

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

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Report of Regular Meeting
Thursday, February 5, 2015
House Hearing Room 5 -- 9:30 a.m.

Convened 9:32 a.m.
Recessed
Reconvened
Adjourned 11:33 a.m.

Members Present

Mr. Andrade
Mr. Campbell
Mr. Cardenas
Mr. Farnsworth E
Mr. Kern
Ms. Mach
Mr. Pratt
Mr. Finchem, Vice-Chairman
Mr. Borrelli, Chairman

Members Absent

Request to Speak

Report – Attachment 1

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
None		

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call)</u>
HB2240	DPA	9-0-0-0	2, 3, 4
HB2320	HELD		
HB2377	DP	8-1-0-0	5, 6
HB2379	DP	6-2-0-1	7, 8
HB2438	DP	8-0-0-1	9, 10
HB2489	DPA	7-1-0-1	11, 12, 13, 14
HB2498	HELD		
HB2509	DISCUSSED AND HELD		15
HB2527	DP	5-3-0-1	16, 17
HB2550	DISCUSSED AND HELD		18



Jen Burns, Chairman Assistant

February 6, 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

House Military Affairs and Public Safety (2/5/2015)

HB2377, law enforcement merit system; determinations

Testified in support:

Jimmy Chavez, ASSOCIATED HIGHWAY PATROLMEN OF AZ; Ramon Figueroa, representing self

Testified as opposed:

Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST)

Support:

Thomas Parker, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Cheyenne Walsh, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); James Mann, Arizona Fraternal Order Of Police; Levi Bolton, AZ Police Association; kelsey lundy, Lobbyist, Other; Debbie Weiland, representing self; Neil Landeen, representing self; luis ebratt, Combined Law Enforcement Associations Of Arizona

All Comments:

Jimmy Chavez, ASSOCIATED HIGHWAY PATROLMEN OF AZ: HB2377 will provide an equitable process for DPS employees.; James Mann, Arizona Fraternal Order Of Police: In Disciplinary matters, DPS officers and employees deserve the opportunity present evidence and testimony to an impartial board, who has final authority. If the director disagrees, the director can appeal the decision in court. DPS officers support.; Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST): The portion of the bill which inserts the language of "Just Cause" from ARS 38-1101 is reasonable, but the Board opposes the change removing the final decision from the Director. The agency head should be responsible for the integrity of the agency.; kelsey lundy, Other: Representing the Arizona Highway Patrol Association; Debbie Weiland, Self: Capt. Ramon Figueroa, the Business Manager of LEMSC will speak.

HB2320, firearms; permit holders; public places

Support:

Patrick OMalley, representing self; Dawn Brimhall, representing self; Susan Hicks, representing self; Shelly Sundaram, representing self; Julie Smith, representing self; Elisha Dorfsmith, representing self; Jim Kresse, representing self; Emilena Turley, Council Member, representing self; Sandi Bartlett, representing self; John Wentling, Vice President, Arizona Citizens Defense League; Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; Robert Messenger, representing self; Jered Skousen, representing self; Tom Woodrow, representing self; Christopher Campbell, representing self; Daniel Reid, National Rifle Association

Oppose:

Dale Wiebusch, Legislative Associate, League Of AZ Cities And Towns; Bob Leuck, representing self; Alicia Klassen, representing self; Jerry Landau, Arizona Judicial Council; Rob Dalager, Maricopa County Superior Court; John Thomas, Arizona Association Of Chiefs Of Police; Frank Machek, representing self; Mary Pradelt, representing self;

kathleen mayer, Pima County Attorney's Office; Herb Burton, representing self; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona; Shannon Rich, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE; Barry Aarons, GREATER PHOENIX CONVENTION & VISITOR'S BUREAU, TUCSON CONVENTION & VISITORS BUREAU, VISIT MESA; Geneva Haber, representing self; Johanna Matthews, representing self; Morrie Newell, representing self; Geraldine Hills, ARIZONANS FOR GUN SAFETY; Jodi Sherman, representing self; Betsy Sokolow Sherman, representing self; Suzanne McCormick-Fulton, representing self; Christopher Cornelison, representing self; Karen Peters, representing self; David Nelson, representing self

All Comments:

