

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

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Report of Regular Meeting  
Thursday, March 19, 2015  
House Hearing Room 5 -- 9:00 a.m.

**Convened** 9:04 a.m.  
**Recessed**  
**Reconvened**  
**Adjourned** 10:38 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**

**Name**

None

**Organization**

**Attachments (Handouts)**

**Committee Action**

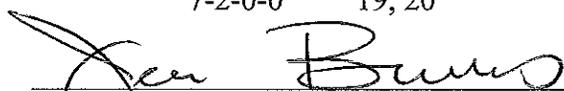
**Bill**

**Action**

**Vote**

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

SB1189	DPA S/E	6-1-0-2	2, 3, 4
SB1271	DP	8-0-0-1	5, 6
SB1296	DP	7-0-0-2	7, 8
SB1300	DPA	7-0-0-2	9, 10, 11, 12
SB1330	DP	5-3-0-1	13, 14
SB1373	DP	7-0-0-2	15, 16
SB1387	DP	7-0-0-2	17, 18
SB1467	DP	7-2-0-0	19, 20

  
Jen Burns, Chairman Assistant  
March 19, 2015

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

# Information Registered on the Request to Speak System

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## *House Military Affairs and Public Safety (3/19/2015)*

### **SB1189, health insurance; interstate purchase**

#### **Support:**

Elisha Dorfsmith, representing self; Krystal Slivinski, AMERICANS FOR PROSPERITY AZ; Tyler DiGrazia, representing self; Karen Mackean, representing self; Jim Foust, representing self; Tom Holding, representing self; Joyce Hill, representing self; Terry Hill, representing self; joy staveley, Chairman, Coconino County Republican Committee, representing self; Sandi Bartlett, representing self; Ann Heins, representing self; Dawn Monahan, representing self; Patrick OMalley, representing self; Julie Smith, representing self; John Baunoch, representing self; Mary Ann Baunoch, representing self

#### **Oppose:**

Thomas Finnerty, SOCIETY OF ST VINCENT DE PAUL; Daniella Yaloz Smith, AZ PUBLIC HEALTH ASSOCIATION; Rip Wilson, AMERICAN DIABETES ASSN AZ AFFILIATE

#### **All Comments:**

Thomas Finnerty, SOCIETY OF ST VINCENT DE PAUL: This bill has been before the Legislature for a number of years. It never passed. This bill does not require foreign insurers to meet Arizona requirements. I think it is important for newborn coverage. It does not require the; Karen Mackean, Self: The Constitution gives the Congress the power to regulate commerce among the several States.....The people should have the right to buy the best healthcare available, not just what is mandated by the Fed. Govt.; joy staveley, Self: This strengthens states rights. People should have the choice to purchase the best, and not just what the federal government stipulates.; John Baunoch, Self: I encourage you to vote Yes on SB1189.; Mary Ann Baunoch, Self: I think competition between states is sure way to bring insurance costs down.; Rip Wilson, AMERICAN DIABETES ASSN AZ AFFILIATE: The AZ legislature decided what conditions -like diabetes-should be covered by insurance sold AZ. This puts that choice in hands of another state...and once purchased out of state,removes the requirements for AZ policies as well

### **SB1373, criminal justice information; access**

#### **Support:**

Jason Winsky, Combined Law Enforcement Associations Of Arizona; Andrew LeFevre, Arizona Criminal Justice Commission; Jerad McDaniel, representing self; Megan Kintner, Arizona Association Of Counties; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; kathleen mayer, Pima County Attorney's Office; Rebecca Baker, Maricopa County Attorney's Office; Levi Bolton, AZ Police Association; luis ebratt, Combined Law Enforcement Associations Of Arizona

## **SB1271, virtual border fence; appropriation**

### **Neutral:**

Trey Williams, AZ ASSOCIATION OF COUNTIES

## **SB1330, second amendment violations; prohibited activities (NOW: prohibited activities; second amendment violations)**

### **Testified as opposed:**

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

### **Support:**

Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; Thomas Woodrow, representing self; Richard Hofelich, representing self

### **Oppose:**

Mary Pradelt, representing self; Kathryn Rose, representing self; Susan Bergesen, representing self; Carol Consalvo, representing self; Judith K. Moll, representing self; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; kathleen mayer, Pima County Attorney's Office; Madeleine Wachter, representing self; Janice Palmer, AZ School Boards Assn; James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Rebecca Baker, Maricopa County Attorney's Office; Levi Bolton, AZ Police Association; luis ebratt, Combined Law Enforcement Associations Of Arizona; John Thomas, Arizona Association Of Chiefs Of Police

