

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

COMMITTEE ON JUDICIARY

Report of Regular Meeting
Wednesday, February 11, 2015
House Hearing Room 3 -- 10:00 a.m.

Convened 10:07 a.m.

Recessed

Reconvened

Adjourned 12:11 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

Presentations

Name

Organization

Attachments (Handouts)

Committee Action

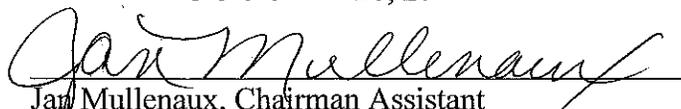
Bill

Action

Vote

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

HB2076	DPA S/E	4-2-0-0	2, 3, 4
HB2089	DPA S/E	6-0-0-0	5, 6, 7
HB2131	DP	4-2-0-0	8, 9
HB2205	HELD		
HB2294	DP	5-0-0-1	10, 11
HB2299	DPA	5-0-0-1	12, 13, 14
HB2311	DPA	6-0-0-0	15, 16, 17
HB2413	DP	6-0-0-0	18, 19
HB2561	DP	6-0-0-0	20, 21
HB2578	DPA	4-2-0-0	22, 23, 24, 25
HB2592	DP	6-0-0-0	26, 27


Jan Mullenau, Chairman Assistant
February 11, 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 Judiciary (2/11/2015)

HB2089, aggravated assault; elected officials

Support:

Thomas Parker, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Jason Winsky, Combined Law Enforcement Associations Of Arizona; Barry Aarons, ARIZONA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS; Deb Gullett, Maricopa County Superior Court; Cheyenne Walsh, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Jerry Landau, Arizona Judicial Council; Terry Stewart, ARIZONA JUSTICE OF THE PEACE ASSOC.; Clancy Jayne, representing self; Luis Ebratt, Combined Law Enforcement Associations Of Arizona

Oppose:

Elisha Dorfsmith, representing self; Cynthia Dorfsmith, representing self

All Comments:

Elisha Dorfsmith, Self: Politicians should not be a protected class. Vote NO.; Barry Aarons, ARIZONA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS: Our support is as is was introduced and we have no position on the striker.; Terry Stewart, ARIZONA JUSTICE OF THE PEACE ASSOC.: AJPA supports the bill as amended to include Judicial Officers.; Clancy Jayne, Self: Chair of Leg. Committee for JP Assoc.

HB2578, real property; purchaser dwelling actions

Testified in support:

David James, representing self; Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Kevin Omalley, representing self

Testified as opposed:

Stephen Weber, representing self; Stephen Weber, representing self; Barry Schneider, representing self; Richard Splitt, representing self; Frank Daniel, representing self; Albert Swanson, representing self; Quinten Cupps, representing self

Support:

Michael Racy, Lobbyist, DIAMOND VENTURES INC; Steve Trussell, Arizona Rock Products Association; Courtney Gilstrap LeVinus, Arizona Multihousing Association; Jeff Sandquist, ROBSON COMMUNITIES; Mark Minter, EXECUTIVE DIRECTOR, Arizona Builders' Alliance; Anne Hamilton, DMB Associates

Neutral:

Tom Farley, Arizona Association Of Realtors

All Comments:

kevin omalley, Self: On behalf of HBACA; Quinten Cupps, Self: Support position taken by those already signed in to speak against this bill.

HB2131, tax adjudications; attorney fees

Testified in support:

Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; James Busby, representing self

Testified as neutral:

Sean Laux, AZ DEPT OF REVENUE

Testified as opposed:

Megan Kintner, Arizona Association Of Counties

Support:

Gretchen Kitchel, SALT RIVER PROJECT (SRP); Kevin McCarthy, Arizona Tax Research Association; Manny Tarango, SALT RIVER PROJECT (SRP); Steve Trussell, Arizona Rock Products Association; Justin Marino, Arizona Society Of CPA's; Helen Heiden, Arizona Chamber Of Commerce And Industry; Patrick Bray , Arizona Cattlemen's Association

Neutral:

Courtney McKinstry, AZ ATTORNEY GENERAL'S OFFICE; Shaun Rieve, Arizona Attorney General's Office; Michael Combrink, MARICOPA COUNTY

Oppose:

Ryan Peters, LEAGUE OF ARIZONA CITIES & TOWNS

All Comments:

Courtney McKinstry, AZ ATTORNEY GENERAL'S OFFICE: Our office is hoping to work with the sponsor on a floor amendment to resolve various concerns.; Michael Combrink, MARICOPA COUNTY: With assurances from the sponsor of an upcoming amendment to the bill to deal with our concerns we are neutral, and are hoping to be in support after the amendment.

HB2294, courts; approved screening, treatment facilities.

Testified in support:

Terry Hill, representing self; Richard Maxon, representing self; Amy Love, Arizona Judicial Council

Support:

Joyce Hill, representing self; Fred Parry, representing self; James Ellars, representing self; Catheryne Parry, representing self; Shannon Rich, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE; Kenneth Marshall, representing self

All Comments:

Fred Parry, Self: We need to make this happen.; James Ellars, Self: VFW, Dept of AZ membership supports this bill; Richard Maxon, Self: I work at the Administrative Office of the Courts as the Veterans Court Advisor. I will be accompanied by Amy Love our Legislative Liaison; Kenneth Marshall, Self: Representing VFW State of Az

HB2076, legal representation; corporations; partnerships

Testified as opposed:

Jerry Landau, Arizona Judicial Council

Support:

Josh Kredit, CENTER FOR ARIZONA POLICY

All Comments:

Josh Kredit, CENTER FOR ARIZONA POLICY: Center for Arizona Policy supports the Strike-Everything Amendment to HB 2076.; Jerry Landau, Arizona Judicial Council: On s/e amendment

HB2205, traffic offense; restitution

Support:

kathleen mayer, Pima County Attorney's Office

HB2561, unlawful distribution of private images

Support:

Shannon Rich, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE; kathleen mayer, Pima County Attorney's Office

Oppose:

Alessandra Soler, ACLU Of Arizona

HB2299, sexual offenses; definitions; defenses

Testified in support:

Rebecca Baker, Maricopa County Attorney's Office

Support:

Shannon Rich, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE; kathleen mayer, Pima County Attorney's Office

HB2311, judgment liens; recordation; real property

Testified in support:

Brian Partridge, representing self

Support:

Meghaen Dell'Artino, ARIZONA CREDITORS BAR ASSOCIATION

Neutral:

Jerry Landau, Administrative Office Of The Courts

All Comments:

Jerry Landau, Administrative Office Of The Courts: To explain the reason for the amendment; Brian Partridge, Self: I am a member of the Arizona Creditor's Bar Association.

