

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature – First Regular Session

**COMMITTEE ON JUDICIARY**

Report of Regular Meeting  
Wednesday, January 28, 2015  
House Hearing Room 3 -- 10:00 a.m.

**Convened** 10:10 a.m.

**Recessed**

**Reconvened**

**Adjourned** 12:06 p.m.

**Members Present**

Mr. Friese  
Mr. Hale  
Mr. Kern  
Mr. Mesnard  
Mr. Borrelli, Vice-Chairman  
Mr. Farnsworth, Chairman

**Members Absent**

**Request to Speak**

Report – Attachment 1, 2

**Presentations**

**Name**

Adoption of Committee  
Rules

**Organization**

**Attachments (Handouts)**

3

**Committee Action**

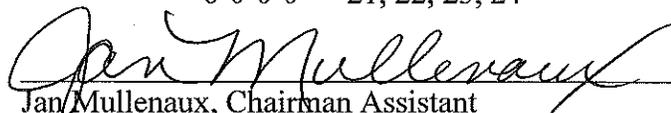
**Bill**

**Action**

**Vote**

**Attachments (Summaries,  
Amendments, Roll Call)**

HB2002	DP	6-0-0-0	4, 5
HB2087	DP	6-0-0-0	6, 7
HB2212	DP	5-1-0-0	8, 9
HB2289	DPA	6-0-0-0	10, 11, 12
HB2290	DP	6-0-0-0	13, 14
HB2296	DP	6-0-0-0	15, 16
HB2305	DP	6-0-0-0	17, 18
HB2307	DP	6-0-0-0	19, 20
HB2517	DPA	6-0-0-0	21, 22, 23, 24

  
Jan Mullenau, Chairman Assistant  
January 28, 2015

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

# Information Registered on the Request to Speak System

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*House Judiciary (1/28/2015)*

## **HB2002, political signs; removal**

### **Support:**

Leonard Clark Clark, representing self; Trey Williams, AZ ASSOCIATION OF COUNTIES

## **HB2212, licensing; accountability; enforcement; exceeding regulation**

### **Support:**

Scot Mussi, Arizona Free Enterprise Club; Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH

### **Neutral:**

Scott Butler, MESA, CITY OF; George Diaz, Principal, BUCKEYE, TOWN OF; Brad Lundahl, SCOTTSDALE, CITY OF; Brad Lundahl, SCOTTSDALE, CITY OF; Marge Zylla, TEMPE, CITY OF; Lori Lustig, Arizona Corporation Commission; Ryan Peters, LEAGUE OF ARIZONA CITIES & TOWNS; Leah Hubbard Rhineheimer, GILBERT, TOWN OF; Andrew Carlson, Executive Assistant for Policy Affairs, Arizona Department Of Insurance

### **All Comments:**

Scott Butler, MESA, CITY OF: The City of Mesa appreciates the Sponsor's willingness to work with cities to identify changes to the original bill that will alleviate our concerns. We have made a lot of progress and hope to reach a final agreement as the bill moves forward.; George Diaz, BUCKEYE, TOWN OF: The City of Buckeye is opposed to HB2212 as introduced but understanding there is an amendment pending. We will take a neutral position until the amendment is attached.; Brad Lundahl, SCOTTSDALE, CITY OF: Neutral with proposed amendment.; Brad Lundahl, SCOTTSDALE, CITY OF: Thank you to the bill sponsor for agreeing to work on the provisions of this bill. It is much appreciated.; Marge Zylla, TEMPE, CITY OF: The City of Tempe appreciates the opportunity to work with the bill sponsor to address concerns through future amendments.; Lori Lustig, Arizona Corporation Commission: The Arizona Corporation Commission is working with the bill sponsor on an amendment.; Ryan Peters, LEAGUE OF ARIZONA CITIES & TOWNS: We have been working closely with Rep. Petersen and we believe we arrived at favorable language. We look forward to continuing our dialogue and adopting an amendment that addresses our concerns. We appreciate Rep. Petersen's efforts on this bill.; Leah Hubbard Rhineheimer, GILBERT, TOWN OF: The Town of Gilbert thanks the sponsor for the opportunity to offer feedback on the bill.; Andrew Carlson, Arizona Department Of Insurance: ADOI has concerns about how this bill impacts our electronic licensing application and we will address it with the sponsor.