Elisha Dorfsmith, Self: This is a common sense pro Second Amendment bill. Please vote yes.; Dale Wiebusch, League Of AZ Cities And Towns: Some cities allow and some don't. Leave it up to the locally elected officials to make those decisions; they know their communities best.; Bob Leuck, Self: On behalf of Bullhead City: This bill will create hardship and cause communities across the state to incur sometimes significant expenses by requiring new equipment and facilities at public buildings.; Frank Macheck, Self: Too expensive, unfunded mandate, guns do not belong in certain places; Mary Pradelt, Self: Unfunded mandate provides NO benefit to vast majority of Arizonans. Forces communities to choose between public safety & services that actually benefit the public like libraries, parks, roads, police and fire protection; kathleen mayer, Pima County Attorney's Office: having armed security in Child Advocacy Centers turns what are supposed to be child friendly safe spaces into armed police stations which we have strived for decades not to do. permitting guns in those centers puts kids at risk.; Herb Burton, Self: Guns should not be allowed in Public or governmental buildings. This would be too expensive to implement.; Johanna Matthews, Self: This should be a local decision. Why should 96% of Arizonans have to use their tax dollars to pay for security to have themselves searched so that a few people can carry concealed weapons into public places? This bill lacks common sense.; Morrie Newell, Self: This bill wastes taxpayer money. There is no reason that concealed weapon permit holders need to carry a gun into a public place and it is not the responsibility of a local museum, city hall or library to provide security so that they can.; Geraldine Hills, ARIZONANS FOR GUN SAFETY: This bill takes away local control! Is an unfunded mandate on cities and bad public policy not supported by a majority of Arizonans, law enforcement or cities and towns.; Christopher Cornelison, Self: Town of Oro Valley cares for the safety of its residents AND employees. If the Legislature wants this passed, then please provide funding for security/metal detectors for all public buildings.; Karen Peters, Self: Urge vote against ... Unless it is your goal to make AZ the butt of more jokes.; David Nelson, Self: I believe that citizens have the right to weapon free public events and public spaces, even while I defend the right of gun ownership for home protection. Gun owners, not the public, should have fiscal responsibility for safely storing their guns.

HB2379, home detention; initial jail term

Support:

Kimberly MacEachern, Arizona Prosecuting Attorneys' Advisory Council; Megan Kintner, Arizona Association Of Counties; Trey Williams, AZ ASSOCIATION OF COUNTIES; Andrew LeFevre, Arizona Criminal Justice Commission

Neutral:

Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS

HB2240, national guard members; tuition waivers

Testified in support:

Leonard Clark Clark, representing self; Dean Miller, representing self

Support:

Terry Hill, representing self; Joyce Hill, representing self; Catheryne Parry, representing self; Richard A. Bark, Director, Government Relations & Environmental Counsel, FREEPORT-MCMORAN COPPER & GOLD INC; Michael Krouse, representing self

Neutral:

Travis Schulte, AZ DEPT OF EMERGENCY & MILITARY AFFAIRS

All Comments:

Terry Hill, Self: VFW Dept of AZ is in full support of this Bill; Joyce Hill, Self: We need to do everything we can to help our National Guard troops.; Richard A. Bark, FREEPORT-MCMORAN COPPER & GOLD INC: Support the bill.; Michael Krouse, Self: The Arizona National guard Association fully supports this bill; Dean Miller, Self: Legislative Committee Chairman of the Enlisted Association National Guard of Arizona

HB2498, reporting; prisoners; solitary confinement

Support:

Bahney Dedolph, representing self; Eddie Sissons, Mental Health America Of AZ; Rae Hopf, representing self; Barry Aarons, AMER FRIENDS SERVICE COMTE

All Comments:

Eddie Sissons, Mental Health America Of AZ: Essential to gather information to help define the problem and then develop solutions towards goal of providing necessary medical and mental health services.; Rae Hopf, Self: Speaking for David's Hope

HB2509, aggravated assault; firearms

Support:

John Wentling, Vice President, Arizona Citizens Defense League; Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; Robert Messenger, representing self; Tom Woodrow, representing self; Christopher Campbell, representing self

Oppose:

kathleen mayer, Pima County Attorney's Office

All Comments:

kathleen mayer, Pima County Attorney's Office: there other statutes which already criminalize the described conduct making this bill unnecessary. thank you.

HB2438, post-traumatic stress disorders: public safety

Support:

Bahney Dedolph, representing self; James Stabler, COPPERPOINT MUTUAL INSURANCE CO DBA SCF ARIZONA; Michael Colletto, PROFESSIONAL FIRE FIGHTERS OF AZ; Jimmy Chavez, ASSOCIATED HIGHWAY PATROLMEN OF AZ

Neutral:

Barry Aarons, AZ ASSN OF LAWYERS FOR INJURED WORKERS; Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST); Leonard Clark Clark, representing self

All Comments:

Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST): This effort seems to be duplicative of the City of Phoenix study working on this matter. PTSD is a real problem, but it is not an excuse for illegal behavior, plus the Board has seen falsifications of the diagnosis. Note the drafting problems.

HB2489, EMTs; peace officers; naloxone administration

Support:

James Mann, Arizona Fraternal Order Of Police; John Thomas, Arizona Association Of Chiefs Of Police; Tim Hill, representing self; Rory Hays, Arizona Nurses Association; Haley Coles, representing self; Angela Geren, representing self; Trevor Thornburg, representing self; Michelle Hamby, representing self; Nathan Leach, representing self

Neutral:

Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST); Colby Bower, Arizona Department Of Health Services

All Comments:

James Mann, Arizona Fraternal Order Of Police: Working on an amendment to further address officer liability.; Tim Hill, Self: representing Professional fire fighters of Arizona; Rory Hays, Arizona Nurses Association: wish to speak in support of amendment; Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST): If this bill is passed, the Board will work with Health Services to insure those law enforcement agencies who choose to participate will have access to the training needed.

