

# **Public Safety, Military & Technology Committee**

Senator Steve Smith, Chairman



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# **PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE**

## **LEGISLATION ENACTED**

### prisoners; compensation for labor performed (S.B. 1002) – Chapter 133

Raises the cap on compensation for certain prisoner work programs, from \$.50 to a \$1.50 per hour.

### obstructing a highway; public thoroughfare (S.B. 1063) – Chapter 137

Expands the offense of obstructing a highway or other public thoroughfare to include a person who intentionally activates a pedestrian signal to stop the passage of traffic and solicit a driver for a donation or business, instead of to cross the highway or thoroughfare.

### ordinances; businesses; prohibited security requirements (S.B. 1069) – Chapter 139

Prohibits cities, towns and counties from adopting ordinances or resolutions that require a retail business to comply with specific security requirements based on the size of the business, the type of business or the number of calls made to law enforcement per year.

### public records; redaction; former judges (S.B. 1073) – Chapter 79 W/O

Adds former judges and U.S. immigration court judges to the list of people who may request certain personal information to be restricted from public access.

### fallen correctional employees memorial (S.B. 1186) – Chapter 42

Authorizes the Arizona Department of Administration to provide for the placement of a memorial commemorating fallen Arizona Department of Corrections (ADC) employees within the governmental mall, and assigns all financial, construction-related and artistic responsibility of the memorial to ADC.

### health insurance; interstate purchase (NOW: firearm possession; setting aside conviction) (S.B. 1189) – Chapter 228

Removes the two-year waiting period for the restoration of a felony offender's right to possess a firearm by restoring that right automatically if the judge sets aside the person's judgment of guilt. Excludes certain offenses.

### virtual border fence; appropriation (S.B. 1271) – Chapter 231 W/O

Requires the physical or virtual border fence to be as close as practicable to the Arizona-Mexico borderline instead of within one mile, and appropriates all monies received by the Border Security Trust Fund in FYs 2015 and 2016 to the Joint Border Security Advisory Committee for the construction and maintenance of the fence.

## **PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd)**

### spousal maintenance; veterans disability benefits (S.B. 1296) – Chapter 179

Specifies that a court may award spousal maintenance only to a requesting party and defines *requesting party*.

### law enforcement officers; body cameras (S.B. 1300) – Chapter 161

Establishes a study committee to investigate the use of law enforcement officer body cameras and requires the committee to recommend policies and laws on the use of the cameras and related recordings. Outlines the committee's membership, general meeting policies and reporting requirements. Repeals the committee on July 1, 2016.

### fire access roads; limitation; enforcement. (S.B. 1335/H.B. 2005) – Chapter 88

Allows a person to bring a private civil action against a local government for adopting a legal requirement regarding an approved fire apparatus access road or extension that requires certain building owners to install fire sprinklers. Permits relief, including an injunction, to be awarded through the civil action and outlines court awards to a party that prevails against the local government. Preempts related local government regulation.

### criminal justice information; access (S.B. 1373) – Chapter 180

Requires the Department of Public Safety (DPS) to provide certain case information related to prohibited possessors DPS receives from the Supreme Court to law enforcement agencies for the purposes of enforcing a court order, assisting in an investigation or returning property.

### ~~unsorted merchandise; technical correction~~ (NOW: fireworks) (H.B. 2008) – Chapter 274

Removes the ability of cities, towns and counties to regulate the use of permissible consumer fireworks, but allows them to prohibit their use in certain circumstances. Requires any regulation on the sale of permissible consumer fireworks to be consistent with National Fire Protection Association standards. Places restrictions on signage requirements local governments may impose.

### private investigators; security guards; regulation (H.B. 2085) – Chapter 93

Modifies requirements related to private investigators (PIs) and security guards to align procedures for both industries. Specifies that a PI who is arrested for a disqualifying offense or who fails to maintain the necessary qualifications may be disciplined. Similarly, disciplinary action may be taken against a security guard licensee or registrant for failing to maintain liability insurance and other necessary qualifications. Outlines notification requirements for a PI and the PI's employer if the PI is arrested. On completion of an investigation, the Director of the Department of Public Safety may suspend the PI license or registration if the arrest is for a disqualifying offense. If a PI's license or registration is suspended or revoked for a disqualifying

## **PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd)**

offense, any security guard license or registration the person holds will also be suspended, and vice-versa.