## **HB2239, police reports; victims; attorneys**

### **Support:**

Leonard Clark Clark, representing self

## **HB2289, repetitive offenders; sentencing**

### **Support:**

Rebecca Baker, Maricopa County Attorney's Office; Jerry Landau, Administrative Office Of The Courts; kathleen mayer, Pima County Attorney's Office; Andrew LeFevre, Arizona Criminal Justice Commission

## **HB2296, adoption petition; county attorney**

### **Support:**

Rebecca Baker, Maricopa County Attorney's Office; Paul Petersen, representing self

### **Neutral:**

Leonard Clark Clark, representing self

### **All Comments:**

Paul Petersen, Self: This change is long overdue as there are many private attorneys who can and would handle these types of adoption cases for a very reasonable fee. Let the private sector handle what is essentially an unfunded mandate to the counties (at their option).

## **HB2300, firearms; prosecutors; law enforcement officers**

### **Support:**

Rick Dalton, representing self; James Mann, Arizona Fraternal Order Of Police

### **Neutral:**

Leonard Clark Clark, representing self; Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST)

### **All Comments:**

Rick Dalton, Self: As a retired police officer, I support the bill.; Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST): Please remove the language involving the Board, this matter does not involve the Board's authority.

## **HB2305, board of executive clemency; continuation**

### **Oppose:**

Paul Lovelis, representing self

## **HB2307, court ordered treatment; hearings**

### **Support:**

Rebecca Baker, Maricopa County Attorney's Office

### **Neutral:**

Leonard Clark Clark, representing self

## **HB2087, sex offender registration; address verification**

### **Support:**

Trey Williams, AZ ASSOCIATION OF COUNTIES; Seth Turken, AZ DEPT OF PUBLIC SAFETY; Andrew LeFevre, Arizona Criminal Justice Commission

## **HB2517, internet crimes against children; fund**

### **Support:**

John Thomas, Arizona Association Of Chiefs Of Police; Attorney General Mark Brnovich, representing self; Michelle Easson, representing self; Rebecca Baker, Maricopa County Attorney's Office; Margot Leal, City Of Phoenix; Ron Johnson, Arizona Catholic Conference; Scott Butler, MESA, CITY OF; kathleen mayer, Pima County Attorney's Office; Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Andrew LeFevre, Arizona Criminal Justice Commission; Marge Zylla, TEMPE, CITY OF; Brad Lundahl, SCOTTSDALE, CITY OF; Cheyenne Walsh, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); James Mann, Arizona Fraternal Order Of Police; Courtney McKinstry, AZ ATTORNEY GENERAL'S OFFICE; Bill Montgomery, representing self

### **Neutral:**

karen bach, Lottery State

### **All Comments:**

Michelle Easson, Self: I have worked with sex offenders and victims professionally and would like to speak in regard to the information I have gathered in the course of this work.; Bill Montgomery, Self: Fully Support Legislative Goals

**PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD**



**HOUSE OF REPRESENTATIVES**

Please PRINT Clearly

Committee on Judiciary Bill Number 2517  
Date 01-28-2015  Support  Oppose  Neutral  
Name ERIC Oldenburg Need to Speak?  Yes  No  
Representing ~~DATA~~ Phoenix PD Are you a registered lobbyist? N  
Complete Address \_\_\_\_\_  
E-mail Address \_\_\_\_\_ Phone Number /  
Comments: \_\_\_\_\_

**\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\***

Attachment 2

**ARIZONA HOUSE OF REPRESENTATIVES**  
**STANDING COMMITTEE RULES**  
**COMMITTEE ON JUDICIARY**  
52<sup>ND</sup> Legislature

**RULE 1.** A majority of the members of the committee shall constitute a quorum. No official action may be taken unless a quorum is present in person at the time of taking such action.

**RULE 2.** The chairman sets the agenda and determines the order of measures.

**RULE 3.** The following motions are customary and in order relating to actions on measures:

1. Do pass
2. Do pass as amended
3. Return for consideration of the House
4. Hold for further study
5. Do not pass
6. Be assigned to subcommittee for....

**RULE 4.** The affirmative vote of a majority of those voting is required to take any action.

**RULE 5.** On a roll call vote the names of committee members shall be called alphabetically by surname; except that the vice chairman and the chairman shall be called upon last. Each member present shall be allowed to pass on one call of the roll, and shall vote "yes" or "no" (aye, nay) or respond "present." Members may change their votes before the announcement of the results and members may explain their vote on any measure.

**RULE 6.** Whenever a measure is reported from the committee on a divided vote, any member may request a minority report.

**RULE 7.** Amendments shall be in order if printed and distributed to committee members by 12:00 noon of the day previous to the committee meeting. Non-substantive verbal amendments may be offered during committee meetings without prior distribution.