HB2527, prohibited laws, rules, ordinances; firearms

Support:

John Wentling, Vice President, Arizona Citizens Defense League; Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; Tom Woodrow, representing self; Daniel Reid, National Rifle Association

Oppose:

kathleen mayer, Pima County Attorney's Office

HB2550, constables; training courses; deadline

Support:

Ron Myers, representing self; Megan Kintner, Arizona Association Of Counties; Phil Hazlett, representing self; Trey Williams, AZ ASSOCIATION OF COUNTIES; Leonard McCloskey, representing self; Vince Roberts, representing self; Marge Cummings, representing self; Frank Fontes, representing self; David Lester, representing self; RC Brown, representing self; George Gradillas, representing self; Bennet Bernal, representing self; Mary Dorgan, representing self; Tony Rivero, representing self

Neutral:

Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST)

All Comments:

Ron Myers, Self: Current member and past Chair of Constable Ethics and Standards Board.; Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST): Available for any questions.; Phil Hazlett, Self: This bill will help promote training for Constables.; Vince Roberts, Self: Representing the Arizona Constables Association; Marge Cummings, Self: Pima County Constables; Frank Fontes, Self: Pima County Constables; David Lester, Self: Pima County Constables; RC Brown, Self: Pima County Constables; George Gradillas, Self: Pima County Constables; Bennet Bernal, Self: Pima County Constables; Mary Dorgan, Self: Pima County Constables



HOUSE OF REPRESENTATIVES

HB 2240

national guard members; tuition waivers

Sponsor: Representative Cardenas

X Committee on Military Affairs and Public Safety

Committee on Appropriations

Caucus and COW

House Engrossed

OVERVIEW

HB 2240 establishes a tuition waiver program for members of the Arizona National Guard.

HISTORY

The Arizona National Guard is part of the reserve component of the U.S. Army and Air Force and responds to state and national emergencies. The Department of Emergency and Military Affairs (DEMA) is primarily responsible for managing and operating the Arizona National Guard. The National Guard Postsecondary Education Reimbursement Program is administered by DEMA and allows a qualified National Guardsman to apply for tuition and fees reimbursement for a semester of undergraduate or graduate coursework at a public or private university or a vocational school in Arizona. A National Guardsman must meet the following qualifications to be eligible to apply for reimbursement:

- is a member of the Arizona Army or Air National Guard throughout the semester;
- has completed initial active duty service;
- has satisfactorily performed duty upon return from initial active duty training;
- maintains at least a "C" average each semester; and
- is ineligible for benefits under the Veterans' Readjustment Benefits Act of 1966.

Funding for the National Guard Postsecondary Education Reimbursement Program is subject to Legislative appropriation and reimbursement monies may not be allocated in excess of amounts appropriated by the Legislature.

PROVISIONS

1. Repeals the National Guard Postsecondary Education Reimbursement Program.
2. Allows a qualifying National Guardsman to attend any Arizona public institution of higher learning (IHL) towards completion of a bachelor or master's degree tuition-free for up to 16 credits per semester, with a maximum of 120 credits allowed for a bachelor's degree and 33 credits allowed for a master's degree.
3. States that a National Guardsman must meet the following qualifications to be eligible to receive free tuition:
 - a. has completed initial active duty training and is in good standing as an active member of the Arizona Army or Air National Guard;
 - b. is accepted to and has enrolled as an undergraduate or graduate student in good standing at an Arizona public IHL; and

HB 2240

- c. has applied for and is eligible to receive tuition benefits via the U.S. Department of Veterans Affairs or Department of Defense.
4. Stipulates that a National Guardsman who is deployed to active duty service while enrolled at an Arizona public IHL may continue to receive tuition benefits after discharge from service under conditions other than dishonorable.
5. Specifies when tuition benefit eligibility begins and ends for National Guardsmen whose enrollment at an Arizona public IHL is interrupted by deployment to active duty service:
 - a. National Guardsmen who are discharged for nonmedical reasons or for medical reasons not caused by illness or injury while performing duties may continue to receive tuition benefits from the time of discharge until the greater of one semester or the length of deployment.
 - b. National Guardsmen who are discharged or retired for medical reasons caused by illness or injury incurred while on Federal orders and deployed overseas, terrorist action, or a natural disaster may continue to receive tuition benefits from the time of discharge or retirement until the earlier of completion of the degree program or five years.
6. Requires a National Guardsman to pay the tuition for any failed coursework.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2240

(Reference to printed bill)

1 Page 1, between lines 24 and 25, insert:

2 "4. WHEN BEGINNING ACTIVE DUTY STATUS IN THE UNITED STATES ARMED
3 FORCES, EITHER:

4 (a) IS A RESIDENT OF THIS STATE.