### **All Comments:**

Mary Pradelt, Self: Another bogus bill that claims to protect state law enforcement - who opposed it when heard in Senate committees; will bog us down in costly legal battles, embarrass the state and make it harder to attract investment.; Lyle Mann, AZ PEACE OFFICER STANDARDS/TRAINING BOARD (AZ POST): Peace Officers of this state should not be threatened with civil fines or arrest for doing their job.; Kathryn Rose, Self: This bill is opposed by state & local law enforcement, as it would hamper efforts to control the flow of deadly weapons across the border and among other criminal elements. It would incur a legal battle at the expense of taxpayers & Arizona's image.; Susan Bergesen, Self: Oppose: limits law enforcement ability to protect AZ citizen; prevents local efforts to enhance community safety from unsafe firearm ownership; may be challenged legally, burdening taxpayers with legal costs in a time of budget austerity; Carol Consalvo, Self: AZ continues to stand out in the Nation as a State with strange ideas...not a very welcoming characteristic to attract business to this state.; Madeleine Wachter, Self: State and local law enforcement has expressed opposition to this bill, and the Legislature should listen. Let's not pass yet another bill that does nothing to improve public safety but instead leads to extended court battles at taxpayer expense.; James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE): Concerned that positive changes to federal laws couldn't be implemented. 't oppose the fines and criminal charge provisions in this bill.; Rebecca Baker, Maricopa County Attorney's Office: This will prevent information sharing between local and federal law enforcement which is necessary for public safety.; Levi Bolton, AZ Police Association: The Arizona Police Association is in respectful opposition to this bill in current form, with respects specifically to the penalties portion.; luis ebratt, Combined Law Enforcement Associations Of Arizona: The Combined Law Enforcement Association of Arizona is in respectful opposition to this bill in its current form, with respects specifically to the penalties portion.

## **SB1387, recreational user immunity; access**

### **Support:**

Garrick Taylor, Arizona Chamber Of Commerce And Industry; Kurt Davis, Arizona Game And Fish Commission

### **All Comments:**

Kurt Davis, Arizona Game And Fish Commission: The Game and Fish Commission supports SB1387.

## **SB1467, law enforcement officer rights (NOW: rights; law enforcement officers)**

### **Testified in support:**

Levi Bolton, AZ Police Association; Kathryn Baillie, representing self

### **Testified as opposed:**

Trey Williams, AZ ASSOCIATION OF COUNTIES; John Thomas, Arizona Association Of Chiefs Of Police

### **Support:**

Mike Williams, AZ Police Association; luis ebratt, Combined Law Enforcement Associations Of Arizona; Ricardo Perine, representing self; Jimmy Chavez, representing self

### **Oppose:**

Kelly Clark, representing self; Larry Avila, representing self; Adam Shepherd, representing self; Leon Wilmot, representing self; Scott Mascher, representing self; Tony Estrada, representing self; John Russell, representing self; Jim McCabe, representing self; Bill Pribil, representing self; Johnny Sanchez, representing self; Erin Reed, representing self

### **All Comments:**

Mike Williams, AZ Police Association: .; Kelly Clark, Self: Navajo County Sheriff; Larry Avila, Self: Greenlee County Sheriff; Adam Shepherd, Self: Gila County Sheriff; Leon Wilmot, Self: Yuma County Sheriff; Scott Mascher, Self: Yavapai County Sheriff; Tony Estrada, Self: Santa Cruz County Sheriff; John Russell, Self: Yavapai County Chief Deputy; Jim McCabe, Self: Mohave County Sheriff; Ricardo Perine, Self: AZ Police Assoc; Bill Pribil, Self: Coconino County Sheriff; Johnny Sanchez, Self: Gila County Chief Deputy Sheriff; Jimmy Chavez, Self: AZ Police Association

## **SB1300, law enforcement officers; body cameras**

### **Support:**

Trey Williams, AZ ASSOCIATION OF COUNTIES; Levi Bolton, AZ Police Association; luis ebratt, Combined Law Enforcement Associations Of Arizona