In accordance with Rule 9 of the House Rules, the following House Rules are also incorporated into the Committee Rules:

**RULE 9(C)** Each Standing Committee shall adopt and file with the Chief Clerk's Office rules of procedure consistent with the Rules of the House and shall include the following:

1. With the exception of executive session ordered by a majority of the committee constituting a quorum, all committee meetings shall be open to the other members of the Legislature, the press and public so long as proper decorum is maintained.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**STANDING COMMITTEE RULES**  
**COMMITTEE ON JUDICIARY**  
52<sup>ND</sup> Legislature

2. All committees shall meet at regularly scheduled times and places unless canceled with the permission of the Speaker. In the absence of the chairman, the vice chairman shall preside. In the absence of both the chairman and vice chairman, some other committee member designated by the Speaker shall preside.
3. The committee chairman (presiding officer) other than the chairman of the Committee on Rules shall prepare an agenda and distribute copies to committee members, the Information Desk and the Chief Clerk's Office by 4:00 p.m. each Wednesday for all standing committees meeting on Monday of the following week and by 4:00 p.m. each Thursday for all standing committees meeting on any day except Monday of the following week. Except by unanimous consent of the committee, the committee chairman may add a legislative measure to a distributed agenda by distributing a revised agenda to committee members, the Information Desk and the Chief Clerk's Office no later than 4:00 p.m. on the second previous working day, excluding Saturdays, Sundays and holidays, before the committee meeting.
4. A bill not on the committee agenda shall be scheduled for discussion at the next subsequent committee meeting by a presentation of a petition containing the signatures of two-thirds or more of the committee members.
5. A roll call vote shall be taken in each standing committee when final action on any bill is voted.
6. Written committee reports shall be filed with the Chief Clerk's Office within a reasonable time but no later than two weeks from time of completion of meetings. A recording of the meeting shall be made available for public inspection three working days after the meeting. Attendance records of all committee meetings shall be filed with the Chief Clerk's Office within 24 hours from time of completion of meetings.
7. Special meetings may be called by the chairman but require permission of the Speaker and notice to members and the general public at the Information Desk by 4:00 p.m. on the previous day, except that the notice of a special meeting of the Committee on Rules may be given in open session prior to the meeting and does not require the Speaker's permission.

**RULE 9 (E)** No committee other than the Committee on Rules shall meet while the House is meeting in session without special permission of the Speaker.



# HOUSE OF REPRESENTATIVES

HB 2002

political signs; removal

Sponsor: Representative Allen J

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X Committee on Judiciary  
Committee on Elections  
Caucus and COW  
House Engrossed

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## OVERVIEW

HB 2002 prohibits tampering with *any* political sign or printed materials.

## HISTORY

Arizona Revised Statutes § 16-1019 was added by Laws 1979, Chapter 209, § 3. The statute prescribes a Class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate that are delivered by hand to a residence for the period commencing 45 days before a primary election and ending seven days after the general election.

The law makes certain exceptions to tampering with political signs and printed materials for candidates or their agent, private property owners or their agent, or when the signs or printed materials are placed in violation of state law or county, city or town ordinance or regulation. Cities, towns and counties are authorized under the law to immediately relocate political signs if it is deemed that the placement of the sign constitutes an emergency.

## PROVISIONS

1. Extends the prohibition on tampering with political signs or materials from candidate signs to any political signs or materials.
2. Defines *political sign* as a sign that is intended to influence the outcome of an election.
3. Makes technical changes.

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON JUDICIARY BILL NO. HB 2002

DATE January 28, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese	✓	✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:

  
EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT



# HOUSE OF REPRESENTATIVES

## HB 2087

sex offender registration; address verification

Sponsors: Representatives Borrelli, Campbell, Cardenas, et al.

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X Committee on Judiciary

Caucus and COW

House Engrossed

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### OVERVIEW

HB 2087 requires a registered sex offender to verify the individual's address if requested to do so by the Department of Public Safety (DPS).

### HISTORY

A.R.S. Title 13, Chapter 38, Article 3 regulates the registration of sex offenders. Statute lists the offenses that require an individual to register as a sex offender and describes the required information an individual must provide to the sheriff. If the individual changes their name or address, they are required to give notice to the county sheriff within 72 hours. Failure to abide by these standards will result in a class 6 felony and a \$200 fine.

Additionally, statute describes the regulation of the official website of sex offender information. The purpose of the Arizona sex offender information website is to provide data to the public concerning the location of sex offenders within Arizona. The DPS maintains the website, which includes the name, address, age, current photograph (provided by the Department of Transportation), and the offense the individual was committed with. DPS is required to verify and update these addresses annually.

### PROVISIONS

1. Mandates a registered sex offender to confirm the individual's address if a verification request has been made by the Department of Public Safety.
2. Makes technical and conforming changes.