HB2413, internet representations; civil damages

Testified in support:

Rob Dalager, U-Haul; kristine campbell, representing self

Support:

Deb Gullett, U-Haul

HB2592, justice of the peace; residency

Support:

James Candland, representing self; Terry Stewart, ARIZONA JUSTICE OF THE PEACE ASSOC.; Clancy Jayne, representing self

All Comments:

Terry Stewart, ARIZONA JUSTICE OF THE PEACE ASSOC.: If Judge Jayne has spoken before me, there may not be a need for me to speak. Thank you.; Clancy Jayne, Self: For Justice of the Peace Assoc. Chair of Leg. Committee



HOUSE OF REPRESENTATIVES

HB 2076

legal representation; corporations; partnerships

Sponsors: Representatives Petersen, Mitchell; Fann, et al.

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2076 authorizes officers or employees of corporations or general partners or employees of partnerships to provide legal representation on behalf of the corporation or partnership in superior or justice court.

SUMMARY OF THE STRIKE-EVERYTHING AMENDMENT TO HB 2076

The proposed strike-everything amendment to HB 2076 mandates that the Supreme Court shall consist of seven justices, rather than five.

HISTORY

Arizona Revised Statutes § 12-101 outlines the judge requirements for the Arizona Supreme Court, including the length of their terms and election processes. Five judges are elected to a six-year term. The judges select a Chief Justice among themselves to serve a five-year term and to oversee the administrative operations of all the Arizona state courts, in addition to handling case work. Judges must be admitted to practice law in Arizona and have been a resident of Arizona for the ten years immediately before taking office. They may not practice law while serving as a member of the judiciary, may not hold any other political office or public employment, may not campaign except for themselves, and must retire at age 70.

PROVISIONS

1. Requires the Supreme Court to consist of seven justices, rather than five.
2. Makes conforming changes.

Attachment 2

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2076

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 12-101, Arizona Revised Statutes, is amended to
3 read:

4 12-101. Judges; number; term; election

5 The supreme court shall consist of ~~five judges~~ SEVEN JUSTICES. The
6 term of office of each ~~judge~~ JUSTICE shall be six years and shall take effect
7 on the first Monday in January of the year in which it begins. ~~Judges~~
8 JUSTICES shall be elected at the general election next preceding the
9 expiration of a term of office."

10 Amend title to conform

EDWIN W. FARNSWORTH

2076-se-farnsworth
2/9/15
2:51 PM
H:laa

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. HB 2076

DATE February 11, 2015 MOTION: dpa S/E

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese			✓		
Mr. Hale			✓		
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		4	2	0	0

Jan Muller
 COMMITTEE SECRETARY

APPROVED:

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

ATTACHMENT 4



HOUSE OF REPRESENTATIVES

HB 2089

aggravated assault; elected officials

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

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2089 specifies that a person commits an aggravated assault if the person commits the assault knowing or having reason to know that the victim is a person who is duly elected or appointed to an elective public office in this state.

SUMMARY OF THE STRIKE-EVERYTHING AMENDMENT TO HB 2089

The proposed strike-everything amendment to HB 2089 specifies that a person commits an aggravated assault if the person commits the assault knowing or having reason to know that the victim is a judicial officer who is engaged in the execution of any official duties or if the assault results from the execution of the judicial officer's official duties. The offense is punishable by a Class 6 felony.

HISTORY

Arizona Revised Statutes § 13-1204 was added by Laws 1977, Chapter 142, § 61. As defined in current statute, an aggravated assault is the event of a person causing serious physical injury to another through the use of a deadly weapon, by a means of force, or other events outlined in the law. Some assaults become aggravated assaults depending on the status of the victim.

PROVISIONS

1. Specifies that a person commits an aggravated assault if the person commits the assault knowing or having reason to know that the victim is a judicial officer while engaged in the execution of any official duties or if the assault results from the execution of the judicial officer's official duties.
2. Prescribes a Class 6 felony.

Attachment 5

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2089

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-1204, Arizona Revised Statutes, is amended to
3 read:

4 13-1204. Aggravated assault; classification; definition

5 A. A person commits aggravated assault if the person commits assault
6 as prescribed by section 13-1203 under any of the following circumstances:

7 1. If the person causes serious physical injury to another.

8 2. If the person uses a deadly weapon or dangerous instrument.

9 3. If the person commits the assault by any means of force that causes
10 temporary but substantial disfigurement, temporary but substantial loss or
11 impairment of any body organ or part or a fracture of any body part.

12 4. If the person commits the assault while the victim is bound or
13 otherwise physically restrained or while the victim's capacity to resist is
14 substantially impaired.

15 5. If the person commits the assault after entering the private home
16 of another with the intent to commit the assault.

17 6. If the person is eighteen years of age or older and commits the
18 assault on a minor under fifteen years of age.

19 7. If the person commits assault as prescribed by section 13-1203,
20 subsection A, paragraph 1 or 3 and the person is in violation of an order of
21 protection issued against the person pursuant to section 13-3602 or 13-3624.

22 8. If the person commits the assault knowing or having reason to know
23 that the victim is any of the following:

24 (a) A peace officer, or a person summoned and directed by the officer
25 while engaged in the execution of any official duties.

26 (b) A constable, or a person summoned and directed by the constable
27 while engaged in the execution of any official duties.

28 (c) A firefighter, fire investigator, fire inspector, emergency
29 medical technician or paramedic engaged in the execution of any official
30 duties, or a person summoned and directed by such individual while engaged in
31 the execution of any official duties.

32 (d) A teacher or other person employed by any school and the teacher
33 or other employee is on the grounds of a school or grounds adjacent to the
34 school or is in any part of a building or vehicle used for school purposes,

1 any teacher or school nurse visiting a private home in the course of the
2 teacher's or nurse's professional duties or any teacher engaged in any
3 authorized and organized classroom activity held on other than school
4 grounds.

5 (e) A health care practitioner who is certified or licensed pursuant
6 to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by
7 the licensed health care practitioner while engaged in the person's
8 professional duties. This subdivision does not apply if the person who
9 commits the assault is seriously mentally ill, as defined in section 36-550,
10 or is afflicted with alzheimer's disease or related dementia.

11 (f) A prosecutor.

12 (g) A code enforcement officer as defined in section 39-123.

13 (h) A state or municipal park ranger.

14 (i) A public defender.

15 (j) A JUDICIAL OFFICER WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL
16 DUTIES OR IF THE ASSAULT RESULTS FROM THE EXECUTION OF THE JUDICIAL OFFICER'S
17 OFFICIAL DUTIES.

18 9. If the person knowingly takes or attempts to exercise control over
19 any of the following:

20 (a) A peace officer's or other officer's firearm and the person knows
21 or has reason to know that the victim is a peace officer or other officer
22 employed by one of the agencies listed in paragraph 10, subdivision (a), item
23 (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the
24 execution of any official duties.

25 (b) Any weapon other than a firearm that is being used by a peace
26 officer or other officer or that the officer is attempting to use, and the
27 person knows or has reason to know that the victim is a peace officer or
28 other officer employed by one of the agencies listed in paragraph 10,
29 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is
30 engaged in the execution of any official duties.

