

ARIZONA STATE SENATE

48TH LEGISLATURE FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: February 12, 2007 **TIME:** 1:30 p.m. **ROOM:** SHR1

CHAIRMAN: Senator Chuck Gray **VICE CHAIRMAN:** Senator Gould

ANALYST: Christina Estes-Werther **ASSISTANT ANALYST:** Ryan DeMenna

INTERN: Heather Owens **COMMITTEE SECRETARY:** Bill Ritz

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Chevront	X			SB 1183	DPA/SE
Senator Hale			X	SB 1202	DP
Senator Johnson	X			SB 1251	DPA
Senator Miranda	X			SB 1319	DPA
Senator Waring	X			SB 1329	DPA/SE
Senator Gould, Vice Chairman	X			SB 1330	DP
Senator C. Gray, Chairman	X			SB 1331	DP
				SB 1333	DP
				SB 1338	DPA
				SB 1340	DP
				SB 1346	DPA/SE
				SB 1425	FAILED
				SB 1426	FAILED
				SB 1430	DPA
				SB 1434	DPA
				SB 1446	DPA
				SB 1482	DPA
				SB 1521	DP
				SB 1530	DPA
				SB 1555	DPA
				SB 1590	DP
				SB 1623	DPA
				SB 1629	DPA
				SB 1630	HELD
				SCR 1021	DP ON RECONSIDERATION

Chairman Gray called the meeting to order at 1:39 p.m., and attendance was taken.

CONSIDERATION OF BILLS

Senator Gray announced SB 1630 would be held.

SB 1521 – elections; write-in deadline – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1521.

Tim Carter, Yavapai County School Superintendent, testified in support of SB 1521.

Mark Baer, Member Services Analyst, Arizona Association of Counties, testified in support of SB 1521.

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

Senator Gould moved SB 1521 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 1).

SB 1590 – holographic wills – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1590.

Senator Gould further explained SB 1590.

Senator Gould moved SB 1590 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 2).

SB 1346 – sexual exploitation; luring a minor – DO PASS AMENDED/STRIKE EVERYTHING

Ryan DeMenna, Assistant Research Analyst, explained SB 1346 and the 16-page Chuck Gray strike everything amendment dated 2/7/07 at 4:00 p.m. (Attachment B).

Greg Stanton, Councilman, City of Phoenix, testified in support of SB 1346.

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

Senator Gould moved SB 1346 be returned with a DO PASS recommendation.

Senator Gould moved the 16-page Chuck Gray strike everything amendment dated 2/7/07 at 4:00 p.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1346 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 3).

SB 1555 – residency restrictions; schools; child care – DO PASS AMENDED

Heather Owens, Judiciary Research Intern, explained SB 1555 and the 5-line Chuck Gray amendment dated 2/9/07 at 4:48 p.m. (Attachment C).

Senator Tibshraeny further explained SB 1555.

Claudia Walters, Vice-Mayor, City of Mesa, testified in support of SB 1555.

Stephanie Wright, Co-Chair, Mesa Grande Community Alliance, testified in support of SB 1555.

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

Senator Gould moved SB 1555 be returned with a DO PASS recommendation.

Senator Gould moved the 5-line Chuck Gray amendment dated 2/9/07 at 4:48 p.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1555 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 4).

SB 1183 – parking agreements; technical correction – DO PASS AMENDED/ STRIKE EVERYTHING

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1183, the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m. (Attachment D), the 2-line Chevront amendment dated 2/9/07 at 9:31 a.m. to the 5-page Chuck Gray strike everything amendment (Attachment E), and the Chuck Gray verbal amendment to the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m. (Attachment F).

Senator Tibshraeny further explained SB 1183.

Bob Rosenberg, representing self, testified in support of SB 1183.

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

Senator Gould moved SB 1183 be returned with a DO PASS recommendation.

Senator Gould moved the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m.

Senator Gould moved the following verbal amendment to the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m.:

Page 1, strike lines 14 through 17

The motion CARRIED by voice vote.

Senator Gould moved the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m. AS AMENDED. The motion CARRIED by voice vote.

