

ARIZONA STATE SENATE

47TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: February 6, 2006 **TIME:** 1:30 P.M. **ROOM:** SHR1

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

ANALYST: Jennifer Eugster **INTERN:** Damion LeeNatali

ASSISTANT ANALYST: Leah Birk **COMMITTEE SECRETARY:** Shelley Ponce

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 1039	HELD
Senator Brotherton	X			SB 1124	HELD
Senator Gould	X			SB 1164	DPA
Senator Harper	X			SB 1176	DPA
Senator Jarrett	X			SB 1227	DP
Senator Miranda	X			SB 1231	DPA
Senator Martin, Vice Chairman	X			SB 1252	DPA
Senator Huppenthal, Chairman	X			SB 1260	DP
				SB 1287	DP
				SB 1301	DPA
				SB 1339	HELD
				SB 1341	DPA
				SB 1360	DP
				SB 1366	DPA
				SB 1370	HELD
				SB 1371	DPA
				SB 1376	DP
				SB 1378	DPA
				SB 1395	DP
				SB 1396	DPA

Chairman Huppenthal called the meeting to order at 1:30 p.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Huppenthal moved the minutes of January 23 and 30 be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

SB 1366 – elections; provisional ballots; identification; information – DO PASS AMENDED

Jennifer Eugster, Judiciary Committee Analyst, explained SB 1366 and the 9-page Martin amendment dated 02/06/06 at 12:02 p.m. (Attachment A).

Jan Brewer, Secretary of State, testified in support of SB 1366.

Senator Jarrett moved SB 1366 be returned with a DO PASS recommendation.

Senator Huppenthal moved without objection to allow the late Martin amendment.

Senator Martin moved his 9-page amendment dated 02/06/06 at 12:02 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Jarrett moved SB 1366 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 1).

In explanation of his vote, Senator Martin asked if the Secretary of State would provide the Committee with the statutes that cover photocopying of voter registration materials and with that he voted “aye”.

SB 1395 – election laws; secretary of state – DO PASS

Jennifer Eugster, Judiciary Committee Analyst, explained SB 1395.

Jan Brewer, Secretary of State, testified in support of SB 1395.

Senator Jarrett moved SB 1395 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 2).

In explanation of his vote, Senator Martin stated that since this bill does not change the current status he voted “aye”.

SB 1360 – initiative; referendum; recall; signatures – DO PASS

Jennifer Eugster, Judiciary Committee Analyst, explained SB 1360.

Senator Martin moved SB 1360 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 3).

SB 1231 – voter registration list; fee. – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst, explained SB 1231 and the 7-line Miranda amendment dated 02/03/06 at 5:00 p.m. (Attachment B).

Senator Miranda moved SB 1231 be returned with a DO PASS recommendation.

Senator Miranda moved the 7-line Miranda amendment dated 02/03/06 at 5:00 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Miranda moved SB 1231 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 4).

In explanation of her vote, Senator Jarrett stated that she was voting “aye” for now, but she has many questions she needs answers for from the sponsors, the County Attorney’s Office and the Secretary of State’s Office.

SB 1376 – capital case litigation; public defender – DO PASS

Jennifer Eugster, Judiciary Committee Analyst, explained SB 1376.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Arizona Judicial Council, testified in support of SB 1376.

Mike Ryan, Supreme Court Justice, Arizona Judicial Council, testified in support of SB 1376.

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

Senator Gould moved SB 1376 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-2-2 (Attachment 5).

In explanation of his vote, Senator Brotherton stated that he feels this bill will be a plus for the overall Judicial system and he voted “aye”.

In explanation of his vote, Senator Martin stated that California, which this is modeled after, found that it became substantially more expensive than previously thought. He said Arizona does not need more bureaucracy and will not support this on the Floor, however he would pass this out of Committee and with that he voted “aye”.

In explanation of his vote, Senator Huppenthal stated California Legislators and Arizona Legislators are very different and he hopes that people will keep an open mind and he voted “aye”.

