

# ARIZONA STATE SENATE

## 51ST LEGISLATURE SECOND REGULAR SESSION

### MINUTES OF COMMITTEE ON JUDICIARY

**DATE:** March 17, 2014      **TIME:** 2:00 p.m.      **ROOM:** SHR1  
**CHAIRMAN:** Senator Rick Murphy      **VICE-CHAIRMAN:** Senator Adam Driggs  
**ANALYST:** Jake Agron      **INTERN:** Alexandra Evans  
**COMMITTEE SECRETARY:** Shelley Ponce

#### ATTENDANCE

##### Committee Members

	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Barto	X			HB2003	DP
Senator Bradley	X			HB2024	DP
Senator Dalessandro	X			HB2091	DP
Senator Gallardo	X			HB2093	DPA/SE
Senator Pierce	X			HB2103	DP
Senator Yarbrough	X			HB2163	DPA
Senator Yee	X			HB2164	DP
Senator Driggs, Vice-Chairman	X			HB2307	DPA
Senator Murphy, Chairman	X			HB2312	DP
				HB2313	DP
				HB2327	DPA/SE
				HB2338	DP
				HB2339	DP
				HB2382	DPA
				HB2406	HELD
				HB2517	DP
				HB2535	DP
				HB2563	DP
				HB2565	DP
				HB2567	DP
				HB2581	DP
				HB2593	DPA
				HB2611	DP
				HB2625	DP
				HB2639	DP

#### BILLS

---

#### EXECUTIVE NOMINATIONS

---

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
Michael E. Hennessy	Member, Commission on Trial Court Appointments, Pima County	CONFIRMATION
Roger D. Barton	Member, Commission on Judicial Conduct	CONFIRMATION

Chairman Murphy called the meeting to order at 2:57 p.m. and attendance was noted.

## **APPROVAL OF MINUTES**

**Senator Murphy stated, without objection, the minutes of March 10, 2014, were approved.**

## **EXECUTIVE NOMINATIONS**

### **Michael E. Hennessy – Member, Commission on Trial Court Appointments, Pima County – CONFIRMATION RECOMMENDED**

**Alexandra Evans, Judiciary Committee Intern, gave an overview of the Commission on Trial Court Appointments, Pima County and reviewed Mr. Hennessy's resume.**

**Michael E. Hennessy** answered questions posed by the Committee.

**Senator Driggs moved the Judiciary Committee recommend to the full Senate the CONFIRMATION of Michael E. Hennessy as a member of the Commission on Trial Court Appointments, Pima County. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 1).**

### **Roger D. Barton – Member, Commission on Judicial Conduct – CONFIRMATION RECOMMENDED**

**Alexandra Evans, Judiciary Committee Intern, gave an overview of the Commission on Judicial Conduct and reviewed Mr. Barton's resume.**

**Roger D. Barton** answered questions posed by the Committee.

**Senator Driggs moved the Judiciary Committee recommend to the full Senate the CONFIRMATION of Roger D. Barton as a member of the Commission on Judicial Conduct. The motion CARRIED with a roll call vote of 5-2-2 (Attachment 2).**

## **CONSIDERATION OF BILLS**

### **HB 2313 - capital sentencing; aggravators; serious offenses – DO PASS**

**Jake Agron, Judiciary Committee Analyst, explained HB 2313.**

**Lando Voyles, Pima County Prosecutor, testified in support of HB 2313.**

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Driggs moved HB 2313 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-2 (Attachment 3).**

Senator Bradley explained his vote.

### **HB 2406 - state computers; notice – HELD**

Senator Murphy stated that HB 2406 would be HELD.

**HB 2338 - aggravated assault; firearm – DO PASS**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2338.

**John Wentling, Vice President, Arizona Citizens Defense League**, testified in support of HB 2338.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Driggs moved HB 2338 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-2 (Attachment 4).**

**HB 2339 - firearms; permit holders; public places – DO PASS**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2339.