Senator Chevront further explained the 2-line Chevront amendment dated 2/9/07 at 9:31 a.m. to the 5-page Chuck Gray strike everything amendment.

Senator Chevront moved the 2-line Chevront amendment dated 2/9/07 at 9:31 a.m. to the 5-page Chuck Gray strike everything amendment. The motion CARRIED by voice vote.

Senator Gould moved the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m. AS AMENDED. The motion CARRIED by voice vote.

Senator Gould moved SB 1183 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 5).

SB 1329 – computer evidence; forensic examination – DO PASS AMENDED/ STRIKE EVERYTHING

Heather Owens, Judiciary Research Intern, explained SB 1329, the 5-page Chuck Gray strike everything amendment dated 2/7/07 at 1:02 p.m. (Attachment G), and the 8-line Chuck Gray amendment dated 2/9/07 at 1:18 p.m. to the strike everything amendment (Attachment H).

Senator Leff further explained SB 1329 and answered questions posed by the Committee members.

Lonnie Dworkin, representing self, testified as neutral to SB 1329 and answered questions posed by the Committee members.

Mark Faull, Special Assistant County Attorney, Maricopa County Attorney's Office, testified in opposition to SB 1329 and answered questions posed by the Committee members.

Kirk Nurmy, answered questions posed by the Committee members.

Senator Gray announced the 8-line Chuck Gray amendment dated 2/9/07 at 1:18 p.m. to the strike everything amendment would not be offered.

Senator Waring moved SB 1329 be returned with a DO PASS recommendation.

Senator Waring moved the 5-page Chuck Gray strike everything amendment dated 2/7/07 at 1:02 p.m. The motion CARRIED by voice vote.

Senator Waring moved SB 1329 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 6).

In explanation of his vote, Senator Waring stated "I am very conflicted on this one because it is very rare. It has happened only a couple of times in my five years where we have had people on both sides saying things that do not seem like they could both be true. Somebody is saying there are many cases like this and somebody else, who is an expert, is saying there are no cases like this. Out of respect to the bill sponsor and her good will, and I know she is working on it really hard, I am going to go ahead and vote 'Aye'. I am not one hundred percent sure what to make of all the testimony but I appreciate your indulgence and letting us ask all these questions so I am going to vote 'Aye'."

In explanation of his vote, Senator Gray stated "My comments simply mirror the comments of Senator Waring but I also recognize there are technicalities here that sometimes we are not used to dealing with and so I kind of split the baby, if you will, by not offering the amendment. But still, I do recognize the opportunity of someone to show that they are innocent by having access to a mirror copy of the computer so that you can mount a defense prior to trial rather than waiting until the local authorities produce that evidence and then you finding out about it once they finally take the time to do a forensic report. Now that may not be the cause but I am erring on the side of the person who is presumably innocent until proven guilty and with that I vote 'Aye'."

SB 1482 – psychiatric security review board – DO PASS AMENDED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1482 and the 6-line Waring amendment dated 2/9/07 at 2:16 p.m. (Attachment I).

Senator Waring further explained SB 1482.

Susan Gerard, Director, Department of Health Services, testified in support of SB 1482 and answered questions posed by the Committee members.

Jack Potts, Physician, Arizona Psychiatric Society, testified in opposition to SB 1482.

Senator Waring moved SB 1482 be returned with a DO PASS recommendation.

Senator Waring moved the 6-line Waring amendment dated 2/9/07 at 2:16 p.m. The motion CARRIED by voice vote.

Senator Waring moved SB 1482 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 7).

In explanation of her vote, Senator Johnson stated "After hearing Dr. Potts, and having heard him on some other cases, I would prefer that maybe we could get together and do a little bit more on this bill and see if there is some resolution that would make it a little bit better. For now I'll vote 'Aye'."

In explanation of his vote, Senator Waring stated "I appreciate Senator Johnson's concern. The first time I heard of Dr. Potts was today, so phones do work both ways. This bill has been out there for a while, years actually, but with my name on it for about a month or so. I guess I will leave it at that and I vote 'Aye'."

SB 1530 – copper wire theft; investigators; appropriation – DO PASS AMENDED

Ryan DeMenna, Assistant Research Analyst, explained SB 1530.

