

Judiciary Committee

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JUDICIARY COMMITTEE

LEGISLATION ENACTED

public entities; absolute immunity; defenses (NOW: public entities; defenses) (S.B. 1025) – Chapter 253 *

Requires a separate trial to occur, before a trial on damages, to determine whether a public entity or employee has met the requirements to assert an affirmative defense related to an injury arising out of plans or designs for roadway construction. Extends the affirmative defense to plans or designs for transportation facilities including those as outlined.

dangerous; incompetent defendants; study committee (S.B. 1031) – Chapter 103

Reestablishes the Study Committee on Incompetent, Nonrestorable and Dangerous Defendants (INDD Study Committee) until July 1, 2018, consisting of 17 members, including 4 legislative members, 3 members representing state public health agencies, 4 members representing the Arizona Supreme Court and law enforcement agencies, and 6 members with experience in evaluation and treatment of behavioral health issues and related policy experience.

Requires the INDD Study Committee to research and provide recommendations by December 31, 2017, to the Governor, the Legislature and the Secretary of State for a program to provide treatment and supervision of persons who are charged with crimes involving violent or dangerous behavior and are found incompetent and nonrestorable.

board of executive clemency; continuation (S.B. 1033) – Chapter 5

Continues the Board of Executive Clemency for eight years, until July 1, 2025, retroactive to July 1, 2017.

private process servers; duties (S.B. 1050) – Chapter 6

Corrects an internal reference regarding private process servers.

clerk of court; records; reporting (S.B. 1066) – Chapter 8

Revises the reporting duties of court clerks to reflect the current business practice, which is to provide a person's payment history of fines, fees, restitution and incarceration costs only upon request. Modifies the information provided to licensing boards and the Department of Economic Security about people who have been convicted of certain crimes to include more specific identifying information such as name, case number, date of conviction, crime convicted of and if known, social security number, date of birth, address and license or registration number.

provisional licenses; criminal convictions (NOW: DOC; graduated intervention policy; report) (S.B. 1071) – Chapter 236 *

Requires the Arizona Department of Corrections (ADC) to implement a graduated intervention policy for offenders who violate a condition of community supervision. ADC must submit an annual report detailing prior year use and completion rates of major graduated interventions to the Governor, Secretary of State, President of the Senate and Speaker of the House of Representatives.

administrative decisions; scope of review (S.B. 1072) – Chapter 329

Stipulates a court must award fees and expenses to a prevailing party in a civil action against specified state agencies or commissions if a rule, guideline, enforcement policy or procedure is not authorized by statute, or violates the Arizona or U.S. Constitutions. Requires the court to review the administrative record and supplementing evidence before it affirms, reverses, modifies or vacates and remands an agency action.

uniform fiduciaries act; repeal (NOW: ballots; digital images; electronic data) (S.B. 1094) – Chapter 114

Requires an elections officer to ensure that electronic or digital images of ballots, including electronic data, are secured from physical and electronic access including unauthorized copying or transfer. Stipulates that all security measures must be at least as protective as those for paper ballots.

ignition interlock device; regulation; installers (S.B. 1150) – Chapter 331

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

competency hearings; jurisdiction; referral (S.B. 1157) – Chapter 14

Allows the presiding judge of the superior court to authorize a justice court or municipal court to exercise jurisdiction over a competency hearing in a misdemeanor case with the agreement of the justice of the peace (JP) or municipal court judge. Additionally, permits a JP or municipal judge to refer a competency hearing to another justice court or municipal court within the same county, upon the approval of the presiding judge of the superior court and the JP or municipal judge of the receiving court.

bingo establishments; ADA compliance (S.B. 1180) – Chapter 240

Requires bingo game operators to offer assistance to players with disabilities by utilizing technological aids for bingo games as outlined and requires at least two aids to be available for such players. The bill prohibits players from being charged a fee or being forced to comply with minimum purchase requirements to use the devices. Outlines requirements related to notification of a win, assistance for players in certain circumstances and employees who have disabilities.

political parties; notice; meetings (S.B. 1191) – Chapter 241

SEE THE GOVERNMENT COMMITTEE.

elections; candidates; requirements (S.B. 1200) – Chapter 161

Establishes additional primary election requirements including: 1) stipulating a candidate must be continuously registered with a political party they wish to be a candidate for starting no later than the date of the first signature on the nomination petition through the general election date; and 2) prohibiting a primary election write-in candidate from filing a nomination paper if they previously withdrew from the primary election or were removed from the primary ballot.