SB 1124 – uniform arbitration act - HELD

Jennifer Eugster, Judiciary Committee Analyst, explained SB 1124.

James Bush, Uniform Laws Commission, testified in support of SB 1124.

Steve Duffy, Attorney, State Farm Insurance, testified in opposition to SB 1124.

Senator Huppenthal announced SB 1124 would be HELD.

SB 1176 – victims’ rights; failure to comply – DO PASS AMENDED

Damion LeeNatali, Judiciary Committee Research Intern, explained SB 1176 and the 15-line Huppenthal amendment dated 02/03/06 at 3:59 p.m. (Attachment D).

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

Jennifer Eugster, Judiciary Committee Analyst, answered questions posed by the Committee.

Keli Luther, Crime Victims Legal Assistance Project - Executive Director, representing self, testified in support of SB 1176.

Senator Martin moved SB 1176 be returned with a DO PASS recommendation.

Senator Martin moved the 15-line Huppenthal amendment dated 02/03/06 at 3:59 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved SB 1176 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-2 (Attachment 6).

In explanation of his vote, Senator Brotherton stated that he has concerns with the impact this will have with double jeopardy and he voted “no”.

In explanation of his vote, Senator Martin stated a lot is done to protect the rights of the accused and he is glad to see something done to protect the rights of the victim and he voted “aye”.

SB 1252 – eminent domain; fees; costs – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst, explained SB 1252 and the 3-line Huppenthal amendment dated 02/03/06 at 4:27 p.m. (Attachment E).

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

Kevin Adam, Legislative Coordinator, League of Arizona Cities and Towns, testified in opposition to SB 1252.

Senator Martin moved SB 1252 be returned with a DO PASS recommendation.

Senator Martin moved the 3-line Huppenthal amendment dated 02/03/06 at 4:27 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved SB 1252 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-1-3 (Attachment 7).

In explanation of his vote, Senator Brotherton stated that this bill would not fix the problem, it would make it worse and with that he voted “no”.

In explanation of his vote, Senator Gould stated this is the only way for the average citizen to fight eminent domain and he voted “aye”.

In explanation of his vote, Senator Martin stated that this is a way for citizens to have their day in court and he voted “aye”.

In explanation of his vote, Senator Huppenthal stated he has seen people put through hardships due to eminent domain and he is glad this bill will go through and he voted “aye”.

SB 1227 – interstate compact; adult offender supervision – DO PASS

Leah Birk, Judiciary Committee Assistant Research Analyst, explained SB 1227.

Leila Gholam, Legislative Liaison, Arizona Judicial Council, testified in support of SB 1227.

Senator Martin moved SB 1227 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-3 (Attachment 8).

SB 1260 – prostitution; house abatement – DO PASS

Damion LeeNatali, Judiciary Committee Research Intern, explained SB 1260.

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

John Wayne Gonzales, Legislative Liaison, City of Phoenix, introduced an associate, Jim Hays, to answer questions posed by the Committee.

Jim Hays, Assistant City Attorney, City of Phoenix, testified in support of SB 1260.

Senator Gould moved SB 1260 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-3 (Attachment 9).

SB 1301 – community notification; warrants – DO PASS AMENDED

Damion LeeNatali, Judiciary Committee Research Intern, explained SB 1301 and the 5-line Huppenthal amendment dated 02/06/06 at 10:38 a.m. (Attachment F).

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

Senator Gould moved the 5-line Huppenthal amendment dated 02/06/06 at 10:38 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved SB 1301 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-3 (Attachment 10).

SB 1378 – arrest; DNA testing – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst explained SB 1378 and the 4-page Brotherton amendment dated 02/03/06 at 4:20 p.m. (Attachment G).

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

Senator Brotherton moved SB 1378 be returned with a DO PASS recommendation.

Senator Brotherton moved his 4-page amendment dated 02/03/06 at 4:20 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Brotherton moved SB 1378 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 3-2-3 (Attachment 11).