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON JUDICIARY BILL NO. HB 2087

DATE January 28, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY

Attachment 2



# HOUSE OF REPRESENTATIVES

HB 2212

licensing; accountability; enforcement; exceeding regulation

Sponsor: Representative Petersen

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X Committee on Judiciary

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2212 allows prohibited acts regarding licensing decisions made by an employee of a political subdivision to be enforced in a private civil action.

## HISTORY

Arizona Revised Statutes (A.R.S.) outlines prohibited acts for employees of a political subdivision in four different sections:

- A.R.S. § 9-834 – municipal employees
- A.R.S. § 11-1604 – county employees
- A.R.S. § 41-1030 – state employees
- A.R.S. § 48-3644 – district employees

Each section of statute prohibits an employee of a political subdivision from basing a licensing decision, in whole or in part of a licensing requirement, not specifically authorized by statute, rule, ordinance or code.

## PROVISIONS

1. Allows a private civil action to be enforced if a municipal, county, state or district employee makes an unauthorized decision regarding licensure.
2. Grants relief to be awarded against a municipality, county, state or district.
3. Requires the court to award costs and fees associated with a license application to the prevailing party.
4. Excludes municipal, county, state and district employees from participating in a violation.
5. Requires a municipality, county, state or district to prominently print the prohibited acts and enforcement language on all license applications.

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

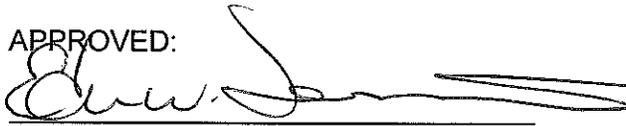
**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ JUDICIARY \_\_\_\_\_ BILL NO. HB 2212

DATE January 28, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese			✓		
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		5	1	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY



# HOUSE OF REPRESENTATIVES

HB 2289

repetitive offenders; sentencing  
Sponsors: Representative Farnsworth E

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X Committee on Judiciary  
Caucus and COW  
House Engrossed

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## OVERVIEW

Makes clarifying changes to the sentencing of repetitive offenders.

## HISTORY

The criminal sentencing provisions were substantially recodified by Laws 2008, Chapter 301. Arizona Revised Statutes (A.R.S.) § 13-703 was added by Laws 2008, Chapter 301, § 28. This statute outlines sentencing for repetitive offenders by specifying sentencing ranges for category one, two and three repetitive offenders who have committed felonies. A.R.S. § 13-708, which addresses offenses committed on release from confinement was amended by Laws 2008, Chapter 301, § 32.

## PROVISIONS

1. Specifies that a person shall be sentenced as a category one repetitive offender for the second offense if the person is convicted of two felony offenses that were not committed on the same occasion, but that either are consolidated for trial purposes or are not historical prior felony convictions.
2. Clarifies that the person shall be sentenced as a category two repetitive offender for the third and any additional felony convictions.
3. Specifies that the person shall be sentenced as a category one repetitive offender for the second offense and pursuant to section 13-702 for the first offense.
4. Clarifies that any offenses committed while released from confinement will prompt a revocation of the convicted person's release, requiring that sentence to run consecutively to any other sentence for which the convicted person had been temporarily released or had escaped, unless the sentence from which the convicted person had been paroled or placed on probation was imposed by a jurisdiction other than this state.

Fifty-second Legislature  
First Regular Session

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2289

(Reference to printed bill)

- 1 Page 1, strike line 5; line 6, strike "FOR THE SECOND OFFENSE" insert "A."; strike  
2 "the" insert "A"; strike "two" insert "MULTIPLE"  
3 Lines 8 and 9, strike ". FOR THE FIRST OFFENSE"  
4 Lines 10 and 11, strike ".  
5 B. A person shall be sentenced" insert "FOR THE FIRST OFFENSE, AS A  
6 CATEGORY ONE REPETITIVE OFFENDER FOR THE SECOND OFFENSE, AND"; after  
7 "offender" insert "FOR THE THIRD AND SUBSEQUENT OFFENSES."  
8 Strike lines 12 through 19  
9 Line 20, strike "2." insert "B."; after the comma insert "A PERSON SHALL BE  
10 SENTENCED AS A CATEGORY TWO REPETITIVE OFFENDER IF THE PERSON"  
11 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH  
Chairman

2289-jud  
1/28/15  
H:1aa

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON JUDICIARY BILL NO. HB 2289

DATE January 28, 2015 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY

Attachment 12



# HOUSE OF REPRESENTATIVES

HB 2290

notice of prisoner release date

Sponsors: Representative Farnsworth E

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X Committee on Judiciary

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2290 requires the director of the state Department of Corrections (DOC) to notify a victim of a prisoner's release date 25 days after the request has been made.