The legislation also prohibits a candidate for nomination or election to more than one federal office at the same time, but excludes candidates who are simultaneously running for President or Vice President and another federal office. Adds restrictions, after the close of petition filing, when a candidate vacancy will not be filled.

early ballot envelopes (S.B. 1238) – Chapter 115

Establishes an additional requirement for early voting ballots that ballot return envelopes are of a type that does not reveal the voter's selections.

felony pretrial intervention programs; appropriation (S.B. 1278) – Chapter 286

Appropriates \$2,750,000 in FY 2018, proportionately distributed to county attorney offices in counties with a population of fewer than three million persons, for administering felony pretrial intervention programs (FPIP) as follows: 1) \$1 million from the Penitentiary Land Fund; 2) \$1 million from the State Charitable Land Fund; and 3) \$750,000 from the Inmate Store Proceeds Fund. Establishes the Arizona Criminal Justice Commission (ACJC) as the pass-through agency for the distribution to the county attorney offices and allows ACJC to use one percent of the appropriated monies for FPIP administrative purposes. Establishes that FPIPs provide substance abuse treatment to non-dangerous and non-repetitive offenders. Requires FPIP treatment providers to report on each offender's attendance record and whether an offender fails a drug test.

voter registration; presidential elector deadlines (S.B. 1307) – Chapter 262

Stipulates county recorders must accept voter registrations on the next immediate business day if the filing deadline falls on a weekend or legal holiday. Extends the presidential elector nomination deadline to not more than 10 days after the primary election rather than between 90 to 120 days before the primary election.

election proclamation; board clerk (S.B. 1328) – Chapter 271

Modifies election procedures requiring the Governor to transmit a copy of the election proclamation to: 1) the clerk of each board of supervisors (BOS) for a general election; and 2) the elections officer for a special election.

Requires the clerk, instead of the BOS, to publish a copy of the respective proclamation in an official newspaper of the county at least 10 days before the general election or 5 days before the special election.

search warrants; tracking; simulator devices (S.B. 1342) – Chapter 187

Establishes court procedures for issuing a tracking device search warrant (tracking warrant) or a cell-site simulator device search warrant (simulator warrant). Stipulates when a tracking or simulator warrant may be issued and when specified devices may be used, not exceeding 60 days. A court may extend a warrant for no longer than an additional 60 days, with outlined conditions.

Stipulates a warrant must be: 1) initiated within 10 calendar days after issuance, unless extended; 2) returned to the court within 3 court business days after the authorized period ends; and 3) served on the person tracked or whose property was tracked, or whose communications device identified within 90 days after the use of the device ends, unless delayed by the court.

Prohibits a cell-site simulator device from being used to intercept, obtain or access the content of any oral, wire or electronic communication, unless authorized. Stipulates all non-target data collected by a cell-site simulator device must be destroyed within 60 court business days, unless otherwise ordered, after the simulator warrant is returned to the court.

terrorist threats; false reports; terrorism (S.B. 1350) – Chapter 119

Expands the crime of *terrorism* to include specified acts intended to intimidate or coerce a civilian population to further the goals or political objectives of a terrorist organization. It classifies as terrorism intentionally or knowingly providing advice, assistance or direction in the conduct, financing or management of a terrorist organization. Adds a mandatory minimum sentence between 10 and 25 years if the person is not sentenced to life or natural life and defines the terrorist organization as those so designated under federal law.