31 (c) Any implement that is being used by a peace officer or other
32 officer or that the officer is attempting to use, and the person knows or has
33 reason to know that the victim is a peace officer or other officer employed
34 by one of the agencies listed in paragraph 10, subdivision (a), item (i),
35 (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution
36 of any official duties. For the purposes of this subdivision, "implement"
37 means an object that is designed for or that is capable of restraining or
38 injuring an individual. Implement does not include handcuffs.

39 10. If the person meets both of the following conditions:

1 (a) Is imprisoned or otherwise subject to the custody of any of the
2 following:

3 (i) The state department of corrections.

4 (ii) The department of juvenile corrections.

5 (iii) A law enforcement agency.

6 (iv) A county or city jail or an adult or juvenile detention facility
7 of a city or county.

8 (v) Any other entity that is contracting with the state department of
9 corrections, the department of juvenile corrections, a law enforcement
10 agency, another state, any private correctional facility, a county, a city or
11 the federal bureau of prisons or other federal agency that has responsibility
12 for sentenced or unsentenced prisoners.

13 (b) Commits an assault knowing or having reason to know that the
14 victim is acting in an official capacity as an employee of any of the
15 entities listed in subdivision (a) of this paragraph.

16 B. A person commits aggravated assault if the person commits assault
17 by either intentionally, knowingly or recklessly causing any physical injury
18 to another person, intentionally placing another person in reasonable
19 apprehension of imminent physical injury or knowingly touching another person
20 with the intent to injure the person, and both of the following occur:

21 1. The person intentionally or knowingly impedes the normal breathing
22 or circulation of blood of another person by applying pressure to the throat
23 or neck or by obstructing the nose and mouth either manually or through the
24 use of an instrument.

25 2. Any of the circumstances exists that are set forth in section
26 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

27 C. A person who is convicted of intentionally or knowingly committing
28 aggravated assault on a peace officer while the officer is engaged in the
29 execution of any official duties pursuant to subsection A, paragraph 1 or 2
30 of this section shall be sentenced to imprisonment for not less than the
31 presumptive sentence authorized under chapter 7 of this title and is not
32 eligible for suspension of sentence, commutation or release on any basis
33 until the sentence imposed is served.

34 D. Except pursuant to subsections E and F of this section, aggravated
35 assault pursuant to subsection A, paragraph 1 or 2 or paragraph 9,
36 subdivision (a) of this section is a class 3 felony except if the victim is
37 under fifteen years of age in which case it is a class 2 felony punishable
38 pursuant to section 13-705. Aggravated assault pursuant to subsection A,
39 paragraph 3 or subsection B of this section is a class 4 felony. Aggravated
40 assault pursuant to subsection A, paragraph 9, subdivision (b) or paragraph

1 10 of this section is a class 5 felony. Aggravated assault pursuant to
2 subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of
3 this section is a class 6 felony.

4 E. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
5 this section committed on a peace officer while the officer is engaged in the
6 execution of any official duties is a class 2 felony. Aggravated assault
7 pursuant to subsection A, paragraph 3 of this section committed on a peace
8 officer while the officer is engaged in the execution of any official duties
9 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph
10 8, subdivision (a) of this section committed on a peace officer while the
11 officer is engaged in the execution of any official duties is a class 5
12 felony unless the assault results in any physical injury to the peace officer
13 while the officer is engaged in the execution of any official duties, in
14 which case it is a class 4 felony.

15 F. Aggravated assault pursuant to:

16 1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony
17 if committed on a prosecutor.

18 2. Subsection A, paragraph 3 of this section is a class 3 felony if
19 committed on a prosecutor.

20 3. Subsection A, paragraph 8, subdivision (f) of this section is a
21 class 5 felony if the assault results in physical injury to a prosecutor.

22 G. For the purposes of this section, "prosecutor" means a county
23 attorney, a municipal prosecutor or the attorney general and includes an
24 assistant or deputy county attorney, municipal prosecutor or attorney
25 general."

26 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

2089-se-jud
2/11/15
H:laa

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. HB 2089

DATE February 11, 2015 MOTION: dpa S/E

	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 7



HOUSE OF REPRESENTATIVES

HB 2131

tax adjudications; attorney fees
Sponsor: Representative Mitchell

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2131 requires the court to award fees and expenses to any non-governmental party that prevails by adjudication and eliminates the cap on attorney fees for the adjudication of tax cases.

HISTORY

Arizona Revised Statutes (A.R.S.) § 12-348 governs the law regarding the award of fees and other expenses against the state or a city, town or county. Current law allows the court to award fees and other expenses to any non-governmental party that prevails by adjudication on the merits in an action brought by the party against the state, a city, town or county challenging:

1. The assessment, or collection of taxes or in an action brought by this state or a city, town or county against the party to enforce the assessment or collection of taxes.
2. The adequacy or regularity of notice of delinquent taxes.
3. The regularity of sales of property for delinquent taxes.

The law allows the court to award fees and costs in certain circumstances and allows parties to apply for an award of attorney fees and other authorized expenses. Statute specifies that applications for attorney fees must include evidence of eligibility for the award and the amount sought, including an itemized statement declaring the actual time expended by the attorneys and experts and the rate at which the fees were computed. The law specifies that the court is required to base any award of fees on prevailing market rates for the kind and quality of the services furnished, and permits courts to deny or reduce an award of fees and expenses if (1) the taxpayer unduly and unreasonably protracted the final resolution of the matter, or (2) the reason that the party prevailed was due to an intervening change in the law, or (3) the prevailing party refused an offer of civil settlement that was at least as favorable to the party as the relief ultimately granted.

PROVISIONS

1. Requires the court to award fees to prevailing parties challenging a tax action, including a refund or denial of a refund.
2. Eliminates the cap on fees paid to experts.
3. Eliminates the \$30,000 cap on fees paid to attorneys and caps the amount at what the prevailing party has paid or agreed to pay the attorney.
4. Requires the state to pay fees and expenses 30 days after demand.
5. Expands the definition of *fees and other expenses* to include contingent fees.

Attachment 8

HB 2131

6. Defines *taxes* to include all taxes and related levies and assessments in all cases assigned to tax court (A.R.S. § 12-163).
7. Eliminates the \$20,000 cap on an award against the state in administrative proceedings.
8. Eliminates the \$100 per hour cap on reimbursable attorney or other representative fees.
9. Expands the definition of *reasonable fees and other costs* to include contingent fees.
10. Makes technical and conforming changes.

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. HB 2131

DATE February 11, 2015 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese			✓		
Mr. Hale			✓		
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		4	2	0	0

APPROVED:


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


 COMMITTEE SECRETARY

ATTACHMENT 9



HOUSE OF REPRESENTATIVES

HB 2294

courts; approved screening, treatment facilities.