### **Neutral:**

Alessandra Soler, ACLU Of Arizona

**Oppose:**

Adriana Marinez, City Of Tucson ; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL;  
James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE)

**All Comments:**

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL: We support the study committee.; Trey Williams, AZ ASSOCIATION OF COUNTIES: Support with the Borrelli amendment; James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE): We support the study committee amendment.; Alessandra Soler, ACLU Of Arizona : support creation of a study committee that includes police, community members and other stakeholder groups



# HOUSE OF REPRESENTATIVES

SB 1189

health insurance; interstate purchase  
Sponsors: Senators Ward, Burges; Pierce

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1189 allows insurers authorized to issue policies in another state to issue a health or sickness policy in Arizona, provided certain conditions are met.

## Summary of the Proposed Strike-Everything Amendment to SB 1189

The proposed strike-everything amendment to SB 1189 automatically restores an individual's firearm rights if his or her judgment of guilt for certain felony convictions is set aside.

## HISTORY

An individual who is convicted of a criminal offense may apply to have his or her judgment of guilt set aside after completing the terms of the individual's probation or sentence. The individual is released from penalties and disabilities resulting from the conviction if the judgment of guilt is set aside, with the exception of certain penalties imposed by the Department of Transportation or the Game and Fish Commission. Additionally, an individual who is convicted of a dangerous criminal offense, a criminal offense that requires the individual to register as a sex offender or that is sexually motivated, a criminal offense in which the victim is under the age of 15, or various traffic-related criminal offenses may not apply to have his or her judgment of guilt set aside (Arizona Revised Statutes [A.R.S.] § 13-907).

An individual who is convicted of a felony offense has certain civil rights suspended, including the right to vote, hold public office, serve as a juror, and possess a firearm. An individual who is convicted of a non-dangerous or non-serious felony offense must wait two years from the time of discharge from probation or imprisonment before becoming eligible to have his or her firearm rights restored. An individual who is convicted of a serious felony offense must wait 10 years before his or her firearm rights are restored, and an individual who is convicted of a dangerous felony offense has his or her firearm rights permanently revoked (A.R.S. §§ 13-904, 13-905, and 13-906).

## PROVISIONS

1. Restores the firearm rights of an individual who is convicted of a non-serious, non-dangerous felony offense automatically if his or her judgment of guilt is set aside, waiving the two-year waiting period.
2. Makes conforming changes.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1189

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-907, Arizona Revised Statutes, is amended to  
3 read:

4 13-907. Setting aside judgment of convicted person on  
5 discharge; application; release from disabilities;  
6 firearm possession; exceptions

7 A. Except as provided in subsection ~~D~~ E of this section, every person  
8 convicted of a criminal offense, on fulfillment of the conditions of  
9 probation or sentence and discharge by the court, may apply to the judge,  
10 justice of the peace or magistrate who pronounced sentence or imposed  
11 probation or such judge, justice of the peace or magistrate's successor in  
12 office to have the judgment of guilt set aside. The convicted person shall  
13 be informed of this right at the time of discharge.

14 B. The convicted person or, if authorized in writing, the convicted  
15 person's attorney or probation officer may apply to set aside the judgment.

16 C. If the judge, justice of the peace or magistrate grants the  
17 application, the judge, justice of the peace or magistrate shall set aside  
18 the judgment of guilt, dismiss the accusations or information and order that  
19 the person be released from all penalties and disabilities resulting from the  
20 conviction except those imposed by:

21 1. The department of transportation pursuant to section 28-3304,  
22 28-3306, 28-3307, 28-3308 or 28-3319, except that the conviction may be used  
23 as a conviction if the conviction would be admissible had it not been set  
24 aside and may be pleaded and proved in any subsequent prosecution of such  
25 person by the state or any of its subdivisions for any offense or used by the  
26 department of transportation in enforcing section 28-3304, 28-3306, 28-3307,  
27 28-3308 or 28-3319 as if the judgment of guilt had not been set aside.

28 2. The game and fish commission pursuant to section 17-314 or 17-340.

Adopted  # of Verbals \_\_\_\_\_  
Failed \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Not Offered \_\_\_\_\_ Analysts Initials \_\_\_\_\_

1           D. NOTWITHSTANDING SECTION 13-905 OR 13-906, IF A JUDGMENT OF GUILT IS  
2 SET ASIDE PURSUANT TO THIS SECTION, THE PERSON'S RIGHT TO POSSESS A GUN OR  
3 FIREARM IS RESTORED. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO WAS  
4 CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706.

