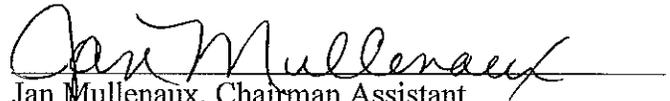


SB1452	DPA S/E	4-2-0-0	39, 40, 41
SB1266	DP	3-2-0-1	42, 43
SB1324	DP	4-2-0-0	44, 45
	COMMITTEE ATTENDANCE		46


Jan Mullenau, Chairman Assistant
March 16, 2016

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

Commenced 8:10 am
adjourned 12:04 pm

REVISED - 03/14/16

REVISED - 03/14/16

REVISED - 03/14/16

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

REGULAR MEETING AGENDA

COMMITTEE ON JUDICIARY

DATE Wednesday, March 16, 2016

ROOM HHR 3

TIME 8:00 A.M. NOTE TIME
CHANGE
9:00 A.M.

Members:

Mr. Friese
Mr. Hale

Mr. Kern
Mr. Mesnard

Mr. Borrelli, Vice-Chairman
Mr. Farnsworth E, Chairman

Bills	Short Title	Strike Everything Title
SB1018	<u>dp</u> aid; execution of process; injury (Kavanagh) <u>6-000</u> JUD, RULES	
*SB1039	<u>dpa</u> jury service; eight-year exemption(now: grand jury; excuse; jury service) (Kavanagh) <u>6-000</u> JUD, RULES	
SB1211	<u>dp</u> victim compensation fund; allocations (Kavanagh: Allen S, Begay, et al) <u>6-000</u> JUD, RULES	
*SB1266	<u>dp</u> firearms; state preemption; penalties (Smith, Allen S, Burges, et al) <u>3-201</u> JUD, RULES	
*SB1271	<u>dpa/S/E</u> notaries; unlawful practices; immigration (Quezada) <u>6-000</u> JUD, RULES	S/E: same subject

Bills	Short Title	Strike Everything Title
SB1293	<u>dpa</u> mediation; confidential communications; exception (Driggs) <u>6-0-0-0</u> JUD, RULES	
SB1294	<u>dpa</u> claims; licensed professionals; expert witness(now: scanning devices; burglary; trespass; penalty) (Driggs) <u>6-0-0-0</u> JUD, RULES	
*SB1307	<u>dp</u> community property; life sentence; spouse (Griffin) <u>5-0-0-1</u> JUD, RULES	
*SB1324	<u>dpa</u> abortion clinics; medication abortions (Yee, Barto, Kavanagh, et al) <u>4-2-0-0</u> JUD, RULES	
*SB1474	<u>dpa</u> human fetus; embryo; prohibited actions (Barto, Allen S, Farnsworth D, et al) <u>4-2-0-0</u> HEALTH w/d, JUD, RULES	
*SB1485	<u>dpa</u> payroll deductions; charitable contributions; prohibition (Biggs, Allen S, Kavanagh, et al) <u>4-2-0-0</u> JUD, RULES	

ADDENDUM #1 - 03/14/16

SB1257	<u>dp</u> misconduct involving weapons; public places (Kavanagh, Burges, Griffin, et al) <u>4-2-0-0</u> JUD, RULES	
SB1298	<u>dpa</u> probation; juvenile; adult (Driggs) <u>6-0-0-0</u> JUD, RULES	
SB1308	<u>dpa</u> juvenile charged as adult; detention (Griffin, Allen S; Boyer) <u>6-0-0-0</u> JUD, RULES	
SB1449	<u>dpa</u> unmanned aircraft; prohibited operations(now: prohibited operations; unmanned aircraft) (Kavanagh) <u>6-0-0-0</u> JUD, RULES	

Bills	Short Title	Strike Everything Title
SB1452	<i>Allen S/E</i> unlawful executive actions; second amendment (Allen S) <u>4-2-0-0</u> JUD, RULES	S/E: refugee resettlement; liability
SB1510	<i>Driggs S/E</i> judicial productivity credits; calculation; salary(now: juveniles; life sentence; parole) (Driggs) <u>6-0-0-0</u> JUD, RULES	S/E: nonrestorable defendants; incompetent; involuntary commitment

* On previous agenda

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

jm
3/10/16
3/14/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Judiciary (3/16/2016)

SB1039, jury service; eight-year exemption (NOW: grand jury; excuse; jury service)

Testified in support:

Gregory Wilmoth, representing self

Support:

Corey Spofford, representing self

Neutral:

Jerry Landau, Arizona Judicial Council; Tyler Thorp, AZ JUDICIAL COUNCIL

All Comments:

Gregory Wilmoth, Self: In favor of the bill. Will keep it under one minute.

SB1211, victim compensation fund; allocations

Testified in support:

Andrew LeFevre, Arizona Criminal Justice Commission

Support:

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; kathleen mayer, Pima County Attorney's Office

SB1266, firearms; state preemption; penalties

Testified in support:

Daniel Reid, National Rifle Association

Support:

Philip Cirelli, representing self; Brent Backus, representing self; Philip Hubacek, representing self; James Mele, representing self; Steven Pettigrew, representing self; Ronald Lenert, representing self; Michael Malo, representing self; ralph Granchelli, representing self; Darrell Collins, representing self; Tom Holding, representing self; Robert Anderson, representing self; Dennis Hall, representing self; Frank Olivieri, representing self; Corey Spofford, representing self; RICCI NIELSEN, representing self; David Price, representing self; Stephen Wenger, representing self; Thomas Woodrow, representing self; Grady Rhodes, representing self; Lon Robinson, representing self; Roger Gilbert, representing self; John Fischer, representing self; Suzanne Ammons, representing self; Michael Schmitz,

representing self; Rod Haller, representing self; Lynn Szelock, representing self; Matthew Dawson, representing self; Julie Revilla, representing self; Richard Mock, representing self; JoAnn Dutton, representing self; David Schafranka, representing self; Thomas Renner, representing self; Jennifer Wellsman, representing self; Leo Budd, representing self; Sheryl Renzoni, representing self; Terrance Traylor, representing self; James Collins, representing self; Roland Sleater, representing self; John Clarke, representing self; Michael Mahoney, representing self; Robert Morrow, representing self; Lorin Kramer, representing self; Don Page, representing self; Dean Barto, representing self; James delton, representing self; Dirk Patton, representing self; James Warniers, representing self; ROBERT DEWITZ, representing self; Michael Millar, representing self; James Hand, representing self; Mickie Davis, representing self; Ronald Kopf, representing self; Daniel Salerno, representing self; J.G. Starr, representing self; Jeff Hickman, representing self; David Ginsburg, representing self; Shawn T Waldmann, representing self; Richard Davis, representing self; Barry Mahoney, representing self; Roger West, representing self; Michael Kriegel, representing self; Isaac Hung, representing self; Roger Hays, representing self; Edward Surowiec, representing self; Todd Chesney, representing self; Gerald Aronica, representing self; David Bour-Beau, representing self; Matthew Petersen, representing self; Cosme Borunda, representing self; Richard Hofelich, representing self; Michael Gibbs, representing self; Carlton Baxter, representing self; Tammy Nowatzki, representing self; Martin Shapiro, representing self; Tony Greci, representing self; John Baunoch, representing self; Tim Jones, representing self; Charles McCorkle, representing self; Russ Southern, representing self; Stephen Baker, representing self; Cheryl Caldararo, representing self; Dumoan Lee, representing self; J.R. Morris, representing self; Robert Gumfory, representing self; Richard L. Anderson, representing self; Michael Berryman, representing self; Rob Blanchard, representing self; robert tomich, representing self; John Semon, representing self; Merle Cunningham, representing self; Russ Hinis, representing self; Charles Stury, representing self; David Cardon, representing self; michael wilkins, representing self; Thomas Boza, representing self; Craig Bergman, representing self; todd hills, representing self; John Hammond, representing self; George Bauernschmidt, representing self; John Parker, representing self; William Moe, representing self; Peter Alford, representing self; Konrad Szelock, representing self; Robert Haggman, representing self; Thomas McKelvey, representing self; mark brown, representing self; Juan Aquino, representing self; Edward Bluma, representing self; Donald Cline, representing self; Henri Carpentier, representing self; James Brinkman, representing self; David Richardson, representing self; Larry Timmerman, representing self; Merril Onigkeit, representing self; Alexander Pope, representing self; James Corbett, representing self; David Pool, representing self; Peggy Grant, representing self; Samuel Grant, representing self; kurt keltner, representing self; Kenneth W. Gareau, representing self; Barbara Gareau, representing self; Scott Lolmaugh, representing self; Erik Lantz, representing self; John Fultz, representing self; Mary Donnay, representing self; Nan Nicoll, representing self; Steve Sorgnit, representing self; Lou Snederman, representing self; Gordon Dolley, representing self; Tom Thomas, representing self; Joseph Guzdziol, representing self; Donald Calabro, representing self; Michael Mowrey, representing self; Chad Burton, representing self; Joseph Hydock, representing self; Paul Pratt, representing self; Jonathan Zuess, representing self; Deborah Kimmick, representing self; David Williams, representing self; Maurice Horner, representing self; Paul Rein, representing self; Phillip Conwell, representing self; Sandra Thoms, representing self; Harold Shull, representing self; Andrew Cyr, representing self; Thomas Wood, representing self; Norman Nipperus, representing self; Stanley WNENTA, representing self; clifford aikens, representing self; Jonathan Massey, representing self; dan treanor, representing self; David Lansky, representing self; Gary Hummel, representing self; JUDITH MARSHALL, representing self; GEORGE MARSHALL, representing self; Brandon LaBorde, representing self; Joe Dawson, representing self; W.C. Rooney, representing self; Roger Hobbs, representing self; Pat Evanowski, representing self; Roy Miller, representing self; Daniel Jackson, representing self; Tony deJong, representing self; Warren Michelsen, representing self; David West, representing self; Patrick Lacey, representing self; Clyde Ingalsbe, representing self; Ronald Yospur, representing self; Robert Drayton, representing self; Michael Ring, representing self; David Childress, representing self; George Love, representing self; Bryan Lee Briggs, representing self; Lawrence Fleming, representing self; Mark Logan,

representing self; Jay Vaughn, representing self; Lewis Petre, representing self; Mike MacDonald, representing self; Lon Wolff, representing self; Stan Donovan, representing self; R Mark Russell, MD, representing self; Danny Ray, representing self; Chris Michels, representing self; Steve Rainey, representing self; Charles Johnson, representing self; Rick Dalton, representing self; Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; C D Tavares, representing self; J.P. Thom-Gronachan, representing self; Ellen Shea, representing self; Peter Steinmetz, representing self; Scott Kassa, representing self; Michael Halbur, representing self; Allen Wegele, representing self; Steven Packard, representing self; Morris sahrhage, representing self; Patrick Clark, representing self; Richard Segui, representing self; Bobbie Piety, representing self; Brooks Hastings, representing self; John Chadwick, representing self; Dave Ross, representing self; larry berger, representing self; Rick King, representing self; Donald Scott, representing self; Timothy Lockard, representing self; Peter Gromada, representing self; martha hayes, representing self; Richard Baker, representing self; Tommeliam Bradalgh, representing self; Larry Winter, representing self; Daniel McCauley, representing self; Ryan Adams, representing self; Jim Livings, representing self; Fred Bridges, representing self; Drake Mitchell, representing self; Michael Garnica, representing self; Lyle Tuttle, representing self; Dominick Leo, representing self; Jared W Brown, representing self; Robert Blackmer, representing self; Tim Lank, representing self; Walter Brock, representing self; Jack Wilborn, representing self; Don Waggoner, representing self; Greg West, representing self; Heidi Dillman, representing self; Norman Trzaskowski, representing self; Arthur Eckstat, representing self; Jason Kennedy, representing self; Glen Dudley, representing self; Jim Dutton, representing self; Frederick Dahnke, representing self; Michael Wixom, representing self; Paul Nicholls, representing self; Billie Bollwinkel, representing self; Michael Pflueger, representing self; Sallie L Baldwin, representing self; Ricky Powell, representing self; Robert Haller, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; john mc adams, representing self; Robert Messenger, representing self; Mark Whiting, representing self; Chadwick Thornham, representing self; Dan Goebel, representing self; Mike Sullivan, representing self; Cheryl Todd, representing self; Rodney Rousseau, representing self; Sincdy Rousseau, representing self; Perry Conrad, representing self; Steve Scheuerman, representing self; Ted Gersztyn, representing self; Dale Eames, representing self; Kevin Johnston, representing self; Nicholas Hitchcock, representing self; johnny ware, representing self; Bob Morken, representing self; Sheri Syverson, representing self; Brent Backus, representing self; Michael Kinateder, representing self; Raymond Perry, representing self; Mark Mullins, representing self; Dustin Whaley, representing self; Phillip Thiele, representing self; James Hodge, representing self; John Wentling, Vice President, Arizona Citizens Defense League; Mark La Scala, representing self; Sean Baguley, representing self; Charly Gullett, representing self; Randal Scott, representing self; Jerry Clifford, representing self; Richard Murillo, representing self

Oppose:

Dale Domzalski, representing self; Dianne Post, representing self; Cathy Hozian, representing self; Arthur Rogers, representing self; Mary Pradelt, representing self; Todd Baughman, TUCSON, CITY OF; Ann Macheck, representing self; Anne Pyron, representing self; Cady Berkel, representing self; Craig McDermott, representing self; Linda Somo, representing self; Dave Frons, representing self; Eve Shapiro, representing self; Herb Burton, representing self; Deborah Zajac, representing self; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Garrick Taylor, Arizona Chamber Of Commerce And Industry; kathleen mayer, Pima County Attorney's Office

All Comments:

Brent Backus, Self: I support the bill as written. I am a AZ resident and life member of the NRA.; Philip Hubacek, Self: This bill is important to increase commonality of rights between states.; James Mele, Self: This bill will if passed end any and all confusion as to the what and where of the legal carry of firearms.; ralph Granchelli, Self: Please support SB1266; Robert Anderson, Self: Please support this bill.; Dennis Hall, Self: I urge you to support this bill.; RICCI NIELSEN, Self: Please support this bill!; Dianne Post, Self: I thought Republicans believed in local

control?; Thomas Woodrow, Self: Please support this bill; Grady Rhodes, Self: Having one code covering fire arms across the state is the only reasonable approach. Otherwise you could drive across a local boundary line and unknowingly violate a law. And because the penalty for firearms are severe it could ruin your life.; JoAnn Dutton, Self: Please support this bill; Leo Budd, Self: The existing law has no "teeth" without penalties for violations of the law.; John Clarke, Self: I strongly support this Bill.; James Warniers, Self: I am fully in support of this bill.; Daniel Salerno, Self: Good bill that protects constitutional firearm freedom. pass; J.G. Starr, Self: Please support this bill; Roger West, Self: Pass this bill.; Roger Hays, Self: Please support it.; Matthew Petersen, Self: Do not accept any hostile amendments; Michael Gibbs, Self: This legislature has passed a number of preemption laws preventing local governments from infringing the right to keep and bear arms yet many of them continue to ignore these statutes. This bill would add "teeth" to ensure compliance.; Carlton Baxter, Self: Please support this bill.; Charles McCorkle, Self: Protect our Second Amendment rights.; Russ Southern, Self: Hold politicians, employees and officers accountable for actions that violate state law. I support this bill.; Cheryl Caldararo, Self: Please support this bill; Robert Gumfory, Self: Please pass this bill .; Thomas Boza, Self: Please Support, Thank You; todd hills, Self: as a law abiding, ccw permit holder, i urge you to pass this. my 2nd amendment rights are not there to be infringed upon. thank you.; Thomas McKelvey, Self: It is vitally important that the state of AZ support the 2nd amendment by allowing injunctions, fines and civil suits when state agencies or local governments disregard state firearm preemption statutes; Henri Carpentier, Self: I support SB 1266 which would allow for injunctions, fines and civil suits when state agencies or local governments disregard state firearm preemption statutes.; Alexander Pope, Self: All members political subdivisions swear and oath uphold AZ laws, but then when they knowingly violate them they are not held accountable.; kurt keltner, Self: please pass 1266 thank you; Kenneth W. Gareau, Self: The various state agencies and local governments ignore the statutes because they know they have no teeth, for them to be bitten by the state or the people with when they violate the law. Fix it!; Barbara Gareau, Self: The various state agencies and local governments ignore the statutes because they know they have no teeth, for them to be bitten by the state or the people with when they violate the law. Fix it!; Scott Lolmaugh, Self: Please support this request.; Steve Sorgnit, Self: I support this bill, you should to.; Tom Thomas, Self: please support this bill and dont add conditions or ammendements to it. thank you.; David Williams, Self: This is a good law that will save the State money in the long run because is will stop local municipalities from creating laws that don't agree with State Law.; Harold Shull, Self: Local governments disregarding State statutes on firearms need something to refocus their attention. Economic disincentives work.; JUDITH MARSHALL, Self: I strongly support HB1266 and ask for your support of the bill.; GEORGE MARSHALL, Self: I ask for your support of HB1266 as I strongly support this bill.; Brandon LaBorde, Self: Please support 1266 in the interest of consistent State law application; Mary Pradel, Self: Why do you find it necessary to further erode public trust in the Legislature as a representative body by threatening our locally elected officials for trying to carry out one of the mandates of their jobs - i.e., public safety?; Roy Miller, Self: Please support; David West, Self: Please support this bill.; Patrick Lacey, Self: Please support the duty of subordinate governments to obey the law.; Clyde Ingalsbe, Self: Please support this bill.; Lawrence Fleming, Self: Thank you; Jay Vaughn, Self: Vote Yes!; Mike MacDonald, Self: Please support this bill!; Lon Wolff, Self: I support this bill because it provides a mechanism for holding our elected officials accountable when they attempt to circumvent or ignore the law.; Stan Donovan, Self: Please pass this bill to allow for injunctions, fines and civil suits when state agencies or local governments disregard state firearm preemption statutes.; Steve Rainey, Self: Please support this bill.; Rick Dalton, Self: Constitutional Sheriffs and Peace Officers Association supports this bill. Please vote yes; C D Tavares, Self: A protective law with no penalties is no law at all. Americans are angry that laws invariably penalize them, but never the ruling class. Equal protection demands this bill be passed. Thank you.; Peter Steinmetz, Self: The preemption law, protecting our constitutional rights, needs to have enforcement and this law provides some.; Michael Halbur, Self: I strongly support; Morris sahrhage, Self: Please support this bill. Morris Sahrhage; Rick King, Self: Please pass this bill. Thank you; Michael Garnica, Self: Pass with no hostile amendments.; Linda Somo, Self: Vote NO on this onerous bill that does nothing to improve the safety of

