

# ARIZONA STATE SENATE

47TH LEGISLATURE  
FIRST REGULAR SESSION

## MINUTES OF COMMITTEE ON JUDICIARY

**DATE:** February 14, 2005      **TIME:** 1:30 p.m.      **ROOM:** SHR1

**CHAIRMAN:** Senator Huppenthal      **VICE CHAIRMAN:** Senator Martin

**ANALYST:** Jennifer Eugster      **INTERN:** Amber O'Dell

**ASSISTANT ANALYST:** Jon Evans      **COMMITTEE SECRETARY:** Carol Dager

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### ATTENDANCE

### BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Aguirre	X			SB 1042	DP
Senator Brotherton	X			SB 1052	DPA/SE
Senator Gould	X			SB 1114	DPA/SE
Senator Harper	X			SB 1119	DPA/SE
Senator Jarrett	X			SB 1257	HELD
Senator Miranda	X			SB 1300	DPA
Senator Martin, Vice Chairman	X			SB 1301	DPA
Senator Huppenthal, Chairman	X			SB 1311	DP
				SB 1333	DPA/SE
				SB 1339	DP
				SB 1344	DPA
				SB 1363	DP
				SB 1369	DP
				SB 1429	DPA
				SB 1447	DP
				SB 1475	HELD
				SB 1488	DPA
				SB 1509	DP

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### GOVERNOR'S APPOINTMENTS

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<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
Jesus Jose Hernandez	Member, Arizona State Lottery Commission	CONFIRMATION

Chairman Huppenthal called the meeting to order at 1:33 p.m., and attendance was taken.

Senator Huppenthal announced that the following bill would be held:

**SB 1257 – clean elections; revisions – HELD**

The meeting recessed at the sound of the gavel at 1:35 p.m.

The meeting reconvened at 1:37 p.m.

**CONSIDERATION OF BILLS**

**SB 1344 – election board workers; party affiliation – DO PASS AMENDED**

**Martin Gurch, Senate Government Accountability and Reform Committee Intern**, explained SB 1344. He also explained the Huppenthal 21-line amendment dated 2/11/05 at 3:33 p.m. and the Martin four-line amendment dated 2/11/05 at 3:06 p.m.

**Karen Osborne, Elections Director, Maricopa County**, testified in support of the bill.

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**Senator Martin moved SB 1344 be returned with a DO PASS recommendation.**

**Senator Martin moved the Huppenthal 21-line amendment dated 2/11/05 at 3:33 p.m. be ADOPTED (Attachment B). The motion CARRIED with a voice vote.**

**Senator Martin moved the Martin four-line amendment dated 2/11/05 at 3:06 p.m. be ADOPTED (Attachment C). The motion CARRIED with a voice vote.**

**Senator Martin moved that SB 1344 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 1).**

**SB 1447 – misrepresentation; on-line businesses; identifying information – DO PASS**

**Daniel Armstrong, Senate Commerce and Economic Development Committee Intern**, explained SB 1447.

**Kathleen Carey, County Public Defender, Maricopa County Public Defender's Office**, testified in opposition to the bill.

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**Senator Martin moved SB 1447 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 2).**

**SB 1363 – bar licenses; firearms; posted notice – DO PASS**

**Kim Martineau, Senate Government Accountability and Reform Committee Research Analyst,** explained SB 1363.

**Darren Lasorte, State Liaison, National Rifle Association,** testified in support of the bill.

**Kelsey Lundy, Lobbyist, Associated Highway Patrolmen of Arizona,** testified in opposition to the bill.

**Donald Isaacson, Lobbyist, Arizona Licensed Beverage Association,** testified in opposition to the bill.

**Gary Christensen,** representing himself, testified in support of the bill.

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**Senator Martin moved SB 1363 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-1 (Attachment 3).**

**SB 1488 – persons lawfully detained; identification requirement – DO PASS AMENDED**

**Senator Tibshraeny, bill sponsor,** provided additional information regarding the bill.

**Eric Edwards, Arizona Association of Chiefs of Police and Phoenix Police Department,** testified in support of the bill.

**Amber O'Dell, Senate Judiciary Committee Intern,** explained the three amendments to SB 1488: Brotherton four-line amendment dated 2/11/05 at 11:33 a.m., the Brotherton six-line amendment dated 2/11/05 at 11:38 a.m., and the Brotherton three-line amendment dated 2/11/05 at 4:04 p.m.