The legislation classifies, as a class 3 felony, threatening to commit an act of terrorism and communicating the threat to any other person or knowingly making a false report of an act of terrorism and communicating the false report to any other person. Finally, it relocates and modifies the crime of *unlawful use of an infectious biological substance or radiological agent* to its own section.

~~permanent guardianship; dependency proceedings; reunification~~ (NOW: dependency proceedings; permanent guardianships; reunification) (S.B. 1360) – Chapter 338

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

peace officer; victim; aggravating factor (S.B. 1366) – Chapter 162

In sentencing for aggravated assault, establishes it is an aggravating factor if there is evidence that a defendant knowingly assaulted a peace officer (officer) out of malice toward the officer because of his or her employment as an officer. Specifies aggravated assault against an

officer includes assaulting an officer who is not engaged in official duties. Stipulates it is not a defense or a mitigating circumstance to assault an officer if he or she was not on duty or engaged in official duties. This legislation is also referred to as the *Blue Lives Matter Law*.

abortion; live delivery; report; definition (S.B. 1367) – Chapter 133

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

elections; unlawful voting; residence (S.B. 1370) – Chapter 264

Deems it a class 5 felony to knowingly: 1) vote in at least two jurisdictions for which residency is required and the person is not a resident of all of the jurisdictions in which they voted; or 2) vote in this state and another state in which a federal office appears on both ballots on the same election day. Contains legislative intent language.

schools; elections; ballot arguments; exclusion (S.B. 1405) – Chapter 246

SEE THE EDUCATION COMMITTEE.

contributions; committed youth; repeal; committee (NOW: public accommodation; exemptions; enforcement; sanctions) (S.B. 1406) – Chapter 175

Exempts websites from the Arizona Americans with Disabilities Act (Arizona ADA). Specifies only an aggrieved person who is subjected to discrimination due to a violation of the Arizona ADA may seek relief through civil action. If the alleged violation is regarding a building, facility or parking lot operated by a private entity, the aggrieved person or the person's attorney is required to submit a written notice prior to filing a civil action.

The private entity is allowed a cure period of 30 days to comply with the Arizona ADA, unless a building permit is required, in which case the private entity must provide the aggrieved person or the person's attorney a corrective action plan and apply for a building permit within 30 days. The private entity is allowed an additional 60 days to resolve the violation if a building permit is required. Specifies time is suspended once the application is submitted until a final determination is made and is not included in the calculation unless the delay is caused by the private entity.

The court may impose additional sanctions on a plaintiff or the plaintiff's attorney if it determines the action was brought to obtain payment from the defendant. Permits the court to consider the totality of the abusive litigation practices in the determination. Contains legislative findings and severability clauses.

vacating conviction; trafficking; local offenses (S.B. 1422) – Chapter 87

Requires a court to vacate a conviction for violating city or town prostitution ordinances, in addition to state prostitution laws, if the court finds by clear and convincing evidence that the person committed the offense as a direct result of being a victim of sex trafficking. Specifies that

a conviction vacated pursuant to this section does not qualify as a prior offense for purposes of repeat misdemeanor sentencing.

controlled substances; definition (H.B. 2033) – Chapter 53

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

tribal courts; involuntary commitment orders (H.B. 2084) – Chapter 89

Allows admission of a patient to a mental health treatment facility pending the filing of a tribal court's involuntary commitment order (order) with the clerk of the superior court. The bill stipulates the order must be filed by the close of business on the next day the court is open or the patient must be discharged according to outlined procedures.

sentencing document; fingerprint; misdemeanor offenses (H.B. 2085) – Chapter 27

Adds theft and shoplifting to the list of offenses for which a court is required to execute a judgment of guilt and sentence document or minute order. Requires a court or appointed person to affix the defendant's fingerprints to the document or order at the time of sentencing.