Arizonans.; Tim Lank, Self: Please reject any hostile amendments.; Don Waggoner, Self: Please support SB1266; Eve Shapiro, Self: Seeking to punish locally elected officials and the communities they represent is unnecessary and serves only to create a spirit of animosity between state and local governments and to further undermine the public's trust in government.; Jason Kennedy, Self: I would like to urge the committee to support this important legislation. Thank you.; Jim Dutton, Self: Great bill protecting Arizona's citizens. Please support.; Michael Pflueger, Self: Local and state officials should be held accountable for unlawfully violating state statutes; Herb Burton, Self: Ridiculous imposition on local authorities; Perry Conrad, Self: If we hope to see real changes on our government by the people this is a good way to begin. Penalties for law breaking on both sides.; Steve Scheuerman, Self: Shall not be infringed; Johnny Ware, Self: Please support this bill along with SB1257. Thank you.; Sheri Syverson, Self: Please support this bill. We need consistency throughout the Grand Canyon State.; Brent Backus, Self: I support the bill. I am a life member with the NRA. Vote "YES".; Raymond Perry, Self: Please vote yes; Phillip Thiele, Self: State preemption of firearms laws is the law of the land in Arizona. Unfortunately, some subservient governments choose to ignore preemption. This law will help to ensure that lesser authorities abide by Arizona law and Constitution.; Randal Scott, Self: Vote yes on this bill thanks!

SB1271, notaries; unlawful practices; immigration

Support:

Jason Barraza, Associate Director, LOS ABOGADOS HISPANIC BAR ASSOCIATION

SB1293, mediation; confidential communications; exception

Testified in support:

Amy Love, Arizona Judicial Council; Amy Love, Arizona Judicial Council; Amy Love, Arizona Judicial Council

Support:

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; kathleen mayer, Pima County Attorney's Office

SB1294, claims; licensed professionals; expert witness (NOW: scanning devices; burglary; trespass; penalty)

Testified as neutral:

michelle wilson, Arizona Department Of Weights And Measures

Support:

Trish Hart, AZ FOOD MARKETING ALLIANCE; John Thomas, AZ ASSOCIATION OF CHIEFS OF POLICE; Amanda Gray, Arizona Petroleum Marketers Association; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; Courtney McKinstry, AZ ATTORNEY GENERAL'S OFFICE; Steven Duplissis, AZ ATTORNEY GENERAL'S OFFICE; kathleen mayer, Pima County Attorney's Office; Rebecca Baker, Maricopa County Attorney's Office

Neutral:

Corey Spofford, representing self

SB1307, community property; life sentence; spouse

Testified in support:

Deanna Gulli, representing self

All Comments:

Deanna Gulli, Self: Support

SB1324, abortion clinics; medication abortions

Testified in support:

Cathi Herrod, CENTER FOR ARIZONA POLICY

Testified as opposed:

Tory Anderson, SECULAR COALITION FOR ARIZONA; Will Gaona, AMERICAN CIVIL LIBERTIES UNION OF AZ (ACLU-AZ); Ilana Addis, representing self; Bryan Howard, PLANNED PARENTHOOD AZ

Support:

Ron Johnson, AZ CATHOLIC CONFERENCE

Oppose:

Dale Domzalski, representing self; Dianne Post, representing self; John Shelton, representing self; Hope Busto-Keyes, representing self; Gini McGirr, League of Women Voters of Arizona, Legislative Chair, representing self; Kenneth Bierman, representing self; Sheila Ogea, representing self; Rivko Knox, representing self; Nancy Pfafflin, representing self; Robyn Prud'homme-Bauer, representing self; Anne Pyron, representing self; Judith K. Moll, representing self; Craig McDermott, representing self; Jim Livings, representing self; Deborah Zajac, representing self; Cathy Hozian, representing self; Rebekah Friend, Arizona AFL-CIO; Christina DeGus, representing self; Jeremy Arp, representing self; Erica Keppler, representing self; Michelle Benham, representing self; Diane Uhl, representing self; Suzanne Schunk, representing self; Donald Lacey, representing self; karen owens, representing self; Lisa Connacher, representing self; Mike Franklin, representing self; Amy Arnold, representing self; Eve Shapiro, representing self; Karen Cusano, representing self; Oris Friesen, representing self; Kevin Johnston, representing self; Benjamin Conner, representing self; Amanda Morton, representing self; Jessica Rainbow, AZ-AMERICAN CONGRESS OF OBSTETRICIANS & GYNECOLOGISTS; Judith Simons, representing self; Jenise Porter, representing self; Nick Collins, representing self; Cheryl Hasebe, representing self; Theresa Ulmer, PLANNED PARENTHOOD AZ; Pele Fischer, AZ MEDICAL ASSN; Henry Geist, representing self

All Comments:

Dianne Post, Self: Let doctors do their job. You do yours.; John Shelton, Self: When the FDA updates its protocols for this medicine, this bill would prohibit Arizona doctors from following the new guidelines. The AZ legislature should not be passing laws about medical procedures.; Hope Busto-Keyes, Self: Medication induced abortions and it's effectiveness has been determined by evidence-based studies. Whether or not to prescribe such medication(s) is a decision between health care provider and patient. The freedom of choice must be preserved.; Gini McGirr, Self: I oppose this bill.; Erica Keppler, Self: This bill fixes a medical standard in law as to what was in effect Dec 31st of last year. Medicine advances and changes, and legislators have no business setting dates that forbid progress from happening. Please vote no on SB1324.; Diane Uhl, Self: Any citizen should be allowed to donate to an

organization of their choice---this is not treating state employees as full citizenship by restricting their free rights.; Donald Lacey, Self: The FDA and licensed doctors are best qualified to make these decisions. Mind your business.; karen owens, Self: Arizona should use scientific data and not freeze a date in time. This can be harmful to women and should be voted against.; Benjamin Conner, Self: SB1324 would freeze a date in time for FDA protocol regarding a medication; this does not allow for updated science and research, and places women at risk. Do the right thing and vote NO on SB1324.; Amanda Morton, Self: This bill is an unabashed abuse of power to win a lawsuit. We're watching you.; Judith Simons, Self: How does it make any sense to ignore advances in medicine and instead mandate following protocol from 15 years ago? How can that possibly help protect women's health?; Jenise Porter, Self: This bill is dangerous to women's health.; Ilana Addis, Self: American College of Obstetricians and Gynecologists; Nick Collins, Self: Please don't put the Legislature between women and their doctors. Please OPPOSE this bill.; Cheryl Hasebe, Self: Doctors oppose this bill because it adheres to outdated protocol. It isn't about health or safety, it's a TRAP law w/ Cathi Herrod's fingerprints all over it. How much \$ is AZ going to shell out litigating her unconstitutional laws. Vote NO!; Pele Fischer, AZ MEDICAL ASSN: ArMA's policy is not to take a position on abortion. ArMA's opposition relates solely to ensuring physicians have the ability to determine appropriate treatment for patients pursuant to the newest scientific evidence-based medicine.

SB1474, human fetus; embryo; prohibited actions

Support:

Corey Spofford, representing self; Cathi Herrod, CENTER FOR ARIZONA POLICY; Ron Johnson, AZ CATHOLIC CONFERENCE

Oppose:

Dale Domzalski, representing self; Tory Anderson, SECULAR COALITION FOR ARIZONA; Dianne Post, representing self; John Shelton, representing self; Hope Busto-Keyes, representing self; Kenneth Bierman, representing self; Sheila Ogea, representing self; Craig McDermott, representing self; Jim Livings, representing self; Deborah Zajac, representing self; Cathy Hozian, representing self; Christina DeGus, representing self; Jeremy Arp, representing self; Michelle Benham, representing self; Diane Uhl, representing self; Erica Keppler, representing self; Suzanne Schunk, representing self; Donald Lacey, representing self; karen owens, representing self; Lisa Connacher, representing self; Mike Franklin, representing self; Amy Arnold, representing self; Brian Wallace, representing self; Eve Shapiro, representing self; Karen Cusano, representing self; Oris Friesen, representing self; Rivko Knox, representing self; Kevin Johnston, representing self; Benjamin Conner, representing self; Jenise Porter, representing self; Judith Simons, representing self; Nick Collins, representing self; Cheryl Hasebe, representing self; Henry Geist, representing self

All Comments:

John Shelton, Self: Fetal tissue has been used to produce vaccines for diseases like polio and rubella. A panel convened by President Ronald Reagan concluded that fetal tissue donations and research is ethically acceptable. This bill would impede research in Arizona.; Hope Busto-Keyes, Self: Critical medical research will be impacted by this restriction. Diseases that might be treated by transplanting cells generated from human embryonic stem cells include diabetes, traumatic spinal cord injury, Duchenne's muscular dystrophy, heart disease.; Diane Uhl, Self: Valuable results have already resulted from research on fetal tissue and such research should continue for the benefit of all mankind.; Erica Keppler, Self: No one can tell where breakthroughs in medicine will come from that will save and/or improve the lives of potentially millions. Blocking a path to such discovery for immediate political purposes is short sighted in the extreme. Please vote no.; Donald Lacey, Self: Any law that inhibits, restricts, or

otherwise interferes with human health research is a bad law.; karen owens, Self: Fetal tissue research is important for all Americans. It helps in finding cures to diseases many Americans suffer and die from. Please vote against this bill.; Brian Wallace, Self: This bill doesn't protect any one - not babies, no unborn babies. It blocks life saving research being done using materials that are not ever going to be a baby or a person. It also limits funding women 's healthcare that actually reduces abortions.; Karen Cusano, Self: I am against this bill because I believe medical research on fetal tissue is important in order to advance science.; Benjamin Conner, Self: Government policy on the use of fetal tissue should be based on scientific and medical research. Scientists have been using such cells for decades to develop vaccines and seek treatments for many different diseases,including neurological disorders.; Judith Simons, Self: Medical research is vital to improved medical treatment, not to mention the economic value of such activity. To restrict fetal tissue research for emotional or religious reasons has negative repercussions on both accounts.; Cheryl Hasebe, Self: I am strongly opposed to this bill. PP of AZ does not have a tissue donation program, but critical medical research will be impacted by this restriction. Parkinson's, diabetes and many other diseases can be cured through research. Please vote NO!

SB1485, payroll deductions; charitable contributions; prohibition

Testified as opposed:

Tory Anderson, SECULAR COALITION FOR ARIZONA

Support:

Cathi Herrod, CENTER FOR ARIZONA POLICY; Ron Johnson, AZ CATHOLIC CONFERENCE

Oppose:

Dale Domzalski, representing self; Dianne Post, representing self; John Shelton, representing self; Kenneth Bierman, representing self; Sheila Ogea, representing self; Craig McDermott, representing self; Deborah Zajac, representing self; Cathy Hozian, representing self; Rebekah Friend, Arizona AFL-CIO; Christina DeGus, representing self; Jeremy Arp, representing self; Erica Keppler, representing self; Michelle Benham, representing self; Suzanne Schunk, representing self; Donald Lacey, representing self; karen owens, representing self; Lisa Connacher, representing self; Mike Franklin, representing self; Amy Arnold, representing self; Eve Shapiro, representing self; Karen Cusano, representing self; Oris Friesen, representing self; Rivko Knox, representing self; Kevin Johnston, representing self; Benjamin Conner, representing self; Shirley Muney, representing self; Amanda Morton, representing self; Jenise Porter, representing self; Judith Simons, representing self; Nick Collins, representing self; Theresa Ulmer, PLANNED PARENTHOOD AZ; Cheryl Hasebe, representing self

All Comments:

John Shelton, Self: Non-profit organizations that provide safe abortions also provide a large array of health services to members of our society who cannot afford to pay private doctors for health care and abortions. Measures like SB 1485 directly harm the poor in AZ.; Erica Keppler, Self: If a primary function of government is to defend liberty, then bills like this intent on restricting the liberty of state employees should be opposed by members of this committee. Let state employees decide for themselves how they want to donate.; Donald Lacey, Self: This law interferes with voluntary payroll deductions. To legislate what causes or organizations I can donate to is an overreach of your authority. Oppose Strongly!; karen owens, Self: The government should play NO role in prohibiting state employees to make payroll contributions to ANY type of organization the choose to; including planned parenthood or any other women's health facility. This is not state money and vote no on this; Karen Cusano, Self: State employees should be able to make charitable contributions wherever they wish.; Benjamin

Conner, Self: Don't discriminate against a charity because of your personal beliefs; treat every charity the same. There are many charitable organizations on the SECC list that can be considered "controversial" and there's no reason to remove any of them.; Amanda Morton, Self: Politicians should not control with what ease state employees can give to organizations that lawmakers oppose.; Jenise Porter, Self: The Legislature should not be able to impose its views on citizens who happen to be employees of the state.; Judith Simons, Self: It is an unfair overreach to use government power to restrict employees' choices for charitable donations. This decision should be made solely by the employee.; Cheryl Hasebe, Self: This bill is not about state funding; this is about a state employee's PERSONAL PRIVATE charitable contributions. There are far more controversial groups than PP on the state's list of charities. Vote NO on this discriminatory bill!