**Senator Brotherton moved SB 1488 be returned with a DO PASS recommendation.**

**Senator Brotherton moved his four-line amendment dated 2/11/05 at 11:33 a.m. be ADOPTED (Attachment D). The motion CARRIED with a voice vote.**

**Senator Brotherton moved his six-line amendment dated 2/11/05 at 11:38 a.m. be ADOPTED (Attachment E). The motion FAILED by voice vote. DIVISION was called. The motion CARRIED by a division of 5-3.**

**Senator Brotherton moved his three-line amendment dated 2/11/05 at 4:04 p.m. be ADOPTED (Attachment F). The motion FAILED by voice vote. DIVISION was called. The motion CARRIED by a division of 5-3.**

**Senator Martin moved that SB 1488 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-0 (Attachment 4).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**SB 1114 – peace officer; impersonating; technical correction – DO PASS AMENDED/STRIKE EVERYTHING**

**Jennifer Eugster, Senate Judiciary Committee Research Analyst**, explained the Huppenthal three-page strike-everything amendment dated 2/10/05 at 4:00 p.m.

**Eric Edwards, Arizona Association of Chiefs of Police and Phoenix Police Department**, testified in support of the bill.

**Wendy Briggs, Lobbyist, American Insurance Association**, testified in opposition to the bill.

**Senator Martin moved SB 1114 be returned with a DO PASS recommendation.**

**Senator Martin moved the Huppenthal three-page strike-everything amendment dated 2/10/05 at 4:00 p.m. be ADOPTED (Attachment G). The motion CARRIED with a voice vote.**

**Senator Martin moved that SB 1114 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 5).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**SB 1300 – voting rights; diminished capacity – DO PASS AMENDED**

Ms. Eugster explained SB 1300 and the Huppenthal 21-line amendment dated 2/11/05 at 4:59 p.m.

**Jan Brewer, Secretary of State**, testified in support of the bill.

**Peri Jude Radecic, Director of Public Advocacy, Arizona Center for Disability Law**, testified in support of the bill.

**Barbara Mundell, Associate Presiding Judge**, testified in opposition to the bill.

**Scott Hogsett**, representing himself, testified in support of the bill.

**Senator Martin moved SB 1300 be returned with a DO PASS recommendation.**

**Senator Martin moved the Huppenthal 21-line amendment dated 2/11/05 at 4:59 p.m. be ADOPTED (Attachment H). The motion CARRIED with a voice vote.**

**Senator Martin moved that SB 1300 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-0 (Attachment 6).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

## **EXECUTIVE NOMINATION**

### **Jesus Jose Hernandez, Member, Arizona State Lottery Commission – RECOMMEND CONFIRMATION**

**Senator Martin moved the Committee on Judiciary recommend to the full Senate the CONFIRMATION of Jesus Jose Hernandez as a Member of the Arizona State Lottery Commission. The motion CARRIED by a roll call vote of 8-0-0 (Attachment 7).**

### **SB 1509 – voter registration database; felony convictions – DO PASS**

Ms. O'Dell explained SB 1509,

**Joseph Kanefield, State Election Director, Secretary of State's Office,** testified that he was neutral on the bill.

**Carol Corsica,** representing herself, testified in support of the bill.

**Senator Martin moved SB 1509 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 8).**

### **SB 1052 – protection of unborn children – DO PASS AMENDED/STRIKE EVERYTHING**

Ms. Eugster explained the Jarrett 22-page strike-everything amendment dated 2/10/05 at 10:50 a.m. to SB 1052. She also explained the Huppenthal two-line amendment dated 2/11/05 at 3:30 p.m.

**Cathi Herrod, Director of Policy, The Center for Arizona Policy,** testified in support of the bill.

**Paul McMurdie, Deputy County Attorney, Maricopa County,** testified in support of the bill.

**Rabbi Mark Bisman,** representing himself, testified in opposition to the bill.

**Senator Jarrett moved SB 1052 be returned with a DO PASS recommendation.**

**Senator Martin moved the Jarrett 22-page strike-everything amendment dated 2/10/05 at 10:50 p.m. be ADOPTED (Attachment I). The motion CARRIED with a voice vote.**

**Senator Martin moved the Huppenthal two-line amendment dated 2/11/05 at 3:30 p.m. be ADOPTED (Attachment J). The motion CARRIED with a voice vote.**

**Senator Martin moved the Jarrett 22-page strike-everything amendment, AS AMENDED, be ADOPTED. The motion CARRIED by a voice vote.**

**Senator Jarrett moved that SB 1052 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 9).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

Senator Huppenthal announced that the following bill would be held:

**SB 1475 – personal actions; public officers; liability - HELD**

**SB 1333 – animal and ecological terrorism. – DO PASS AMENDED/STRIKE EVERYTHING**

**Jon Evans, Senate Judiciary Committee Assistant Research Analyst**, explained the Huppenthal 19-page strike-everything amendment dated 2/7/05 at 1:50 p.m. to SB 1333.

**Senator Verschoor, bill sponsor**, distributed a handout (Attachment K) and provided additional information about the bill.

**Edwin Cook, Executive Director, Arizona Prosecuting Attorneys' Advisory Council**, testified that he was neutral on the bill.