Sponsor: Representative Farnsworth E

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2294 allows the United States Department of Veterans Affairs to approve a treatment facility for court ordered treatment for convictions relating to domestic violence and driving under the influence.

HISTORY

Municipal courts are known as city or magistrate courts and have criminal jurisdiction over misdemeanor criminal traffic cases, civil traffic cases and violations of city ordinance and code cases. These courts may also issue search warrants, orders of protection and injunctions prohibiting harassment. Jurisdiction is shared between municipal and justice of the peace courts when a violation of state law is committed.

Justice courts have criminal jurisdiction over petty offenses, misdemeanors, certain assault and battery cases, breaches of peace, committing a willful injury to property and criminal offenses punishable by fines not more than \$2,500 or imprisonment for less than six months or both. The civil jurisdiction is limited to cases involving claims less than \$10,000.

PROVISIONS

1. Specifies that persons convicted of the following offenses may complete court ordered alcohol, drug screening or domestic violence treatment at a facility that is approved by the United States Department of Veterans Affairs:
 - a. Operating or in actual physical control of a motorized watercraft while under the influence (A.R.S. § 5-395).
 - b. Domestic violence.
 - c. DUI, extreme DUI and aggravated DUI (A.R.S. sections 28-1381, 28-1382 and 28-1383)
 - d. Administrative license suspension for driving under the influence or for homicide or assault involving a motor vehicle (A.R.S. 28-1385).

Attachment 10

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

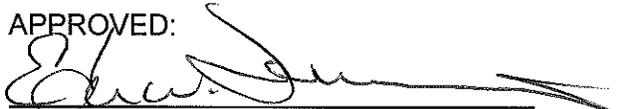
ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. HB 2294

DATE February 11, 2015 MOTION: As

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

APPROVED:


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


COMMITTEE SECRETARY

ATTACHMENT 11



HOUSE OF REPRESENTATIVES

HB 2299

sexual offenses; definitions; defenses
Sponsor: Representative Farnsworth E

X Committee on Judiciary
Caucus and COW
House Engrossed

OVERVIEW

HB 2299 defines *position of trust* as it relates to sexual abuse and sexual conduct with a minor and bars a defense to a prosecution if the consenting person was 15, 16 or 17 years of age and the defendant was in a *position of trust*.

HISTORY

Arizona Revised Statutes (A.R.S.) § 13-404 was added by Laws 1977, Chapter 142, § 63 and specifies that a person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is 15 or more years of age without consent of that person or with any person who is under 15 years of age if the sexual contact involves only the female breast. The law prescribes a Class 5 felony, unless the victim is under 15 years of age in which case sexual abuse is a Class 3 felony punishable pursuant to A.R.S. § 13-705.

A.R.S. § 13-1405 was added by Laws 1977, Chapter 142, § 63 and outlines what constitutes sexual conduct with a minor. Statute specifies that a person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age. Sexual conduct with a minor who is at least 15 years of age is a Class 2 felony if the person is or was the minor's parent, stepparent, adoptive parent, legal guardian or foster parent or the minor's teacher or clergyman or priest. The convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by A.R.S. § 13-1405.

PROVISIONS

1. Prohibits a defense to a prosecution for sexual abuse that a person consented if the person was 15, 16 or 17 years of age and the defendant was in a *position of trust*.
2. Applies the Class 2 felony for sexual conduct with a minor to a person in a *position of trust*, rather than a delineation of specific persons.
3. Defines *position of trust* as a person who is or was any of the following:
 - a. The minor's parent, stepparent, adoptive parent, legal guardian or foster parent.
 - b. The minor's teacher.
 - c. The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
 - d. The minor's clergyman or priest.
 - e. Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent, grandparent, sibling, half-sibling, step-sibling or aunt or uncle, whether the minor's relative is related by blood or marriage.

HB 2299

- i. Prescribes factors that may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship. .
4. Defines *teacher* as a certificated teacher as defined in A.R.S. § 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and blind or a private school in this state.
5. Makes technical and conforming changes.

Fifty-second Legislature
First Regular Session

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2299

(Reference to printed bill)

1 Page 2, line 40, strike ", GRANDPARENT, SIBLING,"; strike lines 41 and 42 insert

2 "OR STEPPARENT."

3 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

2299-jud
2/11/15
H:laa

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. HB 2299

DATE February 11, 2015 MOTION: dpa

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

APPROVED:



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


COMMITTEE SECRETARY

ATTACHMENT 14



HOUSE OF REPRESENTATIVES

HB 2311

judgment liens; recordation; real property

Sponsor: Representative Farnsworth E

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2311 allows a certified copy of a judgment of any court in this state to be filed with the county recorder to become a lien on a judgment debtor's real property.

HISTORY

Arizona Revised Statutes (A.R.S.) § 33-961 specifies that a copy of a judgment of a court, certified by the clerk, shall be filed and recorded in the office of the county recorder in each county where the judgment creditor desires the judgment to become a lien upon the real property of the judgment debtor before the judgment shall become a lien upon or in any manner affect or encumber the real property of the judgment debtor, or any part of the real property of the judgment debtor. Statute outlines what information must be included in the certified copy of the judgment.

A.R.S. § 33-962 outlines the procedure for filing a judgment of a justice or municipal court. Current law requires the judgment creditor to file a certified transcript of judgment from justice or municipal court with the superior court in order to place a lien on a judgment debtor's real property.

PROVISIONS

1. Allows a certified copy of a judgment of any court in this state to be filed with the county recorder to become a lien on a judgment debtor's real property.

Attachment 15

Fifty-second Legislature
First Regular Session

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2311

(Reference to printed bill)

- 1 Page 1, line 22, strike "clerk COURT" insert "clerk"
- 2 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

2311-jud
2/11/15
H:laa

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

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2311

DATE February 11, 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:

[Signature]

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

[Signature]
COMMITTEE SECRETARY

ATTACHMENT 17



HOUSE OF REPRESENTATIVES

HB 2413

internet representations; civil damages

Sponsors: Representatives Stevens, Fann, Thorpe, et al.

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2413 prescribes intent requirements and civil remedies in regard to prohibited conduct relating to false representations of the identity of online businesses.

HISTORY

Arizona Revised Statutes § 44-7202 prohibits a person from using a web page or email to induce another person to provide identifying information by representing that the person is an online business without the authority or approval of the online business.

PROVISIONS

1. Requires that the prohibited conduct be done with the intent to commit fraud or theft.
2. Allows a person other than an internet access service or an owner of a web page who is adversely affected by prohibited conduct to maintain an action against the person committing the violation to
 - a. enjoin further violations.
 - b. Recover the greater of actual damages or \$5,000 for each separate violation.
3. Allows the attorney general to bring an action against the violator to:
 - a. enjoin violations.
 - b. to recover \$2,500 per violation.
4. Requires an action to be brought within three years after the violation has been discovered or should have been discovered.
5. Applies the act retroactively to January 1, 2011.
6. Makes technical and conforming changes.