SB1257, misconduct involving weapons; public places

Testified in support:

Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC

Testified as opposed:

Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; John MacDonald, Maricopa Integrated Healthcare System

Support:

Thomas Woodrow, representing self; C D Tavares, representing self; Lorin Kramer, representing self; David Price, representing self; Peter Steinmetz, representing self; Tony Greci, representing self; Henri Carpentier, representing self; Dirk Patton, representing self; Juan Aquino, representing self; Scott Kassa, representing self; Sharon Briner, representing self; Michael Halbur, representing self; Terrance Traylor, representing self; Russ Southern, representing self; Allen Wegele, representing self; Matthew Dawson, representing self; Thomas Boza, representing self; John Semon, representing self; David Schafranka, representing self; Edward Surowiec, representing self; Jay Vaughn, representing self; Lon Robinson, representing self; Leo Budd, representing self; Steven Packard, representing self; William Moe, representing self; George Love, representing self; Donald Cline, representing self; Edward Bluma, representing self; Brandon LaBorde, representing self; Julie Revilla, representing self; David West, representing self; Patrick Clark, representing self; Morris sahrhage, representing self; Michael Malo, representing self; Robert Morrow, representing self; Richard Segui, representing self; David Richardson, representing self; Andrew Cyr, representing self; Bobbie Piety, representing self; James delton, representing self; Richard Mock, representing self; Shawn T Waldmann, representing self; R Mark Russell, MD, representing self; Peggy Grant, representing self; Michael Kriegel, representing self; Donald Calabro, representing self; Samuel Grant, representing self; Roland Sleater, representing self; Chad Burton, representing self; Philip Cirelli, representing self; Brooks Hastings, representing self; John Chadwick, representing self; todd hills, representing self; Roger Gilbert, representing self; Dave Ross, representing self; Joseph Hydock, representing self; larry berger, representing self; Danny Ray, representing self; Philip Hubacek, representing self; Cheryl Caldararo, representing self; Matthew Petersen, representing self; Tom Holding, representing self; James Mele, representing self; Donald Scott, representing self; Konrad Szelock, representing self; Maurice Horner, representing self; Steve Rainey, representing self; Timothy Lockard, representing self; Rob Blanchard, representing self; Ronald Lenert, representing self; Patrick Lacey, representing self; Jeff Hickman, representing self; Michael Mahoney, representing self; Peter Gromada, representing self; martha hayes, representing self; J.G. Starr, representing self; Richard Baker, representing self; kurt keltner, representing self; Todd Chesney, representing self; ralph Granchelli, representing self; Rick King, representing self; Robert Gumfory, representing self; Alan Bond, representing self; Corey Spofford, representing

self; James Corbett, representing self; Cosme Borunda, representing self; John Hammond, representing self; Joseph Guzdziol, representing self; David Pool, representing self; clifford aikens, representing self; Charles Stury, representing self; Tony deJong, representing self; Larry Winter, representing self; Carlton Baxter, representing self; Isaac Hung, representing self; Daniel McCauley, representing self; Michael Berryman, representing self; James Warniers, representing self; Richard Hofelich, representing self; George Bauernschmidt, representing self; Dean Barto, representing self; Ryan Adams, representing self; Erik Lantz, representing self; Ronald Kopf, representing self; MICHAEL WEBB, representing self; David Bour-Beau, representing self; Jim Livings, representing self; Barry Mahoney, representing self; Fred Bridges, representing self; Michael Ring, representing self; John Parker, representing self; Rod Haller, representing self; Steven Pettigrew, representing self; Jonathan Zuess, representing self; Thomas Meersman, representing self; James Collins, representing self; Clyde Ingalsbe, representing self; Drake Mitchell, representing self; Deborah Kimmick, representing self; Michael Garnica, representing self; Mark Logan, representing self; Lyle Tuttle, representing self; Roger West, representing self; Robert Haggman, representing self; Barbara Gareau, representing self; Kenneth W. Gareau, representing self; Tammy Nowatzki, representing self; Dominick Leo, representing self; W.C. Rooney, representing self; Thomas Wood, representing self; Steve Sorgnit, representing self; Richard Davis, representing self; Michael Mowrey, representing self; Mary Donnay, representing self; Jared W Brown, representing self; Michael Gibbs, representing self; Robert Blackmer, representing self; Alan Steiner, representing self; Tim Lank, representing self; Walter Brock, representing self; Jack Wilborn, representing self; Don Waggoner, representing self; Norman Nipperus, representing self; Greg West, representing self; George Moriarty, representing self; Stephen Wenger, representing self; Heidi Dillman, representing self; Paul Pratt, representing self; michael wilkins, representing self; Warren Michelsen, representing self; Norman Trzaskowski, representing self; Lewis Petre, representing self; David Lansky, representing self; Arthur Eckstat, representing self; Lynn Szelock, representing self; Darrell Collins, representing self; Jason Kennedy, representing self; Glen Dudley, representing self; Phillip Conwell, representing self; Merle Cunningham, representing self; Bryan Lee Briggs, representing self; Jim Dutton, representing self; JoAnn Dutton, representing self; David Cardon, representing self; Lawrence Fleming, representing self; Lon Wolff, representing self; Frederick Dahnke, representing self; Mike MacDonald, representing self; Albert Krause, representing self; Gerald Aronica, representing self; Michael Wixom, representing self; Sheryl Renzoni, representing self; Sandra Thoms, representing self; Joe Dawson, representing self; Russ Hinis, representing self; Paul Nicholls, representing self; Billie Bollwinkel, representing self; Stan Donovan, representing self; James Hand, representing self; Michael Pflueger, representing self; Thomas Renner, representing self; Scott Lolmaugh, representing self; Sallie L Baldwin, representing self; Shaun Dixon, representing self; GEORGE MARSHALL, representing self; Tim Jones, representing self; Harold Shull, representing self; Ricky Powell, representing self; Robert Haller, representing self; Suzanne Ammons, representing self; Frank Olivieri, representing self; Daniel Salerno, representing self; Roger Hays, representing self; Christine Maceri Genge, representing self; john mc adams, representing self; Dennis Genge, representing self; Roger Hobbs, representing self; Robert Messenger, representing self; Mark Whiting, representing self; Chadwick Thornham, representing self; Dan Goebel, representing self; Dumoan Lee, representing self; James Jones, representing self; Mike Sullivan, representing self; Cheryl Todd, representing self; Martin Shapiro, representing self; Perry Conrad, representing self; John Fultz, representing self; Stanley WNENTA, representing self; Rodney Rousseau, representing self; Sincdy Rousseau, representing self; ROBERT DEWITZ, representing self; Chris Michels, representing self; John Baunoch, representing self; Ted Gersztyn, representing self; Steve Scheuerman, representing self; JUDITH MARSHALL, representing self; Thomas McKelvey, representing self; Daniel Reid, National Rifle Association; Dale Eames, representing self; Craig Wisnom, representing self; Kevin Johnston, representing self; David Mattson, representing self; Nicholas Hitchcock, representing self; johnny ware, representing self; Bob Morken, representing self; Sheri Syverson, representing self; Ellen Shea, representing self; Martin Kroll, representing self; Brent Backus, representing self; Peter Alford, representing self; Michael Kinateder, representing self; RICCI NIELSEN, representing self; Tom Thomas, representing self; mark brown, representing self; Raymond Perry, representing self; Mark Mullins, representing

self; Dustin Whaley, representing self; Robert Anderson, representing self; Phillip Thiele, representing self; James Hodge, representing self; John Wentling, Vice President, Arizona Citizens Defense League; William Katen, representing self; Mark La Scala, representing self; Steven Baranowski, representing self; Sean Baguley, representing self; Charly Gullett, representing self; Michael Schmitz, representing self; Paul Rein, representing self; Randal Scott, representing self; Don Page, representing self; Nan Nicoll, representing self; Jerry Clifford, representing self

Oppose:

Cathy Hozian, representing self; Anne Pyron, representing self; John Thomas, AZ ASSOCIATION OF CHIEFS OF POLICE; Cady Berkel, representing self; Craig McDermott, representing self; Jay Gittrich, representing self; Linda Somo, representing self; Dave Frons, representing self; Eve Shapiro, representing self; Carol Maas, representing self; Andrew Greenhill, TUCSON, CITY OF; Herb Burton, representing self; Elizabeth Stember, representing self; Mary Pradelt, representing self; Arnulfo Palma, representing self; Kathryn Nail, GREATER PHOENIX CHAMBER OF COMMERCE; Garrick Taylor, Arizona Chamber Of Commerce And Industry; kathleen mayer, Pima County Attorney's Office; John Leech, representing self; Jessica Rainbow, Arizona Library Association; Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona; John Wayne Gonzales, Legislative Liaison, City Of Phoenix; Michael Fronske, Director of Governmental Affairs MIHS, Maricopa Special Healthcare District; Trey Williams, AZ ASSOCIATION OF COUNTIES; Shannon Rich, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

All Comments:

C D Tavares, Self: The state should never ask an honest person to disarm voluntarily unless it also GUARANTEES that dishonest people are disarmed as well. Depending on an evildoer to obey a cardboard sign is terminally foolish. Thank you.; Peter Steinmetz, Self: Places which disarm citizens are dangerous. "no guns" signs don't stop criminals so let's stop pretending they do, it's ridiculous.; Henri Carpentier, Self: I support SB 1257 because it is the AzCDL-requested bill that would exempt CCW permit holders from being disarmed when entering state and local government controlled property unless everyone entering is screened for weapons.; Michael Halbur, Self: I strongly support; Russ Southern, Self: I support SB 1257. Law-abiding, responsible citizens should not be asked to voluntarily disarm where or when a criminal may remain armed and undetected. If you actually believe in lawful citizens' right to bear arms, this is an easy bill to support; Thomas Boza, Self: Please Support, thank you; Jay Vaughn, Self: represent me by voting yes; Leo Budd, Self: Time to fix some of the nonsense with the old law and make Arizona safer.; Brandon LaBorde, Self: Please support this bill.; David West, Self: Please support this bill.; Morris sahrhage, Self: Please support tis bill. Morris Sahrhage wb7bv; todd hills, Self: as a permitted ccw holder and law abiding tax payer, i ask you to pass this and quit disarming the law abiding public. thank you.; Philip Hubacek, Self: This is a good bill to allow citizens to protect themselves in areas where those that would harm others will not respect gun-free zones.; Cheryl Caldararo, Self: Please support this bill.; Matthew Petersen, Self: Do not accept any hostile amendments.; James Mele, Self: I strongly support this bill.; Steve Rainey, Self: Please support this bill.; Patrick Lacey, Self: I support; J.G. Starr, Self: Please support this bill!; kurt keltner, Self: please pass 1257 thank you; Rick King, Self: Please pass this bill. Thank you; Alan Bond, Self: I urge you to support this bill. CCW holders are background checked and trained. We do not pose a hazard in public bldgs. I'm a retired police It with ccw and leosa cards and I cannot carry in the library when I volunteer. Makes no sense. Thanks; James Corbett, Self: A common sense approach !; Carlton Baxter, Self: Please support this bill. Thank you.; Richard Hofelich, Self: Signs alone will never stop the people you need to worry about.; Clyde Ingalsbe, Self: Please support this bill.; Drake Mitchell, Self: Bout time we change this law. a Paper sign does not protect anyone! Lets grow up and face the fact.; Michael Garnica, Self: Pass with no hostile amendments.; Roger West, Self: Pass this bill.; Barbara Gareau, Self: The State's and the Federal Constitution's protect our right to self defense against government interference with the words, "...shall not be impaired" and "...shall not be infringed." Honor your

oaths, this is a move in the right direction.; Kenneth W. Gareau, Self: The State's and the Federal Constitution's protect our right to self defense against government interference with the words, "...shall not be impaired" and "...shall not be infringed." Honor your oaths, this is a move in the right direction.; Steve Sorgnit, Self: I support this bill, you should also.; Linda Somo, Self: Vote No on this horrible bill that will cause many problems while not making Arizonans any safer. It is a solution in search of a problem. Demonstrate responsible leadership by voting NO.; Michael Gibbs, Self: AZ CCW permit holders have a lower rate of criminal conduct than the general population and fewer accidental discharges than the police. These responsible firearm owners should not be stripped of their RKBA if there is inadequate security.; Alan Steiner, Self: This is must pass legislation; Tim Lank, Self: Please reject any hostile amendments.; Jack Willborn, Self: CCW holders here are subject to the same background check as police. Worry about police?, don't worry about a CCW person.; Don Waggoner, Self: Please support SB1257.; Paul Pratt, Self: Trust us or put us in prison.; Eve Shapiro, Self: This bill creates undue financial and operational burden on state and local governments to provide security for the vast majority of people who do not carry guns.; Jason Kennedy, Self: I would like to urge the committee to support this important legislation. Thank you.; Merle Cunningham, Self: As an AZ CCWP holder my background has been completely checked by the FBI and others. As such I should NOT be considered a threat to any public official or person. When I am disarmed entering a public building I become a potential victim,; Jim Dutton, Self: Please get this bill passed.; JoAnn Dutton, Self: Great bill protecting Arizona's citizens. Please support.; Lawrence Fleming, Self: Thank you; Lon Wolff, Self: Please support this bill. It makes no sense to disarm law abiding people when those with evil intent will find a way to sneak a weapon around the cardboard signs.; Mike MacDonald, Self: Please support; Albert Krause, Self: CCW permit holders are not a threat. It's "them other guys". :-); Stan Donovan, Self: Since CCW holders are approved by the state, it makes no sense to prevent them from carrying a firearm on state and local government controlled property. The state already knows they are outstanding and honorable citizens.; Michael Pflueger, Self: I, a law-abiding citizen, should not have to give up my right of self defense where a criminal can surreptitiously enter a public building with a weapon.; Scott Lolmaugh, Self: Please support this bill; Shaun Dixon, Self: Had to pass through metal detectors with guards, just to sign up for the RTS system to support this bill. Why would anyone suggest I give up my safety if there is no guarantee (metal detectors and/or guards) such as this?; GEORGE MARSHALL, Self: I strongly support SB 1257 and urge you to support it as well.; Harold Shull, Self: CCW holders have been vetted by multiple gov't. agencies as individuals qualified to carry in public. Gov't. buildings are public structures, and CCW's are committed to that responsibility.; Daniel Salerno, Self: Pro America and Pro Arizona bill. PASS; Mike Sullivan, Self: CCW permit holders should be exempt from being disarmed when entering state and local government controlled property unless everyone entering is screened for weapons. Please support this bill.; Herb Burton, Self: more guns equals more deaths. This is an unfunded mandate. It is opposed by majority of law enforcement orgs. and the public; Perry Conrad, Self: I will be monitoring this bill. Please support it; Elizabeth Stember, Self: OPPOSE: 1/ There is no evidence that the presence of armed CCW permit holders in public places contribute to the safety of those places. Therefore, there is no justification for the taxpayer to pay to "secure" these places to provide a privilege f; Mary Pradelt, Self: A danger to public safety. Not only is there no evidence that allowing those with CCW permits access to public places is of benefit to the public, but also our generous reciprocity law allows access to those w/ weaker CCW permit requirements.; Arnulfo Palma, Self: There is no evidence that the presence of armed CCW permit holders in public places contribute to the safety of those places. Therefore, there is no justification for the taxpayer to pay to "secure" these places.; Chris Michels, Self: Allowing the most law abiding people in with a weapon or keeping everyone out with a weapon makes things safer in both cases.; Steve Scheurman, Self: Shall not be Infringed; JUDITH MARSHALL, Self: I strongly support SB 1257 and urge you to also support SB1257.; Thomas McKelvey, Self: It is vitally important that the state of AZ support the 2nd amendment by exempting CCW permit holders from being disarmed when entering state and local government controlled property unless everyone entering is screened for weapons.; Craig Wisnom, Self: This bill is common sense to not leave the most law abiding citizens defenseless, and to avoid unnecessary public expenditures on

public buildings. Please support it!; johnny ware, Self: Please support this bill along with SB 1266. Thank you.; Sheri Syverson, Self: Please support this bill. We need more public places where law-abiding gun owners can exercise their fundamental right to self-defense; Brent Backus, Self: I support bill. I am a life member with the NRA. Vote "YES".; RICCI NIELSEN, Self: Please support this Bill!; Tom Thomas, Self: please support and do not add any extra ammendements or additions. thank you; Raymond Perry, Self: Please vote yes; Robert Anderson, Self: Please support this bill.; Phillip Thiele, Self: This Bill will allow licensed, trained and screened individuals to carry concealed weapons inside public buildings. It will effectively provide additional trained, armed individuals to provide additional security AT NO COST to the public.; Steven Baranowski, Self: Better to have CCW holder(s) in public buildings, and not need, than to need, and not have. Please support this bill per Article 2, Section 26: The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired.; John Wayne Gonzales, City Of Phoenix: This bill would would be very costly to the City since we would have to pay for a metal detector and security for each entrance to a library, community center, senior center and other facilities where the public gathers. Please vote "no."; Randal Scott, Self: Vote yes on this bill. Thanks; John MacDonald, Maricopa Integrated Healthcare System: Requesting amendment to exempt special healthcare district.