5           ~~D.~~ E. This section does not apply to a person who was convicted of a  
6 criminal offense:

7           1. Involving a dangerous offense.

8           2. For which the person is required or ordered by the court to  
9 register pursuant to section 13-3821.

10          3. For which there has been a finding of sexual motivation pursuant to  
11 section 13-118.

12          4. In which the victim is a minor under fifteen years of age.

13          5. In violation of section 28-3473, any local ordinance relating to  
14 stopping, standing or operation of a vehicle or title 28, chapter 3, except a  
15 violation of section 28-693 or any local ordinance relating to the same  
16 subject matter as section 28-693."

17 Amend title to conform

SONNY BORRELLI

1189-se-borrelli  
3/13/15  
3:38 PM  
H:laa

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

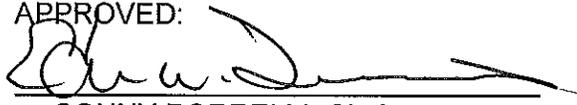
**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1189

DATE March 19, 2015 MOTION: DPA S/E

	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	1	-	2

APPROVED:



SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 4



# HOUSE OF REPRESENTATIVES

SB 1271

virtual border fence; appropriation

Sponsors: Senators Worsley, Driggs; Representative Coleman

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X Committee on Military Affairs and Public Safety

Committee on Appropriations

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1271 is an emergency measure that appropriates monies in the Border Security Trust Fund (Fund) to the Joint Border Security Advisory Committee (JBSAC) for the construction and maintenance of the physical or virtual border fence.

## HISTORY

Laws 2011, Chapter 309, as amended by Laws 2014, Chapter 170, requires the construction and maintenance of a physical or virtual border fence within one mile of the Arizona-Mexico border line. JBSAC is comprised of six nonvoting members from the Legislature, six members appointed by the Governor, and four county sheriffs. JBSAC receives testimony relating to the Mexico border, analyzes border crossing and related crime statistics, makes recommendations to increase border security, and administers and manages the construction and maintenance of the physical or virtual border fence (Arizona Revised Statutes § 41-113).

The Border Security Trust Fund (Fund) consists of public and private donations and is used for the construction and maintenance of the physical or virtual border fence. The state treasurer administers the Fund and Fund monies are subject to Legislative appropriation and are exempt from lapsing. The Fiscal Year (FY) 2014 Fund ending balance was \$264,400, and no monies were expended from the Fund during this time.

## PROVISIONS

1. Stipulates that the physical or virtual border fence may be located as close as practicable to the Arizona-Mexico border line, rather than within one mile.
2. Appropriates all Fund monies received during FYs 2015 and 2016 to JBSAC to administer and manage the construction and maintenance of the physical or virtual border fence.
3. Contains an emergency clause and becomes effective upon signature by the Governor.

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

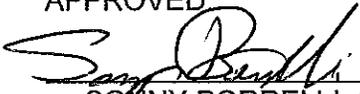
**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1271

DATE March 19, 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

APPROVED:

  
 \_\_\_\_\_  
 SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman

  
 \_\_\_\_\_  
 COMMITTEE SECRETARY

ATTACHMENT 4



# HOUSE OF REPRESENTATIVES

SB 1296

spousal maintenance; veterans disability benefits

Sponsor: Senator Smith

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1296 specifies that a court may award spousal maintenance to a requesting party, which is defined as the person who filed the motion for spousal maintenance.

## HISTORY

The Maricopa County Superior Court describes spousal maintenance, or alimony, as the money that is paid by one spouse to the other as part of the divorce decree. The payment is designed as a safeguard for a spouse who otherwise would be unable to provide for their needs or who meets other requirements under the law. A judge determines spousal maintenance by the length of the marriage, the age and earning ability of the spouse who is asking for maintenance, the standard of living the parties enjoyed during the marriage, the ability of the other spouse to pay, and what the person who is asking for the maintenance contributed to the marriage. The amount is determined by what the judge considers to be a reasonable deduction from the monthly income of the paying spouse and a reasonable monthly payment to the receiving spouse.