Attachment 18

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

ROLL CALL VOTE

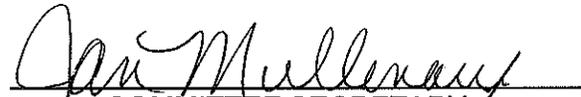
COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2413

DATE February 11, 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 19



HOUSE OF REPRESENTATIVES

HB 2561

unlawful distribution of private images

Sponsor: Representative Mesnard

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2561 makes changes to current law regarding the unlawful distribution of private images.

HISTORY

Arizona Revised Statutes (A.R.S.) § 13-1425 was added by Laws 2014, Chapter 268, § 1. Currently, this statute prohibits persons from intentionally disclosing, displaying, distributing, publishing, advertising or offering a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in specific sexual activities if the person knows or should have known that the depicted person has not consented to the disclosure. The law makes exceptions for lawful and common practices of law enforcement, reporting and legal proceedings, images involving voluntary exposure in a public or commercial setting, or internet or cell phone service providers. Current law prescribes a Class 5 felony, but if the person is recognizable in the image, it prescribes a Class 4 felony.

PROVISIONS

1. Requires that the person in the photograph, videotape, film or digital recording must be identifiable from the image itself or from information displayed in connection with the image.
2. Expands the exemptions from liability for disclosures made in the public interest by adding:
 - a. The reporting of unlawful conduct.
 - b. Criminal reporting.
3. Specifies that in order to apply the exemption for Internet or cell phone service providers, the content must be *wholly* provided by another party.
4. Prescribes a Class 4 felony for all violations.
5. Makes conforming changes.
6. Defines *state of nudity*.

Attachment 20

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. HB 2561

DATE February 11, 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 21



HOUSE OF REPRESENTATIVES

HB 2578

real property; purchaser dwelling actions

Sponsors: Representatives Mitchell, Allen J, Borrelli, et al.

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2578 modifies the statute of limitations relating actions involving the development of real property design, engineering and construction of improvements.

HISTORY

The statute of limitations sets the maximum period of time which one can wait before filing a lawsuit, depending on the type of case or claim. If a lawsuit or claim is not filed before the statutory deadline, the right to sue or make a claim is lost forever.

PROVISIONS

1. Prohibits actions involving development of real property design engineering and construction improvements more than six (6) years after substantial completion of the improvement to real property, rather than eight (8) years.
2. Reduces the limitation period for actions on latent construction defects from nine (9) to seven (7) years.
3. Provides that the new limitations apply to an improvement to real property that was substantially complete on or after the general effective date of this act.
4. Provides that if the improvement was substantially complete before the effective date of the act, the eight (8) year limitation period applies.
5. Specifies that if the improvement was substantially complete before the effective date of the act if the injury occurred during the eighth (8) year of substantial completion, or a latent construction defect was not discovered until the eighth (8) year after substantial completion, the action may be brought within one year after the date in which the injury occurred or the latent defect was discovered. Prohibits actions more than seven (7) years after the substantial completion of the improvement.
6. Provides an extra year for an action for damages if the injury to real property occurred during the eighth (8) year after the substantial completion or in the case of a latent construction defect was not discovered, but prohibits actions after seven (7) years after the substantial completion of the improvement.
7. Defines "construction codes" "construction defect" & "construction professional."
8. Expands the definition of *dwelling action* to include construction defects.
9. Removes the definition of *multiunit dwelling action*.

Attachment 22

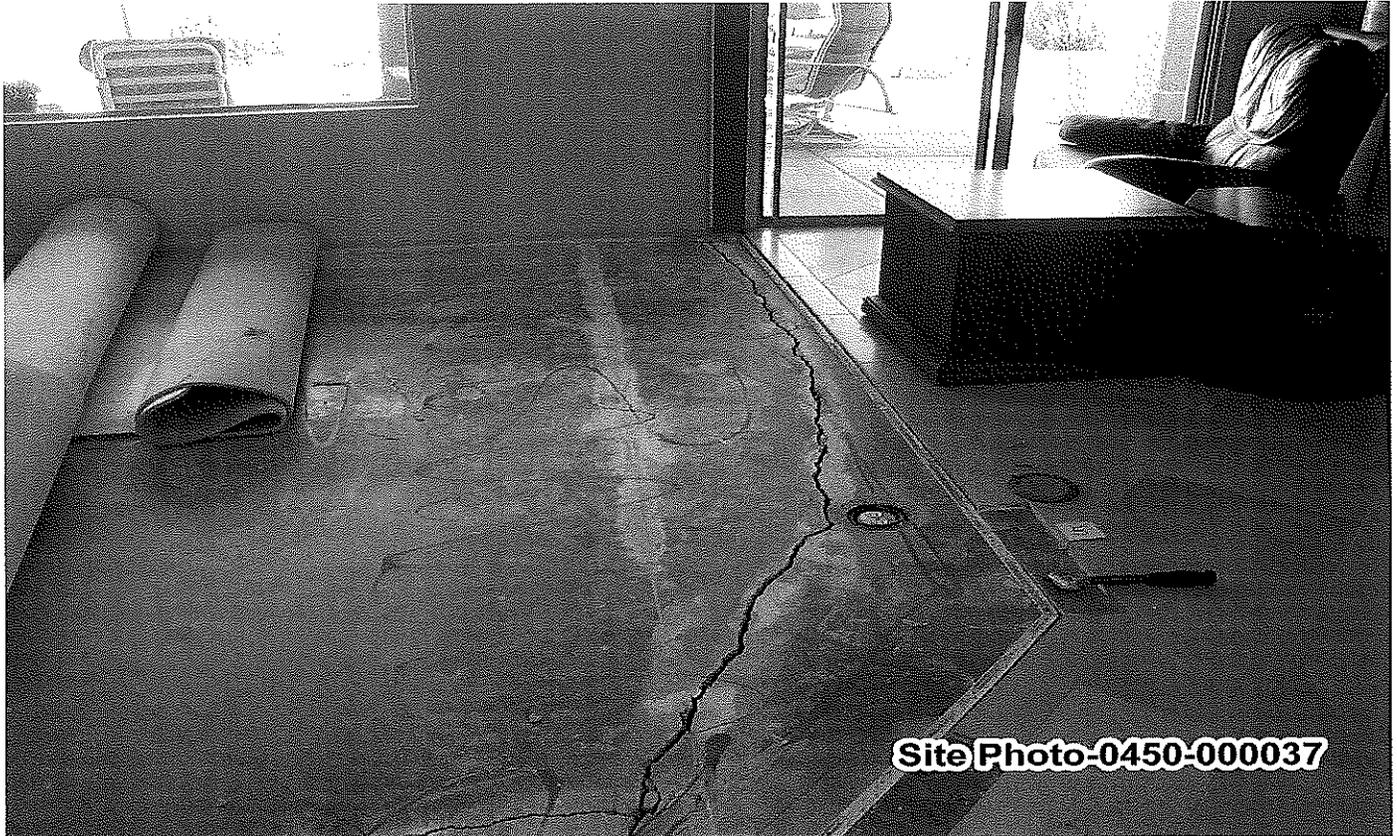
10. Provides that a seller who receives a written notice of claim, has a right to repair or replace any alleged construction defects after sending or delivering to the purchaser a written notice of intent to repair or replace the alleged construction defects. Seller does not have to repair or replace all of the alleged defects.
11. Prohibits a purchaser from filing a dwelling action until the seller has completed all intended repairs and replacements.
12. Allows the seller to offer cash or other consideration, instead of or in addition to a repair or replacement.
13. Allows the purchaser to accept or reject an offer of cash or other consideration, other than repair or replacement, and proceed with a dwelling action on completion of repair or replacement. Authorizes the parties to negotiate for a release if an offer involving cash or other consideration is accepted.
14. Provides that if a seller issues a notice of intent to repair or replace, the purchaser must allow the seller a reasonable opportunity to repair or replace, including coordination of repairs or replacements within 30 days after the notice of intent was sent.
 - a. Requires the purchaser and the seller or the seller's construction professionals to coordinate repairs or replacements within 30 days.
 - b. Directs repairs or replacements to begin as agreed by the parties with reasonable efforts to begin repairs or replacements within 35 days after notice of intent was sent. If a permit is required, repairs or replacements should begin within ten days after receipt of the permit or after 35 days after the notice of intent, whichever is later.
 - c. Specifies that all repairs or replacements shall be completed using reasonable care under the circumstances with a commercially reasonable time frame.
 - d. Requires the purchaser to provide reasonable access for the repairs or replacements.
 - e. Specifies that the seller is not entitled to a release or waiver solely in exchange for any repair or replacement, except that the parties may negotiate a release or waiver in exchange for cash or other consideration.
 - f. Specifies that at the conclusion of any repairs or replacements the purchaser may commence a dwelling action, including a claim for inadequate repair or replacement.
15. Prescribes that during the notice and repair or replacement process and for 30 days after substantial repair or replacement, the statute of limitations and the statute of repose applicable to the purchaser, including any construction professionals involved in the construction or design, are tolled as to the seller and the seller's construction professionals for all alleged construction defects described in reasonable detail in the written notice sent to the seller.
16. Prescribes that the conduct of the parties during the repair or replacement process may be introduced in any subsequent dwelling action, including any repair or replacement efforts by the seller.
17. Prescribes that if the seller does not comply with the right to repair statute, and the failure is not due to the fault of the purchaser or as a result of an unforeseen condition, the purchaser may commence a dwelling action.
18. Prescribes that if the purchaser fails to comply with the statute before bringing a dwelling action, the dwelling action must be dismissed.