SB1298, probation; juvenile; adult

Support:

Jerry Landau, Arizona Judicial Council; Amy Love, Arizona Judicial Council; Kathy Waters, representing self

Neutral:

kathleen mayer, Pima County Attorney's Office; Rebecca Baker, Maricopa County Attorney's Office

All Comments:

Rebecca Baker, Maricopa County Attorney's Office: MCAO is neutral on the bill with the House Judiciary Committee Amendment.

SB1308, juvenile charged as adult; detention

Testified in support:

Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona

Support:

Jerry Landau, Arizona Judicial Council; Lisa Marra, representing self; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE; Amy Love, Arizona Judicial Council; Trey Williams, AZ ASSOCIATION OF COUNTIES

All Comments:

Lisa Marra, Self: Please Support SB1308 with Amendment

SB1449, unmanned aircraft; prohibited operations (NOW: prohibited operations; unmanned aircraft)

Testified in support:

Stuart Goodman, Consumer Technology Association

Testified as opposed:

Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Douglas Cole, PARADISE VALLEY, TOWN OF

Support:

Brian Murray, GOOGLE INC; Michelle Ahlmer, AZ RETAILERS ASSN; Becky Hill, AMERICAN CHEMISTRY COUNCIL; Megan Martin, SALT RIVER PROJECT (SRP); Cheyenne Walsh, AMAZON.COM; John MacDonald, COMCAST/NBC UNIVERSAL; Michael Gardner, AZ BUILDERS' ALLIANCE; Mark Lewis, representing self

Neutral:

Trey Williams, AZ ASSOCIATION OF COUNTIES; Michael Combrink, Maricopa County Assessor's Office

Oppose:

Dawn Marie Buckland, PARADISE VALLEY, TOWN OF; Andrew Miller, representing self; Brent Stoddard, Director of Intergovernmental Programs, GLENDALE, CITY OF

All Comments:

Andrew Miller, Self: The Town of Paradise Valley adopted an ordinance regulating UAVs in December (only city to do so). PV balances privacy, trespass, and safety issues in simple, clear terms that UAV operators suggested. Preemption of PV's Ordinance is not needed.; Megan Martin, SALT RIVER PROJECT (SRP): SRP supports the portion of the bill relating to critical facilities, and supports the bill moving forward as remaining issues are resolved.; Michael Combrink, Maricopa County Assessor's Office: In support of the Judiciary Committee Amendment.; Mark Lewis, Self: Support Unmanned Aircraft safe regulations; Brent Stoddard, GLENDALE, CITY OF: Support underlying stakeholders bill - opposed to Farnsworth amendment that strips negotiated language.

SB1452, unlawful executive actions; second amendment

Testified as opposed:

Dana Sandoval, representing self

Support:

Alan Steiner, representing self; Thomas Woodrow, representing self; C D Tavares, representing self; Lorin Kramer, representing self; David Price, representing self; Tony Grencl, representing self; Peter Steinmetz, representing self; Henri Carpentier, representing self; Dirk Patton, representing self; Sharon Briner, representing self; Scott Kassa, representing self; Juan Aquino, representing self; Michael Halbur, representing self; Roy Miller, representing self; Terrance Traylor, representing self; Allen Wegele, representing self; Matthew Dawson, representing self; Thomas Boza, representing self; John Semon, representing self; Edward Surowiec, representing self; Jay Vaughn, representing self; David Schafranka, representing self; Russ Southern, representing self; Lon Robinson, representing self; Steven Packard, representing self; George Love, representing self; William Moe, representing

self; Leo Budd, representing self; Edward Bluma, representing self; Donald Cline, representing self; Brandon LaBorde, representing self; Julie Revilla, representing self; Patrick Clark, representing self; David West, representing self; Morris sahrhage, representing self; Michael Malo, representing self; Robert Morrow, representing self; Richard Segui, representing self; David Richardson, representing self; Andrew Cyr, representing self; Bobbie Piety, representing self; James delton, representing self; Richard Mock, representing self; Peggy Grant, representing self; Shawn T Waldmann, representing self; R Mark Russell, MD, representing self; Roland Sleater, representing self; Michael Kriegel, representing self; Samuel Grant, representing self; Donald Calabro, representing self; Chad Burton, representing self; Philip Cirelli, representing self; Brooks Hastings, representing self; John Chadwick, representing self; Roger Gilbert, representing self; Dave Ross, representing self; todd hills, representing self; Joseph Hydock, representing self; Cheryl Caldararo, representing self; Danny Ray, representing self; larry berger, representing self; Tom Holding, representing self; Matthew Petersen, representing self; Philip Hubacek, representing self; Donald Scott, representing self; James Mele, representing self; Konrad Szelock, representing self; Maurice Horner, representing self; Steve Rainey, representing self; Rob Blanchard, representing self; Timothy Lockard, representing self; Jeff Hickman, representing self; Patrick Lacey, representing self; Michael Mahoney, representing self; Peter Gromada, representing self; martha hayes, representing self; J.G. Starr, representing self; kurt keltner, representing self; Todd Chesney, representing self; Richard Baker, representing self; steve beckman, representing self; Rick King, representing self; Robert Gumfory, representing self; Alan Bond, representing self; Corey Spofford, representing self; James Corbett, representing self; Cosme Borunda, representing self; John Hammond, representing self; clifford aikens, representing self; David Pool, representing self; Joseph Guzdzioł, representing self; Charles Stury, representing self; Tony deJong, representing self; Larry Winter, representing self; Isaac Hung, representing self; Carlton Baxter, representing self; Michael Berryman, representing self; Daniel McCauley, representing self; James Warniers, representing self; Richard Hofelich, representing self; Dean Barto, representing self; George Bauernschmidt, representing self; Ryan Adams, representing self; Erik Lantz, representing self; Ronald Kopf, representing self; MICHAEL WEBB, representing self; David Bour-Beau, representing self; Jim Livings, representing self; Barry Mahoney, representing self; Fred Bridges, representing self; Michael Ring, representing self; John Parker, representing self; Rod Haller, representing self; Steven Pettigrew, representing self; Jonathan Zuess, representing self; James Collins, representing self; Thomas Meersman, representing self; Drake Mitchell, representing self; Clyde Ingalsbe, representing self; Deborah Kimmick, representing self; J.R. Morris, representing self; Michael Garnica, representing self; Mark Logan, representing self; Lyle Tuttle, representing self; Roger West, representing self; Robert Haggman, representing self; Kenneth W. Gareau, representing self; Tammy Nowatzki, representing self; Barbara Gareau, representing self; Dominick Leo, representing self; W.C. Rooney, representing self; Thomas Wood, representing self; Steve Sorgnit, representing self; Richard Davis, representing self; Michael Mowrey, representing self; Mary Donnay, representing self; Jared W Brown, representing self; Michael Gibbs, representing self; John Burton, representing self; Robert Blackmer, representing self; Tim Lank, representing self; Jack Wilborn, representing self; Walter Brock, representing self; Don Waggoner, representing self; Norman Nipperus, representing self; Greg West, representing self; George Moriarty, representing self; Stephen Wenger, representing self; Heidi Dillman, representing self; Paul Pratt, representing self; michael wilkins, representing self; Warren Michelsen, representing self; Norman Trzaskowski, representing self; Lewis Petre, representing self; David Lansky, representing self; Arthur Eckstat, representing self; Lynn Szelock, representing self; Darrell Collins, representing self; Jason Kennedy, representing self; Glen Dudley, representing self; Phillip Conwell, representing self; Merle Cunningham, representing self; Bryan Lee Briggs, representing self; Jim Dutton, representing self; JoAnn Dutton, representing self; David Cardon, representing self; Lawrence Fleming, representing self; Lon Wolff, representing self; Frederick Dahnke, representing self; Mike MacDonald, representing self; Albert Krause, representing self; william cattell, representing self; Michael Wixom, representing self; Gerald Aronica, representing self; Sheryl Renzoni, representing self; Sandra Thoms, representing self; Joe Dawson, representing self; Russ Hinis, representing self; Paul Nicholls, representing self; Billie Bollwinkel, representing self;

James Hand, representing self; Stan Donovan, representing self; Michael Pflueger, representing self; Thomas Renner, representing self; Scott Lolmaugh, representing self; Sallie L Baldwin, representing self; David Riley, representing self; Tim Jones, representing self; Ricky Powell, representing self; Harold Shull, representing self; Robert Haller, representing self; Suzanne Ammons, representing self; Frank Olivieri, representing self; Daniel Salerno, representing self; Roger Hays, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; John mc adams, representing self; Roger Hobbs, representing self; Robert Messenger, representing self; Mark Whiting, representing self; Chadwick Thornham, representing self; Jere Fredenburgh, representing self; Dan Goebel, representing self; Dumoan Lee, representing self; James Jones, representing self; Mike Sullivan, representing self; Cheryl Todd, representing self; Martin Shapiro, representing self; Richard L. Anderson, representing self; John Fultz, representing self; Stanley WNENTA, representing self; Rodney Rousseau, representing self; Sincdy Rousseau, representing self; Perry Conrad, representing self; ROBERT DEWITZ, representing self; Chris Michels, representing self; John Baunoch, representing self; GEORGE MARSHALL, representing self; Ted Gersztyn, representing self; JUDITH MARSHALL, representing self; Steve Scheuerman, representing self; Thomas McKelvey, representing self; Kevin Johnston, representing self; David Mattson, representing self; Nicholas Hitchcock, representing self; Bob Morken, representing self; Ellen Shea, representing self; Martin Kroll, representing self; Kay Reardon, representing self; Jerry Clingman, representing self; Peter Alford, representing self; Michael Kinatader, representing self; Tom Thomas, representing self; Mark Mullins, representing self; Dustin Whaley, representing self; Robert Anderson, representing self; James Hodge, representing self; Phillip Thiele, representing self; John Wentling, Vice President, Arizona Citizens Defense League; William Katen, representing self; Mark La Scala, representing self; Steven Baranowski, representing self; Sean Baguley, representing self; Charly Gullett, representing self; Michael Schmitz, representing self; Paul Rein, representing self; Don Page, representing self; Nan Nicoll, representing self; Jerry Clifford, representing self; Richard Murillo, representing self

Neutral:

Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC

Oppose:

Cathy Hozian, representing self; Anne Pyron, representing self; Cady Berkel, representing self; Craig McDermott, representing self; Jay Gittrich, representing self; Linda Somo, representing self; Dave Frons, representing self; Herb Burton, representing self; Elizabeth Stember, representing self; Mary Pradelt, representing self; Will Gaona, AMERICAN CIVIL LIBERTIES UNION OF AZ (ACLU-AZ); Connie Phillips, representing self; kathleen mayer, Pima County Attorney's Office; John Leech, representing self; Ron Johnson, AZ CATHOLIC CONFERENCE

All Comments:

Alan Steiner, Self: Please pass this important legislation; C D Tavares, Self: This bill also codifies a proper state policy entirely consistent with the decision *Printz v. United States*, 521 U.S. 898 (1997). Please pass it. Thank you.; Peter Steinmetz, Self: We are supposed to be a constitutional republic, not a dictatorship. This bill helps stop enforcement of arbitrary potentially unconstitutional executive orders.; Henri Carpentier, Self: I support SB 1452 because it would require Arizona to not recognize and ban enforcement of unlawful federal executive actions or orders that limit Second Amendment rights.; Michael Halbur, Self: I strongly support; Thomas Boza, Self: Please Support, Thank You; Russ Southern, Self: Bravo to Senator Allen for this measure. Any executive action or order that violates such a fundamental constitutional right must be specifically recognized as unlawful, and given the highest priority in the courts when challenged.; Leo Budd, Self: Executive orders are for those who work in the executive branch and have no basis in law.; Donald Cline, Self: It is time the States, including the State of Arizona, recognize the fact that the federal government was created by the States in compact and is the wholly-owned

subsidiary of the States. And the Supremacy Clause only applies to "In Pursuance" ...; Brandon LaBorde, Self: Please support this bill to limit executive overreach; David West, Self: I strongly support this bill, I hope that you will also.; Morris Sahrhage, Self: Please protect the constitution from unlawful actions, by supporting this bill. Morris Sahrhage wb7bv; todd hills, Self: its way past time for the govt at any level to stop infringing our 2nd amendment civil rights. please pass this. thank you.; Cheryl Caldararo, Self: I strongly support this; Matthew Petersen, Self: Do not accept any hostile amendments.; Philip Hubacek, Self: This bill is good protection from unfunded federal mandates and mandates that infringe on AZ 2nd Amendment rights.; James Mele, Self: Executive actions cannot rewrite the Constitution or alter it. These unlawful actions by the executive branch should not be allowed or recognized by this or any other state; Steve Rainey, Self: Please support this bill.; Patrick Lacey, Self: I support.; J.G. Starr, Self: Please support this bill; kurt keltner, Self: please pass 1452 thank you; Rick King, Self: Please pass this bill. Thank you; Robert Gumfory, Self: Thank you in advance for passing this bill .; Alan Bond, Self: Please support this bill and keep Arizona free from Federal interference. Haven't they done enough damage to the 10th Amendment? Thank You; James Corbett, Self: Just common sense .; Joseph Guzdziol, Self: Executive actions aren't meant to give the POTUS a way to circumvent Congress or the will of the people. I support this bill to keep a rogue president from overstepping their boundaries.; Carlton Baxter, Self: Please support this bill. Thank you.; Dave Kopp, AZ CITIZENS DEFENSE LEAGUE INC: For the original bill, neutral on the strike everything amendment; Craig McDermott, Self: Re: the striker - Please stop using your positions of trust to turn private hatreds into public policy.; Thomas Meersman, Self: Please support SB1452. It is imperative that this bill passes both houses and is signed into law by Governor Doug Ducey. Thank you.; Drake Mitchell, Self: This is NON partisan and should pass. If it is Unconstitutional and outside of the laws of our land we should not even have to pass this law. It will keep whom ever is in power from abusing those it dislikes.; Clyde Ingalsbe, Self: Please support this bill.; Michael Garnica, Self: Pass with no hostile amendments.; Roger West, Self: Pass this bill.; Kenneth W. Gareau, Self: The State's and the Federal Constitution's protect our right to self defense against government interference with the words, "...shall not be impaired" and "...shall not be infringed." Honor your oaths, this is a move in the right direction.; Barbara Gareau, Self: The State's and the Federal Constitution's protect our right to self defense against government interference with the words, "...shall not be impaired" and "...shall not be infringed." Honor your oaths, this is a move in the right direction.; Steve Sorgnit, Self: I support this bill, you should also; Linda Somo, Self: Vote NO on this horrible bill that does nothing to protect Arizonans.; Michael Gibbs, Self: The federal government has repeatedly infringed on our right to keep and bear arms and shows no signs of stopping. This bill will prevent the state from cooperating when the fed government violates its own constitution.; Tim Lank, Self: Please reject any hostile amendments.; Don Waggoner, Self: please support SB1452. The Federal Government is unlawfully extending it's law's by executive actions.; Paul Pratt, Self: Stand for us or lock us up; Jason Kennedy, Self: I would like to urge the committee to support this important legislation. Thank you.; Merle Cunningham, Self: Unlawful executive orders are just that, UNLAWFUL, and our state should NOT waste time and resources to enforce them.; Jim Dutton, Self: Great bill. Let's keep Arizona the leader in protecting its citizens constitutional rights.; JoAnn Dutton, Self: Great bill protecting Arizona's citizens. Please support.; Lawrence Fleming, Self: Thank you; Lon Wolff, Self: Please support this legislation. The language of the Second Amendment is clear and should not be subverted by agenda-driven bureaucrats in the federal government.; Mike MacDonald, Self: Please support this bill; Albert Krause, Self: Reinforce the 10th Amendment. The FedGov is running amok.; Stan Donovan, Self: This seems like a no-brainer, which is why folks with no brains may resist it. Arizona should naturally ban enforcement of unlawful federal executive actions or orders that limit Second Amendment rights. What's so hard about that?; Michael Pflueger, Self: Arizona should not recognize or enforce unconstitutional federal actions.; Scott Lolmaugh, Self: Please support this bill.; Harold Shull, Self: The Bill of Rights lists actions the Fed. Gov't. shall not take. At this time they need reiteration and enhancement.; Daniel Salerno, Self: Federal Actions are getting out of hand. Pass; Jere Fredenburgh, Self: Federal burden; state's have the right and responsibility to their citizens to oppose overreach. Please support. thank you.; Mike Sullivan, Self: Arizona should not recognize and should ban enforcement of

unlawful federal executive actions or orders that limit Second Amendment rights.; Herb Burton, Self: The bill is superfluous and is intended to intimidate.; Perry Conrad, Self: Please support this bill.; GEORGE MARSHALL, Self: I strongly support SB 1452 and urge you to also support SB1452.; JUDITH MARSHALL, Self: I strongly support SB 1452 and urge you to also support SB1452; Steve Scheurman, Self: Shall not be Infringed; Thomas McKelvey, Self: It is vitally important that the state of AZ support the 2nd amendment by requiring Arizona to NOT recognize and to BAN enforcement of unlawful federal executive actions or orders that limit Second Amendment rights.; Will Gaona, AMERICAN CIVIL LIBERTIES UNION OF AZ (ACLU-AZ): Opposed to the strike-everything amendment; Connie Phillips, Self: I am the CEO of Lutheran Social Services of the Southwest. We have a refugee resettlement program. The refugees that are resettled in AZ are primarily women, children, and vulnerable adults. We have done this work since 1985 with no violence.; kathleen mayer, Pima County Attorney's Office: this bill has a chilling effect on the efforts of local law enforcement and county attorneys to work with federal task forces to combat gun smuggling into foreign countries; Tom Thomas, Self: please support and dont add any ammendments or conditions. thank you.; Robert Anderson, Self: Please support this bill.; Phillip Thiele, Self: Unfortunately, the current Administration in Washington D.C. has chosen to exceed their constitutional authority, overstep their bounds, and enforce unconstitutional Executive Orders and laws in the States. We need to put a stop to this.; Dana Sandoval, Self: Bankrupting agencies that help refugees become contributing members of our society does nothing to promote the rights of Arizona. Instead, it harms refugees and those who serve them. This is a moral issue, not a states's rights one.; Michael Schmitz, Self: Passing this law is a must to protect Arizonans second Amendment rights, now more than ever as the federal government and the President becomes more disrespectful of the Constitution. Thank you.