Arizona criminal justice commission; continuation (H.B. 2087) – Chapter 55

Continues the Arizona Criminal Justice Commission for eight years, until July 1, 2025, retroactive to July 1, 2017.

garnishment; continuing lien; school employee (H.B. 2106) – Chapter 90

Increases the amount of time before a lien is declared invalid as follows: 1) from more than 60 days to more than 90 days from the time a judgement debtor leaves his or her employer; and 2) from at least 60 days to at least 90 days in which a judgement debtor has not earned any nonexempt earnings.

The bill applies only to a judgement debtor who is: 1) an employee of a school district, a charter school, the Arizona State Schools for the Deaf and the Blind or an accommodation school; and 2) subject to an employment contract specifying that paydays are restricted to the school year.

child support; driver license restriction (H.B. 2192) – Chapter 183

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

residential care institutions; employment (H.B. 2196) – Chapter 134

SEE THE HEALTH & HUMAN SERVICES COMMITTEE.

electronic files; access; official record (H.B. 2220) – Chapter 51

Beginning January 1, 2018, requires the superior court to provide electronic access or filing privileges to pro se litigants if the presiding judge also provides the same privileges to attorneys. Allows the judge to limit electronic access or filing privileges to: 1) records of cases in which the attorney is a party or the attorney of record for one of the parties; or 2) records related to the pro se litigant's own case.

forcible entry; detainer; prohibited rules (H.B. 2237) – Chapter 34

Prohibits a state agency or court from adopting or enforcing rules requiring a mandatory or technical form for an eviction action. Stipulates a form that meets current content and formatting requirements is sufficient to provide notice of an eviction. Applies these outlined prohibitions and requirements to the Landlord and Tenant Act, the Arizona Mobile Home Parks Residential Landlord and Tenant Act and the Recreational Vehicle Long-Term Rental Space Act.

~~sex trafficking; violation~~ (NOW: child sex trafficking; violations) (H.B. 2238) – Chapter 167

Consolidates the offenses of *sex trafficking of a minor* and *child prostitution* into one criminal offense, termed *child sex trafficking*, and makes offenders eligible for lifetime probation. Clarifies that an individual convicted of child prostitution prior to the consolidation of offenses must still register as a sex offender.

incompetent, nonrestorable defendants; involuntary commitment (H.B. 2239) – Chapter 59

Modifies court and mental health processes and establishes procedures for the prosecuting agency and court to track incompetent defendants through the civil commitment process.

It requires the prosecutor to file a petition for evaluation and provide any known criminal history for the defendant if: 1) the court finds that there is no substantial probability that an incompetent defendant will regain competency within 21 months; and 2) the court therefore remands the defendant to the custody of an evaluation agency. Permits the court to retain jurisdiction over the defendant until the defendant is involuntarily committed or a guardian has been appointed.

Additionally, it stipulates an evaluation or treatment agency must notify the prosecuting agency and court before a person is released. Some of the notice requirements have a related deadline and allow the person to be detained for 24 hours to allow for the notification.

Outlines requirements related to patient discharge, provision of the patient's records to the prosecutor and court, and failure of a defendant to comply with certain treatment orders. Also stipulates a treatment agency must use information and other resources available to locate and return a patient on unauthorized absence to appropriate treatment and to file related reports with the court. Exempts a treatment agency that does so in good faith from civil liability related to the patient's actions. It also allows the court to direct a peace officer to take a patient into custody under specified circumstances.

Permits a county attorney to request an incompetent defendant be screened to determine if the person may be a sexually violent person and establishes related requirements.

alternate grand jurors; service (H.B. 2240) – Chapter 35

Permits an alternate grand juror to be sworn in at the time of impanelment instead of only after a permanent juror has been excused. Allows a designee of the presiding superior court judge to excuse a sworn juror and replace him or her with an alternate grand juror.

victims' rights; pleading endorsements (H.B. 2241) – Chapter 36

Requires counsel for a victim of a crime to be endorsed on all pleadings after a notice of appearance has been filed.

anti-racketeering revolving funds; electronic reports (H.B. 2243) – Chapter 250

Beginning October 1, 2017, requires quarterly reports from departments, state agencies and political subdivisions related to Anti-Racketeering Revolving Fund monies to be submitted electronically and extends related deadlines.