Russell Bowers, Executive Director, Arizona Rock Products Association, testified in support of SB 1530 and answered questions posed by the Committee members. Mr. Bowers also distributed a handout to the Committee members entitled “Copper Theft” (Attachment J).

Senator Flake further explained SB 1530 and answered questions posed by the Committee members.

Sheryl Rabin, Attorney General’s Office, testified in support of SB 1530.

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

Senator Chevront moved SB 1530 be returned with a DO PASS recommendation.

Senator Chevront moved the following verbal amendment (Attachment K):

Page 1, line 2, strike “wire”

Line 6, strike “wire”

The motion CARRIED by voice vote.

Senator Chevront moved SB 1530 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 4-0-3 (Attachment 8).

SB 1319 – clean elections; expenditures; invoices; reporting – DO PASS AMENDED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1319, the 15-line Chuck Gray amendment dated 2/9/07 at 1:42 p.m. (Attachment L), the 2-line Hale amendment dated 2/9/07 at 9:37 a.m. (Attachment M), and the 4-line Miranda amendment dated 2/9/07 at 9:43 p.m. (Attachment N).

Senator Allen further explained SB 1319.

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

Todd Lang, Executive Director, Citizens Clean Elections Commission, testified as neutral to SB 1319 and answered questions posed by the Committee members.

Senator Chevront moved SB 1319 be returned with a DO PASS recommendation.

Senator Chevront moved the 15-line Chuck Gray amendment dated 2/9/07 at 1:42 p.m. The motion CARRIED by voice vote.

Senator Chevront moved the 2-line Hale amendment dated 2/9/07 at 9:37 a.m. The motion FAILED by voice vote.

Senator Miranda explained and announced the 4-line Miranda amendment dated 2/9/07 at 9:43 p.m. would not be offered.

Senator Chevront moved SB 1319 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 9).

SB 1425 – sexual offenses; defense – FAILED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1425.

Senator Johnson further explained SB 1425.

Ken Bond, representing self, testified in support of SB 1425, referring to a handout entitled “Sexual Activity Among Arizona’s High School Children” (Attachment O), and answered questions posed by the Committee members.

Bill Montgomery, Attorney, representing self, testified in opposition to SB 1425 and answered questions posed by the Committee members.

Mark Faull, Special Assistant County Attorney, Maricopa County Attorney’s Office, testified in support of SB 1425 and answered questions posed by the Committee members.

Chris Phillis, representing self, testified in support of SB 1425 and answered questions posed by the Committee members.

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

Senator Gould moved SB 1425 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-3-1 (Attachment 10).

In explanation of his vote, Senator Chevront stated “I think this is very difficult subject. I don’t think in anyway anybody wants to condone underage sex but I think that is not what this bill does. I think what it does is makes it so that these individuals who are going through a very difficult stage in their life with their hormones going should not be criminals and should not have lifetime probation. I know of an individual who just turned eighteen and was arrested and convicted and this person has that on their record even though the person was not that many years of age lower than him. I know this is difficult but I think it is something that is needed. I think we are just trying to put our laws into the same place as the federal laws and I vote ‘Aye’.”

In explanation of his vote, Senator Gray stated “Number one, I do not agree with the federal law. I think it has gone down too low. I think that our society is condoning more and more sex at lower and lower levels and I think that this just starts going down the road the wrong way. I agree with the intent and I think there are some folks that should not have lifetime probation simply because they got into a little bit of youthful indiscretion. I think that it opens the doors for those that are predators too and we didn’t talk about that too much today. With the way the bill is currently written I am going to have to vote ‘No’.”

SB 1426 – youthful sex offenders; sentencing; registration – FAILED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1426 and the 6-line Johnson amendment dated 2/9/07 at 3:22 p.m. (Attachment P).

Senator Johnson further explained SB 1426.

Kim Hazuda, representing self, testified in support of SB 1426 and answered questions posed by the Committee members.

Gary McDonald, representing self, testified in support of SB 1426 and answered questions posed by the Committee members.

Mark Faull, Special Assistant County Attorney, Maricopa County Attorney's Office, testified in support of SB 1426 and answered questions posed by the Committee members.