## HISTORY

Arizona Revised Statutes § 13-4413 was added by Laws 1991, Chapter 229, § 7. The statute requires the director of the DOC to mail the victim notice of the prisoner's earliest release date within 30 days of the request being made, given the prisoner's sentence is more than 6 months. The DOC must also provide the victim notice of the prisoner's release 15 days prior to such and notice of the prisoner's death within 15 days of its occurrence. These release or death notices must also be provided by the sheriff who holds custody of the prisoner, at least 15 days prior to release or within 15 days after death, given the victim has made a request for such notices.

## PROVISIONS

1. Requires the director of the state DOC to notify victims of a prisoner's release date 25 days after the request has been made, rather than 30 days.
2. Specifies that the department of corrections referred to in A.R.S. § 13-4413 is the state department of corrections.
3. Makes technical changes.

Attachment 13

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ JUDICIARY \_\_\_\_\_ BILL NO. HB 2290

DATE January 28, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY

Attachment 14



# HOUSE OF REPRESENTATIVES

HB 2296

adoption petition; county attorney  
Sponsors: Representative Farnsworth E

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X Committee on Judiciary  
Committee on Children & Family Affairs  
Caucus and COW  
House Engrossed

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## OVERVIEW

HB 2296 removes the mandate requiring county attorneys to prepare adoption petitions and represent prospective adoptive parents, and permits adoption agencies to submit prepared adoption petitions to the county attorney.

## HISTORY

Arizona Revised Statutes (A.R.S.) § 8-127 was added by Laws 1970, Chapter 205, § 2. Current law requires a county attorney of the county in which the prospective adoptive parent resides, on application of the person or persons seeking adoption, to prepare the adoption petition and act as attorney without expense to the prospective adoptive parent.

If an adoption is made through a licensed adoption agency, the agency is required to prepare the petition for adoption and submit it to the county attorney. If the petition is contested the county attorney, with the permission of the court, may withdraw from further representation of any party to the proceeding and the prospective adoptive parent shall employ counsel.

## PROVISIONS

1. Permits, rather than requires, county attorneys to prepare adoption petitions and represent prospective adoptive parents.
2. Permits, rather than requires, adoption agencies to submit prepared adoption petitions to the county attorney.
3. Makes a technical change.

Attachment 15

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ JUDICIARY \_\_\_\_\_ BILL NO. HB 2296

DATE January 28, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY

Attachment 16



# HOUSE OF REPRESENTATIVES

HB 2305

board of executive clemency; continuation

Sponsor: Representative Farnsworth

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X Committee on Judiciary

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2305 extends the Board of Executive Clemency (BOEC) for two years.

## HISTORY

Arizona Revised Statutes (A.R.S.) § 41-3015.08 was added by Laws 2005, Chapter 38, § 2.

The BOEC considers and grants parole to inmates certified by the Department of Corrections who do not appear to pose a societal threat. The BOEC then makes recommendations to the governor about executive clemency actions that are in the best interest of Arizona citizens. The BOEC consists of five members, each appointed by the governor for a five-year term, and are compensated on an hourly basis. Board members are eligible for any benefits provided to state employees, but are not eligible for paid leave. The BOEC's executive director is appointed by the governor to a two-year term, and is salary-compensated. A.R.S. § 31-401 allows this position to be filled by the chairman of the board.

## PROVISIONS

1. Continues the BOEC for two years, terminating on July 1, 2017.

Attachment 17

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON JUDICIARY BILL NO. HB 2305

DATE January 28, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY



# HOUSE OF REPRESENTATIVES

HB 2307

court-ordered treatment; hearings  
Sponsors: Representative Farnsworth E

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X Committee on Judiciary

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2307 requires the disclosure of all drugs, medication and treatment that an inpatient has received during the 72 hours immediately before a court-ordered mental health hearing and allows the hearing to proceed if a patient cannot appear for psychiatric reasons.

## HISTORY

Arizona Revised Statutes (A.R.S.), Title 36, Chapter 5, article 5 establishes the law in regard to court-ordered treatment. Court-ordered treatment is prescribed when a patient, as a result of a mental disorder, is a danger to self or to others, has a persistent or acute disability or a grave disability, or is unwilling to accept or incapable of accepting treatment voluntarily.

A.R.S. § 36-539 was added by Laws 1974, Chapter 185, § 2 and prescribes the conduct of a court-ordered mental health treatment hearing. Current statute allows a hearing to proceed if a patient is unable to be present due to medical reasons, but directs the court to require clear and convincing evidence that the patient is unable to be present at the hearing.