### fingerprint clearance cards; omnibus (H.B. 2086) – Chapter 94

Modifies requirements related to fingerprint clearance cards. Requires the Department of Public Safety (DPS) to include criminal history information on which a denial, suspension, revocation or restriction of a fingerprint clearance card was based in the written notice to the applicant and the person's employing agency. Further requires DPS to conduct research to find out the disposition of a case involving a precluding offense if the disposition has not been officially recorded. Establishes a fingerprint clearance card requirement for certain employees of the Department of Child Safety, and requires employees of the Department of Emergency and Military Affairs to undergo a state and federal criminal records check instead of obtaining a fingerprint clearance card.

### military family relief fund; amount (H.B. 2090) – Chapter 200

Increases the cap on assistance from the Military Family Relief Fund from \$10,000 to \$20,000.

### veterans; in-state tuition (H.B. 2091) – Chapter 201 E

An emergency measure, effective April 6, 2015, that entitles a person receiving benefits under a GI Bill who is enrolled in a university or community college in Arizona to immediate in-state student status if the person enrolled within three years of discharge or death following qualifying active-duty service or remains continuously enrolled beyond that period. Specifies that such a person does not lose in-state status if the person has demonstrated objective evidence of intent to be an Arizona resident, and outlines such evidence.

### military scholarship special plates (H.B. 2092) – Chapter 96

SEE THE TRANSPORTATION COMMITTEE.

### military affairs commission; membership; confidentiality (H.B. 2103) – Chapter 205

Increases the Military Affairs Commission (Commission) membership and allows members who represent private property interests to have an interest in a community in which a military installation is located. Allows the Commission to discuss federal base realignment and closure decisions and allows those meetings to remain confidential until the federal government's decision is no longer appealable. Permits the Department of Emergency and Military Affairs to use monies remaining in the Military Installation Fund for projects or studies necessary to preserve or enhance military missions and installments in Arizona.

### inmate medical services; rate structure (H.B. 2105) – Chapter 70

## **PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd)**

Caps reimbursement at Arizona Health Care Cost Containment System (AHCCCS) rates for all counties reimbursing inmate healthcare services that the county jail cannot provide.

### emergency and military affairs; continuation (H.B. 2106) – Chapter 71

Retroactive to July 1, 2015, the Department of Emergency and Military Affairs (DEMA) is continued until July 1, 2023, and the State Emergency Council's termination is extended to coincide with DEMA.

### law enforcement merit system; continuation (H.B. 2107) – Chapter 23

Retroactive to July 1, 2015, the Law Enforcement Merit System Council (LEMSC) is continued until July 1, 2023.

### national guard members; tuition waivers (H.B. 2240) – Chapter 304

Establishes a tuition waiver for members of the Arizona National Guard at public institutions of higher education (institutions), replacing the National Guard Postsecondary Education Reimbursement Program. Outlines eligibility and allows a member whose education is interrupted by a deployment to active duty to continue to receive the tuition waiver upon return, as specified. Requires failed courses to be paid in full by the National Guard member.

Contains a delayed effective date, beginning in the 2017-2018 academic year, and conditions the enactment on monies available to offset the entirety of the costs incurred by the institution as a result of the waiver. The monies may not be drawn from the institutions' basic operating monies.