5 (b) ENTERED THE UNITED STATES ARMED FORCES IN THIS STATE.

6 (c) DESIGNATED THIS STATE AS THE MEMBER'S HOME OF RECORD.

7 5. IS NOT ENTITLED TO FULL BENEFITS UNDER 38 UNITED STATES CODE
8 SECTIONS 3100 THROUGH 3122 OR SECTIONS 3301 THROUGH 3325.

9 6. IS IN COMPLIANCE WITH THE GRADE POINT REQUIREMENTS AND EXCESSIVE
10 CREDIT HOUR REQUIREMENTS FOR A DEGREE OR CERTIFICATE PROGRAM AS DETERMINED BY
11 THE INSTITUTION OF HIGHER EDUCATION'S ACADEMIC PROGRESS POLICY AND FINANCIAL
12 AID POLICY."

13 After line 44, insert:

14 "D. A MEMBER OF THE ARIZONA NATIONAL GUARD MAY ATTEND A COURSE
15 TUITION-FREE PURSUANT TO THIS SECTION ONLY IF THE COURSE HAS OPEN SEATS
16 AVAILABLE AFTER REGISTRATION HAS CLOSED FOR THAT COURSE."

17 Amend title to conform

ANTHONY KERN

2240-pl-kern
2/4/15
11:07 AM
H:laa

Attachment 3

Adopted # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

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

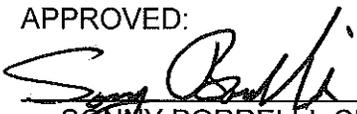
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2240

DATE February 5, 2015 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		9	0	0	0

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2377

law enforcement merit system; determinations

Sponsors: Representatives Borrelli, Andrade, Boyer, et al.

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2377 provides the Law Enforcement Merit System Council (LEMSC) with the final determination for appeals of disciplinary actions taken against certain public safety personnel.

HISTORY

LEMSC reviews classification and compensation plans; employee selection, promotion, disciplinary, and dismissal procedures; performance appraisal systems; and standards and qualifications for covered Department of Public Safety (DPS) and Arizona Peace Officers Standards and Training Board (AZPOST) employees. LEMSC also conducts appeal hearings for disciplinary actions taken against AZPOST-certified peace officers employed by certain state agencies. LEMSC consists of five members appointed by the Governor and confirmed by the Senate to serve three year terms. No more than three of these members may belong to the same political party.

Prior to 2012, LEMSC's determination for an appeal of a disciplinary action taken against a DPS or AZPOST employee or a full-authority certified peace officer employed by certain state agencies was final. Laws 2012, Chapter 321, also referred to as "Personnel Reform," modified LEMSC hearing procedures by providing the director of an employer agency with the final decision-making authority for appeals of disciplinary actions taken against employees. As a result of the change, LEMSC is currently authorized to submit a decision or recommendation regarding a disciplinary action to an employer agency which is subject to review by the director. The director may accept, modify, reverse, or reject LEMSC's decision or recommendation. Any party may appeal a determination made by LEMSC or an employer to the superior court.

PROVISIONS

1. Declares that LEMSC's determination for an appeal of a disciplinary action taken against a DPS or AZPOST employee or a full-authority certified peace officer employed by certain state agencies is final and binding and no longer subject to review by the director of an employer agency.
2. Permits an employee or the director of an employer agency to appeal a determination made by LEMSC to the superior court.
3. Stipulates that LEMSC must determine whether an employer had just cause in disciplining an employee.
4. Authorizes LEMSC, upon reversal of a director's decision, to establish the appropriate disciplinary action to be taken against an employee.

HB 2377

5. Defines *just cause* as when an employer informs an employee of the potential for disciplinary action and the disciplinary action is related to standards of conduct for law enforcement officers, supported by evidence that the conduct occurred, and appropriate for the seriousness of conduct that occurred.
6. Eliminates language that outlines the procedures for which LEMSC makes a recommendation to an employer regarding disciplinary action taken against an employee and repeals statute that outlines the process for which a director reviews and modifies a decision or recommendation made by LEMSC.
7. Makes technical and conforming changes.

ARIZONA HOUSE OF REPRESENTATIVES
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ROLL CALL VOTE

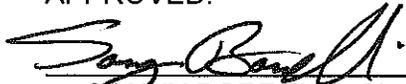
COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2377

DATE February 5, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E			✓		
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		8	1	0	0


 COMMITTEE SECRETARY

APPROVED:


 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2379

home detention; initial jail term
Sponsor: Representative Borrelli

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2379 defines *initial term of incarceration* for certain DUI offenses as the initial sentencing period prior to the suspension of jail time.