**Hildy Saizow, Arizonans for Gun Safety**, testified in opposition to HB 2339.

**Kristin Cipolla, Legislative Liaison, County Supervisors Association of Arizona**, testified in opposition to HB 2339.

**Dale Wiebusch, Legislative Associate, League of Arizona Cities and Towns**, testified in opposition to HB 2339 and answered questions posed by the Committee.

**Pam Simon, representing herself**, testified in opposition to HB 2339.

**Dr. Sara Bode, representing herself**, testified in opposition to HB 2339.

**Dawn Tripp, representing herself**, testified in opposition to HB 2339.

**Dave Kopp, Manager, Arizona Citizens Defense League**, testified in support of HB 2339.

**John Wentling, Vice President, Arizona Citizens Defense League**, testified in support of HB 2339 and answered questions posed by the Committee.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

Mr. Agron answered questions posed by the Committee.

**Representative Barton, bill sponsor**, further explained HB 2339 and answered questions posed by the Committee.

**Senator Driggs moved HB 2339 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-1 (Attachment 5).**

Senators Dalessandro, Gallardo, and Yarbrough explained their votes.

**HB 2535 - certification of firearm transfers – DO PASS**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2535.

**Representative Kavanagh, bill sponsor**, further explained HB 2535.

**Todd Rathner, Arizona State Rifle and Pistol Association**, testified in support of HB 2535 and answered questions posed by the Committee.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Daniel Reid, National Rifle Association**, testified in support of HB 2535.

**Senator Driggs moved HB 2535 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-2 (Attachment 6).**

**HB 2517 - firearms; state preemption; penalties – DO PASS**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2517.

**Representative Smith, bill sponsor**, further explained HB 2517.

**Hildy Saizow, Arizonans for Gun Safety**, testified in opposition to HB 2517.

**Dale Wiebusch, Legislative Associate, League of Arizona Cities and Towns**, testified in opposition to HB 2517.

**Pam Simon, representing herself**, testified in opposition to HB 2517.

**Dawn Tripp, representing herself**, testified in opposition to HB 2517.

**Todd Rathner, Arizona State Rifle and Pistol Association**, testified in support of HB 2517 and answered questions posed by the Committee.

**Daniel Reid, National Rifle Association**, testified in support of HB 2517.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2517 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-1 (Attachment 7).**

**HB 2103 - concealed carry permit; qualifications - DO PASS**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2103.

**Representative Townsend, bill sponsor**, further explained HB 2103.

**Dave Kopp, Manager, Arizona Citizens Defense League**, testified in support of HB 2103.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2103 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-1 (Attachment 8).**

Senator Bradley explained his vote.

**HB 2024 - aggressive solicitation; offense – DO PASS**

Jake Agron, Judiciary Committee Analyst, explained HB 2024.

Representative Kavanagh, bill sponsor, further explained HB 2024.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2024 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-2 (Attachment 9).**

**HB 2565 - manslaughter; assisting suicide – DO PASS**

Jake Agron, Judiciary Committee Analyst, explained HB 2565.

Zenaidoi Quintana, Chairman, Secular Coalition of Arizona, testified in opposition to HB 2565.

Cathy Talbot, representing herself, testified in support of HB 2565.

Representative Pierce, bill sponsor, further explained HB 2565 and answered questions posed by the Committee.

**Senator Yarbrough moved HB 2565 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-2 (Attachment 10).**

Senator Bradley explained his vote.

**HB 2307 - sentencing; probation (now: deferred prosecution fund) - DO PASS AMENDED**

Jake Agron, Judiciary Committee Analyst, explained HB 2307 and the 2-line Murphy amendment dated 03/14/14 at 8:35 a.m. (Attachment B).

Representative Pierce, bill sponsor, further explained HB 2307.

Barry Aarons, American Friends Service Committee, testified in support of HB 2307.

**Senator Yarbrough moved HB 2307 be returned with a DO PASS recommendation.**

**Senator Yarbrough moved the 2-line Murphy amendment dated 03/14/14 at 8:35 a.m. (Attachment B) be ADOPTED. The motion CARRIED by voice vote.**

**Senator Yarbrough moved HB 2307 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-1 (Attachment 11).**

**HB 2091 - just compensation; tolling; time limitation - DO PASS**

Jake Agron, Judiciary Committee Analyst, explained HB 2091.

