tax case. Attorney fees are capped at \$350 per hour. The bill increases the cap on the award of fees against the state, a city, town or county to \$75,000. It increases the cap on reimbursement to a taxpayer to \$75,000 or actual monies spent, whichever is less, and reimbursable attorney fees to \$350 per hour. Requires the dollar amount for a maximum award of fees be adjusted according to the average change in the Metropolitan Phoenix Consumer Price Index (CPI) beginning January 1, 2016, and provides that change is not permitted to be revised below the amounts prescribed in a prior calendar year. The bill amends the definition of *reasonable fees* and *other costs* to include contingent fees. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2164 (Chapter 100): release; bailable offenses; evidence

Specifies that prior to setting bail, the court is required to take into account whether the accused has prior convictions for crimes of violence or other evidence that the accused poses a danger to others in the community. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2203 (Chapter 237): postconviction release hearings; recordings; free

Specifies that any electronic recordings made of postconviction and postadjudication release hearings shall be provided for victims free of charge. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2204 (Chapter 238): criminal restitution order; courts

Allows a limited jurisdiction court to enter a criminal restitution order at the time the defendant is ordered to pay restitution and allows the court to allocate all or a portion of a fine as restitution for a victim of a traffic accident that involves a failure to stop or remain at the scene of an accident when there is damage to a vehicle. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2205 (Chapter 239): emergency service providers; civil liability

Repeals Arizona Revised Statutes § 12-713 regarding public safety radio communications network liability standard. Exempts a person, provider or public entity or its employees from liability in a civil action for injuries, death or loss to a person or property that incurred by the decisions made and actions or omissions taken that are based on good faith implementation, except in cases of wanton or willful misconduct. It specifies that limited liability applies to an emergency service provider that receives, develops, collects or processes information for the service's location information databases; relays, transfers, operates, maintains or provides emergency notification services or system capabilities; or provides emergency communications or services for ambulances, police and fire departments or other public safety entities. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2212 (Chapter 104): licensing; accountability; enforcement; exceeding regulation

Allows a private civil action to be enforced if a municipal, county, state or district employee makes an unauthorized decision regarding licensure. States that a violation of a licensing decision requirement which relates to a municipal, county, district and agency employee conduct is cause for disciplinary action or dismissal. Permits relief to be awarded against a municipality, county, state or district. Requires the court to award costs and fees associated with a license application to the prevailing party. Requires a municipality, county, state or district to prominently print the prohibited acts and enforcement language on all license applications, which may be in either print or electronic format, except for license applications processed by the Corporation Commission. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2289 (Chapter 51): repetitive offenders; sentencing

Specifies that if the person is convicted of two or more felony offenses that were not committed on the same occasion, but that either are consolidated for trial purposes or are not historical prior felony convictions, a person shall be sentenced pursuant to A.R.S. § 13-702 for the first offense and as a category one repetitive offender for the second offense, and as a category two repetitive offender for the third and any additional felony convictions. Clarifies that any dangerous offenses committed while released from confinement will prompt a revocation of the convicted person's release, requiring that sentence to run consecutively to any other sentence for which the convicted person had been temporarily released or had escaped, unless the sentence from which

the convicted person had been paroled or placed on probation was imposed by a jurisdiction other than this state. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2294 (Chapter 73): courts; approved screening, treatment facilities.

Allows the United States Department of Veterans Affairs to approve a treatment facility for court ordered treatment for convictions relating to domestic violence and driving under the influence. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2299 (Chapter 209): sexual offenses; definitions; defenses

Defines position of trust as it relates to sexual abuse and sexual conduct with a minor and bars a defense to a prosecution if the consenting person was 15, 16 or 17 years of age and the defendant was in a *position of trust*. Prescribes a Class 2 felony for sexual conduct with a minor to a person who is in a *position of trust*, rather than a delineation of specific persons. Defines *position of trust* and *teacher*. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2301 (Chapter 74): historical prior felony conviction; sentencing

Allows a person's conviction for a felony in another state to be considered in classifying a person as a category one repetitive offender or classifying a person as a category two offender if the person has three or more felony convictions that were not committed on the same occasion, but that are consolidated for trial or are not historical prior felony convictions. Defines *historical prior felony conviction*. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2304 (Chapter 109): aggravated assault; simulated deadly weapon

Prescribes a Class 3 felony for the offense of aggravated assault committed while using a simulated deadly weapon. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2305 (Chapter 53): board of executive clemency; continuation

Continues the Board of Executive Clemency for two years, terminating on July 1, 2017. Retroactive effective date: July 1, 2015.