HISTORY

A municipality or county may establish a home detention or continuous alcohol monitoring program for individuals who are low-risk and non-violent. Certain DUI offenders are permitted to participate in home detention or a continuous alcohol monitoring program in lieu of jail confinement and participation is applied towards an individual's jail sentence. A person who is eligible to participate in a municipal or county home detention or a continuous alcohol monitoring program is first required to complete at least 20% of his or her initial jail sentence.

Minimum sentencing for DUI convictions is a factor of a person's level of intoxication as well as whether the person has been convicted of previous DUI offenses. A judge can partially suspend the jail sentence of a DUI offender who agrees to participate in an alcohol or drug prevention program or install an ignition interlock device (IID) in his or her vehicle.

A municipality or county may terminate an individual's participation in home detention or a continuous alcohol monitoring program and require the individual to complete his or her remaining sentence in jail confinement at any time.

PROVISIONS

1. Defines *initial term of incarceration* as the initial sentencing period prescribed by a court prior to the suspension of jail time by a judge, pursuant to the following:
 - a. a person who is convicted of a non-extreme, non-aggravated DUI and has previously been convicted of any DUI within the last seven years must serve 20% of the minimum sentence prescribed by a court prior to a judge's suspension of jail time as a result of the person's participation in an alcohol or drug prevention program before becoming eligible for home detention or a continuous alcohol monitoring program.
 - b. a person who is convicted of an extreme DUI and has not been convicted of any DUI within the past seven years must serve 20% of the minimum sentence prescribed prior to a judge's suspension of jail time as a result of the person's compliance with installing an IID in his or her vehicle for a year before becoming eligible for home detention or a continuous alcohol monitoring program.
 - c. a person who is convicted of an extreme DUI and has been convicted of any DUI within the past seven years must serve 20% of the minimum sentence prescribed before becoming eligible for home detention or a continuous alcohol or drug prevention program.

2. Makes technical corrections.

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Attachment 7

Analyst Initials RD
February 3, 2015

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2379

DATE February 5, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade			✓		
Mr. Campbell		✓			
Mr. Cardenas					✓
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach			✓		
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		6	2	0	1

APPROVED:

Sonny Borrelli
SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman

David Bono
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2438

post-traumatic stress disorders: public safety

Sponsor: Representative Livingston

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2438 establishes the Post-Traumatic Stress Disorder (PTSD) in Public Safety Study Committee (Committee).

HISTORY

PTSD is a mental disorder that causes individuals to feel stressed or frightened in the absence of danger and typically develops after experiencing a traumatic ordeal that involved physical harm or the threat of physical harm. PTSD can develop after enduring a variety of traumatic incidents.

PROVISIONS

1. Establishes the Committee consisting of the following members:
 - a. two members of the House of Representatives appointed by the Speaker who are members of different political parties;
 - b. two members of the Senate appointed by the President who are members of different political parties;
 - c. four members who represent the law enforcement community—two from a county with a population of at least 1.2 million appointed by Speaker and two from a county with a population below 1.2 million appointed by the President;
 - d. two psychologists—one from a county with a population of at least 1.2 million appointed by the President and one from a county with a population below 1.2 million appointed by the Speaker; and
 - e. three faculty members—one from each of the three state universities in Arizona—with expertise in law, criminology, sociology, or another relevant field appointed by the president of each member's respective university.
2. Directs the Committee to research and report on the effects of PTSD on state and local law enforcement officers.
3. Allows the Committee to request information from any state agency or political subdivision, conduct hearings and receive public testimony, and use state agency resources at no cost to the Committee.
4. Prohibits Committee members from receiving compensation, with the exception of reimbursement for expenses.
5. Requires the Committee to submit a report on its findings to the Governor and the Legislature prior to January 1, 2016.
6. Repeals the Committee on October 1, 2016.

Attachment 9

Analyst Initials DK CV
February 2, 2015

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2438

DATE February 5, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman					✓
		8	0	0	1

APPROVED: 

 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2489

EMTs; peace officers; naloxone administration

Sponsor: Representative Carter

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2489 authorizes a trained emergency medical technician (EMT) or peace officer to administer an opiate antagonist to a person suffering from an opiate overdose.

HISTORY

The Department of Health Services (DHS) develops training and certification standards for all classifications of EMTs. There are four levels of EMT classification in Arizona: EMT, EMT-I99, Advanced EMT, and Paramedic. An EMT may only perform medical treatments and procedures or administer medications within the EMT's scope of practice.

Naloxone hydrochloride is an opiate antagonist which is administered to reverse the negative effects of a person who is known or suspected to be suffering from an opiate-related drug overdose. Currently, only individuals who are certified at levels above the initial EMT certification are authorized to administer naloxone hydrochloride.