Service-connected disability compensation is a monetary benefit paid to veterans who are determined by the U.S. Department of Veterans Affairs (VA) to be disabled as the result of an injury or illness that was incurred or aggravated during active military service. Combat-Related Special Compensation (CRSC) is a U.S. Department of Defense program that provides a tax-free monthly payment to eligible retired veterans with combat related disabilities. CRSC restores retired pay lost due to the VA disability compensation offset (Title 10 U.S.C. § 1413a).

Laws 2010, Chapter 70 added that in determining whether to award spousal maintenance or the amount of any award of spousal maintenance, the court may not consider any federal disability benefits awarded to the other spouse for service-connected disabilities pursuant to Title 38 U.S.C. Chapter 11. Laws 2014, Chapter 239 amended this provision to also include CRSC.

## PROVISIONS

1. Specifies that the court may award spousal maintenance or the amount of any award of spousal maintenance to a requesting party.
2. Defines *requesting party* as a person who filed a motion for spousal maintenance.

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

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1296

DATE March 19, 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

APPROVED:



SONNY BORRELLI, Chairman  
MARK FINCHEM, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT 8



# HOUSE OF REPRESENTATIVES

## SB 1300

law enforcement officers; body cameras

Sponsor: Senator Kavanagh

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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### OVERVIEW

SB 1300 specifies the conditions under which a law enforcement officer body camera may be used and establishes the Law Enforcement Body Camera Study Committee (Study Committee).

### HISTORY

SB 1300 defines *law enforcement officer body camera* as a video and audio recording device that is worn on the body of a law enforcement officer. The National Conference of State Legislatures identified 30 states in which legislation relating to body cameras worn by law enforcement officers is under consideration for 2015. Additionally, federal legislation has been introduced in both 2014 and 2015 that would establish a grant program for the acquisition, operation, and maintenance of body cameras worn by law enforcement officers.

### PROVISIONS

#### *Body Camera Recordings*

1. Restricts a law enforcement agency from using a body camera that operates on a continuous basis.
2. Specifies that a body camera that continuously records but only retains up to two minutes of video when activated is not operating on a continuous basis.
3. Stipulates that if an agency provides an officer with a body camera, the officer must control the operation of the body camera and the following situations must be recorded unless prohibited by law:
  - a. a service call;
  - b. a traffic stop;
  - c. when making an arrest;
  - d. when stopping a person whose behavior or actions are suspicious;
  - e. while having any contact with an emotionally disturbed person;
  - f. when the officer believes the situation may generate a civil complaint;
  - g. any activity that is likely to lead to a criminal or civil court action;
  - h. any activity in which all of the involved parties consent to the recording and the recording is not prohibited by law or the agency's policies; and
  - i. any time that the officer believes a situation may turn into a situation listed above.
4. Directs an officer to turn off the body camera when the officer believes the situation has concluded.
5. Requires an officer to notify the agency if he or she forgets to turn off the body camera and states that this recording may not be viewed.

6. Permits an officer to turn off the body camera if the officer is having a conversation with a person who is not the suspect or object of a law enforcement action, upon request. The officer is required to announce that the body camera is being turned off at the person's request.
7. Permits an officer to turn off the body camera during a conversation between officers relating to the handling of an incident, including information about involved parties and action options, unless prohibited by law or the agency's policies. The officer is required to announce that the body camera is being turned off.
8. Permits an officer to turn off the body camera when the suspect or object of a law enforcement action makes a recorded request that the body camera be turned off and the officer consents, unless prohibited by law or the agency's policies. The officer is required to announce that the body camera is being turned off and to turn the body camera back on if the situation escalates beyond a discussion or involves law enforcement action, shouting or violence. The body camera may not be turned off during an investigation of a domestic violence offense if the agency has a written policy that requires the recording.
9. Permits an officer to turn off the body camera during a conversation or activity that is unrelated to the situation, such as a personal conversation or the use of restroom facilities.

***Use of the Recording, Public Records Disclosure, and Civil Action***

10. Allows a recorded incident that involves a law enforcement activity or the handling of an emotionally disturbed person to be saved and used for training purposes, which may only be viewed by officers, recruits, reserve officers, posse members, volunteer officers, dispatchers, and consultants or outside training personnel as applicable.
11. Stipulates that a body camera recording and related data is not subject to public records disclosure.
12. Permits an agency to release part or all of a recording to the public only if the public's need to view the recording outweighs privacy or confidentiality interests or the best interests of the state, the release will not interfere with or compromise an investigation, and the request is not burdensome or harassing.
13. Specifies that a person's right to avoid public embarrassment outweighs the public's right to view the recording for entertainment purposes.
14. Provides a person with the ability to file action in superior court to release the recording if the agency does not consent to the release.
15. Requires the superior court to review whether the agency's determination was valid.
16. Allows the superior court to award attorney fees and other legal costs reasonably incurred in the action if the person who filed the action prevails.
17. States that a person who is wrongfully denied access to the recording has a cause of action against the agency for damages related to the denial.