HB 2578

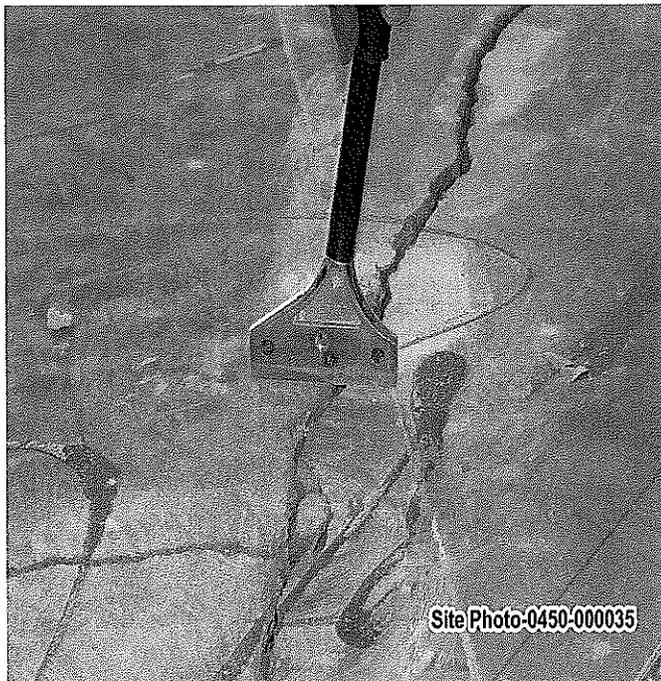
19. Specifies that if the dwelling action is dismissed after the statute of limitations or the statute of repose, any subsequent dwelling action brought by the purchaser is time barred as to the seller and the seller's construction professionals.
20. Repeals A.R.S. § 12-1364 relating to dwelling actions, attorney fees, costs and expert witness fees.
21. Specifies that the statutes do not affect either party's ability to enforce any commercially reasonable alternative dispute resolution procedures in the contract for the sale of the dwelling or an association's community documents.
 - a. Specifies that the seller's election to enforce alternative dispute resolution procedures does not negate or reduce the seller's right to repair or replace any construction defects.
 - b. Prescribes size and replacement requirements for any alternative dispute resolution procedures in a contract:
 - i. Bold and capital letters.
 - ii. Disclosure statement in at least 12-point font on the face of the contract.
 - iii. Describe the location of the alternative dispute resolution procedures within the contract.
22. Provides that a *homeowners' association dwelling action* includes a dwelling action related to a construction defect.
23. Prescribes the contents of the disclosure to be made by a homeowners' association board of directors to members of the association before filing a dwelling action.
 - a. Prescribes that the board of directors' actions must comply with the community documents and that the board has an affirmative duty to demonstrate compliance with these procedures.
 - b. Requires the association to provide the seller with notice of alleged construction defects and the right to repair or replace the alleged construction defects.
24. Provides that in any contested dwelling action, the seller may assert a failure of the HOA to comply with the community documents and with the requirements of statute.
25. Contains a severability clause.
26. Makes technical and conforming changes.

Concrete Crack w/ Vertical Offset

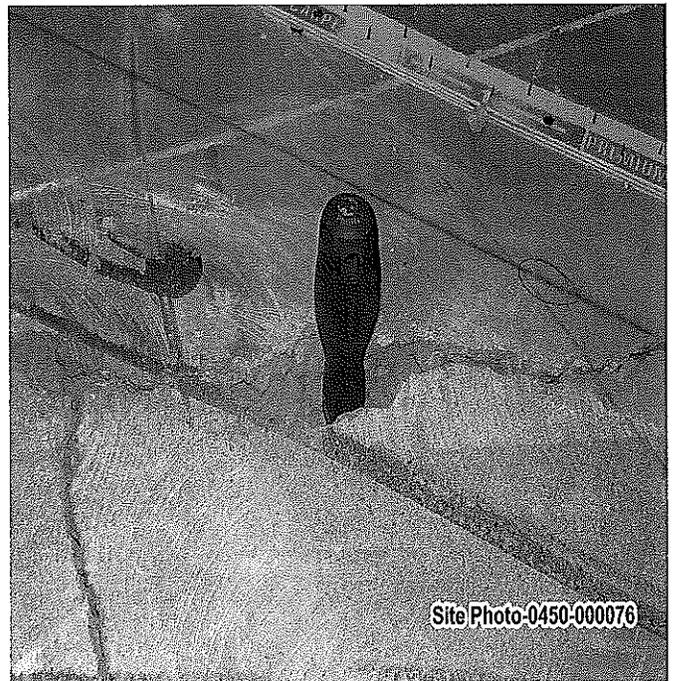
Leslie Home 15502 W. Agua Linda Ln.