PROVISIONS

1. Allows any trained EMT or peace officer, pursuant to a standing order from a licensed physician, to administer naloxone hydrochloride or another opiate antagonist to a person believed to be suffering from an opiate-related drug overdose.
2. Requires DHS to develop a training program for EMTs and peace officers in the detection of an opiate-related drug overdose and the use of naloxone hydrochloride and other opiate antagonists.
3. Exempts physicians who issue a standing order for and EMTs and peace officers who administer naloxone hydrochloride or another opiate antagonist in good faith from civil, professional, or criminal liability.
4. Makes technical changes.

Attachment ii

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2489

(Reference to printed bill)

- 1 Page 19, line 34, after "17" insert "OR A NURSE PRACTITIONER LICENSED PURSUANT TO
- 2 TITLE 32, CHAPTER 15 AND AUTHORIZED BY LAW TO PRESCRIBE DRUGS"
- 3 Amend title to conform

SONNY BORRELLI

2489-p1-borrelli
2/3/15
2:09 PM
H:laa

Attachment 12

Adopted # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2489

DATE February 5, 2015 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			✓
Mr. Farnsworth E			✓		
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman					✓
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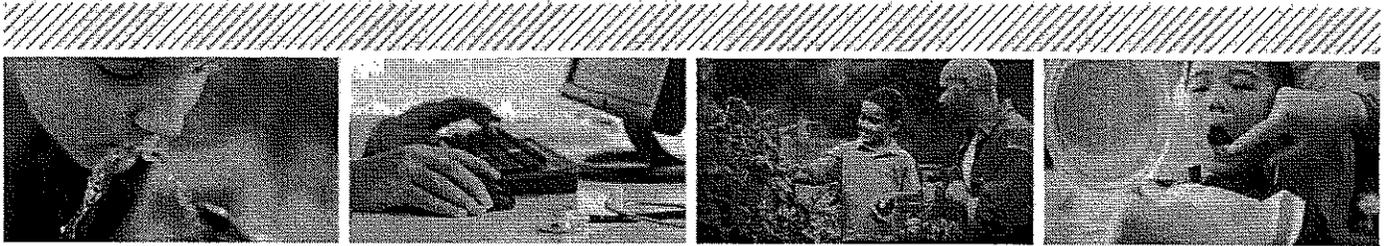
APPROVED: 

 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



LEGAL INTERVENTIONS TO REDUCE OVERDOSE MORTALITY: NALOXONE ACCESS AND OVERDOSE GOOD SAMARITAN LAWS

Background

Fatal drug overdose has increased more than six-fold in the past three decades, and now claims the lives of over 36,000 Americans every year.¹ The epidemic is largely driven by prescription opioids, which were responsible for over 16,000 deaths in 2010.² This increase is mostly driven by prescription opioids such as OxyContin and hydrocodone, which now account for more overdose deaths than heroin and cocaine combined.³ Opioid overdose is typically reversible through the timely administration of the medication naloxone and the provision of emergency care.⁴ However, access to naloxone and other emergency treatment is often limited by laws and regulations and that pre-date the overdose epidemic. In an attempt to reverse this unprecedented increase in preventable overdose deaths, a number of states have recently amended those laws to increase access to emergency care and treatment for opiate overdose.

Law as both problem and solution

Although naloxone (commonly known by its trade name, Narcan) is a prescription drug, it is not a controlled substance and has no abuse potential.⁵ It is regularly carried by medical first responders and can be administered by ordinary citizens with little or no formal training.⁶ Yet, it is often not available when and where it is needed. Because opioid overdose often occurs when the victim is with friends or family members, those people may be the best situated to act to save his or her life by administering naloxone. Unfortunately, neither the victim nor his companions typically carry the drug. Law is at least partially responsible for this lack of access. State practice laws generally discourage or prohibit the prescription of drugs to a person other than the intended recipient (a process referred to as third-party prescription) or to a person the physician has not personally examined (a process referred to as prescription via standing order). Additionally, some prescribers are wary of prescribing naloxone because of liability concerns.⁷ Likewise, even where naloxone is available, bystanders to a drug overdose may be afraid to administer it for fear of legal repercussions.⁸ Finally, overdose bystanders may fail to summon medical assistance for fear of legal consequences.⁹

Since most of these barriers are rooted in unintended consequences of laws passed for other purposes, they may be addressed through relatively simple changes to those laws. At the urging of organizations including the U.S. Conference of Mayors, the American Medical Association and the American Public Health Association, a number of states have addressed the overdose epidemic by removing some legal barriers to the seeking of emergency medical care and the timely administration of naloxone.¹⁰ These changes come in two general varieties: the first encourages the wider prescription and use of naloxone by clarifying that prescribers acting in good faith may prescribe the drug to persons who may be able to use it to reverse overdose and by removing the possibility of negative legal action against prescribers and lay administrators.¹¹ The second type encourages bystanders to become "Good Samaritans" by summoning emergency responders without fear of arrest or other negative legal consequences.¹²