SB1510, judicial productivity credits; calculation; salary (NOW: juveniles; life sentence; parole)

Testified in support:

kathleen mayer, Pima County Attorney's Office; Rusty Stuart, representing self

Support:

Will Munsil, Maricopa County Attorney's Office; Rebecca Baker, Maricopa County Attorney's Office; Andrew LeFevre, Arizona Criminal Justice Commission; Levi Bolton, AZ Police Association; Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL

Neutral:

Jerry Landau, Arizona Judicial Council; Amy Love, Arizona Judicial Council; Shannon Whiteaker, AZ DEPT OF HEALTH SERVICES

Oppose:

Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona

All Comments:

Jerry Landau, Arizona Judicial Council: Working with the proponents toward creating a final draft.; kathleen mayer, Pima County Attorney's Office: in support of the Chairman's strike everything amendment; Amy Love, Arizona Judicial Council: Working on amendment to address concerns; Will Munsil, Maricopa County Attorney's Office: In support of the House Judiciary strike-everything amendment.; Rebecca Baker, Maricopa County Attorney's Office: MCAO supports the House Judiciary strike everything amendment to SB1510.; Kristin Cipolla, County Supervisors

Association Of Arizona: Counties are concerned about the potential cost impact of this legislation, specifically related to Sexually Violent Persons housed at the Arizona State Hospital .



HOUSE OF REPRESENTATIVES

SB 1307

community property; life sentence; spouse
Prime Sponsor: Senator Griffin, LD 14

X Committee on Judiciary
Caucus and COW
House Engrossed

OVERVIEW

SB 1307 restricts the distribution of community property to a *convicted spouse*.

PROVISIONS

1. Prohibits the court from awarding community property to a *convicted spouse* in a divorce or legal separation proceeding.
2. Allows a spouse who is required to make installment payments to a *convicted spouse* to petition the court to modify the ongoing payment, if the conviction occurred after the order to make payments.
3. Defines *convicted spouse* as a person who is convicted of an offense and sentenced to at least 80 years in prison or life in prison, with or without the possibility of parole.
4. Makes technical and conforming changes.

CURRENT LAW

A.R.S. Title 25, Chapter 3 governs the dissolution of marriage (divorce). A.R.S. § 25-312 outlines the conditions that must be met for the court to grant a petition to dissolve the marriage, which either party may file. A.R.S. § 25-318 outlines the process for dividing the couple's property and allows the court to also consider debts. Sole property of either spouse is assigned to the spouse and remains separate. Community, joint tenancy and other property held in common must be divided without regard for marital misconduct. Child support spousal maintenance are separate determinations that are outlined in A.R.S. Title 25, Chapter 5.

ADDITIONAL INFORMATION

According to the Arizona Administrative Office of the Courts, in FY 2014 there were 27,982 dissolution of marriage filings in superior court (43,816 total cases on file).

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1307

DATE March 16, 2016 MOTION: dp

	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:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 4



HOUSE OF REPRESENTATIVES

SB 1308

juvenile charged as adult; detention
Prime Sponsor: Senator Griffin, LD 14

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1308 stipulates that a juvenile who has been charged as an adult may be detained in a juvenile detention center if ordered by the court.

PROVISIONS

1. Allows a juvenile who is arrested with an offense and charged as an adult to be detained in a juvenile detention center if ordered by the court.
2. Requires the court to consider the following in making the determination:
 - a. The best interests of the juvenile charged;
 - b. The best interests of the other juveniles detained in the juvenile center;
 - c. The severity of the charges against the juvenile;
 - d. The existing programs and facilities for juveniles at the juvenile detention center and the adult facility; and
 - e. Any other relevant factors.
3. Contains a delayed effective date of January 1, 2017.
4. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 8-305 governs juvenile detention centers and states that the county board of supervisors (board) must maintain a juvenile detention center separate from an adult jail or lock-up. The board may also maintain a juvenile detention center in an adult jail or lock-up if they are kept in a physically separate section from any adult charged or convicted with a criminal offense and there is no sight or sound contact between the juvenile and any charged or convicted adult. A.R.S. § 8-305 provides that a juvenile cannot be confined with a charged or convicted adult except that:

- The juvenile may be securely detained in the adult lock-up or jail for up to six hours until transportation to a juvenile center is arranged;
- The juvenile is kept in a physically separate section from any charged or convicted adult and no sight or sound contact is permitted;
- A juvenile who was arrested for an offense under A.R.S. § 13-501 and has been formally charged as an adult may securely be detained in an adult facility and detained separately from any charged or convicted adult.

A.R.S. § 13-501 requires juveniles who are 15, 16 or 17 years of age to be tried as adults if charged with any of the following offenses:

- 1st degree murder (A.R.S. § 13-1105);

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Second Regular Session

Judiciary

SB 1308

2nd degree murder (A.R.S. § 13-1104);
Forcible sexual assault (A.R.S. § 13-1406);
Armed robbery (A.R.S. § 13-1904);
Any other violent felony offense;
Any felony offense committed by a chronic felony offender; or
Any offense that is properly joined to an offense listed above.

The county attorney may prosecute a juvenile as an adult if the juvenile is at least 14 years old and has been charged with:

A Class 1 felony;
A Class 2 felony;
A Class 3 felony in violation of any offense in A.R.S. Title 13, Chapters 10 through 17, Chapter 19 or Chapter 29;
A Class 3, 4, 5 or 6 felony involving a dangerous offense;
Any felony offense committed by a chronic felony offender; or
Any offense that is properly joined to an offense listed above.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1308
(Reference to Senate engrossed bill)

- 1 Page 1, line 4, after "custody" insert ": definition"
2 Line 11, after "OFFENSE" insert "THAT IS NOT A DANGEROUS OFFENSE AND THAT IS"
3 Page 2, line 1, after "IF" insert "THE OFFENSE IS NOT A DANGEROUS OFFENSE AND THE
4 DETENTION IS"
5 Line 6, after "OFFENSE" insert "THAT IS NOT A DANGEROUS OFFENSE AND THAT IS"
6 Between lines 36 and 37, insert:
7 "H. FOR THE PURPOSES OF THIS SECTION, "DANGEROUS OFFENSE" HAS THE SAME
8 MEANING PRESCRIBED IN SECTION 13-105."
9 Amend title to conform

EDDIE FARNSWORTH

1308FARNSWORTH E
03/14/2016
12:43 PM
C: SP

Attachment 6

Adopted # of Verbals _____

Failed _____ Withdrawn _____

Not Offered _____ Analysts Initials KP

ARIZONA HOUSE OF REPRESENTATIVES
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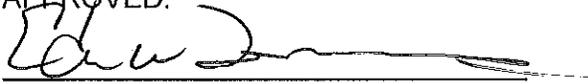
ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1308

DATE March 16, 2016 MOTION: spa

	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:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 7



HOUSE OF REPRESENTATIVES

SB 1018

aid; execution of process; injury

Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1018 allows a person to refuse to assist a sheriff or other public officer in the execution of process if the person would be exposed to injury.

PROVISIONS

1. States that a person may refuse to assist a sheriff or other public officer in the execution of process if the commanded assistance would expose that person to physical injury.
2. Makes technical changes.

CURRENT LAW

A.R.S. § 13-3802 states that a sheriff or other public officer authorized to execute process who believes that there will be resistance may command as many inhabitants deemed necessary to assist in overcoming the resistance. The officer must provide the court with the names of those resisting process, and they may be subject to contempt of court.

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1018

DATE March 16, 2016 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:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 9



HOUSE OF REPRESENTATIVES

SB 1039

grand jury; excuse; jury service

Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary
Caucus and COW
House Engrossed

OVERVIEW

SB 1039 provides a temporary excuse from jury service for a prospective juror (juror) who has served on a grand jury within the last four years.

PROVISIONS

1. Allows a person who is summoned within four years of serving on a grand jury to apply to the court and receive a temporary excuse from jury service.
2. Makes technical changes.

CURRENT LAW

A.R.S. § 21-202 states that persons are entitled to be temporarily excused from jury service if:

- The juror is incapable of performing jury services due to a mental or physical condition;
- Performing the jury service would substantially and materially affect the public interest or welfare in an adverse manner;
- The juror does not understand English;
- Performing jury service would cause an undue or extreme physical or financial hardship to the juror or a person in their care or supervision;
- The juror is a peace officer; or
- A judge or jury commissioner excuses the juror for good cause based on a showing of undue or extreme hardship.

A person who is at least 75-years-old may submit a written statement to the court requesting to be permanently or temporarily excused from jury service if summoned.

A.R.S. § 21-335 states that a person who has served on a jury is exempt from serving on another jury for two years.

A.R.S. § 21-401 defines grand jury as a body who is duly convened and impaneled by the presiding judge of the superior court and who are sworn to inquire into public offense that may be tried within the county, including corrupt or willful misconduct in office of public officials within the county. A.R.S. § 21-421 provides that the regular term of state grand juries must be six months. This term may be increased or decreased upon request of the Attorney General.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1039
(Reference to Senate engrossed bill)

- 1 Page 3, line 2, after the period insert "THIS PARAGRAPH DOES NOT APPLY TO A PERSON
- 2 SELECTED AS AN ALTERNATE GRAND JUROR."
- 3 Amend title to conform

EDDIE FARNSWORTH

1039FARNSWORTH E
03/07/2016
02:21 PM
H: KA/KP/rca

Attachment 11

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

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

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1039

DATE March 16, 2016 MOTION: Open

	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:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 12



HOUSE OF REPRESENTATIVES

SB 1211

victim compensation fund; allocations
Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1211 removes the limit on the distribution of victim assistance monies for specific governmental agencies or public officers.

PROVISIONS

1. Strikes the cap of 50% on the amount of victim assistance monies that can be distributed statewide to governmental agencies or public officers who are members of the Arizona Criminal Justice Commission (ACJC).
2. Makes technical changes.

CURRENT LAW

The Victim Compensation and Assistance Fund (VCAF) is administered by ACJC, subject to legislative appropriation. The funds are allocated for the purposes of establishing, supporting and maintaining programs that compensate and assist victims of crime. The VCAF is funded by:

1. Victim compensation monies collected through surcharges pursuant to A.R.S. § 12-116.01 and distributed pursuant to A.R.S. § 41-2401, subsection D, paragraph 14;
2. Victim assistance monies collected through parole supervision fees pursuant to A.R.S. § 31-411 subsection E, A.R.S. § 31-418 and A.R.S. § 31-467.06;
3. Unclaimed victim restitution monies pursuant to A.R.S. § 44-313; and
4. Monies available from any other source.

A.R.S. § 41-2407 requires ACJC to allocate monies in the VCAF to public and private agencies; no more than 50% of the monies may be allocated to the governmental agencies or public officers who are members of ACJC (A.R.S. § 41-2404, subsection A and subsection B).

A.R.S. § 13-4311 allows an injured person to request compensation from forfeited property. The court must determine the amount of the injured person's economic loss caused by the conduct that resulted in the forfeiture of the property. After compensating injured persons, 10% of the remaining balance is transferred to the VCAF.

A.R.S. § 41-1674 deposits 10% of an employed prisoner's compensation into the VCAF.

ADDITIONAL INFORMATION

The Victim Compensation and Victim Assistance Programs are administered by the ACJC. The Victim Compensation Program provides compensation for victims of crimes. Common covered expenses include:

- Medical costs;
- Mental health counselling;
- Funerals;
- Wage loss/ loss of support;

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- Crime scene clean-ups; and
- Some transportation costs.

The Victim Assistance Program was established to provide services to crime victims. Services that are eligible to receive funding include:

- Crisis intervention services for urgent emotional or physical needs of crime victims including:
 - Temporary shelter;
 - Petty cash for immediate transportation, food, shelter or other necessities; or
 - Temporary repair of locks and windows damaged as a result of a crime.
- Specific support services;
- Court-related services;
- Notification services;
- Training for staff who provide victim services; and
- The cost of printing and distributing specific brochures or similar announcements.

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1211

DATE March 16, 2016 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

Jan Mullenau
COMMITTEE SECRETARY

APPROVED:
Eddie Farnsworth
EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman

ATTACHMENT 14



HOUSE OF REPRESENTATIVES

SB 1449

~~prohibited operations; unmanned aircraft~~
NOW: prohibited operations; unmanned aircraft
Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1449 prescribes restrictions for the operation of *civil unmanned aircrafts*, *model aircrafts*, *unmanned aircrafts* and *unmanned aircraft systems*.

PROVISIONS

1. Makes it illegal to operate a *model aircraft* or a *civil unmanned aircraft* if operation:
 - a. Is prohibited by a federal or state law, aeronautic regulations or specified Federal Aviation Administration (FAA) regulations;
 - b. Interferes with first responder operation;
 - c. Causes the intentional killing of a bird or animal; or
 - d. Is in violation of the FAA Modernization and Reform Act of 2012, or any successor statutes.