Site Photo-0450-000037



Site Photo-0450-000035



Site Photo-0450-000076

Wall Drywall Crack

Leslie Home 15502 W. Agua Linda Ln.



SCG-0450-JEFF-000086

Swiggle Seal Migration

Colebrook Home 15036 W. Hickory Ct.



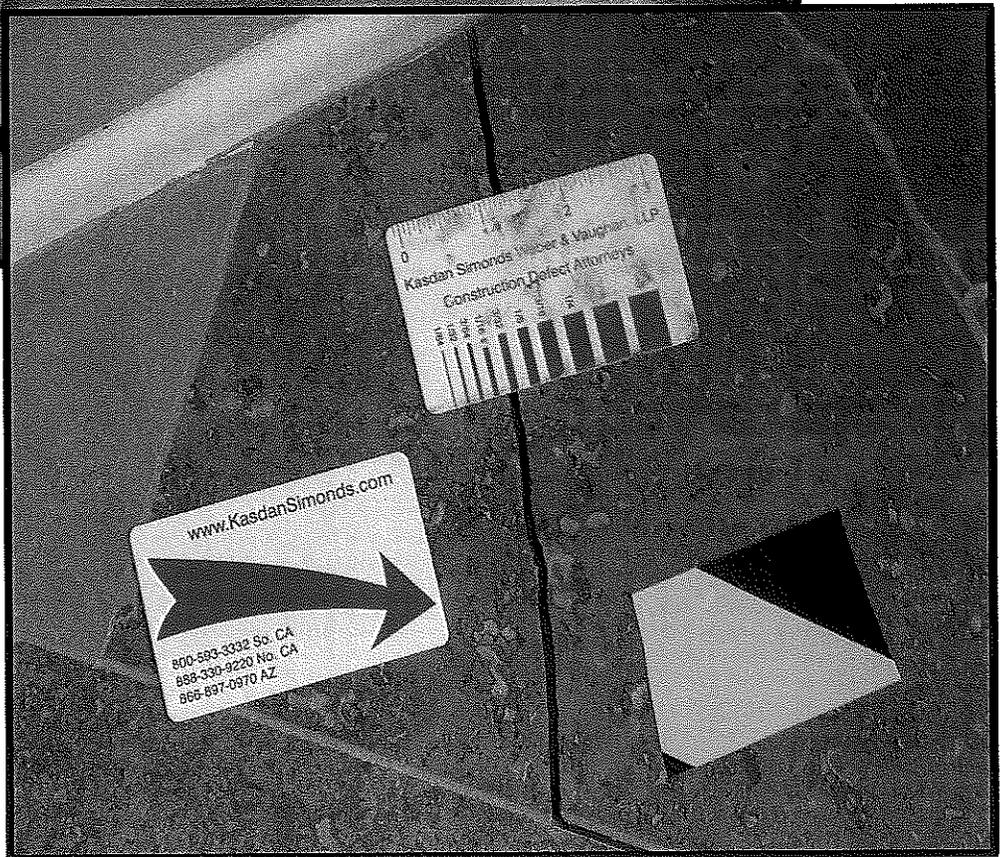
Swiggle Seal Migration

Taylor Home 18240 N. San Salvador Court



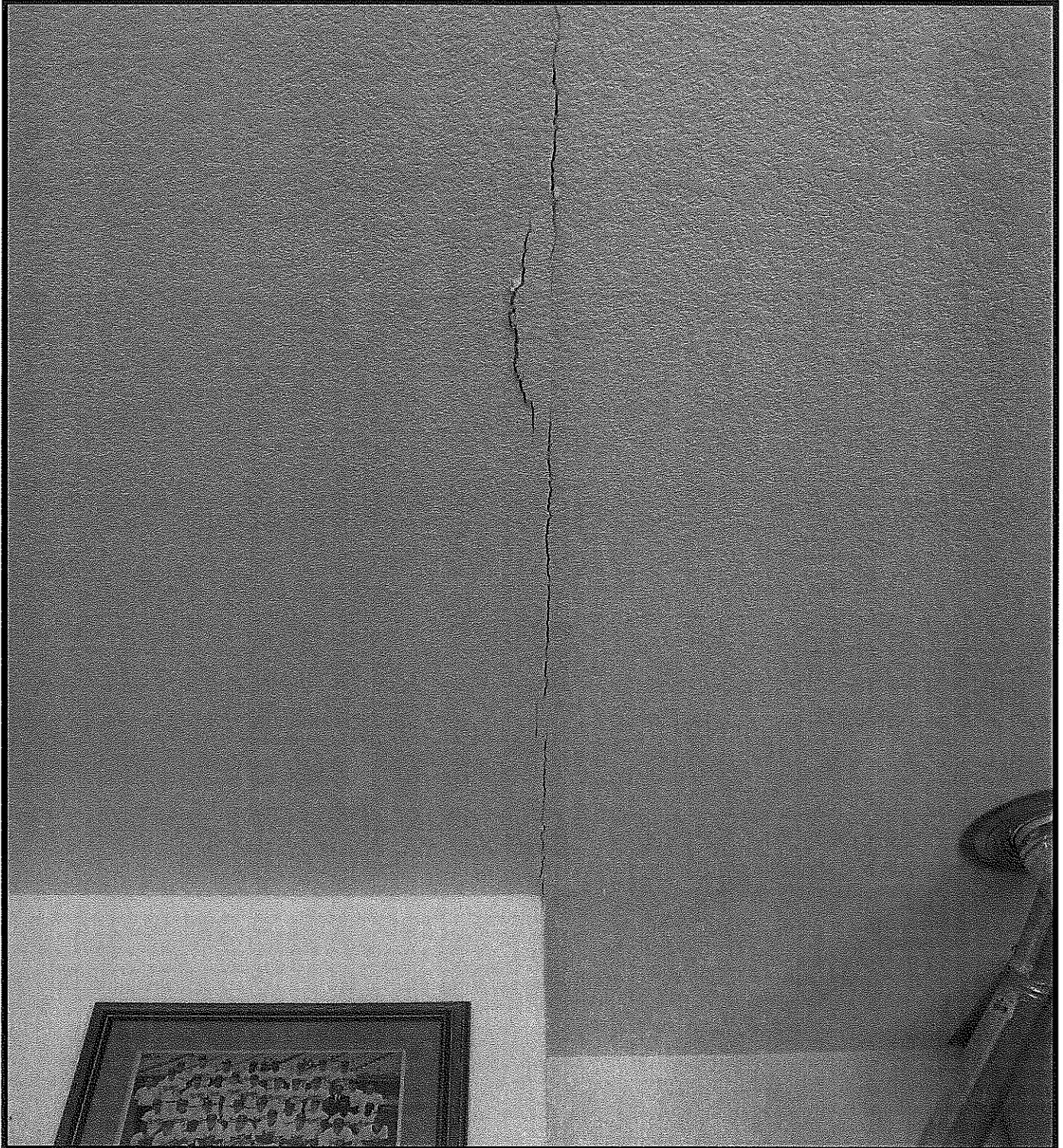
Tile Crack

Cloonan Home 19631 N. Rim Dr.