Requires a comprehensive report from the Arizona Criminal Justice Commission to be submitted quarterly, rather than annually, and in an electronic format.

~~concealed weapons permit; electronic reports~~ (NOW: initiatives; standard of review; handbook) (H.B. 2244) – Chapter 151

Modifies the standard of review for statewide initiative measures from *substantial compliance* to *strict compliance* with requirements as outlined in the Arizona Constitution and statute. Stipulates individuals using the initiative process must also *strictly comply* with the requirements.

The legislation requires the Secretary of State (SOS) to make a sample initiative petition available that *strictly complies* with the provisions and any committee utilizing the petition is presumed to have met the same standard.

Additionally, each election cycle, the SOS must publish an initiative, referendum and recall handbook available on the SOS website providing guidance on interpreting, administering and enforcing the laws for initiative, referendum and recall. Contains statements of legislative findings and intent.

Arizona lengthy trial fund; continuation. (H.B. 2246) – Chapter 141

Extends the Arizona Supreme Court's authority to collect an additional fee through January 1, 2027, for the Arizona Lengthy Trial Fund that is used to replace or supplement the earnings of jurors who serve for more than five days.

school bus drivers; fingerprint cards (H.B. 2247) – Chapter 196

Requires a school bus driver to hold and maintain a valid fingerprint clearance card issued by the Department of Public Safety for the duration of certification, rather than submit fingerprints for a onetime check at the time of application. Current certified school bus drivers must obtain a fingerprint clearance card by December 31, 2018.

judicial productivity credits; salary calculation (H.B. 2254) – Chapter 197

Modifies the formula for calculating judicial productivity credits (JPC) to determine the salary for a justice of the peace (JP). The legislation changes the formula by: 1) accounting for felony and misdemeanor *counts filed* instead of *filings*; 2) increasing the weight for counts including DUI and protective orders; 3) recalculating civil traffic offenses; and 4) considering juvenile filings the same as adult filings.

Beginning January 1, 2018, requires the Arizona Supreme Court to annually calculate the JPC for each justice court and report to the applicable board of supervisors (BOS) with any salary adjustment effective on the following January 1. Outlines salary requirements upon the division of a justice precinct and prohibits salary reductions for a JP during his or her term of office.

Beginning January 1, 2019, requires the appropriate BOS to annually review and adjust a JP's salary.

sexual assault evidence; submission; reports (H.B. 2268) – Chapter 38

Establishes deadlines regarding sexual assault collection kits (kits). Requires a healthcare facility to notify law enforcement within 48 hours after evidence is collected from a kit, upon written consent from the victim. Additionally, requires the law enforcement agency to take possession of the kit within 5 business days after notification, and if the victim reports the crime to law enforcement and they determine that a crime occurred, the law enforcement agency must submit the evidence to a crime lab within 15 business days of its receipt, in which case the evidence must be analyzed as soon as practicable.

Outlines standards for the storage of DNA profiles and permits a public accredited crime lab to contract with a private accredited crime lab under certain conditions. Specifies that failure to comply with any of these requirements may not be used in the defendant's favor. Requires each law enforcement agency and public accredited crime lab to report their kit inventories to the Department of Public Safety each year for further submission to the Governor, the President of the Senate and the Speaker of the House as outlined.

victims' rights; requirements; monetary judgments (H.B. 2269) – Chapter 229

Prohibits monetary judgments in civil actions against the state, a political subdivision, or a prison, jail, correctional facility or a related officer or agent from being paid to a person who is or was previously incarcerated in the Arizona Department of Corrections before all restitution and incarceration costs are paid. Further stipulates the monetary judgement first must pay for

outstanding restitution costs and a portion of any remaining balance may be used for incarceration costs.

Requires entities to transfer the monetary judgement to the clerk of the superior court for distribution to the victim. Specifies, after one year, the county treasurer must transfer unclaimed victim restitution payments to the State Treasurer for deposit into the Victim Compensation and Assistance Fund.