Representative Livingston, bill sponsor, further explained HB 2091.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2091 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-1 (Attachment 12).**

**HB 2327 - settlement of claims of minor – DO PASS AMENDED/STRIKE EVERYTHING**

**Jake Agron, Judiciary Committee Analyst**, explained the 9-page Murphy strike everything amendment dated 03/13/14 at 3:14 p.m. (Attachment C) and the 3-line Murphy amendment dated 03/14/14 at 2:41 p.m. (Attachment D) to the strike everything amendment.

**Representative Livingston, bill sponsor**, further explained the strike everything amendment and answered questions posed by the Committee.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2327 be returned with a DO PASS recommendation.**

**Senator Yarbrough moved the 9-page Murphy strike everything amendment dated 03/13/14 at 3:14 p.m. (Attachment C) be ADOPTED.**

**Senator Yarbrough moved the 3-line Murphy amendment dated 03/14/14 at 2:41 p.m. (Attachment D) to the strike everything amendment be ADOPTED. The motion CARRIED by voice vote.**

**Senator Yarbrough moved the 9-page Murphy strike everything amendment dated 03/13/14 at 3:14 p.m. (Attachment C) AS AMENDED be ADOPTED. The motion CARRIED by voice vote.**

**Senator Yarbrough moved HB 2327 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-1 (Attachment 13).**

**RECESS**

At 5:01 p.m. Senator Murphy stated the Committee would recess to the sound of the gavel.

**RECONVENE**

At 5:48 p.m. Senator Murphy reconvened the meeting.

**HB 2639 - identity theft; violation; penalties – DO PASS**

**Alexandra Evans, Judiciary Committee Intern**, explained HB 2639.

**Representative Townsend, bill sponsor**, further explained HB 2639.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2639 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-3 (Attachment 14).**

**HB 2003 - watercraft; civil and criminal penalties - DO PASS**

**Amber Witter, Public Safety Committee Analyst**, explained HB 2003.

**Representative Borrelli, bill sponsor**, further explained HB 2003.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2003 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 15).**

**HB 2611 - rescue operation personnel; limited liability – DO PASS**

**Alexandra Evans, Judiciary Committee Intern**, explained HB 2611.

**Representative Thorpe, bill sponsor**, further explained HB 2611.

**Senator Yarbrough moved HB 2611 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 16).**

**HB 2163 - limited liability; space flight activities – DO PASS AMENDED**

**Jennifer Thomsen, Commerce, Energy and Military Committee Analyst**, explained HB 2163 and the 7-line Driggs amendment dated 03/14/14 at 8:29 a.m. (Attachment E).

**Representative Orr, bill sponsor**, further explained HB 2163.

**Grant Hanna, World View**, testified in support of HB 2163.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2163 be returned with a DO PASS recommendation.**

**Senator Yarbrough moved the 7-line Driggs amendment dated 03/14/14 at 8:29 a.m. (Attachment E) be ADOPTED. The motion CARRIED by voice vote.**

**Senator Yarbrough moved HB 2163 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 17).**

Senators Bradley and Yarbrough explained their votes.

**HB 2164 - laser pointer; aircraft; violation – DO PASS**

**Alexandra Evans, Judiciary Committee Intern**, explained HB 2164.

**Representative Orr, bill sponsor**, further explained HB 2164.

**Jason Winsky, Combined Law Enforcement Association of Arizona**, testified in support of HB 2164 and answered questions posed by the Committee.

**Chris Potter, Pilot, Tucson Police Department**, testified in support of HB 2164.

**Mike Williams, Arizona Police Association**, testified in support of HB 2164.

**Kimberly MacEachern, Arizona Prosecuting Attorney's Advisory Council**, testified in opposition to HB 2164.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2164 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 18).**

Senators Yarbrough and Murphy explained their votes.