Rachel Mitchell, Sex Crimes Bureau Chief, Maricopa County Attorney's Office, answered questions posed by the Committee members.

Barbara Mundell, Presiding Judge, Maricopa County Superior Court, answered questions posed by the Committee members.

Ebony Richards, representing self, testified in support of SB 1426.

Senator Gould moved SB 1426 be returned with a DO PASS recommendation.

Senator Johnson moved the 6-line Johnson amendment dated 2/9/07 at 3:22 p.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1426 be returned with an AS AMENDED, DO PASS, recommendation. The motion FAILED with a roll call vote of 3-3-1 (Attachment 11).

In explanation of his vote, Senator Cheuvront stated "I don't know if I can have anymore testimony. I think I am at my limit on this stuff. It is just so overwhelming but thank you for hearing it. For some reason in the last two weeks I have seen two movies with sexual predators and it just disgusts me. I work with these kids with Children of the Night and I think these people should be put away for life. But what we are talking about here is really sentencing and it just gives discretion to the judges for those individuals who are under eighteen and have not physically pushed someone into doing something that they did not agree to. Listening to Judge Mundell, I appreciate her being her, I am sure it was not something she wanted to talk about, but it shows to me that really there is not a great deal of discretion there and I think we need to give these children more of a chance and not directly effect their lives if this is just a one time occurrence and I vote 'Aye'."

In explanation of her vote, Senator Johnson stated "Children charged with sexual offenses are different from adult sex offenders. Sexually inappropriate behavior by children is wrong and needs a response designed for youth. I believe that when teenagers that conduct inappropriate sexual behavior are treated as adults by the criminal justice system, they are prevented from the very circumstances that will help them live a normal law abiding life and that is the reason why we are looking at these bills and I vote 'Aye'."

In explanation of his vote, Senator Miranda stated "I think Senator Chevront and Senator Johnson pretty much explained why I am in favor of the bill. This is just an example of why I don't like mandatory sentencing. We are taking it away from the judges. There are always individuals out there, whether they are a small percentage of everyone that goes before the judge, there is clearly a small percentage out there that needs to be treated differently and with mandatory sentencing it takes that right away from the judge to make a different type of judgment on that individual and I vote 'Aye'."

In explanation of his vote, Senator Gray stated "I actually echo the sentiments of those that have commented on their votes today. But, again, I am having serious trouble with some of the provisions of this particular bill. Apparently from the testimony, that I have been able to gather, there are ways to get those folks' problems solved. Other than this bill, I still recognize that there are some serious problems that need to be addressed. They might need to be addressed at the probation level and other areas but I am not going to be able to vote in favor of this bill today so I vote 'No'."

Reconsideration of SB 1183 – DO PASS AMENDED

Senator Gould moved to reconsider the vote whereby the Committee PASSED SB 1183 and the amendments to SB 1183. The motion CARRIED by voice vote.

Senator Gould moved SB 1183 be returned with a DO PASS recommendation.

Senator Gould moved the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m. AS AMENDED. The motion CARRIED by voice vote.

Senator Gould moved the following verbal amendment to the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m.:

Page 1, strike lines 14 through 17

The motion CARRIED by voice vote.

Senator Gould moved the 2-line Chevront amendment dated 2/9/07 at 9:31 a.m. to the 5-page Chuck Gray strike everything amendment. The motion CARRIED by voice vote.

Senator Gould moved the 5-page Chuck Gray strike everything amendment dated 2/8/07 at 12:25 p.m. AS AMENDED. The motion CARRIED by voice vote.

Senator Gould moved SB 1183 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 12).

SB 1434 – juries; commissioner duties; juror selection – DO PASS AMENDED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1434 and the 13-line Chuck Gray amendment dated 2/9/07 at 12:02 p.m. (Attachment Q).

Barbara Mundell, Presiding Judge, Maricopa County Superior Court, testified in support of SB 1434 and distributed a handout to the Committee members entitled "Assessment of PWS System Effects on the Random Selection of Jurors and the Demographic Characteristics of the Jury Pool in the Superior Court of Arizona, Maricopa County" (Attachment R).