## PROVISIONS

1. Requires the medical director of the evaluation agency to disclose all of the drugs, medication and treatment that an inpatient has received during 72 hours immediately before a court-ordered mental health hearing.
2. Allows the hearing to proceed if a patient cannot be present for psychiatric reasons or is unable to appear by other reasonably feasible means.

Attachment 19

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ JUDICIARY \_\_\_\_\_ BILL NO. HB 2307

DATE January 28, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY



# HOUSE OF REPRESENTATIVES

HB 2517

internet crimes against children; fund

Sponsors: Representatives Boyer, Allen J, Alston, et al.

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X Committee on Judiciary  
Committee on Appropriations  
Caucus and COW  
House Engrossed

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## OVERVIEW

HB 2517 directs \$4.5 million of unencumbered remaining lottery funds to be deposited in the newly established Internet Crimes Against Children Enforcement Fund and \$500,000 to be deposited in the Victims' Rights Enforcement Fund.

## HISTORY

The Arizona State Lottery Commission (Commission) and the State Lottery Fund (Fund) were originally established in 1980 through an initiative petition in the general election. These provisions were repealed pursuant to the sunset process and were replaced by the current legislatively enacted provisions.

The Commission consists of five members who must be citizens and residents of this state and are appointed by the governor and confirmed by the Arizona State Senate. The Commission is required to oversee a state lottery to produce the "*maximum amount of net revenue consonant with the dignity of the state.*"

The Fund consists of all revenues received from the sale of lottery tickets or shares, including revenues from drawing games (Powerball, Mega Millions, The Pick, Cash 4) and instant ticket "scratcher" games. Arizona Revised Statutes § 5-572 specifies how monies in the Fund will be used and delineates the distribution process which combines the proceeds from the various games and distributes them through a hierarchy of tiers.

Generally, each tier of the hierarchy receives funds only if the statutory provisions for funding the tiers above it are met. The first monies are paid to the State Lottery Revenue Bond Debt Service Fund. After those payments, there are four general categories of beneficiaries: Health/Welfare (25%), Economic/Business Development (33%), Education (29%) and Environment (13%).

The Victims' Rights Enforcement Fund is administered by the Department of Public Safety (DPS). Statute requires DPS to distribute the monies to nonprofit organizations and entities that can demonstrate a five-year history of providing legal representation and social services to crime victims free of charge. Statute allows DPS to use up to five percent of the monies deposited in the fund for administrative costs.

## PROVISIONS

1. Directs \$4.5 million of unencumbered remaining lottery funds to be deposited in the newly established Internet Crimes Against Children Enforcement Fund.

Fifty-second Legislature  
First Regular Session

Analyst Initials MA  
January 26, 2015

Attachment 21

2. Directs \$500,000 of unencumbered remaining lottery funds to be deposited in the Victims' Rights Enforcement Fund.
3. Requires all foster parents and adult residents living in a foster home to consent in writing to a search of their computers by the Department of Child Safety (DCS) prior to the department issuing a foster home license.
4. Requires written consent by an applicant for kinship foster care for all adult residents living in kinship foster care home to a search of their computers by DCS and requires the submission of a full set of fingerprints to DCS.
5. Requires law enforcement agencies to notice the statutory agent of a service provider if the provider is hosting a website that contains an alleged sexual exploitation of children violation.
6. Prohibits the defendant, the defendant's attorney or any person employed by or assisting the defendant from removing any visual depiction or any computer or other device that contains a visual depiction that is a violation of this chapter and that is in the possession of a law enforcement agency or prosecutor.
7. Allows the prosecutor's office to examine the visual depiction evidence at reasonable times at the law enforcement agency.
8. Requires appointment of a guardian ad litem for a minor victim in a visual depiction to protect the minor's rights as a crime victim.
9. Establishes the Internet Crimes Against Children Enforcement Fund (appropriated) and requires the attorney general (AG) to administer the fund.
10. Allows the AG to enter into intergovernmental agreements to continue the operation of the Internet Crimes Against Children Task Force Program in investigations, forensic examinations and prosecutions relating to technology-facilitated sexual exploitation of children.
11. Provides consideration for entities that hire and equip veterans who are wounded, ill or injured as digital forensic analysts or investigators to support child exploitation.
12. Requires the AG to submit an expenditure plan to the Joint Legislative Budget Committee (JLBC) before spending any money that was not in a previous expenditure plan.
13. Requires the AG to provide a summary of quarterly and year-to-date expenditures and progress to the JLBC, including any prior year appropriations that were nonlapsing 30 days after the last day of each calendar quarter.
14. Contains an emergency clause.
15. Makes technical and conforming changes.

