

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: February 4, 2008 **TIME:** 1:30 p.m. **ROOM:** SHR1

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

ANALYST: Christina Estes-Werther **ASSISTANT ANALYST:** Jessica Ripplinger

INTERN: Heather Bernacki **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 1021	DP
Senator Hale			X	SB 1053	DPA/SE
Senator Johnson	X			SB 1062	DPA
Senator Miranda			X	SB 1067	DP
Senator Waring	X			SB 1068	DP
Senator Gould, Vice Chairman	X			SB 1106	DPA
Senator C. Gray, Chairman	X			SB 1159	DP
				SB 1160	DPA
				SB 1186	DPA
				SB 1187	DP
				SCR 1001	DPA

Chairman Gray called the meeting to order at 1:40 p.m., and attendance was taken.

CONSIDERATION OF BILLS

SB 1186 – judicial performance reviews; court commissioners – DO PASS AMENDED

Jessica Ripplinger, Assistant Research Analyst, explained SB 1186 and the 3-line Chuck Gray amendment dated 2/1/08 at 9:27 a.m. (Attachment A).

Ruth McGregor, Chief Justice, Arizona Supreme Court, testified in support of SB 1186.

Pete Dunn, Attorney, Arizona Judges Association, testified in support of SB 1186.

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

Senator Gould moved SB 1186 be returned with a DO PASS recommendation.

Senator Gould moved the 3-line Chuck Gray amendment dated 2/1/08 at 9:27 a.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1186 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 4-0-3 (Attachment 1).

SB 1053 – elections; counting center; observation – DO PASS AMENDED/ STRIKE EVERYTHING

Christina Estes-Werther, Judiciary Research Analyst, explained the 2-page Chuck Gray strike everything amendment dated 1/31/08 at 9:52 a.m. (Attachment C).

Ted Downing, representing self, testified in support of SB 1053 and answered questions posed by the Committee members.

Jennifer Sweeney, Public Affairs Specialist, Arizona Association of Counties, testified in opposition to SB 1053 and answered questions posed by the Committee members.

Karen Osborne, Elections Director, Maricopa County, testified in opposition to SB 1053.

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

James March, representing self, testified in support of SB 1053.

Senator Gray, bill sponsor, further explained SB 1053.

Senator Gould moved SB 1053 be returned with a DO PASS recommendation.

Senator Gould moved the 2-page Chuck Gray strike everything amendment dated 1/31/08 at 9:52 a.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1053 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 4-0-3 (Attachment 2).

In explanation of his vote, Senator Chevront stated "I am going to vote 'Aye' to pass it along but I am going to do it under the belief that you are going to make it so it is actually feasible and is something that the Maricopa County Elections Department will be on board with. I have worked with both of the officers for many years and I have great respect for them. I assume the Governor would not sign something that would be a huge burden and costly for the counties."

In explanation of his vote, Senator Gray stated "Number one, my comment already said that we are going to do that. Secondly, in a budgetary time like this one, we are expecting everybody to cut cost. I certainly do not want to increase cost through this. For now I am going to vote 'Aye'."

SB 1160 – juror summons; questionnaire; return postage – DO PASS AMENDED

Heather Bernacki, Judiciary Research Intern, explained SB 1160, the 3-line Chuck Gray amendment dated 2/1/08 at 2:38 p.m. (Attachment D), and answered questions posed by the Committee members.

David Kull, representing self, testified in support of SB 1160 and answered questions posed by the Committee members.

Jennifer Sweeney, Public Affairs Specialist, Arizona Association of Counties, testified in opposition to SB 1160 and answered questions posed by the Committee members.

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

Senator Gould moved SB 1160 be returned with a DO PASS recommendation.

Senator Gould moved the 3-line Chuck Gray amendment dated 2/1/08 at 2:38 p.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1160 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 3).

SB 1062 – sentencing; natural life imprisonment – DO PASS AMENDED

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1062, the 5-line Waring amendment dated 2/1/08 at 9:39 a.m. (Attachment E), and answered questions posed by the Committee members.

Tim Jeffries, representing self, testified in support of SB 1062.

Beckie Miller, representing self, testified in support of SB 1062 and answered questions posed by the Committee members.