Kelly McDonald, Arizona Trial Lawyers Association, testified in opposition to SB 1434 and answered questions posed by the Committee members.

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

Senator Gould moved SB 1434 be returned with a DO PASS recommendation.

Senator Gould moved the 13-line Chuck Gray amendment dated 2/9/07 at 12:02 p.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1434 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 13).

SB 1623 – elections; manual audit revisions – DO PASS AMENDED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1623, the 5-page Johnson amendment dated 2/9/07 at 11:26 p.m. (Attachment S), the 8-line Johnson amendment dated 2/9/07 at 2:10 p.m. (Attachment T), and the 10-line Johnson amendment dated 2/9/07 at 4:26 p.m. (Attachment U).

Senator Johnson further explained SB 1623.

Karen Osborne, Elections Director, Maricopa County, testified in support of SB 1623 and answered questions posed by the Committee members.

Jennifer Sweeney, Public Affairs Specialist, Arizona Association of Counties, testified in opposition to SB 1623.

Senator Johnson moved SB 1623 be returned with a DO PASS recommendation.

Senator Johnson moved the 5-page Johnson amendment dated 2/9/07 at 11:26 p.m. The motion FAILED by voice vote.

Senator Johnson moved the 10-line Johnson amendment dated 2/9/07 at 4:26 p.m. The motion CARRIED by voice vote.

Senator Johnson moved the 8-line Johnson amendment dated 2/9/07 at 2:10 p.m. The motion CARRIED by voice vote.

Senator Johnson moved SB 1623 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 14).

SB 1430 – elections; primary date; early voting – DO PASS AMENDED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1430 and the 26-line Johnson amendment dated 2/9/07 at 4:34 p.m. (Attachment V).

Senator Johnson further explained SB 1430.

Kevin Tyne, Assistant Secretary of State, testified in support of SB 1430 and answered questions posed by the Committee members.

Randall Holmes, ACER, testified in support of SB 1430 and answered questions posed by the Committee members.

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

Senator Johnson moved SB 1430 be returned with a DO PASS recommendation.

Senator Johnson moved the 26-line Johnson amendment dated 2/9/07 at 4:34 p.m. The motion CARRIED by voice vote.

Senator Johnson moved SB 1430 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 15).

SCR 1021 – proposition 105; two-thirds vote – DO PASS ON RECONSIDERATION (See Page 13)

Ryan DeMenna, Assistant Research Analyst, explained SCR 1021.

Senator Huppenthal further explained SCR 1021.

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

Senator Gould moved SCR 1021 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-3-1 (Attachment 16).

SB 1446 – retail burglary; shoplifting artifice – DO PASS AMENDED

Heather Owens, Judiciary Research Intern, explained SB 1446, the 3-line Chuck Gray amendment dated 2/9/07 at 12:04 p.m. (Attachment W), and the 9-line Miranda amendment dated 2/9/07 at 1:35 p.m. (Attachment X).

Michelle Ahlmer, Executive Director, Arizona Retailers Association, testified in support of SB 1446 and answered questions posed by the Committee members.

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

Senator Gould moved SB 1446 be returned with a DO PASS recommendation.

Senator Gould moved the 3-line Chuck Gray amendment dated 2/9/07 at 12:04 p.m. The motion CARRIED by voice vote.

Senator Miranda moved the 9-line Miranda amendment 2/9/07 at 1:35 p.m. The motion FAILED by voice vote.

Senator Johnson moved SB 1446 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 17).

In explanation of his vote, Senator Miranda stated "Some of these kids out there just do really dumb things sometimes. If it is their one and only time I sure would hate for them to wind up with a Class 4 felony and I vote 'Aye'."

In explanation of his vote, Senator Gray stated "I echo Senator Miranda's comments. I think we need to look at exactly how those classifications are and make sure that we clean up some of this language but with that I vote 'Aye'."

SB 1333 – shoplifting; continuing criminal episode – DO PASS

Heather Owens, Judiciary Research Intern, explained SB 1333.

Michelle Ahlmer, Executive Director, Arizona Retailers Association, testified in support of SB 1333.

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

Senator Waring moved SB 1333 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 18).