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COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2517

(Reference to printed bill)

- 1 Page 2, strike lines 38 through 45
- 2 Strike pages 3 and 4
- 3 Page 5, strike lines 1 through 28
- 4 Renumber to conform
- 5 Line 30, strike "sections" insert "section"; strike "13-3563 and 13-3564,"
- 6 Strike lines 40 through 45
- 7 Page 6, strike lines 1 through 8
- 8 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH  
Chairman

2517-jud  
1/28/15  
H:laa

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON JUDICIARY BILL NO. HB 2517

DATE January 28, 2015 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

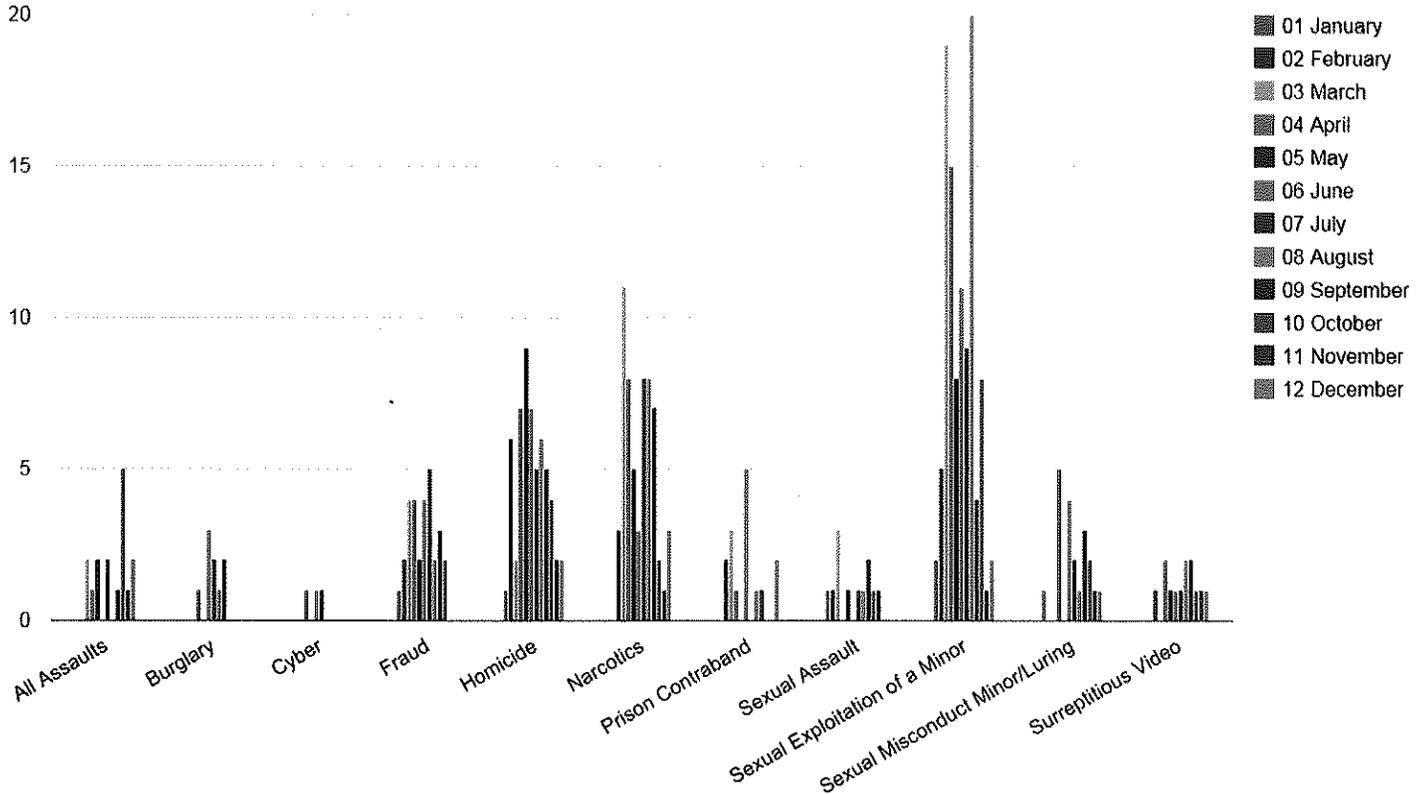
APPROVED:

  
EDWIN W. FARNSWORTH, Chairman  
SONNY BORRELLI, Vice-Chairman

  
COMMITTEE SECRETARY

In February 2014 the ACTIC's CFU began collecting data on the examinations completed by all CFU detectives, including non DPS detectives. **The collection began mid-month** and the following represents the examinations completed through December 16, 2014.