Click [here](#) for the bill history.

HB 2307 (Chapter 75): court ordered treatment; hearings

Requires the evaluation agency to disclose to the court all drugs, medication and treatment that an inpatient has received during the 72 hours immediately before a court-ordered mental health hearing, and allows the hearing to proceed if a patient cannot be present for psychiatric reasons

or is unable to appear by other reasonably feasible means. Removes the requirement that an agency treating an outpatient for court-ordered treatment report to the court all drugs, medication and treatment that the patient received during the 72 hours prior to a court-ordered mental health hearing. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2310 (Chapter 54): mental health courts; establishment

Allows the presiding judge in counties with a population of less than 250,000 to enter into an agreement to establish a regional mental health court and provides the judge with the authority to refer and adjudicate cases. The measure requires the originating court to notify the prosecutor of any criminal case referral. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2311 (Chapter 110): judgment liens; recordation; real property

Allows a certified copy of a judgment of any court in this state to be filed with the county recorder to become a lien on a judgment debtor's real property for judgments filed from and after December 31, 2015. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2322 (Chapter 113): misbranded drugs; counterfeit marks; offense

Expands the definition of *racketeering* to include manufacturing, selling or distributing misbranded drugs and prescribes a Class 4 felony for violations. Prescribes a Class 2 misdemeanor for possession or use of a misbranded drug. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2374 (Chapter 212): wrongful death actions; disqualified party

Prohibits a person from recovering wrongful death benefits if the person is found guilty of or plead no contest to certain specified offenses involving the death of a decedent. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2378 (Chapter 214): peace officers; unlawful sexual conduct

Prohibits peace officers from engaging in sexual contact with any person who is in the custody of or who is the subject of an investigation. Defines *custody* and *peace officer*. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2413 (Chapter 123): internet representations; civil damages

Prescribes intent requirements and civil remedies in regard to prohibited conduct relating to false representations of the identity of online businesses. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2517 (Chapter 245): internet crimes against children; fund

Allocates \$900,000 to the Internet Crimes Against Children Enforcement Fund and \$100,000 to the Victims' Rights Enforcement Fund from the proceeds of any lottery games that are sold from a vending machine. Effective: April 15, 2015.

Click [here](#) for the bill history.

HB 2553 (Chapter 219): sex trafficking victim; vacating conviction

Allows a person convicted of prostitution prior to July 24, 2014 to apply to the court to vacate the person's conviction if the court finds by clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2578 (Chapter 60): real property; purchaser dwelling actions

Provides a seller with the right to repair or replace any alleged construction defects prior to a purchaser filing a dwelling action. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2603 (Chapter 246): personal injury action; asbestos; requirements

Adds a new article to Arizona Revised Statutes relating to asbestos exposure personal injury claims that sets out required disclosures for asbestos exposure actions. This act applies retroactivity to actions involving personal injury claims that are pending or filed on or after the effective date of this act. Effective: July 3, 2015.

Click [here](#) for the bill history.

HB 2663 (Chapter 249): satisfaction of judgment

Allows a satisfaction of judgment to be filed in a small claims action. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1035 (Chapter 194): domestic violence treatment programs; providers

Allows the court to approve a domestic violence treatment provider pursuant to rules adopted by the Supreme Court. Effective: December 31, 2015.

Click [here](#) for the bill history.