Allows a minor victim's name to be redacted from public records under certain circumstances, requires the court to retain jurisdiction regarding victim restitution orders and allows a victim to request a preconviction restitution lien. Also establishes a victim notification procedure for information about the defendant and allows for digital notification and victim impact statements.

provisional licenses; criminal convictions. (H.B. 2290) – Chapter 230

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

electoral college; electors; violation; classification (H.B. 2302) – Chapter 94

Requires Arizona presidential electors to cast their electoral college votes for the candidates for President and Vice President who jointly received the highest number of votes in Arizona according to a statewide canvass issued by the Secretary of State. Deems a presidential elector, who refuses to cast his or her vote as outlined, ineligible to hold the office and establishes procedures for appointing a replacement elector.

voter guide; publicity pamphlet; e-mail (H.B. 2304) – Chapter 216

Upon request by a voter, requires publicity pamphlets from the Secretary of State for ballot initiatives and constitutional amendments to be delivered via e-mail. Unless all registered voters in the same household opt for e-mail delivery, the household will receive a publicity pamphlet by regular mail in addition to e-mail.

Stipulates the Motor Vehicle Division must allow voters to select e-mail delivery via an online registration portal and outlines alternatives if an e-mail address is undeliverable.

precinct committeemen; term of office (H.B. 2316) – Chapter 294

Establishes a precinct committeeman's (PC) term of office is two years. A PC's term of office begins on October 1 after the primary election and ends on October 1 after the following primary election when a subsequent PC is elected.

tobacco settlement; Indian tribes; information (H.B. 2373) – Chapter 96

Allows the Department of Revenue and the Attorney General to share confidential information with Arizona Indian tribes for enforcing statutes or agreements related to: 1) any

public health control law regarding tobacco sales; 2) any law relating to reduced cigarette ignition propensity standards; or 3) the Master Settlement Agreement. Further stipulates that confidential information, shared with federal, state or local agencies in Arizona, may be used for enforcing the statutes or agreements as outlined.

victims; medical bills; prohibited acts (H.B. 2375) – Chapter 125

Allows licensed healthcare providers to opt-in to participating in the Victim Compensation Program (Program). Deems a provider, who accepts the full allowable payment for a service under the Program, to have accepted it as the full payment and prohibits the provider from collecting or attempting to collect any payment from the victim for the services provided, with outlined exceptions.

Prohibits a provider who receives notice that a person has filed a claim with the Program from conducting debt collection activities until an award is made or it is determined that the claim is noncompensable.

initiatives; circulators; signature collection; contests (H.B. 2404) – Chapter 52

Prohibits a person from being paid based on the number of signatures collected on a statewide initiative or referendum petition and classifies doing so as a class 1 misdemeanor. Extends the time period for challenging a circulator's registration from 5 days to 10 business days after the petition filing deadline.

Modifies the requirements for submitting a measure for review by the Legislative Council and clarifies that any person may challenge the validity of an initiative or referendum or seek to enjoin elections officials from including the measure on the ballot. Contains a severability clause.

voter registration records; petition submittals (H.B. 2412) – Chapter 126 E

An emergency measure, effective March 31, 2017, that adopts a graduated fee schedule for authorized requests of voter registration records according to the quantity of records requested. The legislation also prohibits the release of a voter's email address for any purpose.

Beginning October 1, 2017, permits the Secretary of State (SOS) to authorize the creation, use and submission of electronic nomination petitions for statewide and legislative offices and outlines related guidelines. Adds an individual's date of death to the information reported by the Department of Health Services to the SOS for the purposes of canceling the names of deceased persons from the statewide voter registration database.

signatures; electronic transactions; blockchain technology (H.B. 2417) – Chapter 97

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

name change; juvenile court (H.B. 2435) – Chapter 170

Allows the juvenile court to change a child's name when parental rights are terminated. Additionally, the legislation specifies the court may change a child's name to the name requested by the adoptive parent or parents in the adoption petition. Requires the court, in both cases, to consider a child's wishes to the name change if he or she is at least 12 years old.