***Law Enforcement Officer Body Camera Study Committee (Study Committee)***

18. Establishes the Study Committee with the following members:
  - a. a Senator who is appointed by the Senate President and a Representative who is appointed by the Speaker of the House of Representatives who serve as co-chairs;
  - b. a police chief who is appointed by the Governor;

**SB 1300**

- c. a county sheriff who is appointed by the Governor;
  - d. a faculty member in a criminal justice program at an Arizona public university who is appointed by the Governor;
  - e. a representative from a news gathering organization who is appointed by the Governor;
  - f. a state prosecutor who is appointed by the Arizona Prosecuting Attorneys' Advisory Council;
  - g. three members of a police association who are appointed by the Governor;
  - h. two attorneys who are members of the State Bar of Arizona, one of whom represents a group that promotes civil liberties, who are appointed by the Governor; and
  - i. two public members who are Arizona residents, one of whom is associated with a civil rights association, who are appointed by the Governor.
19. Requires the Study Committee to recommend policies and laws on the use of body cameras and body camera recordings.
  20. Allows the Study Committee to:
    - a. request information, data, and reports from a county or state agency or a political subdivision and specifies that the information must be provided electronically when possible; and
    - b. hold hearings, conduct fact-finding tours, and receive testimony from witnesses, which includes participants in the criminal justice system, who may also assist the Committee with its purpose.
  21. Directs state agencies to provide the Study Committee with its services, equipment, documents, personnel, and facilities to the extent possible and at no cost to the Study Committee.
  22. Requires the Legislature to provide staff and support services to the Study Committee.
  23. Stipulates that the Study Committee must meet at the State Capitol or other places as deemed necessary or convenient by the Committee co-chairs.
  24. States that all Study Committee meetings are open to the public.
  25. Specifies that Study Committee members are not eligible for compensation; however the members are eligible for reimbursement of expenses.
  26. Requires the Study Committee to submit a report on its findings and recommendations, including its recommendations on the use of body cameras in Arizona, to the Governor, the Speaker of the House of Representatives, and the President of the Senate by the end of calendar year 2015. A copy of the report must be transmitted to the Secretary of State.
  27. Repeals the Committee on July 1, 2016.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1300

(Reference to Senate engrossed bill)

- 1 Page 1, strike lines 2 through 44
- 2 Strike page 2
- 3 Renumber to conform
- 4 Amend title to conform

SONNY BORRELLI

1300-p1-borrelli  
3/18/15  
9:42 AM  
H:laa

Attachment 10

Adopted  # of Verbals \_\_\_\_\_  
Failed \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Not Offered \_\_\_\_\_ Analysts Initials \_\_\_\_\_

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1300

(Reference to Senate engrossed bill)

1 Page 3, between lines 9 and 10, insert:

2           "3. The director of the department of public safety or the director's  
3           designee."

4 Renumber to conform

5 Amend title to conform

SONNY BORRELLI

1300-p2-borrelli

3/18/15

11:46 AM

H:1aa

Attachment 11

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. SB 1300

DATE March 19, 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 12



# HOUSE OF REPRESENTATIVES

SB 1330

prohibited activities; second amendment violations

Sponsor: Senator Ward

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1330 prohibits state agencies and political subdivisions from aiding the federal government in enforcing any federal act, law, order, rule, or regulation regarding a personal firearm, firearm accessory, or ammunition and establishes penalties.

## HISTORY

Arizona Revised Statutes (A.R.S.) § 13-3101 defines a *firearm* as any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that expels a projectile by the action of an explosive, but does not include a firearm in permanently inoperable condition.

Federal law permits an individual who is at least 21 years old to purchase a handgun and an individual who is at least 18 years old to purchase a rifle or shotgun from a federally licensed firearms dealer in the individual's state of residence. Purchasers must undergo a National Instant Criminal Background Check System (NICS) assessment prior to obtaining the firearm.