SB 1046 (Chapter 298): criminal trespass; first degree; classification

Increases the penalty to a Class 5 felony for the offense of criminal trespass in the first degree by knowingly entering or remaining unlawfully in or on a critical public service facility. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1048 (Chapter 61): vexatious litigants; fees; costs; designation

Prohibits the court from waiving fees and costs for civil actions filed by a pro se vexatious litigant, except in domestic relation actions. Allows a party to amend a request to designate a pro se litigant a vexatious litigant. Effective: December 31, 2015.

Click [here](#) for the bill history.

SB 1063 (Chapter 137): obstructing a highway; public thoroughfare

Prescribes a Class 3 misdemeanor to pedestrians intentionally activating the pedestrian signal button on a highway or public thoroughfare if the person's reason is to both stop the passage of traffic on the highway or thoroughfare and to solicit money or a donation. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1064 (Chapter 138): service of process; regulation

Transfers section of law relating to private process servers from Arizona Revised Statutes Title 11 to Title 12. Requires alternative or substitute service of process of a photo enforcement notice of violation to be sent by certified and regular mail and posted on the front door of the business or residence of the person to be served and a residence's garage door if present and accessible. Specifies that service of the complaint is complete on filing the mailing receipt and proof of posting with the court that has jurisdiction of the violation. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1094 (Chapter 146): aggressive solicitation; offense

Revises the offense of loitering by removing a provision making it unlawful for persons to beg in a public place and prescribes the offense of aggressive solicitation. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1116 (Chapter 269): fines; fees; costs; community restitution

Allows the court to order a defendant to perform community restitution at a rate of \$10 per hour if the defendant is unable to pay or has willfully failed to pay a fine, fee, restitution or incarceration costs. Effective: December 31, 2015.

Click [here](#) for the bill history.

SB 1179 (Chapter 41): criminal damage; gangs; criminal syndicates

Prescribes a Class 5 felony to a person who recklessly damages property of another if the damage is inflicted to promote, further or assist any criminal street gang or criminal syndicate with the intent to intimidate. Prescribes a Class 4 felony if the criminal damage is \$10,000 or more; the damage is to utility property in an amount of \$5,000 or more; or the person tampers with utility property and the damage causes an imminent safety hazard to any person. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1295 (Chapter 160): fingerprinting; judgment of guilt; records

Requires a booking agency to take an arrestee's ten-print fingerprints if the agency cannot determine whether legible ten-print fingerprints were taken by the arresting authority and allows the court to obtain and record a defendant's two fingerprint biometric-based identifier in the court case file. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1316 (Chapter 232): subpoena compliance; copying; clerical costs

Revises the definition of reasonable costs relating to non-party witness costs for the production of documentary evidence to comply with a subpoena by increasing the per page cost to 25 cents and clerical costs to \$25 per hour. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1404 (Chapter 182): health care directives; conflicts

Specifies that a health care directive, the decision of the patient's agent or surrogate represents the decision of the patient if there is a conflict with a provider's order. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1439 (Chapter 168): judicially appointed psychologists; complaints

Removes the requirement that the Board of Psychology (Board) shall not consider a complaint against a judicially appointed psychologist for unprofessional conduct unless the court has found a substantial basis to refer the complaint for consideration by the Board. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1447 (Chapter 170): foreign country money judgments; enforcement

Sets out the provisions for the recognition and enforcement of foreign-country money judgments. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1448 (Chapter 190): trustee's sale; foreclosure; notice; recording

Requires a prescribed statement to be included on a notice of trustee's sale, in the first paragraph of the notice and in bold-face and capitalized font, stating that if there is a defense or objection to the sale, an action must be filed and a court order obtained no later than 5:00 p.m. Mountain Standard Time of the last business day before the scheduled date of sale in order to stop the sale, or the sale will be final. Effective: July 3, 2015.

Click [here](#) for the bill history.

SB 1459 (Chapter 300): pupils; restraint; seclusion; requirements

Allows a school to enforce restraint or seclusion techniques if the pupil's behavior presents an immediate danger to others and less restrictive measures are insufficient to mitigating the danger. Applies specified regulations if a restraint or seclusion technique is imposed on a pupil. Defines *restraint*, *school* and *seclusion*. Effective: July 3, 2015.

Click [here](#) for the bill history. Click [here](#) for the governor's letter.