Ceiling Drywall Crack

Daniel Home 17378 N. Stone Haven Dr.



Holes in Parapet Stucco

Fitzgerald Home 15409 W. Celestial Ct.



COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2578

(Reference to printed bill)

- 1 Page 1, strike lines 4 through 45
- 2 Page 2, strike lines 8 through 30
- 3 Renumber to conform
- 4 Page 3, line 3, after "A" insert "MATERIAL"
- 5 Line 5, after the first "THAT" strike remainder of line; strike line 6,
- 6 Line 7, strike "OF THE DWELLING AT THE TIME OF THE CLAIM AND"; strike "EITHER"
- 7 insert "ONE"
- 8 Line 9, strike "LAW, INCLUDING"; strike the second comma
- 9 Between lines 13 and 14, insert:
- 10 "(c) THE FAILURE TO ADHERE TO GENERALLY ACCEPTED WORKMANSHIP STANDARDS
- 11 IN THE COMMUNITY."
- 12 Line 24, after the second "action" insert "INVOLVING A CONSTRUCTION DEFECT"
- 13 Lines 25 and 26, strike "A CONSTRUCTION DEFECT OR"
- 14 Between lines 29 and 30, insert:
- 15 "8. "MATERIAL DEFICIENCY" MEANS A DEFICIENCY THAT ACTUALLY IMPAIRS THE
- 16 STRUCTURAL INTEGRITY, THE FUNCTIONALITY OR THE APPEARANCE OF THE DWELLING AT
- 17 THE TIME OF THE CLAIM, OR IS REASONABLY LIKELY TO ACTUALLY IMPAIR THE
- 18 STRUCTURAL INTEGRITY, THE FUNCTIONALITY OR THE APPEARANCE OF THE DWELLING IN
- 19 THE FORESEEABLE FUTURE IF NOT REPAIRED OR REPLACED."
- 20 Renumber to conform
- 21 Line 34, after "dwellings", insert ", INCLUDING CONSTRUCTION PROFESSIONALS"
- 22 Page 5, lines 16, 18 and 22, strike "CASH" insert "MONETARY COMPENSATION"
- 23 Page 6, line 13, after the period insert "IF REQUESTED BY THE PURCHASER, REPAIR OR
- 24 REPLACEMENT OF ALLEGED CONSTRUCTION DEFECTS UNDERTAKEN BY THE SELLER SHALL BE
- 25 PERFORMED BY A CONSTRUCTION PROFESSIONAL SELECTED BY THE SELLER AND CONSENTED
- 26 TO BY THE PURCHASER, WHOSE CONSENT SHALL NOT BE UNREASONABLY WITHHELD, THAT
- 27 WAS NOT INVOLVED IN THE CONSTRUCTION OR DESIGN OF THE DWELLING."
- 28 Line 25, strike "SUBJECT TO" insert "CONSIDERING"

1 Page 6, line 33, strike "CASH" insert "MONETARY COMPENSATION"

2 Line 35, after "ACTION" insert "OR, IF THE CONTRACT FOR THE SALE OF THE DWELLING
3 OR THE COMMUNITY DOCUMENTS CONTAIN A COMMERCIALY REASONABLE ALTERNATIVE
4 DISPUTE RESOLUTION PROCEDURE THAT COMPLIES WITH SECTION 12-1366(c), MAY
5 INITIATE THE DISPUTE RESOLUTION PROCESS"

6 Page 8, line 15, after "NOTICE" strike remainder of line; strike lines 16 through
7 18, insert "AND THE IMPAIRMENT TO THE DWELLING THAT HAS OCCURRED AS A RESULT
8 OF EACH OF THE ALLEGED CONSTRUCTION DEFECTS OR IS REASONABLY LIKELY TO OCCUR
9 IF THE ALLEGED CONSTRUCTION DEFECTS ARE NOT REPAIRED OR REPLACED."

10 Lines 42 and 43, strike "AND A DWELLING ACTION HAS BEEN FILED"

11 Page 9, line 16, after "33-1802" insert ", INCLUDING COVENANTS, CONDITIONS AND
12 RESTRICTIONS AND DEED RESTRICTIONS APPLICABLE TO THE DWELLING"

13 Line 27, after the second "action" insert "INVOLVING A CONSTRUCTION DEFECT AS
14 DEFINED IN SECTION 12-1361"

15 Line 29, strike "A CONSTRUCTION DEFECT AS DEFINED IN SECTION 12-1361 OR"

16 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

2578-jud
2/11/15
H:laa

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

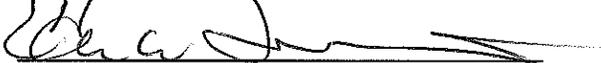
ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2578

DATE February 11, 2015 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese			✓		
Mr. Hale			✓		
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		4	2	0	0

APPROVED:



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


COMMITTEE SECRETARY

ATTACHMENT 25



HOUSE OF REPRESENTATIVES

HB 2592

justice of the peace; residency

Sponsors: Representatives Carter, Borrelli, Fann, et al.

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2592 requires a candidate for the justice of the peace to be a qualified elector of the precinct they propose to represent at the time of filing a nomination paper and have resided in that respective precinct for at least one year before the general election date, except for a justice of the peace who is appointed.

HISTORY

Arizona Revised Statutes (A.R.S.) § 22-102 outlines the requirements for officers of justice precincts and their terms of office. Officers of justice precincts shall be a justice of the peace and a constable. They are elected by the precinct's qualified electors at the general election and serve a four-year term.

A.R.S. § 16-230 describes the protocol for filling a vacancy in certain state or county offices. If a state office becomes vacant, a person of the same political party as the person vacating the office shall be appointed by the governor to fill the position until the next regular general election. If a county office becomes vacant, a person of the same political party as the person vacating the office shall be appointed by the board of supervisors to fill the position until the next regular general election.

PROVISIONS

1. Requires a candidate for justice of the peace to be a qualified elector of the precinct they propose to represent at the time of filing a nomination paper and have resided in that respective precinct for at least one year before the general election date, except for a justice of the peace who is appointed.

Attachment 26

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

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2592

DATE February 11, 2015 MOTION: Sp

	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 27