sexual assault; victim advocates; privilege (H.B. 2444) – Chapter 64

Makes sexual assault victim advocates (advocates) mandatory reporters and establishes a qualified privilege for them in civil actions. The legislation excludes the following from the privilege: 1) civil actions relating to the civil commitment of sexually violent persons; 2) an advocate's mandatory reporting requirements; or 3) communications from the victim that the advocate knows or should have known are perjurious or would tend to disprove the existence of sexual assault.

civil forfeiture; report information; remedies (H.B. 2477) – Chapter 149

Anti-Racketeering Revolving Fund – Outlines additional information that must be reported regarding the Anti-Racketeering Revolving Fund (ARRF) including details about the forfeiture itself, as well as information regarding the property, owner and expenditures. Requires agencies applying for ARRF monies to submit the application in writing and allows the application to be denied if the request does not comply with authorized purposes. The county attorney must also submit an application for use of the ARRF monies to the board of supervisors (BOS) except in emergency situations. Permits the BOS to retain outside counsel, if necessary, to approve, review or ratify the county attorney's use of the ARRF. Beginning in 2018 and every other year thereafter, the Auditor General must conduct a performance and financial audit of the Attorney General's use of ARRF monies, paid for through the ARRF.

Liability, Costs and Expenses – The legislation also modifies the current liability exemption related to asset seizure by granting immunity unless the seizing agency or attorney for the state intended to cause injury or was grossly negligent. Instead of a claimant paying the state's costs and expenses if he fails to establish his entire interest in the property is exempt, it allows the court to award fees, expenses and damages to a claimant who substantially prevails. It also requires the court to award treble costs or damages if the court finds that reasonable cause did not exist for the seizure and the seizing agency or attorney for the state intended to cause injury or was grossly negligent.

Federal Transfer and Standard of Proof – Specifies that a seizing agency or attorney for the state is prohibited from transferring seized property to a federal agency for forfeiture for investigations that do not involve a federal agency or only involve state law violations. This restriction does not apply to seizures of more than \$75,000 in joint investigations and does not prohibit specified activities related to joint investigations. Finally, it increases the standard of proof required of the state in specified types of forfeitures from *preponderance of the evidence* to *clear and convincing evidence*.

candidate committee names; office (H.B. 2486) – Chapter 233 E

An emergency measure, effective May 1, 2017, retroactive to November 5, 2016, that limits the requirement for a candidate committee name to include the office sought *only* if a candidate has a committee open for more than one office.

Specifies an election cycle: 1) begins on January 1 in the year following a statewide general election and ends on December 31 in the year of a statewide general election; and 2) for cities and towns, begins on the first day of the calendar quarter after the quarter in which a city's or town's second, runoff or general election is scheduled and ends on the last day of the calendar quarter of the immediately following second, runoff or general election.

dental board; expenditure limitation; repeal (NOW: civil liability; vehicles; minors; animals) (H.B. 2494) – Chapter 301

Exempts a person from civil liability for using reasonable force to enter a locked vehicle to remove a child or pet if the person has a good faith belief that the child or pet is in imminent danger of physical injury or death and outlines additional notification requirements. Stipulates a person does not receive immunity if he or she commits unnecessary or malicious damage to the vehicle and does not follow outlined requirements.

criminal justice; budget reconciliation; 2017-2018. (H.B. 2540/S.B. 1525) – Chapter 303

SEE THE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

JPs; residency requirements (H.B. 2162) – VETOED

Requires candidates for justice of the peace (JP) or constable to be: 1) qualified electors of the precinct at the time of filing their nomination paper; and 2) residents of the precinct for at least one year before the general election date. Applies the new requirements to a JP or constable elected after the general effective date.

The Governor indicates in his veto message that the bill is substantially the same as another residency bill that he vetoed in 2015. He further indicates he does not believe it is appropriate to create specific residency requirements for a narrow set of elected offices.