A violation is a Class 1 misdemeanor (up to 6 months in jail, fine up to \$2,500 plus surcharges)
2. Prohibits a person from operating or using an *unmanned aircraft* or *unmanned aircraft system* to intentionally photograph, record or collect information for the purpose of surveillance, gathering evidence or loitering over or near any of the following:
 - a. A *critical facility* without proper authorization; or
 - b. A person or person's real property without written consent.
3. Prohibits a city, town or county from enacting an ordinance, rule or policy relating to the ownership or operation of a UA or UAS. Voids any ordinance, rule or policy in violation.
4. Exempts:
 - a. An entity or person who is authorized by the FAA to operate an *unmanned aircraft* or *unmanned aircraft system*, if operation complies with the authorization granted by the FAA;
 - b. A person taking a photograph that includes an image of private property if the person did not intend to capture private property in the picture;
 - c. Ordinances or rules regulating the takeoff or landing of a *model aircraft* in a park or preserve owned by a local governing body, if other parks are available for *model aircraft* operation within the jurisdiction;
 - d. Ordinances or rules that govern the operation of an *unmanned aircraft* or *unmanned aircraft system* that is owned by a city, town or county; or

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- e. Operation by a first responder acting within the scope of the person's official capacity or an emergency worker supporting emergency management activities or performing emergency functions.
5. Makes the operation of an *unmanned aircraft* or *unmanned aircraft system* over or near a critical facility without authorization a Class 6 felony (presumptive term of incarceration is one year, fine up to \$150,000 plus surcharges). Subsequent violations are a Class 5 Felony (presumptive term of incarceration is 1 ½ years, fine up to \$150,000 plus surcharges).
6. Makes the operation of an *unmanned aircraft* or *unmanned aircraft system* over a person or person's real property without consent a Class 1 misdemeanor.
7. Requires the Director of the Department of Transportation (ADOT) to provide on the ADOT website:
 - a. Information on resources relating to the operation of a *model aircraft*; and
 - b. Pictures that show examples of *critical facilities*.
8. Prohibits ADOT from identifying the owner or operator or location of a *critical facility*.
9. Expands definition of a *device* in the voyeurism statute to include the use of a *civil unmanned aircraft* or a *model aircraft*.
10. Expands statute relating to criminal trespass in the first degree to include knowingly entering a residential yard through the use of a *model aircraft*.
11. Expands statute relating to disorderly conduct to include an individual that operates a *model aircraft* or *civil unmanned aircraft* that endangers a person or person's real property.
12. Expands statute relating to careless or reckless aircraft operation to include a *model aircraft* or a *civil unmanned aircraft*.
13. Requires ADOT's aeronautics division (Division) to monitor FAA regulations pertaining to a *model aircraft* or a *civil unmanned aircraft* and *public unmanned aircraft* for 3 years.
14. Requires the Division to consult with *model aircraft*, *civil unmanned aircraft* and *public unmanned aircraft* operators, law enforcement and local governing bodies to determine if changes need to be made to statute in order to reflect changes in FAA regulations.
15. Specifies that the Division must submit an annual report regarding FAA regulations, including recommendations for statutory changes, to the Senate President, Speaker of the House and the Secretary of State.
16. Repeals the reporting requirement on January 1, 2020.
17. Defines *civil unmanned aircraft*, *commercial purposes*, *critical facility*, *model aircraft*, *person*, *public unmanned aircraft*, *unmanned aircraft* and *unmanned aircraft system*.
18. Makes technical and conforming changes.

ADDITIONAL INFORMATION

The FAA published proposed rules on February 15, 2015 to address the regulation of unmanned aircraft systems. On Dec. 14, 2015, the FAA unveiled an interim final rule for registration that requires owners of small unmanned aircraft between 0.55 pounds and 55 pounds to register their aircrafts by Feb. 19, 2016. Drones purchased after Dec. 21, 2015 must be registered prior to flying outdoors. Registrants must provide their name, home address and e-mail address. Upon

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completion of the online registration process, a Certificate of Aircraft Registration/Proof of Ownership is generated that includes a unique identification number for the owner. The number must be included on the aircraft. Registrations are valid for three years and the registration fee is \$5 per individual owner. The FAA also issued a [fact sheet](#) on December 17, 2015 outlining the federal regulatory framework for use by states and localities when considering laws affecting unmanned aircraft systems.

According to the National Conference of State Legislatures, 26 states have enacted laws addressing unmanned aircraft issues and an additional six states have adopted resolutions. Additional information regarding state legislation on unmanned aircraft systems can be found [here](#).

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1449

(Reference to Senate engrossed bill)

- 1 Page 1, strike lines 2 through 45
2 Strike page 2
3 Page 3, strike lines 1 through 7
4 Renumber to conform
5 Line 14, strike "OR STATE"
6 Line 15, strike "THAT" insert a period
7 Strike lines 16 through 24, insert:
8 "2. IS PROHIBITED BY A STATE LAW, INCLUDING ENDANGERMENT PURSUANT TO
9 SECTION 13-1201, VOYEURISM PURSUANT TO SECTION 13-1424, CRIMINAL TRESPASS IN
10 THE FIRST DEGREE PURSUANT TO SECTION 13-1504, CRIMINAL DAMAGE PURSUANT TO
11 SECTION 13-1602 AND DISORDERLY CONDUCT PURSUANT TO SECTION 13-2904."
12 Renumber to conform
13 Strike lines 27 through 31
14 Line 33, strike "OR ELECTRONICALLY"
15 Strike lines 34 through 40, insert "OR LOITER OVER OR NEAR A CRITICAL FACILITY
16 IN THE FURTHERANCE OF ANY CRIMINAL OFFENSE."
17 Page 4, strike lines 12 through 14
18 Renumber to conform
19 Line 25, strike ", PARAGRAPH 1"
20 Line 27, strike "OR SUBSECTION B, PARAGRAPH 2"
21 Page 7, strike lines 16 through 35
22 Amend title to conform

EDDIE FARNSWORTH

1449FARNSWORTH E
03/15/2016
10:50 AM
H: KP/MA/rca

Attachment 16

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

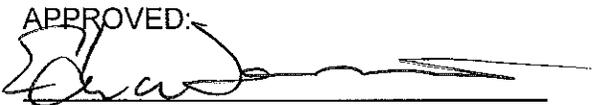
**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session**

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1449

DATE March 16, 2016 MOTION: Spa

	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:

 EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 17



HOUSE OF REPRESENTATIVES

SB 1257

misconduct involving weapons; public places

Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1257 allows a person with a valid permit to carry a concealed weapon (CCW) to carry a deadly weapon into a *public event* or *public establishment*, except in specific situations.

PROVISIONS

1. Exempts any person who has a valid CCW permit from the weapons misconduct offense related to carrying a deadly weapon in a *public event* or *public establishment*.
2. States that the exemption does not apply to:
 - a. A *public event* or *public establishment* that is a *secure facility*;
 - b. The licensed premises of a *public event* or *public establishment* that has a liquor license under A.R.S. Title 4;
 - c. A state, county or municipal judicial department, law enforcement agency or correctional facility;
 - d. An area where firearm possession is prohibited by federal law;
 - e. An *educational institution* defined in A.R.S. § 13-2911;
 - f. A community college district or a university under the jurisdiction of the Arizona Board of Regents;
 - g. Facilities operated by the Arizona State Hospital; or
 - h. A *public establishment* that is a vehicle or craft;
3. Continues to require the operator of a *public establishment* or sponsor of a *public event* to provide temporary and secure storage (A.R.S. § 13-3102.01) if weapons are not permitted at the event or establishment.
4. States that this does not limit, restrict or prohibit the rights of a private property owner, private tenant, private employer or private business entity.
5. Defines *secured facility* as:
 - a. A *public establishment* or *public event* that has security personnel and electronic weapons screening devices at each entrance;
 - b. A *public establishment* or *public event* with security personnel who screen each person and require every person carrying a weapon to leave it in temporary and secure storage; or
 - c. The area of a *public event* or *public establishment* that is not generally accessible to the public and has:
 - i. Security personnel, or
 - ii. Biometric, coded or employee-restricted entry to limit access.

CURRENT LAW

Offenses that are considered misconduct involving weapons are outlined in A.R.S. § 13-3102. Subsection A, paragraph 10 makes it a Class 1 misdemeanor (up to 6 months in jail/fine up to \$2,500 plus surcharges) to enter a *public establishment* or attend a *public event* with a deadly weapon. The sponsor of the *public event* or *public establishment* operator must make a reasonable request for the person to remove the weapon and place it in the operator or sponsor's temporary and secure storage. The following are exempted:

- Shooting ranges or shooting events, hunting areas or similar locations/activities;
- Peace officers or persons summoned by peace officers to assist and while assisting in the performance of official duties;
- Members of the military in the performance of official duties;
- Various prison and detentions personnel;
- Any person licensed, authorized or permitted under state or federal law; and
- Elected or appointed judicial officers in their court facility if specific qualifications are met.

This section defines:

- *Public establishment* as a structure, vehicle or craft owned, leased or operated by the state or a political subdivision of the state;
- *Public event* as a specifically named or sponsored event of limited duration that is conducted by a:
 - Public entity, or
 - Private entity with a permit/license.

An unsponsored gathering in a public place is not considered a *public event*.

A.R.S. § 13-3102.01 addresses the temporary and secure storage of weapons at *public events* or *public establishments* and requires the operator or sponsor to provide temporary and secure storage if the request is made that persons not carry weapons into the *public event* or *public establishment*. Storage must be:

- Readily accessible on entry, and
- Allow for the immediate retrieval of the weapon on exit.

Places that hold a liquor license under A.R.S. Title 4 are exempt from the requirement.

A.R.S. § 13-3112 outlines the process for obtaining a CCW permit and the criteria that an applicant must meet. Permits are issued by the Department of Public Safety (DPS) and a person must carry the CCW at all times while carrying a weapon. A person who fails to have the permit while carrying is subject to a civil penalty of up to \$300. By law, DPS must issue a CCW to applicants who:

- Are Arizona residents or United States citizens;
- Are at least 21 years old (or at least 19 with evidence of military service and proof of an honorable discharge);
- Are not under indictment for a felony;
- Have not been convicted of a felony (unless set aside, vacated or expunged or the person's rights have been restored and the person is not a prohibited possessor under state or federal law);
- Do not suffer from mental illness and have not been adjudicated mentally incompetent or committed to a mental institution; and
- Are not unlawfully present in the United States;

SB 1257

A person must demonstrate the level of competence with a firearm as outlined in law and provide proof of having completed a training program (or have demonstrated competence in any state or political subdivision in the United States).

ADDITIONAL INFORMATION

According to DPS, there are currently 257,293 valid Arizona CCW permits. More information on the CCW program can be found here.

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1257

DATE March 16, 2016 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:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 19



HOUSE OF REPRESENTATIVES

SB 1485

payroll deductions; charitable contributions; prohibition
Prime Sponsor: Senator Biggs, LD 12

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1485 prohibits state employee payroll deductions for contributions to charitable organizations that provide or facilitate *nonfederally qualified abortions*.

PROVISIONS

1. Prohibits payroll deductions from state employees or officers for contributions to any charitable organization that either:
 - a. Performs a *nonfederally qualified abortion*; or
 - b. Maintains or operates a facility where a *nonfederally qualified abortion* is performed for family planning services.
2. Defines *nonfederally qualified abortion* using an existing definition in A.R.S. § 35-196.05.
3. Makes technical and conforming changes.

CURRENT LAW

Under A.R.S. § 38-612, payroll deductions from the compensation of state officers and employees must be specifically authorized by federal law, federal regulation or state statute. This section outlines the various payroll deductions that may be taken from state employee compensation, including those for charitable purposes. Charitable contributions can be either selected by the university presidents for employees of state universities, or provided through a fund drive and applicable to all state agencies (except universities).

A.R.S. § 35-196.05 defines a *nonfederally qualified abortion* as an abortion that does not meet the requirements for federal reimbursement under Title XIX of the Social Security Act.

ADDITIONAL INFORMATION

The State Employees Charitable Campaign (SECC) is conducted under Executive Order and provides an opportunity for state employees to support non-profit agencies through ongoing payroll deductions or through a one-time payment. The Governor serves as the SECC Campaign Chairperson, with the Department of Administration Director as a Co-Chair. The Executive Policy Committee (EPC) is responsible for developing and approving all policies governing the SECC, and is comprised of agency directors. Charities that wish to participate must apply to the SECC; applications are reviewed to ensure that the charities meet specific legal and fiscal requirements. The EPC conducts the final review of charities to determine eligibility for participation. The SECC Policy guide provides additional information about the governing process for the SECC.



Position Statement SB1485

Alliance Contact:
Kristen Merrifield, CEO
602-279-2966

SB1485: PAYROLL DEDUCTIONS; CHARITABLE CONTRIBUTIONS; PROHIBITION

(An act amending Section 38-612, Arizona Revised Statutes; relating to administration of payroll salary deductions) As introduced, prohibits payroll salary deductions from the compensation of state officers or employees for contributions made to a charitable organization that performs a "nonfederally qualified abortion" or maintains or operates a facility where a nonfederally qualified abortion is performed for the provision of family planning services.

Alliance Position Statement: The Alliance opposes SB1485. While, as written, the bill applies to a narrow segment of the nonprofit sector, the Alliance believes it sets a dangerous precedent for a broader segment of the nonprofit sector and may have a chilling effect on the advocacy efforts of many other nonprofit organizations or sectors who are concerned about facing similar moral, religious, or politically-motivated legislation. We believe the state government should not interfere in directing private gifts away from specific nonprofit organizations or sectors of the nonprofit community.

Supporting Information from Alliance 2016 Policy Agenda

"The Alliance opposes legislation that imposes unreasonable regulatory burdens on nonprofit organizations and stifles the ability of nonprofits to pursue and fulfill their missions, and supports regulatory reform that advances the common interests of taxpayers and nonprofits."

"The Alliance supports tax incentives that support charitable giving by individuals, businesses and institutions. We oppose efforts to limit or eliminate such tax incentives in a way that could reduce the level of contributed income for nonprofit organizations." (Recognizing payroll deductions are not "tax incentives.")

"The Alliance favors federal and state laws and public policy which encourages innovative and efficient models for addressing community needs, financing nonprofit operations and promoting collaboration across the sector and between business, government, philanthropy and nonprofits."

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1485

DATE March 16, 2016 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:

 EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 22



HOUSE OF REPRESENTATIVES

SB 1271

notaries; unlawful practices; immigration
Prime Sponsor: Senator Quezada, LD 29

X Committee on Judiciary

Caucus and COW

House Engrossed

STRIKE EVERYTHING SUMMARY

The strike-everything amendment establishes that it is unlawful for a notary public to receive compensation for any unauthorized practice of immigration and nationality law if the notary public is not an attorney.

PROVISIONS

1. Makes it unlawful for a notary public who is not an attorney to render for compensation any service constituting the unauthorized practice of immigration and nationality law.
2. Establishes a civil penalty of not more than \$1,000 for each violation.
3. Revokes the notary public's commission permanently for a violation.
4. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 41-313 outlines the duties of notaries public. A.R.S. § 41-329 states that every notary public who is not an attorney who advertises their services must stipulate on their advertisement that the notary public is not an attorney and cannot give legal advice about immigration or any other legal matters. Failure to include the stipulation on the advertisement is a Class 6 felony (presumptive 1 year of incarceration, fine of up to \$150,000 plus surcharges).

A.R.S. § 12-2703 states that it is unlawful for any person to render for compensation any service constituting the unauthorized practice of immigration and nationality law. Any person with an interest or right that is affected by the action may initiate civil action. The Attorney General must initiate appropriate proceedings to prevent or stop unlawful rendering.

The unlawful rendering of compensation for any service constituting the unauthorized practice of immigration and nationality law is a Class 6 felony.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1271

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 41-329, Arizona Revised Statutes, is amended to
3 read:

4 41-329. Notary public title; foreign language; unlawful service;
5 violation; classification; civil penalty; permanent
6 revocation

7 A. Every notary public who is not an attorney AND who advertises, by
8 any written or verbal means, the services of a notary public in a language
9 other than English, with the exception of a single desk plaque, shall post or
10 otherwise include with the advertisement a notice in English and the other
11 language. The notice shall be of conspicuous size, if in writing, and shall
12 state: "I am not an attorney and cannot give legal advice about immigration
13 or any other legal matters."

14 B. IT IS UNLAWFUL FOR A NOTARY PUBLIC WHO IS NOT AN ATTORNEY TO RENDER
15 FOR COMPENSATION ANY SERVICE CONSTITUTING THE UNAUTHORIZED PRACTICE OF
16 IMMIGRATION AND NATIONALITY LAW AS DEFINED IN SECTION 12-2701.

17 ~~B.~~ C. A notary public who violates subsection A of this section is
18 guilty of a class 6 felony and the notary public's commission shall be
19 permanently revoked.

20 D. A NOTARY PUBLIC WHO VIOLATES SUBSECTION B OF THIS SECTION SHALL PAY
21 A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION AND
22 THE NOTARY PUBLIC'S COMMISSION SHALL BE PERMANENTLY REVOKED."

23 Amend title to conform

RANDALL FRIESE

1271FRIESE.doc
03/07/2016
03:43 PM
C: sp

Attachment 24

Adopted	<input checked="" type="checkbox"/>	# of Verbals	_____
Failed	_____	Withdrawn	_____
Not Offered	_____	Analysts Initials	<u>KP</u>

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1271

DATE March 16, 2016 MOTION: apa/se

	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

Jan Mullenaux
COMMITTEE SECRETARY

APPROVED:
Eddie Farnsworth
EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman

ATTACHMENT 25



HOUSE OF REPRESENTATIVES

SB 1293

mediation; confidential communications; exception
Prime Sponsor: Senator Driggs, LD 28

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1293 permits court-appointed mediators to disclose specific information if they reasonably believe that a minor or vulnerable adult is the victim of abuse, physical injury, neglect or a reportable offense.