**HB 2581 - criminal trespass; law enforcement officers – DO PASS**

**Alexandra Evans, Judiciary Committee Intern**, explained HB 2581.

**Edward Maldonado, Los Abogados Hispanic Bar Association**, testified in support of HB 2581.

**Jason Barraza, Associate Director, Los Abogados Hispanic Bar Association**, testified in support of HB 2581.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2581 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 19).**

**HB 2593 - death; postconviction; appellate proceedings; dismissal – DO PASS AMENDED**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2593 and the 4-page Murphy amendment dated 03/14/14 at 2:23 p.m. (Attachment F) and answered questions posed by the Committee.

**Robert Ellman, Arizona Solicitor General**, testified in support of HB 2593 and answered questions posed by the Committee.

**Art Harding, Arizona Attorney General's Office**, testified in support of HB 2593.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2593 be returned with a DO PASS recommendation.**

**Senator Yarbrough moved the 4-page Murphy amendment dated 03/14/14 at 2:23 p.m. (Attachment F) be ADOPTED. The motion CARRIED by voice vote.**

**Senator Yarbrough moved HB 2593 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 20).**

**HB 2625 - penalty assessment; victims' rights enforcement – DO PASS**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2625.

**Rebecca Baker, Maricopa County Attorney's Office**, testified in support of HB 2625.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2625 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-3 (Attachment 21).**

**HB 2382 - conspiracy; homicide; statute of limitation – DO PASS AMENDED**

**Alexandra Evans, Judiciary Committee Intern**, explained HB 2382 and the 2-line Murphy amendment dated 03/14/14 at 1:09 p.m. (Attachment G).

**Kathleen Mayer, Legislative Liaison, Pima County Attorney's Office**, testified in support of HB 2382 and answered questions posed by the Committee.

**Representative Olson, bill sponsor**, stated he was available for questions on HB 2382.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2382 be returned with a DO PASS recommendation.**

**Senator Yarbrough moved the 2-line Murphy amendment dated 03/14/14 at 1:09 p.m. (Attachment G) be ADOPTED. The motion CARRIED by voice vote.**

**Senator Yarbrough moved HB 2382 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-3 (Attachment 22).**

**HB 2312 - tampering with a witness – DO PASS**

**Alexandra Evans, Judiciary Committee Intern**, explained HB 2312.

**Kathleen Mayer, Legislative Liaison, Pima County Attorney's Office**, testified in support of HB 2312.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2312 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 23).**

**HB 2093 - incapacitated persons; jurisdiction of court - DO PASS AMENDED/STRIKE EVERYTHING**

**Alexandra Evans, Judiciary Committee Intern**, explained the 15-line Murphy strike everything amendment dated 03/13/14 at 9:32 a.m. (Attachment H).

**Representative Petersen, bill sponsor**, further explained HB 2093 and answered question posed by the Committee.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2093 be returned with a DO PASS recommendation.**

**Senator Yarbrough moved the 15-line Murphy strike everything amendment dated 03/13/14 at 9:32 a.m. (Attachment H) be ADOPTED. The motion CARRIED by voice vote.**

**Senator Yarbrough moved HB 2093 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-2 (Attachment 24).**

Senators Bradley and Murphy explained their votes.

**HB 2563 - juvenile crime victims' rights – DO PASS**

**Alexandra Evans, Judiciary Committee Intern**, explained HB 2563.

**Art Harding, Arizona Attorney General's Office**, testified in support of HB 2563.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2563 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 25).**

**HB 2567 - theft of trade secrets; offense – DO PASS**

**Jake Agron, Judiciary Committee Analyst**, explained HB 2567.

**Garrick Taylor, Arizona Chamber of Commerce and Industry**, testified in support of HB 2567 and answered question posed by the Committee.

Senator Murphy noted the individuals that registered their position on the bill (Attachment A).

**Senator Yarbrough moved HB 2567 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 26).**

There being no further business, the meeting was adjourned at 7:04 p.m.

Respectfully submitted,

Shelley Ponce  
Committee Secretary

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