Overview of naloxone access and Good Samaritan laws

In 2001, New Mexico became the first state to amend its laws to make it easier for medical professionals to prescribe and dispense naloxone, and for lay administrators to use it without fear of legal repercussions.¹³ As of December 15, 2014, twenty-six other states (NY, IL, WA, CA, RI, CT, MA, NC, OR, CO, VA, KY, MD, VT, NJ, OK, UT, TN, ME, GA, WI, MN, OH, DE, PA and MI) and the District of Columbia have made similar changes (28 total).¹⁴ Based partly on these changes, at least 188 community-based overdose prevention programs now distribute naloxone. As of 2010, those programs had provided training and naloxone to over 50,000 people, resulting in over 10,000 overdose reversals.¹⁵ A recent evaluation of one such program in Massachusetts, which trained over 2,900 potential overdose bystanders, reported that opioid overdose death rates were significantly reduced in communities in which the program was implemented compared to those in which it was not.¹⁶

In 2007, New Mexico became the first state to amend its laws to encourage Good Samaritans to summon aid in the event of an overdose. As of December 15, 2014, nineteen other states (WA, NY, CT, IL, CO, RI, FL, MA, CA, NC, NJ, VT, DE, MN, GA, WI, AK, LA, MD, and PA) and the District of Columbia have followed suit (22 total).¹⁷ Additionally, Indiana¹⁸ permits courts to consider the fact that a Good Samaritan summoned medical assistance in mitigation, and Utah law provides that a person who reports an overdose and takes other steps may use that fact as an affirmative defense to some offenses, and can be raised as a mitigating factor at sentencing for others.¹⁹ Initial evidence from Washington state, which amended its law in 2010, is positive, with 88 percent of drug users surveyed indicating that they would be more likely to summon emergency personnel during an overdose as a result of the legal change.²⁰

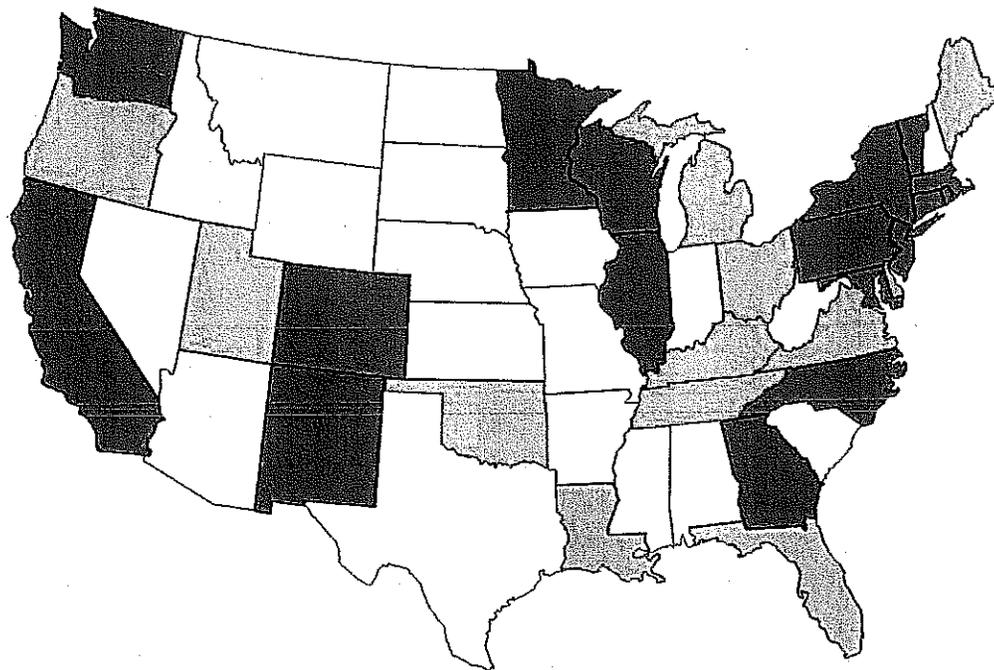
The following tables document laws that have been amended or enacted to increase access to naloxone and encourage bystanders to summon medical assistance in the event of overdose. Tables 1 and 1a cover laws aimed at increasing lay access to naloxone by reducing barriers to prescription and administration ("state naloxone access laws"). Tables 2 and 2a address criminal concerns for Good Samaritans who summon aid in overdose situations ("state overdose Good Samaritan laws"). Tables 1 and 2 are broken down into columns, with each column identifying whether a particular state law addresses a certain characteristic. Tables 1a and 2a provide more detailed descriptions of each law, with quotes from those laws where practicable. For those states that have passed laws too recently for those laws to have been codified, only the relevant bill is listed. This chart will be updated regularly to reflect changes in this rapidly evolving area of law.