SB 1330 – criminal justice commission; membership – DO PASS

Ryan DeMenna, Assistant Research Analyst, explained SB 1330.

Mary Marshall, PIO/Legislative Liaison, Arizona Criminal Justice Commission, testified in support of SB 1330.

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

Senator Waring moved SB 1330 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-0-3 (Attachment 19).

SB 1331 – criminal justice commission; powers; duties – DO PASS

Ryan DeMenna, Assistant Research Analyst, explained SB 1331.

Mary Marshall, PIO/Legislative Liaison, Arizona Criminal Justice Commission, testified in support of SB 1331 and answered questions posed by the Committee members.

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

Senator Waring moved SB 1331 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 20).

SB 1340 – criminal justice information systems; responsibilities – DO PASS

Ryan DeMenna, Assistant Research Analyst, explained SB 1340 and answered questions posed by the Committee members.

Mary Marshall, PIO/Legislative Liaison, Arizona Criminal Justice Commission, testified in support of SB 1340.

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

Senator Gould moved SB 1340 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 21).

Reconsideration of SCR 1021 – DO PASS

Senator Gould moved to reconsider the vote whereby the Committee FAILED SCR 1021. The motion CARRIED by voice vote.

Senator Gould moved SCR 1021 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-2-1 (Attachment 22).

SB 1338 – real estate disclosures; reports – DO PASS AMENDED

Leah Birk, Commerce and Economic Development Research Analyst, explained SB 1338 and the 2-page Chuck Gray amendment dated 2/9/07 at 3:55 p.m. (Attachment Y).

Tom Farley, Arizona Association of Realtors, testified in support of SB 1338.

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

Senator Gould moved SB 1338 be returned with a DO PASS recommendation.

Senator Gould moved the 2-page Chuck Gray amendment dated 2/9/07 at 3:55 p.m. The motion CARRIED by voice vote.

Senator Johnson moved SB 1338 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 23).

SB 1202 – weapons; misconduct; application – DO PASS

Heather Owens, Judiciary Research Intern, explained SB 1202 and answered questions posed by the Committee members.

Dave Kopp, President, Arizona Citizens Defense League, Inc., testified in support of SB 1202 and answered questions posed by the Committee members.

Michael Duran, C.O. II Firearms Instructor/AZCPOA V.P., testified in support of SB 1202 and answered questions posed by the Committee members.

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

Senator Gould moved SB 1202 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 24).

SB 1629 – misconduct involving weapons; classification. – DO PASS AMENDED

Heather Owens, Judiciary Research Intern, explained SB 1629 and the 2-line Chuck Gray amendment dated 2/9/07 at 12:00 p.m. (Attachment Z).

John Wentling, Vice President, Arizona Citizens Defense League, testified in support of SB 1629.

Gary Christensen, Arizona State Rifle and Pistol Association and NRA, testified in support of SB 1629.

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

Brian Wilcox, Lieutenant, Legislative Liaison, Arizona Department of Public Safety, testified in opposition to SB 1629 and answered questions posed by the Committee members.

Senator Gould moved SB 1629 be returned with a DO PASS recommendation.

Senator Gould moved the 2-line Chuck Gray amendment dated 2/9/07 at 12:00 p.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1629 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 4-2-1 (Attachment 25).

SB 1251 – deadly weapons; storage – DO PASS AMENDED

Heather Owens, Judiciary Research Intern, explained SB 1251 and the 7-line Chuck Gray amendment dated 2/8/07 at 4:40 p.m. (Attachment AA).

Dave Kopp, President, Arizona Citizens Defense League, Inc., testified in support of SB 1251.

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

Alan Ecker, Program Associate, Arizona Department of Administration, testified in opposition to SB 1251 and answered questions posed by the Committee members.

Senator Gould moved SB 1251 be returned with a DO PASS recommendation.

Senator Gould moved the 7-line Chuck Gray amendment dated 2/8/07 at 4:40 p.m.

The motion CARRIED by voice vote.

Senator Gould moved SB 1251 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 4-2-1 (Attachment 26).

There being no further business, the meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Bill Ritz
Committee Secretary

(Audio recordings and attachments on file in the Secretary of Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azsenate.gov>).