PROVISIONS

1. Allows mediators to disclose specific information if they believe a child or vulnerable adult (as defined in A.R.S. § 13-3623) is a victim of the following:
 - a. Abuse (as defined in A.R.S. § 8-201);
 - b. Child abuse (as defined in A.R.S. § 13-3623);
 - c. Neglect (as defined in A.R.S. § 8-201);
 - d. Physical injury (as defined in A.R.S. § 13-105);
 - e. A reportable offense (as defined in A.R.S. § 13-3620).
2. Stipulates that the information a mediator discloses must be made in a report to any of the following:
 - a. A law enforcement officer;
 - b. The Department of Child Safety;
 - c. Adult Protective Services.
3. Defines terms using existing statutory references.
4. Makes conforming changes.

CURRENT LAW

A.R.S. § 12-2238 outlines limitations of privileged communications made or used in mediation. Communications made during mediation proceedings are confidential unless any of the following exceptions are met:

- All of the parties to the mediation agree to the disclosure;
- The communication, material or act is relevant to a claim or defense made by a party to the mediation against the mediator or the mediation program arising out of a breach or a legal obligation owed by the mediator to the party;
- The disclosure is required by statute;
- The disclosure is necessary to enforce an agreement to mediate.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1293
(Reference to Senate engrossed bill)

- 1 Page 1, line 22, after "NEGLECT," insert "EXPLOITATION,"
- 2 Line 24, strike "or" insert a comma; after "4" insert "OR 5"
- 3 Page 2, line 2, after "8-201" insert "OR SECTION 46-451"
- 4 Between lines 3 and 4, insert "3. EXPLOITATION HAS THE SAME MEANING PRESCRIBED
- 5 IN SECTION 46-451."
- 6 Renumber to conform
- 7 Line 8, after "8-201" insert "OR SECTION 46-451"
- 8 Amend title to conform

EDDIE FARNSWORTH

1293FARNSWORTH E
03/08/2016
11:27 AM
H: MA/KP/rca

Attachment 27

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

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1293

DATE March 16, 2016 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:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 28



HOUSE OF REPRESENTATIVES

SB 1294

scanning devices; burglary; trespass; penalty

Prime Sponsor: Senator Driggs, LD 28

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1294 expands the definition of *structure* for purposes of criminal trespassing and burglary and increases the penalty for the unlawful use or possession of a scanning device or re-encoder.

PROVISIONS

1. Expands the definition of *structure* in the chapter outlining burglary and criminal trespassing offenses to include any device that accepts electronic or physical currency and is used to conduct commercial transactions.
2. Increases the penalty for unlawfully possessing or using a scanning device or re-encoder from a Class 6 felony (presumptive 1 year of incarceration, fine up to \$150,000 plus surcharges) to a Class 4 felony (presumptive 2½ years of incarceration, fine up to \$150,000 plus surcharges).

CURRENT LAW

A.R.S. Title 13.15 outlines the offenses of criminal trespassing and burglary. A.R.S. § 13-1501 defines *structure* as any vending machine or any building, object, vehicle, railroad car or place with sides and a floor that is separately securable from any other structure attached to it and that is used for lodging, business, transportation, recreation or storage.

A.R.S. § 13-1503 defines criminal trespassing in the 2nd degree as knowingly entering or remaining unlawfully in or on any nonresidential *structure* and makes it a Class 2 misdemeanor (up to 4 months in jail, fine up to \$750 plus surcharges).

A.R.S. § 13-1506 defines burglary in the 3rd degree as entering or remaining unlawfully in or on a nonresidential *structure* or in a fenced commercial or residential yard with the intent to commit any theft or any felony and makes it a Class 4 felony.

A.R.S. § 13-2110 outlines unlawful possession or use of scanning devices or re-encoders and makes it a Class 6 felony (presumptive 1 year of incarceration, fine up to \$150,000 plus surcharges) to:

- Use a scanning device or re-encoder without the permission of the cardholder of the credit card when the information is being scanned with the intent to defraud the cardholder, issuer, or merchant; or
- Intentionally or knowingly make or possess with the intent to commit fraud any device that is specifically designed to be used as a scanning device or re-encoder.

A.R.S. § 13-2101 defines *re-encoder* as an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different

SB 1294

credit card. This section also defines a *scanning device* as a scanner, reader or other electronic device that is used to access, read, scan, obtain, memorize, transmit or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.

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

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1294

DATE March 16, 2016 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:

 EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 30



HOUSE OF REPRESENTATIVES

SB 1298

probation; juvenile; adult

Prime Sponsor: Senator Driggs, LD 28

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1298 modifies requirements for persons placed on probation.

PROVISIONS

Juvenile Intensive Probation

1. Removes the requirement that a juvenile be placed on intensive probation permissive if the juvenile is adjudicated as a repeat felony offender, making intensive probation an option for the juvenile court.
2. Expands conditions that a juvenile placed on intensive probation may be subject to by including participation in:
 - a. A treatment program; or
 - b. An activity that improves the juvenile's pro-social skill development. This includes an activity that enhances the juvenile's relationship with his or her family.
3. Requires participation in specific activities that are approved by the court or probation officer as a condition of intensive probation.
4. Requires the intensive probation team to ensure that juveniles on intensive probation participate in the specific activities required as conditions of probation.

Adult Intensive Probation

5. Modifies conditions of adult intensive probation by:
 - a. Requiring the offender to maintain employment or full-time student status, or a combination of employment and student status;
 - b. Allowing an exemption from the requirement to perform 40 hours of community restitution each month for offenders who are:
 - i. Full-time students;
 - ii. Employed; or
 - iii. In a treatment program approved by the court or probation department.
6. Requires adult probation teams to verify the probationer's employment weekly, instead of requiring weekly contact with the employer.

Global Position System & Electronic Monitoring for Specific Adult Probationers

7. Permits the court to determine that a person required to be on a global positioning system (GPS) or electronic monitoring (EM) as a result of being convicted of a Dangerous Crime

SB 1298

Against Children (DCAC) and being classified as a level-three sex offender is in a secure facility or is physically incapacitated to the extent that GPS or EM is not necessary.

- a. Applies to all persons required to have GPS or EM, including those who are required to before the effective date.
 - b. Defines *secure facility*.
8. Exempts from the GPS or EM requirements a person who:
- a. Is on GPS or EM on the effective date;
 - b. Was convicted or found guilty except insane prior to July 13, 2009; and
 - c. Is not classified as a level-three sex offender.

Miscellaneous

9. Requires the court to provide a juvenile's ten-print fingerprints to the Department of Public Safety (DPS) Arizona Automated Fingerprint Identification System if the juvenile is adjudicated delinquent for any of the following:
- a. Felony offenses;
 - b. Offenses involving domestic violence;
 - c. Sexual offenses; or
 - d. Driving under the influence offenses.
10. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 8-341 requires a juvenile who is at least 14 years old to be placed on juvenile intensive probation if adjudicated as a repeat juvenile offender. Intensive probation may include home arrest, electronic monitoring or incarceration in a juvenile detention center. The offender may also be committed to the Department of Juvenile Corrections. Juveniles placed on intensive probation must comply with specific conditions of probation, including:

- Participating in one or more of the following at least 32 hours per week:
 - School;
 - A court-ordered treatment program;
 - Employment; or
 - Supervised community restitution work.
- Paying restitution and probation fees;
- Remaining in the juvenile's home except to attend specific activities;
- Submitting to drug and alcohol tests at the direction of the probation officer; and
- Any other requirements imposed by the court.

Juveniles on intensive probation are supervised by a team consisting of a probation officer and a surveillance officer. The team is required to ensure that each juvenile is either employed, attending school, participating in a community restitution program or attending a court-ordered treatment program or any combination as ordered by the court for at least 32 hours each week.

A.R.S. § 13-902(G) requires a person who meets the following criteria to be placed on GPS or EM for the duration of the person's term of probation:

- Convicted after 11/1/06 of a DCAC offense (A.R.S. § 13-705);
- Placed on a term of probation; and
- A level three sex offender to be placed on GPS or EM for the duration of the person's term of probation.

SB 1298

Prior to the enactment of Laws 2009, Chapter 125, A.R.S. 13-902(G) required any person convicted of a DCAC to be placed on GPS monitoring for the duration of the person's term of probation.

A.R.S. § 13-914 requires adult intensive probation offenders to:

- Maintain employment or full-time student status making progress deemed satisfactory to the probation officer, or both;
- Be involved in supervised job searches and community restitution work at least six days per week.
- Pay restitution and probation fees;
- Establish a residence at a place approved by the intensive probation team;
- Remain at the offenders home except to engage in specific activities;
- Submit to drug and alcohol tests at the request of the intensive probation team; and
- Perform at least 40 hours of community restitution each month, unless exempted. For good cause, the court may reduce the number of community restitution hours to at least 20 hours per month.

Supervision requirements for the adult intensive probation team are outlined in A.R.S. § 13-916.

A.R.S. § 41-1750 charges DPS with the effective operation of the Central State Repository of criminal records in order to collect, store and disseminate complete and accurate Arizona criminal history records. DPS must collect, and Arizona criminal justice agencies are required to provide, specific information for all persons who have been charged with, arrested for, convicted of or summoned to court for a:

- Felony offense,
- Offense involving domestic violence (A.R.S. § 13-3601),
- Sexual offense under A.R.S. Title 13, Ch. 14, or
- Driving under the influence offenses under A.R.S. Title 28, Ch. 4.

A.R.S. § 8-341 requires the court to provide a juvenile's fingerprints to DPS if the juvenile is adjudicated delinquent for an offense that would be a felony if committed by an adult.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1298
(Reference to Senate engrossed bill)

- 1 Page 2, line 17, strike "~~will~~ MAY" insert "will"
- 2 Line 27, strike "~~shall~~ MAY" insert "shall"
- 3 Page 8, strike lines 22 through 43
- 4 Page 9, strike lines 1 through 32
- 5 Renumber to conform
- 6 Page 12, line 2, strike "applicability" insert "petition to lift requirement"
- 7 Strike lines 3 through 5
- 8 Line 6, strike "apply to"
- 9 Line 8, strike "as amended by this act,"
- 10 Line 13, after "offender" insert "may petition the court to order that the
- 11 global position system or electronic monitoring prescribed by section 13-902,
- 12 subsection G, Arizona Revised Statutes, be lifted. In determining whether to
- 13 lift the requirement the court shall consider the safety of the public and
- 14 the conduct of the defendant while on probation"
- 15 Strike lines 14 through 18
- 16 Amend title to conform

EDDIE FARNSWORTH

1298FARNSWORTH E3
03/14/2016
05:52 PM
H: KP/MA/rca

Attachment 32

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

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

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1298

DATE March 16, 2016 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:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 33



HOUSE OF REPRESENTATIVES

SB 1510

juveniles; life sentence; parole

Prime Sponsor: Senator Driggs, LD 28

X Committee on Judiciary

Caucus and COW

House Engrossed

STRIKE EVERYTHING SUMMARY

The strike-everything amendment establishes a process to commit a person who is found incompetent to stand trial and additionally found to be *dangerous* to the Arizona State Hospital (ASH). The amendment provides additional notice to the court and prosecutor for persons subject to civil commitment and court-ordered treatment as the result of a finding that the person is incompetent to stand trial and provides an option to screen persons who are believed to be sexually violent persons (SVP) during the competency process.

PROVISIONS

Dangerous and Incompetent Defendants

Initial Process

1. Expands A.R.S. Title 13, Chapter 41 (Incompetence to Stand Trial) to include a process for determining if a person is *dangerous* and should be subject to commitment.
2. Permits the state to request a hearing to determine if a defendant who is found to be not restorable to competency is *dangerous* and should be involuntarily committed.
 - a. The person must be examined by mental health experts.
 - b. The state must establish by clear and convincing evidence that the defendant:
 - i. Is *dangerous*; and
 - ii. Committed acts that constitute the charged offense.
3. Requires the court to order the defendant to be committed to a secure state mental health facility if the court finds the defendant *dangerous*.
4. States that the defendant must receive education, care, supervision and treatment to make the defendant competent or non-dangerous.
5. Requires the defendant to remain committed until:
 - a. The court finds the defendant competent to stand trial;
 - b. The court finds the defendant is no longer *dangerous*; or
 - c. The amount of time the defendant would have been sentenced for the offense has passed.
6. States that the court retains jurisdiction over the defendant until the defendant is discharged from treatment by the court.
7. Requires the Director (Director) of the Department of Health Services (DHS) to determine the extent of private or public benefits available to be applied to the expenses of the defendant's maintenance and treatment.
 - a. DHS is allowed to accept these monies without a court order.

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- b. DHS is responsible for all remaining costs associated with the commitment.
8. Permits the use of any statement by a defendant during an examination or evidence resulting from a statement by any party in a hearing to determine if the defendant should be committed as *dangerous*.
9. Allows reports that are otherwise sealed at the conclusion of the case to be ordered open by the court for purposes of a hearing to determine if the defendant is *dangerous* or eligible for court-ordered treatment.
10. Requires the report submitted by an expert who examines the defendant to include a description of the nature, content, extent and results of any instrument or tool used to assess if the defendant is likely to be *dangerous*.
11. Requires the report to include the following information if the expert determines the defendant incompetent to stand trial:
 - a. The nature of the mental health disorder, disease or defect or of any personality or other disorder that makes the defendant likely to be *dangerous* or a sexually violent person; and
 - b. Whether the defendant should be considered *dangerous* or may be an SVP, if the prognosis includes a determination that there is no substantial probability that the defendant will regain competency within 21 months of the original finding of incompetency.
12. Permits the medical supervisor to file a petition stating that the defendant requires involuntary commitment because the defendant is *dangerous* if the defendant is discharged or released on the expiration of treatment orders or renewal orders.
13. Allows the court to hold a hearing to determine if a defendant is *dangerous* and should be involuntarily committed if the defendant is not likely to regain competency within 21 months of the finding that the defendant is incompetent to stand trial.
14. Allows the court to order the prosecutor to file a petition for evaluation and provide criminal history for the defendant if the defendant is remanded to the custody of DHS for civil commitment proceedings.
15. Provides that if the court enters an order related to commitment or the appointment of a guardian, the court may also order an assessment of the defendant's eligibility for private insurance or public benefits that may be applied to the cost of the defendant's medically necessary care.
16. States that the court may retain jurisdiction over the defendant until the defendant is civilly committed or a guardian is appointed.
17. Provides that if the defendant is remanded for civil commitment proceedings and the court is notified that the evaluation is not completed, the court must order the sheriff to take the defendant into custody to determine if either a guardian should be appointed or the charges should be dismissed without prejudice. If the defendant is out of custody, the defendant may be taken into custody for disposition.
18. Establishes a new article that outlines a process for the commitment, review, conditional release and discharge of persons found to be *dangerous incompetent*. This article mirrors the process used in A.R.S. Title 36, Ch. 37 for SVPs.

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Review by ASH

19. Requires the psychiatrist, psychologist or other *competent professional* of ASH to examine a person committed as a dangerous incompetent annually. The annual examination report must:
 - a. Be submitted to the court; and
 - b. State the treatment and education received by the person, along with a prognosis and determination of whether the person is still dangerous.
20. Requires the court to hold a hearing to determine if a person is competent or no longer *dangerous* if the provider submits a report indicating the person is either.
21. Requires the report to include whether the defendant will continue to take medication if the person is no longer *dangerous* in whole or part because the person is taking medication. The report must also include if the person would comply with release conditions associated with a less restrictive alternative.
22. Requires the court to hold the hearing within 45 days of receiving the report. Outlines the process for the hearing and places the burden on the state for proving by clear and convincing evidence that:
 - a. The person's mental illness, defect or disability has not changed; and
 - b. The person remains *dangerous* or is competent to stand trial.
23. Outlines the following disposition options:
 - a. The court finds the person has been restored to competency. In that case, the court must order that criminal proceedings resume.
 - b. The court finds that the person has not been restored and:
 - i. The person is not *dangerous*. In this case, the person must be either referred for civil commitment proceedings, have a guardian appointed or be released from custody with charges dismissed.
 - ii. The person is not *dangerous* in whole or part due to taking medication. In this case, the court may release the person to a less restrictive alternative.
 - c. The person is *dangerous*. In this case, the person must remain committed.

