

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

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Report of Regular Meeting
Thursday, March 5, 2015
House Hearing Room 5 -- 10:00 a.m.

Convened 10:07 a.m.
Recessed
Reconvened
Adjourned 12:53 p.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

Name
None

Organization

Attachments (Handouts)

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u> <u>(Summaries,</u> <u>Amendments, Roll Call)</u>
SB1445	DP	7-2-0-0	2, 3
SCR1014	DP	9-0-0-0	4, 5



Jen Burns, Chairman Assistant
March 9, 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 (3/5/2015)

SB1445, public records; peace officer's name

Testified in support:

Mike Williams, AZ Police Association; Levi Bolton, AZ Police Association; Nohl Rosen, representing self

Testified as opposed:

Alessandra Soler, ACLU Of Arizona ; Joanne Woods, representing self; Channel Powe, representing self; Chris Moeser, KPNX BROADCASTING CO, PHOENIX NEWSPAPERS INC; Muwwakkil Quawwee, representing self; John Thomas, Arizona Association Of Chiefs Of Police; Reginald Walton, representing self; Warren Stewart, representing self; Michael Royer, representing self; Tia Oso, representing self

Support:

James Mann, 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); Luis Ebratt, Combined Law Enforcement Associations Of Arizona; Raymond Ciani, AZ CONFERENCE OF POLICE & SHERIFFS; Ken Crane, representing self; Jimmy Chavez, ASSOCIATED HIGHWAY PATROLMEN OF AZ; Sean Mattson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE)

Oppose:

Rivko Knox, representing self; Amy Laff, representing self; Trey Williams, AZ ASSOCIATION OF COUNTIES; John Moody, Arizona Newspapers Association (ANA); Liz Ricario, representing self; Carolyn Lowery, representing self

All Comments:

Rivko Knox, Self: This bill is not necessary; and police best practices are to release names immediately or at most after only 48 hours!!; Joanne Woods, Self: I would be for this bill if equal protection from terror would be given to unarmed citizens. Today citizens are killed for not complying for many reasons that are not life-threatening. This bill needs to include means to protect citizens as well.; Amy Laff, Self: SB1445 will increase the public's distrust of police.; Nohl Rosen, Self: I also am the leader of a pro-law enforcement movement called Rally For L.E.; Sean Mattson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE): For the safety of the officers and to ensure due process and equal treatment for all involved; Reginald Walton, Self: I am adamantly against this bill as it does not serve the public trust and allows officers to operate with impunity and anonymity.; Michael Royer, Self: This is an unnecessary bill, finding a problem where there is none, and it aims to lessen the accountability of public officials in the Police Departments. Instead, we should be more concerned with the Police abusing their powers against citizens.

SCR1014, military bases; expressing support

Support:

Lana Mook, representing self; Steven Eddy, TUCSON ELECTRIC POWER COMPANY; Robert Medler, TUCSON METROPOLITAN CHAMBER OF COMMERCE; Rachel Aja, City Of Peoria; Amber Wakeman, City Of El Mirage; Robert Shuler, WELLTON-MOHAWK IRRIGATION & DRAINAGE DISTRICT; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Eric Emmert, East Valley Chambers Of Commerce Alliance



HOUSE OF REPRESENTATIVES

SB 1445

public records; peace officer's name

Sponsors: Senators Smith, Burges; Representative Borrelli, et al.

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

SB 1445 limits the release of the name of a peace officer who is involved in a use of deadly physical force incident for 90 days.

HISTORY

Arizona Revised Statutes (A.R.S.) § 39-121 states that public records and other matters in the custody of a public officer are open to inspection by any person at all times. An officer or custodian may refuse inspection of public records to protect the best interests of the state where inspection might lead to substantial private or public harm; however only if this harm outweighs the public right to disclosure of records.

Statute provides over 300 exemptions that address the confidentiality of and public access to records. Public records laws do not require the disclosure of a peace officer's residential address or phone number (A.R.S. § 11-483). A law enforcement agency may release a photograph of a peace officer who is arrested for or charged with a misdemeanor or felony offense. The agency may also release a photograph of a peace officer upon request from a newspaper unless the release is not in the best interest of the state, taking into consideration the privacy, confidentiality, and safety of the officer (A.R.S. § 39-123).