Note that these tables cover only laws that were passed specifically to address drug overdose. That does not necessarily mean the activities covered by the laws in these tables are not permitted in other states, only that they are not explicitly authorized by laws created for that purpose. For example, North Carolina's Project Lazarus, which has seen marked success using an integrated model that includes partnering with local physicians, pharmacists and law enforcement officials, operated for many years without the benefit of explicit authorizing legislation.²¹ The categories listed were chosen because of their prevalence in existing laws and may not necessarily reflect best practices.²²

Conclusion

Opioid overdose kills thousands of Americans every year. Many of those deaths are preventable through the timely provision of a relatively cheap, safe and effective drug and the summoning of emergency responders. As with most public health problems, there is no magic bullet to preventing overdose deaths. A comprehensive solution that includes input and active involvement from medical providers, policymakers and public health, law enforcement and elected officials is likely necessary to create large-scale, lasting change. Evaluation is necessary to ensure that legal changes have the intended effect and to suggest additional amendments.²³

However, it is reasonable to believe that laws that encourage the prescription and use of naloxone and the timely seeking of emergency medical assistance will have the intended effect of reducing opioid overdose deaths. Since such laws have few if any foreseeable negative effects, can be implemented at little or no cost, and will likely save both lives and resources, they may represent some of the lowest-hanging public health fruit available to policymakers today.



-  States with naloxone access and drug overdose Good Sam laws
-  States with drug overdose Good Sam laws only
-  States with naloxone access laws only



HOUSE OF REPRESENTATIVES

HB 2509

aggravated assault; firearms

Sponsors: Representatives Townsend; Barton, Borrelli, et al.

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2509 establishes a penalty for knowingly taking or attempting to take control of a person's lawfully owned firearm.

HISTORY

Arizona Revised Statutes (A.R.S.) § 13-1204 specifies the conditions under which a person has committed aggravated assault. A person who knowingly takes or attempts to take control of a peace officer's firearm, weapon, or other device has committed aggravated assault. The penalty for committing aggravated assault under these conditions is a Class 4 felony.

A.R.S. § 13-105 defines a *firearm* as any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that expels a projectile via the action of expanding gases and does not include a firearm in permanently inoperable condition.

PROVISIONS

1. Classifies knowingly taking or attempting to take control of any person's lawfully owned firearm with the intent to cause harm as aggravated assault and prescribes a Class 4 felony for a violation.
2. Exempts the following individuals from the above violation:
 - a. a peace officer engaged in the execution of official duties; or
 - b. a person whose conduct is justified pursuant to law.

Attachment 15



HOUSE OF REPRESENTATIVES

HB 2527

prohibited laws, rules, ordinances; firearms

Sponsor: Representative Kern

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2527 prohibits the state, state agencies, and political subdivisions from restricting the transfer of firearms.

HISTORY

Arizona Revised Statutes (A.R.S.) § 13-3118 prohibits the state, state agencies, and political subdivisions, with the exception of the Legislature, from enacting or implementing any law, rule, or ordinance related to the possession or storage of firearms other than those that exist in statute. State, county, or municipal judicial departments, law enforcement agencies, or prosecutorial agencies are exempt from this restriction.

A.R.S. § 13-105 defines a *firearm* as any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that expels a projectile via the action of expanding gases and does not include a firearm in permanently inoperable condition.

PROVISIONS

1. Prohibits the state, state agencies, and political subdivisions, with the exception of the Legislature, from enacting or implementing any law, rule, or ordinance relating to the transfer of firearms.

Attachment 14

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2527

DATE February 5, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade			✓		
Mr. Campbell		✓			
Mr. Cardenas			✓		
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach			✓		
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman					✓
		5	3	0	1

APPROVED


 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2550

constables; training courses; deadline

Sponsor: Representative Rivero

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2550 allows the Constable Ethics, Standards, and Training Board (Board) to approve initial and subsequent training coursework for constables.

HISTORY

Laws 2001, Chapter 4 established the Constable Ethics Committee which was subsequently changed to the Board in 2007 to adopt a code of conduct for constables and rules for enforcement, hear and investigate complaints relating to a constable's ethical conduct, and remedy a constable's behavior via mediation, disciplinary action, direction, or by urging a constable to retire.

The Arizona Peace Officer Standards and Training Board (AZPOST) prescribes minimum qualifications, establishes initial and continuing training requirements, and provides certification for law enforcement officers in Arizona. Arizona Revised Statutes § 22-137 requires AZPOST to approve initial and continuing training coursework for constables. Initial training coursework must include the following topics: civil and criminal process, conflict resolution, and firearms safety. Constables must complete initial training within six months of election, as well as an additional 16 hours of training approved by AZPOST each year.

PROVISIONS

1. Authorizes the Board to approve initial and subsequent training coursework for constables in addition to or in lieu of AZPOST training coursework.
2. Modifies the timeframe in which constable training completion certificates must be forwarded to the Board from 30 days after completion to the end of the year in which training was completed.

Attachment 18

Analyst Initials CB
February 3, 2015