Dan Levey, National President, Parents of Murdered Children, Inc, testified in support of SB 1062.

Bill Montgomery, representing self, testified in support of SB 1062 and answered questions posed by the Committee members.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, answered questions posed by the Committee members.

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

Senator Waring moved SB 1062 be returned with a DO PASS recommendation.

Senator Waring moved the 5-line Waring amendment dated 2/1/08 at 9:39 a.m. The motion CARRIED by voice vote.

Senator Waring moved SB 1062 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 4).

In explanation of his vote, Senator Chevront stated "I usually do not like overruling judicial discretion but I assume if there was any viable reason to keep it the defense lawyers would have been here and given us their viewpoint and they are not so I vote 'Aye'."

In explanation of his vote, Senator Gray stated "I just want extend to Mr. Jeffries and Ms. Miller our condolences as a Committee for your loss and hopefully we can try, in some way, to fix this so that it does not happen in future cases and with that I vote 'Aye'."

SB 1106 – concealed weapons permit; renewal option – DO PASS AMENDED

Jessica Ripplinger, Assistant Research Analyst, explained SB 1106 and the 11-line Chuck Gray amendment dated 2/1/08 at 12:42 p.m. (Attachment F).

John Wentling, Vice President, Arizona Citizens Defense League, testified in support of SB 1106.

Gary Christensen, Arizona State Rifle and Pistol Association, testified in support of SB 1106 and answered questions posed by the Committee members.

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

Robert Ticer, Lieutenant, Arizona Department of Public Safety, answered questions posed by the Committee members.

Senator Gould moved SB 1106 be returned with a DO PASS recommendation.

Senator Gould moved the 11-line Chuck Gray amendment dated 2/1/08 at 12:42 p.m. The motion CARRIED by voice vote.

Senator Gould moved SB 1106 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 4-1-2 (Attachment 5).

SB 1021 – community notification – DO PASS

Jessica Ripplinger, Assistant Research Analyst, explained SB 1021.

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

Senator Gould moved SB 1021 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 6).

SB 1067 – escape; definition – DO PASS

Heather Bernacki, Judiciary Research Intern, explained SB 1067.

Sheryl Rabin, Attorney General's Office, testified in support of SB 1067.

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

Senator Gould moved SB 1067 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 7).

SB 1068 – criminal appeals – DO PASS

Heather Bernacki, Judiciary Research Intern, explained SB 1068.

Sheryl Rabin, Attorney General's Office, testified in support of SB 1068.

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

Senator Johnson moved SB 1068 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-0-3 (Attachment 8).

SB 1159 – trial court appointments; nominating committee – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1159 and answered questions posed by the Committee members.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, testified in support of SB 1159 and answered questions posed by the Committee members.

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

Senator Gould moved SB 1159 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-1-2 (Attachment 9).

SB 1187 – aggravated assault; peace officers – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained SB 1187.

Bill Montgomery, representing self, testified in support of SB 1187 and answered questions posed by the Committee members.

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

**Senator Gould moved SB 1187 be returned with a DO PASS recommendation.
The motion CARRIED with a roll call vote of 5-0-2 (Attachment 10).**

SCR 1001 – judicial appointment commissions; nonattorney members – DO PASS AMENDED

Christina Estes-Werther, Judiciary Research Analyst, explained SCR 1001 and the 8-line Chuck Gray amendment dated 2/4/08 at 9:46 a.m. (Attachment G).

Senator Gray, bill sponsor, further explained SCR 1001 and answered questions posed by the Committee members.

Senator Gould moved SCR 1001 be returned with a DO PASS recommendation.

Senator Gray further explained the 8-line Chuck Gray amendment dated 2/4/08 at 9:46 a.m.

**Senator Gould moved the 8-line Chuck Gray amendment dated 2/4/08 at 9:46 a.m.
The motion CARRIED by voice vote.**

**Senator Gould moved SCR 1001 be returned with an AS AMENDED, DO PASS,
recommendation. The motion CARRIED with a roll call vote of
5-0-2 (Attachment 11).**

APPROVAL OF MINUTES

**Senator Gray moved the minutes of 1/28/08 be approved.
Without objection, the minutes were approved as distributed.**

There being no further business, the meeting was adjourned at 3:35 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>).