Deadly physical force is used with the purpose of causing or creating substantial risk of death or serious physical injury. *Serious physical injury* creates a reasonable risk of death or causes serious and permanent disfigurement, serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb (A.R.S. § 13-105).

A peace officer is justified in using deadly physical force against a person in defense of what the officer reasonably believes is the use or imminent use of deadly physical force. A peace officer is also justified in using deadly physical force to facilitate the arrest or prevent the escape of a person whom the officer reasonably believes:

- has committed or attempted to commit or is committing or attempting to commit a felony involving the use or threatened use of a deadly weapon;
- is attempting to escape by use of a deadly weapon;
- is likely to endanger others unless apprehended immediately based the person's known past or present conduct; or
- is participating in a riot while armed with a deadly weapon for the purpose of lawfully suppressing the riot (A.R.S. § 13-410).

Attachment 2

PROVISIONS

1. Stipulates that public records laws do not require the disclosure of the name of a peace officer who is involved in a use of deadly physical force incident that results in death or serious physical injury for 90 days.
2. Prohibits a law enforcement agency or an employing state or local government entity from releasing the peace officer's name for 90 days.
3. Specifies the conditions under which the peace officer's name may be disclosed or released prior to 90 days:
 - a. the peace officer is arrested or formally charged for actions relating to the incident;
 - b. the peace officer consents to the release in writing; or
 - c. the Arizona Rule of Criminal Procedure requires the release.
4. Permits a law enforcement agency or employing state or local government entity to refuse to respond to a request for the peace officer's name that is more than 30 days old.

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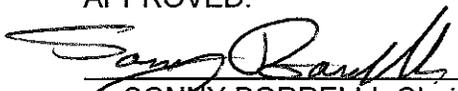
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1445

DATE March 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		✓			
		7	2	0	0

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 3



HOUSE OF REPRESENTATIVES

SCR 1014

military bases; expressing support
Sponsor: Senator Griffin

X Committee on Military Affairs and Public Safety
Caucus and COW
House Engrossed

OVERVIEW

SCR 1014 expresses the Legislature's continued support for, and acknowledges the importance of, Arizona's military facilities.

HISTORY

Fort Huachuca is a U.S. Army installation located in Cochise County in southeastern Arizona. The primary missions at Fort Huachuca are Military Intelligence training, U.S. Army network management, communications-electronics testing and training, and unmanned aerial systems training. Missions are conducted by the U.S. Army Intelligence Center, Network Enterprise Technology Command, U.S. Army Information Systems Engineering Command, Joint Interoperability Test Command, U.S. Army Aviation Center, and 11th Signal Brigade.

Davis-Monthan Air Force Base is located within the city limits of Tucson, Arizona and trains professional pilots to prepare them for potential war. Davis-Monthan Air Force Base employs over 7,500 military personnel and 3,000 civilian employees and contractors. The 355th Fighter Wing is the host unit at the base, providing medical, logistical, mission, and operational support to all assigned units.

Luke Air Force Base is located in Glendale, Arizona and hosts the 56th Fighter Wing; it is the largest fighter wing in the world with 185 aircraft, 27 squadrons, 4 tenant units, nearly 7,000 military and civilian personnel, and stewardship of the 1.7 million acre Barry M. Goldwater Air Force Range. Luke Air Force Base is the only active-duty Air Force F-16 training wing.

Barry M. Goldwater Air Force Range is located in Wellton, Arizona and is utilized by the U.S. Navy, U.S. Marine Corps, U.S. Air Force Reserve, and other military units for training. The Barry M. Goldwater Air Force Range consists of several sub-ranges, including air to ground weapons delivery ranges, tactical ranges, and air to air combat training ranges.

PROVISIONS

1. States that the members of the Arizona Senate and House of Representatives express their support for, and acknowledge the importance of, Arizona's military facilities.

Attachment 4

**ARIZONA HOUSE OF REPRESENTATIVES
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ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SCR 1014

DATE March 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		✓			
		9	-	-	-

APPROVED:

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

James Bruce
COMMITTEE SECRETARY

ATTACHMENT 5