Federal law prohibits an unlicensed individual from transferring a firearm to an individual who does not reside in the same state. An interstate firearm transfer is only lawful if the firearm is shipped through a federal firearms licensee within the transferee's state of residence. The transferee may obtain the firearm after undergoing a NICS assessment. A.R.S. § 13-3114 specifies that certain firearms and accessories that are manufactured in Arizona and remain in the state are not subject to federal laws relating to the interstate transfer of firearms. Arizona does not regulate the private transfer of firearms.

Federal law requires firearm and ammunition shipments to be accompanied by a written notice of the shipment and prohibits a licensed importer, dealer, manufacturer, or collector from transferring handgun ammunition or shotgun or rifle ammunition to an individual who is under the age of 21 or 18, respectively.

## PROVISIONS

1. Prohibits a state agency, a political subdivision, or an employee of either who is acting in an official capacity from performing the following actions relating to firearm enforcement:
  - a. Knowingly and willingly participating in the enforcement of a federal act, law, order, rule, or regulation regarding a personal firearm, firearm accessory, or ammunition that is used, enacted, or promulgated on or after the general effective date.
  - b. Using any state monies, including monies allocated to political subdivisions by the state, to engage in any activity that aids the federal government in the enforcement or related investigation of a federal act, law, order, rule, or regulation regarding a personal firearm,

**SB 1330**

firearm accessory, or ammunition that is issued, enacted, or promulgated on or after the general effective date.

2. Stipulates that the state treasurer may not transfer any monies to a political subdivision in the Fiscal Year following a final judicial determination that the political subdivision adopted a rule, order, ordinance, or policy that intentionally violated the above prohibitions relating to firearm enforcement.
3. Assesses the following penalties against an employee or agent of the state or a political subdivision who knowingly violates the above prohibitions relating to firearm enforcement:
  - a. Civil penalty of up to \$3000 for the first violation.
  - b. Class 1 misdemeanor for a second or subsequent violation.
4. Contains a Legislative Findings section.

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

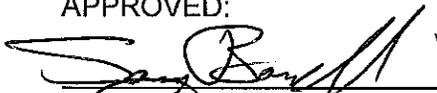
**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1330

DATE March 19, 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	—	1

APPROVED:

  
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 SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman

  
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 COMMITTEE SECRETARY

ATTACHMENT 14



# HOUSE OF REPRESENTATIVES

SB 1373

criminal justice information; access

Sponsor: Senator Kavanagh

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1373 requires the Department of Public Safety (DPS) to provide a law enforcement agency with access to case information it receives from the Supreme Court for the purpose of enforcing a court order, assisting in an investigation, or returning property.

## HISTORY

Laws 2014, Chapter 261 established requirements relating to the transfer of criminal justice information to the National Instant Criminal Background Check System (NICS), which is used by federal firearms licensees to determine whether a person who applies to purchase a firearm is a prohibited possessor. Arizona Revised Statutes (A.R.S.) §§ 13-609 and 36-540 require a court to transmit the case information for a person who is found to be incompetent or subsequently competent, guilty except insane, or subject to court-ordered mental health treatment and a danger to him- or herself or others to the Supreme Court. The Supreme Court transmits the case information to DPS, and DPS subsequently transmits the case information to NICS. The laws specify that on request, the originating court must provide copies of the order to a law enforcement or prosecuting agency that is investigating or prosecuting a prohibited possessor. The transfer of case information also applies when a court appoints a guardian to an individual due to mental incapacity or when the mental incapacity is terminated (A.R.S. §§ 14-5304 and 14-5307).

*Case information* is defined as a person's name, sex, date of birth, the last four digits of the person's social security number or the person's social security number as applicable and if available, the court case number, the court originating agency identification number, and as applicable, the date of the person's order for mental health treatment or guardian appointment.

## PROVISIONS

1. Requires DPS to provide the case information it receives from the Supreme Court associated with the types of cases listed below to a law enforcement agency for the purpose of enforcing a court order, assisting in an investigation, or returning property:
  - a. persons found to be incompetent or subsequently competent or guilty except insane;
  - b. orders for mental health treatment; and
  - c. orders relating to mental incapacity.