**Karen Michael, Representative, Animal Defense League of Arizona**, testified in opposition to the bill.

**Senator Martin moved SB 1333 be returned with a DO PASS recommendation.**

**Senator Martin moved the Huppenthal 19-page strike-everything amendment dated 2/7/05 at 1:50 p.m. be ADOPTED (Attachment L). The motion CARRIED with a voice vote.**

**Senator Martin moved that SB 1333 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-0 (Attachment 10).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**SB 1311 – voter registration database; felony convictions – DO PASS**

Ms. Gallagher explained SB 1311,

**Senator Waring, bill sponsor**, provided additional information about the bill.

**Gregory Harris, Lobbyist, Voice Writers of Arizona**, testified in support of the bill.

**Senator Martin moved SB 1311 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 11).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**SB 1339 – civil rights; identify disclosure prohibited – DO PASS**

Ms. O'Dell explained SB 1339.

**Scott Peterson, Vice President of Public Affairs, Arizona Chamber of Commerce**, testified in support of the bill.

**Sheryl Rabin, Attorney General's Office**, testified in opposition to the bill.

**Virginia Gonzales, Chief Counsel of the Civil Rights Division**, testified in opposition to the bill.

**Eleanor Eisenberg, Executive Director, Arizona Civil Liberties Union (AzCLU)**, signed in as supporting the bill; however, she noted that was incorrect and testified in opposition to the bill.

**Senator Martin moved SB 1339 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 12).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**SB 1119 – sentencing; commitment; technical correction – DO PASS AMENDED/STRIKE EVERYTHING**

Ms. Eugster explained the Huppenthal three-page strike-everything amendment dated 2/10/05 at 9:55 a.m. to SB 1119.

**Andy Swann, President, Associated Highway Patrolmen of Arizona**, testified in support of the bill.

**Kelsey Lundy, Lobbyist, Associated Highway Patrolmen of Arizona**, testified in support of the bill.

**Senator Gould moved SB 1119 be returned with a DO PASS recommendation.**

**Senator Gould moved the Huppenthal three-page strike-everything amendment dated 2/10/05 at 9:55 a.m. be ADOPTED (Attachment M). The motion CARRIED with a voice vote.**

**Senator Gould moved that SB 1119 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 13).**

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**SB 1042 – officer organizations; DPS – DO PASS**

Ms. Eugster explained SB 1042. She also explained the Huppenthal two-page amendment dated 2/11/05 at 5:22 p.m.

**Donald Isaacson, Lobbyist, Arizona Fraternal Order of Police**, testified in support of the bill.

**Andy Swann, President, Associated Highway Patrolmen of Arizona**, testified in support of the bill.

**Jack Lane, Lieutenant, Arizona Department of Public Safety**, testified in support of the bill.

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**Senator Gould moved SB 1042 be returned with a DO PASS recommendation.**

**Senator Huppenthal moved his two-page amendment dated 2/11/05 at 5:22 p.m. be ADOPTED without objection (Attachment N). Senator Harper voiced his objection.**

**The motion CARRIED with a roll call vote of 6-2-0 (Attachment 14).**

**SB 1301 – emancipation of minors. – DO PASS AMENDED**

**Jeffrey Knoke, Senate Family Services Committee Intern**, explained SB 1301. He also explained the Huppenthal two-page amendment dated 2/14/05 at 8:38 a.m.

**Senator Huppenthal moved that the Committee hear his amendment without objection.**

**Senator Martin moved SB 1301 be returned with a DO PASS recommendation.**

**Senator Martin moved the Huppenthal two-page amendment dated 2/14/05 at 8:38 a.m. be ADOPTED (Attachment O). The motion CARRIED with a voice vote.**

**Senator Martin moved that SB 1301 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 15).**

**SB 1369 – impersonating a peace officer – DO PASS**

Mr. Evans explained SB 1369.

Senator Huppenthal announced the individuals who registered their position on the bill (Attachment A).

**Senator Gould moved SB 1369 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 16).**

**SB 1429 – capital cases; aggravating factors; experts – DO PASS AMENDED**

Ms. Eugster explained SB 1429 and the Huppenthal four-line amendment dated 2/11/05 at 1:23 p.m.

**Kathleen Mayer, Deputy County Attorney, Pima County Attorney**, testified in support of the bill.

**Paul McMurdie, Deputy County Attorney, Maricopa County Attorney**, testified in support of the bill.

**Senator Martin moved SB 1429 be returned with a DO PASS recommendation.**

**Senator Martin moved the Huppenthal four-line amendment dated 2/11/05 at 1:23 p.m. be ADOPTED (Attachment P). The motion CARRIED with a voice vote.**

**Senator Martin moved that SB 1429 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-1 (Attachment 17).**

There being no further business, the meeting was adjourned at 5:04 p.m.

Respectfully submitted,

Carol Dager  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)