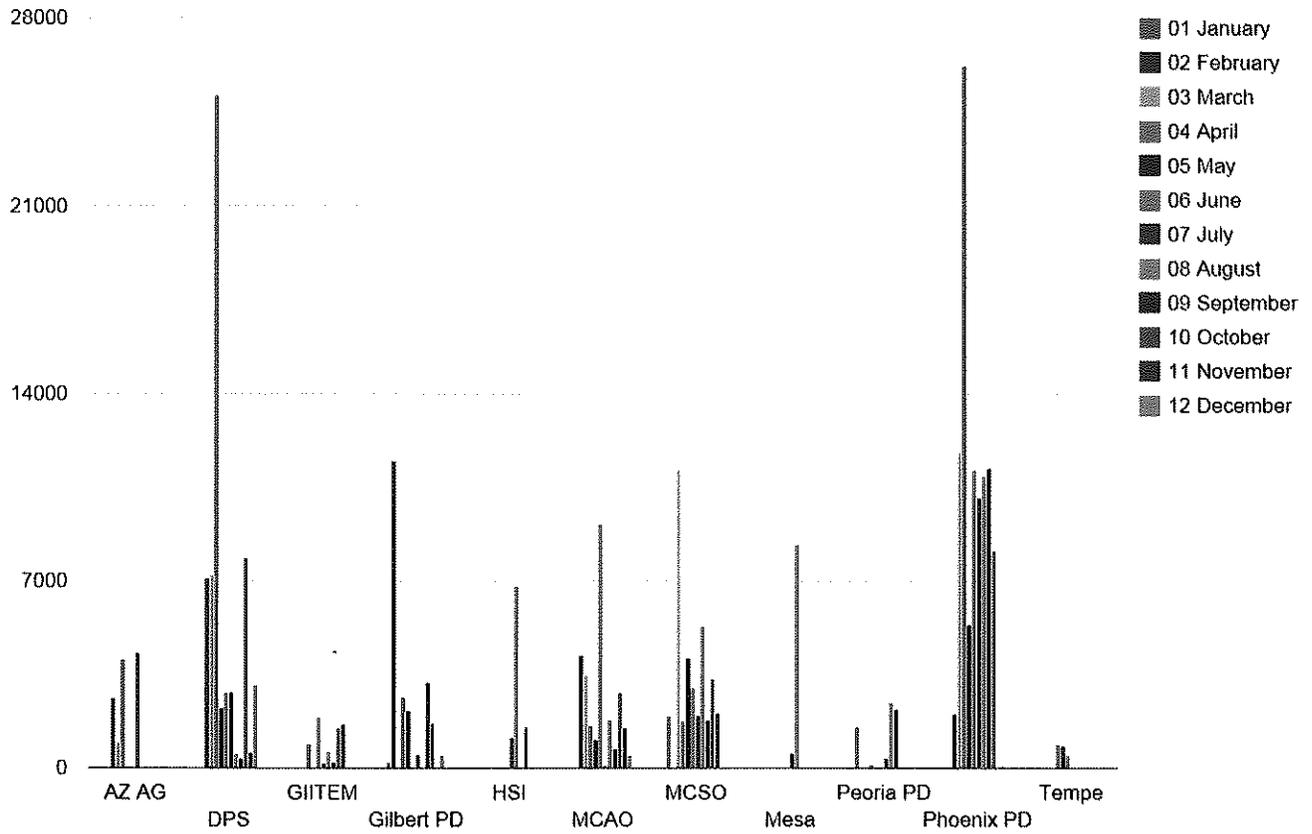
### 2014 Cases by Crime Type



Sexual Exploitation of a Minor	106
Narcotics	63
Homicide	57
Fraud	29
All Assaults	18
Prison Contraband	15
Surreptitious Video	14
Forgery/Taking ID Another	12
Sexual Assault	12
Burglary	11
Robbery	9
Cyber/Computer Tampering/Hacking	8
Indecent Exposure	8
Admin (PSU)	7
Stalking	6
Auto Theft	5
Illegal Gaming	5
Threats	5
Pandering	4
Theft by Extortion	4
Weapon Misconduct	4

Arson	3
Bomb Threat	3
Bribery/Extortion	3
Death Investigation	3
Fatal Hit and Run	3
Money Laundering	3
Officer Involved Shooting	3
Animal Cruelty	2
Bestiality	2
Child Abuse	2
Endangerment	2
House of Prostitution	2
Kidnapping	2
Missing Person	2
Vulnerable Adult	2
Aggravated Assault on a Police Officer	1
Aggravated Harassment	1
Conspiracy to Murder	1
Revenge Pornography	1
Simulated Terrorism	1

### 2014 GB Processed by Agency



**\*\*Total GB processed in 2014 by CFU Detectives – 288,880.2**

### 2014 GB Processed By Month