In explanation of his vote, Senator Huppenthal stated he has concerns with a person's DNA being in the system if they are not convicted, however for the most part he feels it is appropriate and he voted "aye".

SB 1371 – sex offenders; GPS monitoring; appropriations – DO PASS AMENDED

Jennifer Eugster, Judiciary Committee Analyst, explained SB 1371 and the 5-line Huppenthal amendment dated 02/03/06 at 4:37 p.m. (Attachment H).

Paul Boyer, Legislative Liaison, The Department of Corrections, registered as neutral and answered questions posed by the Committee.

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

Kris Keyton, President, E-Cell.COM, representing self, testified in support of SB 1371 and answered questions posed by the Committee.

Senator Martin moved SB 1371 be returned with a DO PASS recommendation.

Senator Martin moved the 5-line Huppenthal amendment dated 02/03/06 at 4:37 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved SB 1371 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-3 (Attachment 12).

SB 1396 – juvenile corrections; work restitution – DO PASS AMENDED

Damion LeeNatali, Judiciary Committee Research Intern, explained SB 1396 and the 7-line Huppenthal amendment dated 02/03/06 at 3:34 p.m. (Attachment I).

Patti Cordova, Director of Communications & Legislative Policy, Arizona Department of Juvenile Corrections, testified in support of SB 1396.

Senator Martin moved SB 1396 be returned with a DO PASS recommendation.

Senator Martin moved the 7-line Huppenthal amendment dated 02/03/06 at 3:34 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved SB 1396 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-3 (Attachment 13).

SB 1287 – misconduct involving weapons; stolen vehicles – DO PASS

Damion LeeNatali, Judiciary Committee Research Intern, explained SB 1287.

Jennifer Eugster, Judiciary Committee Analyst, further explained SB 1287.

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

Senator Martin moved SB 1287 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-3 (Attachment 14).

SB 1339 – firearms; possession; persons adjudicated delinquent – HELD

Damion LeeNatali, Judiciary Committee Research Intern, explained SB 1339.

Senator Blendu, bill sponsor, further explained his bill.

Senator Huppenthal stated that SB 1339 would be HELD.

SB 1039 – voyeurism; surreptitious viewing – HELD

Senator Huppenthal announced that SB 1039 would be HELD.

SB 1164 – aggravated assault; suffocation and strangulation – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst, explained SB 1164 and the 6-page Martin amendment dated 02/03/06 at 4:52 p.m. (Attachment J).

After discussion amongst the Committee, Senator Martin agreed to work with the Members on the language of SB 1164.

Dale Wiebusch, Director of Systems Advocacy, Arizona Coalition Against Domestic Violence, testified in support of SB 1164.

Senator Martin moved SB 1164 be returned with a DO PASS recommendation.

Senator Martin moved his 6-page amendment dated 02/03/06 at 4:52 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved SB 1164 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-2 (Attachment 15).

Senator Huppenthal announced those who registered their position on the bill (Attachment C).

In explanation of his vote, Senator Brotherton stated that he does not want to see simple minor offenses treated disproportionately but looks forward to working with the sponsor to narrow down the language and he voted "aye".

In explanation of his vote, Senator Martin stated he understands work needs to be done, but this is very important and he voted "aye".

SB 1341 – undesignated offenses; licensing; employment – DO PASS AMENDED

Damion LeeNatali, Judiciary Committee Research Intern, explained SB 1341 and the 2-line Huppenthal amendment dated 02/03/06 at 2:38 p.m. (Attachment K).

Lyle Mann, Manager Arizona Post, Arizona Peace Officer Standards and Training Board, testified in opposition to SB 1341, but said with the amendment SB 1341 is all right.

Senator Martin moved SB 1341 be returned with a DO PASS recommendation.

Senator Martin moved the 2-line Huppenthal amendment dated 02/03/06 at 2:38 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved SB 1341 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-2 (Attachment 16).

There being no further business, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

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