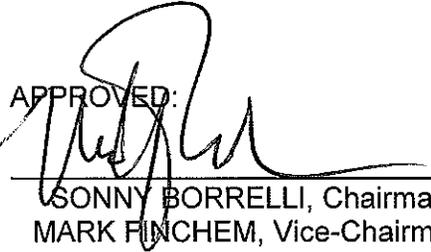
**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1373

DATE March 19, 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

APPROVED:   
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 SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman

  
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 COMMITTEE SECRETARY

ATTACHMENT 16



# HOUSE OF REPRESENTATIVES

SB 1387

recreational user immunity; access

Sponsors: Senators Pierce, Allen; Representative Pratt, et al.

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1387 specifies that payment by a state agency for the use of lands for recreational or associated activities does not qualify as payment of an admission fee.

## HISTORY

Arizona Revised Statutes § 33-1551 provides liability protection for public and private entities that allow the use of their lands for recreational or educational activities. More specifically, land owners, easement holders, lessees, tenants, managers, or occupants are not liable for injuries to persons or property caused by a recreational user on their lands unless willful, malicious, or grossly negligent conduct occurs.

A *recreational user* is defined as a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to travel across or to enter the premises to hunt, fish, trap, camp, hike, ride, engage in off-highway vehicle, off-road recreational motor vehicle, or all-terrain vehicle activities, operate aircraft, exercise, swim, or engage in other outdoor recreational activities.

Public entities and nonprofit organizations are able to charge recreational users a *nominal fee* to cover the costs of providing recreational or educational services, which does not qualify as an *admission fee*. The differentiation between the fees allows public entities and nonprofit organizations to collect payment to offset the costs of providing the services while maintaining liability protection for injuries caused by recreational users.

## PROVISIONS

1. Expands the definition of *recreational user* to specify that payment by a state agency to a land owner, easement holder, or lessee for public recreational access to their lands does not constitute payment of an admission fee or other consideration.

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

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1387

DATE March 19, 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

APPROVED:



SONNY BORRELLI, Chairman  
MARK FINCHEM, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 18



# HOUSE OF REPRESENTATIVES

SB 1467

rights; law enforcement officers

Sponsors: Senators Allen: Begay, Griffin, et al.

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1467 expands employer requirements relating to administrative investigations on law enforcement officers who are subject to disciplinary action.

## HISTORY

Arizona Revised Statutes (A.R.S.) § 38-1103 stipulates that a law enforcement officer may only be subject to disciplinary action for just cause, unless the dismissal or demotion is pursuant to administrative purposes or if the officer is an at-will state employee. *Just cause* is defined 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 (A.R.S. § 38-1101).

A.R.S. § 38-1104 outlines the process for when an employer interviews a law enforcement officer during the course of an administrative investigation for which the officer may be dismissed, demoted, or suspended. An officer is entitled to have a representative present during the interview as an observer. An employer is required to provide the officer with written notice informing the officer of the alleged facts that are the basis of the investigation, the nature of the investigation, the officer's status in the investigation, known allegations of misconduct that are the reason for the interview, and the officer's right to have a representative present during the interview. The officer may consult with his or her representative for a period of time following the interview.

An employer is required to provide, upon request by the officer, a basic summary of any discipline ordered against any other officer of similar rank and experience within the past two years for a similar violation if the employer seeks disciplinary action against the officer after completion of an investigation. The employer is prohibited from taking final action or scheduling a hearing until the basic summary is provided to the officer.

## PROVISIONS

1. Requires an employer, upon request by a law enforcement officer, to do the following if the employer seeks disciplinary action against the officer after completion of an investigation:
  - a. Provide the officer with a complete copy of the investigative file.
  - b. Allow the officer 14 days to review the file and to submit a response or rebuttal prior to discipline being ordered. Requires the officer to return the file to the employer at the time that the rebuttal or response is delivered or at the end of the 14 days.
  - c. Not take final action on any discipline until the rebuttal or response is considered.
2. Requires an employer to include all exculpatory evidence in the file.
3. Makes technical and conforming changes.

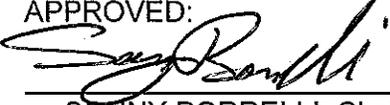
**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1467

DATE March 19, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas			✓	<del>✓</del>	
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach			✓		
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	2	-	-

APPROVED:  
  
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 SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman

  
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 COMMITTEE SECRETARY

ATTACHMENT 20