### emergency and military affairs omnibus (H.B. 2274) – Chapter 208

Makes various changes regarding the Department of Emergency and Military Affairs (DEMA). Repeals the Division of Military Affairs and modifies various funds administered by DEMA. Allows the Adjutant General to use any National Guard facility for commercial purposes and requires proceeds to be deposited in the National Guard Fund Subaccount (Subaccount). Exempts monies in the Subaccount from reverting to the state General Fund after a certain period of time. Allows Camp Navajo Fund monies to be used for any National Guard facility after budgeted requirements are met at Camp Navajo. Increases the cap on the Governor's Emergency Fund, from \$20,000 to \$100,000, for each emergency. Transfers the Arizona Emergency Response Commission from DEMA to the Arizona Department of Environmental Quality. Eliminates the National Guard Relief Fund and transfers remaining monies to the Department of Veterans' Services for distribution to a nonprofit organization that provides assistance to Arizona National Guard members and families.

### courts; approved screening, treatment facilities. (H.B. 2294) – Chapter 73

## **PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd)**

Qualifies facilities approved by the U.S. Department of Veterans Affairs to provide court-ordered alcohol or drug screening or a domestic violence offender program, and allows a probation department to approve facilities that provide screening related to a license suspension.

vehicle equipment; lighting. (NOW: eligibility; defensive driving schools) (H.B. 2308) – Chapter 281

Allows a person to attend defensive driving school for citation dismissal every 12 months, rather than every 24 months.

law enforcement merit system; determinations (H.B. 2377) – Chapter 213

Requires any disciplinary action against a Department of Public Safety (DPS) or Arizona Peace Officer Standards and Training Board employee, or certain peace officers in the state personnel system, to be based on just cause. Removes the grounds on which an appeal of disciplinary action to the superior court must be based.

Arizona first responders' day (H.B. 2432) – Chapter 57

Establishes September 27 of each year as the Arizona First Responders' Day of Gratitude and Remembrance and acknowledges that it is not a legal holiday.

post-traumatic stress disorders; public safety (H.B. 2438) – Chapter 308

Establishes a study committee to research and report on the effects of post-traumatic stress disorder on law enforcement officers. Outlines the committee's membership, general meeting policies and reporting requirements. Repeals the committee on January 1, 2017.

constables; training courses; deadline (H.B. 2550) – Chapter 129

Allows the Constable Ethics Standards and Training Board to approve training courses for constables in addition to the courses approved by the Arizona Peace Officer Standards and Training Board.

### **LEGISLATION VETOED**

GIITEM subaccount; predictive policing technology (S.B. 1293) – VETOED

An emergency measure that appropriates \$1.15 million to certain municipalities in FY 2016 from the Concealed Weapons Permit Fund for a predictive policing technology pilot program. Requires the Arizona Department of Administration to administer the pilot program and outlines related requirements. Requires the Department of Public Safety (DPS) to distribute approximately \$1.9 million from the Gang and Immigration Intelligence Team Enforcement Mission Subaccount (GIITEM Subaccount) to the county sheriffs in FY 2016 in specified

## **PUBLIC SAFETY, MILITARY & TECHNOLOGY COMMITTEE (Cont'd)**

amounts, and requires DPS to submit its expenditure plan to the Joint Legislative Budget Committee before spending any other GIITEM Subaccount monies.

The Governor indicates in his veto message that he looks forward to a discussion over the interim with interested parties to ensure that the state is maximizing resources for drug- and human trafficking-related crime intervention.

### public records; peace officer's name (S.B. 1445) – VETOED

Prohibits law enforcement agencies from disclosing the name of a peace officer involved in an incident that includes the use of deadly physical force and that results in the death or serious physical injury of any person until 60 days after the incident or until certain circumstances apply, whichever occurs first. Requires redaction of disciplinary action, as specified. Allows agencies to release officers' names in situations not involving deadly physical force, if certain conditions apply.

The Governor indicates in his veto message that setting an arbitrary benchmark for the release of names would limit employers' ability to manage the specified situations and may result in unintended consequences. He also indicates that the bill contains ambiguities that would impose practical challenges on agencies.

### municipalities; traffic citation quota; prohibition (H.B. 2410) – VETOED

Prohibits law enforcement agencies, county boards of supervisors and municipalities from establishing a traffic complaint quota or considering the number of complaints an officer issues when determining the officer's rank.

The Governor indicates in his veto message that this legislation may prevent police chiefs and local entities from objectively gauging performance in their departments.