Petition for Conditional Release to a Less-Restrictive Alternative (Conditional Release)

24. Permits a person to petition the court for conditional release, if the ASH Superintendent or the Director determines that the person is no longer *dangerous*. Outlines the process for the petition and requires the court to hold the hearing on the petition within 45 days. Places the burden on the state to prove by clear and convincing evidence that the person remains *dangerous* if conditionally released or unconditionally discharged.
25. Permits the person to be present at the hearing.
26. Allows the prosecuting agency to request that the person be examined by a *competent professional* selected by the agency and permits the person to retain a *competent professional*.
27. Continues to allow the person to have the option to annually petition for conditional release without the Director's or Superintendent's approval. Requires the Director to provide annual written notice of the person's right to petition and requires the notice to include a waiver of rights. Requires both to be submitted to the court in the annual examination report.
28. Includes specific findings that the court must make prior to ordering that a person be conditionally released.

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43. Provides a process for revoking a person's conditional release.

Discharge

44. Permits a person to petition the court for discharge if the Superintendent or Director determines that the person's mental illness, defect or disability has changed and the person is no longer *dangerous*. Outlines the process for the court to make the determination, including requiring the court to hold a hearing within 45 days and permitting the person to be present at the hearing.
45. Requires the state to prove beyond a reasonable doubt that the person's mental illness, defect or disability has not changed and the person:
- Remains a danger to others; and
 - Is likely to engage in acts that are a danger to public safety if discharged.
46. Outlines the circumstances under which a person may be transported from ASH for court proceedings. Clarifies that this does not preclude hearings from being held at ASH or through electronic means of communication.
47. Makes DHS responsible for transporting a person to and from a medical facility. Permits DHS to determine the method of transport and security, but requires DHS to consider public safety.
48. States that DHS and any county sheriff are immune from liability for good faith acts related to *dangerous incompetent* defendants.
49. Requires DHS to adopt rules for the conduct of *dangerous incompetent* hearings.
50. Defines *competent professional*, *dangerous*, *dangerous incompetent*, *less restrictive alternative*, *secure mental health facility*, *responsible relative* and *mental illness, defect or disability*.

Sexually Violent Persons (SVP)

51. Permits the court to order a screening of a defendant to determine if the defendant is a SVP if:
- The defendant is charged with a sexually violent offense;
 - The county attorney requests a screening; and
 - The person is being evaluated in to determine if competency to stand trial.
52. Requires at least one of the mental health experts appointed to examine the defendant to be a *competent professional* as defined in the SVP statute (A.R.S. § 36-3701) if the court has ordered a screening to determine if the defendant is a SVP.
53. States that if the defendant is determined to be not restorable to competency within 21 months, the expert must determine if the defendant may be an SVP.
54. Requires a mental health expert who has determined that a defendant may be an SVP to provide the report to the prosecuting agency for purposes of filing a petition for commitment.
55. Expands the definition of an *agency* in A.R.S. Title 36, Chapter 37 relating to SVPs to include other mental health treatment agencies in addition to ASH.

Court-Ordered Treatment/Civil Commitment

Evaluation of a Person Incompetent to Stand Trial

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- a. The patient's *criminal history*; and
 - b. The name and phone numbers of the patient's:
 - i. Case manager;
 - ii. Guardian;
 - iii. Spouse;
 - iv. Next of kin; or
 - v. Significant other, as applicable.
70. Provides that if the court does not find a person to be in need of court-ordered treatment, the court must notify the prosecuting agency. Requires the person to be remanded to the sheriff's custody for disposition.
71. Provides that the written outpatient treatment plan included in an order for conditional outpatient treatment that is issued by a medical director must include any provisions that the medical director or court believe are necessary to protect the well-being of the patient and the public.
72. Allows the court to order that the medical director provide notice to the court of specific instances of noncompliance, as specified by the court.
73. Requires copies of any subsequent order and amended outpatient treatment plan to be provided to the prosecutor.
74. States that if the medical director rescinds an order for conditional outpatient treatment and orders the patient to return to a mental health treatment agency, the medical director must provide notice to the court and the prosecuting agency.
75. Requires the medical director to provide notice to the court before releasing a person who was found to be a danger to others for outpatient treatment.
76. Allows a person subject to court-ordered treatment who has a grave disability or a persistent or acute disability to be released from inpatient treatment when, in the opinion of the medical director, the level of care offered by the agency is no longer required.
77. Permits the patient to agree to continue treatment voluntarily.
78. Requires the medical director to arrange for an appropriate alternative placement prior to release.
79. Prohibits the release of a person subject to court-ordered treatment who was found incompetent to stand trial prior to the expiration of the treatment period ordered by the court, unless notice is provided by the medical director. Requires notification to the prosecuting agency and the court if a civil commitment order expires or is terminated, or if the patient is discharged to outpatient treatment.
80. Extends pre-release and pre-discharge notice provisions for victims, relatives and other persons to patients who are subject to court-ordered treatment and who have been found incompetent to stand trial.
81. Requires the court to order the medical director to provide patient records to the court and prosecuting agency if a hearing is held to determine if the standard for release of the patient has been met.
82. States that a patient subject to court-ordered treatment is not discharged at the end of the treatment period if an application for continued court-ordered treatment is granted.

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- Remand the defendant to the custody of DHS for civil commitment proceedings under A.R.S. Title 36, Chapter 5;
- Appoint a guardian; or
- Release the defendant from custody and dismiss the charges without prejudice.

A.R.S. Title 36, Chapter 5, Articles 4 and 5 outline the process for evaluating a person and seeking civil commitment for purposes of court-ordered mental health treatment. Under A.R.S. 36-250, any responsible person can apply for a court-ordered evaluation of a person who is alleged to be:

- A danger to self or to others; or
- A person with a persistent or acute disability or grave disability; and who
- Is unwilling or unable to undergo a voluntary evaluation.

The application is provided to a screening agency, which must provide a pre-petition screening within 48 hours. From the pre-petition screening, the agency completes a report of opinions and conclusions. If the report indicates that there is reasonable cause to believe the patient meets the criteria above, the agency is required to file a petition for a court-ordered evaluation of the person. If after evaluation, the court finds by clear and convincing evidence that the patient meets the criteria above, the court must order the patient in to one of the following:

- Outpatient treatment;
- Combined inpatient and outpatient treatment; or
- Inpatient treatment in a mental health treatment agency or in a hospital.

The court must consider all available and appropriate alternatives for treatment and patient care and must order the least restrictive treatment alternative available.

More information about the civil commitment process can be found [here](#).

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1510
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-4501, Arizona Revised Statutes, is amended to
3 read:

4 13-4501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Clinical liaison" means a mental health expert or any other
7 individual who has experience and training in mental health or developmental
8 disabilities and who is qualified and appointed by the court to aid in
9 coordinating the treatment or training of individuals who are found
10 incompetent to stand trial. If intellectual disability is an issue, the
11 clinical liaison shall be an expert in intellectual disabilities.

12 2. "DANGEROUS" MEANS, EXCEPT AS USED IN PARAGRAPH 7 OF THIS SECTION, A
13 THREAT TO PUBLIC SAFETY AND IS LIKELY, AS A RESULT OF A MENTAL ILLNESS,
14 DEFECT OR DISABILITY, TO COMMIT AN ACT OF VIOLENCE OR CAUSE SERIOUS PHYSICAL
15 INJURY TO ANOTHER PERSON.

16 ~~2.~~ 3. "Incompetent to stand trial" means that as a result of a mental
17 illness, defect or disability a defendant is unable to understand the nature
18 and object of the proceeding or to assist in the defendant's defense. In the
19 case of a person under eighteen years of age when the issue of competency is
20 raised, incompetent to stand trial also means a person who does not have
21 sufficient present ability to consult with the person's lawyer with a
22 reasonable degree of rational understanding or who does not have a rational
23 and factual understanding of the proceedings against the person. The

Attachment 35

Adopted # of Verbals _____

Failed _____ Withdrawn _____

Not Offered _____ Analysts Initials KP

1 presence of a mental illness, defect or disability alone is not grounds for
2 finding a defendant incompetent to stand trial.

3 ~~3-~~ 4. "Mental health expert" means a physician who is licensed
4 pursuant to title 32, chapter 13 or 17 or a psychologist who is licensed
5 pursuant to title 32, chapter 19.1 and who is:

6 (a) Familiar with this state's competency standards and statutes AND
7 CRIMINAL AND INVOLUNTARY COMMITMENT STATUTES.

8 (b) Familiar with the treatment, training and restoration programs
9 that are available in this state.

10 (c) Certified by the court as meeting court developed guidelines using
11 recognized programs or standards.

12 ~~4-~~ 5. "Mental illness, defect or disability" means a psychiatric or
13 neurological disorder that is evidenced by behavioral or emotional symptoms,
14 including congenital mental conditions, conditions resulting from injury or
15 disease and developmental disabilities as defined in section 36-551.

16 6. "SECURE MENTAL HEALTH FACILITY" MEANS A LICENSED FACILITY UNDER THE
17 SUPERVISION OF THE SUPERINTENDENT OF THE ARIZONA STATE HOSPITAL.

18 ~~5-~~ 7. "Threat to public safety" means charged with the commission of
19 any of the following:

20 (a) A crime involving the discharge, use or threatening exhibition of
21 a deadly weapon or dangerous instrument or the infliction of physical injury
22 on another person.

23 (b) A dangerous crime against children pursuant to section 13-705.

24 (c) Two or more nondangerous felonies within a period of twenty-four
25 months.

26 Sec. 2. Section 13-4503, Arizona Revised Statutes, is amended to read:
27 13-4503. Request for competency examination; request for

28 sexually violent person screening

29 A. At any time after the prosecutor charges a criminal offense by
30 complaint, information or indictment, any party or the court on its own
31 motion may request in writing that the defendant be examined to determine the
32 defendant's competency to stand trial, to enter a plea or to assist the

1 defendant's attorney. The motion shall state the facts on which the mental
2 examination is sought.

3 B. Within three working days after a motion is filed pursuant to this
4 section, the parties shall provide all available medical and criminal history
5 records to the court.

6 C. The court may request that a mental health expert assist the court
7 in determining if reasonable grounds exist for examining a defendant.

8 D. Once any court determines that reasonable grounds exist for further
9 competency proceedings, the superior court shall have exclusive jurisdiction
10 over all competency hearings.

11 E. IF THE DEFENDANT IS CHARGED WITH A SEXUALLY VIOLENT OFFENSE AS
12 DEFINED IN SECTION 36-3701 AND THE COUNTY ATTORNEY REQUESTS A SCREENING, THE
13 COURT MAY ORDER A SCREENING OF THE DEFENDANT TO DETERMINE IF THE DEFENDANT IS
14 A SEXUALLY VIOLENT PERSON.

15 Sec. 3. Section 13-4505, Arizona Revised Statutes, is amended to read:

16 13-4505. Appointment of experts; costs

17 A. If the court determines pursuant to section 13-4503 that reasonable
18 grounds exist for a competency examination, the court shall appoint two or
19 more mental health experts to examine the defendant, issue a report and, if
20 necessary, testify regarding the defendant's competency. The court, on its
21 own motion or ~~upon~~ ON motion of any party, may order that one of the mental
22 health experts appointed shall be a physician specializing in psychiatry and
23 licensed pursuant to title 32, chapter 13 or 17. The state and the
24 defendant, ~~upon~~ ON approval of the court, may stipulate to the appointment of
25 only one expert.

26 B. The court may order the defendant to submit to physical,
27 neurological or psychological examinations, if necessary, to adequately
28 determine the defendant's mental condition.

29 C. IF THE COURT HAS ORDERED A SCREENING OF THE DEFENDANT TO DETERMINE
30 IF THE DEFENDANT IS A SEXUALLY VIOLENT PERSON, ONE OF THE MENTAL HEALTH
31 EXPERTS APPOINTED BY THE COURT SHALL BE A COMPETENT PROFESSIONAL AS DEFINED
32 IN SECTION 36-3701. IF THAT EXPERT DETERMINES THAT THE DEFENDANT IS

1 INCOMPETENT TO STAND TRIAL AND NOT RESTORABLE TO COMPETENCY WITHIN TWENTY-ONE
2 MONTHS, THE EXPERT SHALL DETERMINE WHETHER THE DEFENDANT MAY BE A SEXUALLY
3 VIOLENT PERSON.

4 ~~E~~. D. The court shall order the defendant to pay the costs of the
5 court ordered examination, except that if the court finds the defendant is
6 indigent or otherwise unable to pay all or any part of the costs or if the
7 prosecution requested the examination, the court shall order the county to
8 pay the costs of the examination or, if the case is referred by a municipal
9 court judge, the court shall order the city to pay the costs of the
10 examination.

11 ~~D~~. E. This section does not prohibit any party from retaining its own
12 expert to conduct any additional examinations at its own expense.

13 ~~E~~. F. A person who is appointed as a mental health expert or clinical
14 liaison is entitled to immunity, except that the mental health expert or
15 clinical liaison may be liable for intentional, wanton or grossly negligent
16 acts that are done in the performance of the expert's or liaison's duties.

17 Sec. 4. Section 13-4508, Arizona Revised Statutes, is amended to read:
18 13-4508. Privilege against self-incrimination; sealed reports

19 A. The privilege against self-incrimination applies to any examination
20 that is ordered by the court pursuant to this chapter.

21 B. Any evidence or statement that is obtained during an examination is
22 not admissible at any proceeding to determine a defendant's guilt or
23 innocence unless the defendant presents evidence that is intended to rebut
24 the presumption of sanity.

25 C. Any statement made by the defendant during an examination or any
26 evidence resulting from that statement concerning any other event or
27 transaction is not admissible at any proceeding to determine the defendant's
28 guilt or innocence of any other criminal charges that are based on those
29 events or transactions, EXCEPT THAT A STATEMENT OR EVIDENCE MAY BE USED BY
30 ANY PARTY IN A HEARING TO DETERMINE IF THE DEFENDANT IS ELIGIBLE FOR
31 COMMITMENT PURSUANT TO SECTION 13-4518.

1 D. Any statement made by the defendant or any part of the evaluations
2 that is obtained during an examination may not be used for any purpose
3 without the written consent of the defendant or the defendant's guardian or a
4 court order that is entered by the court that ordered the examination or that
5 is conducting a dependency or severance proceeding.

6 E. After a plea of guilty or guilty except insane or the trial or
7 after the defendant is found to be unable to be restored to competence, the
8 court shall order all the reports submitted pursuant to this section sealed.
9 The court may order that the reports be opened only as follows:

10 1. For use by the court or defendant, or by the prosecutor if
11 otherwise permitted by law, for further competency or sanity evaluations OR
12 IN A HEARING TO DETERMINE WHETHER THE DEFENDANT IS DANGEROUS AND ELIGIBLE FOR
13 COMMITMENT PURSUANT TO SECTION 13-4518 OR ELIGIBLE FOR COURT ORDERED
14 TREATMENT PURSUANT TO TITLE 36, CHAPTER 5.

15 2. For statistical analysis.

16 3. When the records are deemed necessary to assist in mental health
17 treatment pursuant to section 13-502 or 13-4517.

18 4. For use by the probation department or the state department of
19 corrections if the defendant is in the custody of or is scheduled to be
20 transferred into the custody of the state department of corrections for the
21 purposes of assessment and supervision or monitoring of the defendant by that
22 department.

23 5. For use by a mental health treatment provider that provides
24 treatment to the defendant or that assesses the defendant for treatment.

25 6. For data gathering.

26 7. For scientific study.

27 F. Any statement made by the defendant during an examination that is
28 conducted pursuant to this chapter or any evidence resulting from that
29 statement is not subject to disclosure pursuant to section 36-509.

30 Sec. 5. Section 13-4509, Arizona Revised Statutes, is amended to read:

31 13-4509. Expert's report

1 A. An expert who is appointed pursuant to section 13-4505 shall submit
2 a written report of the examination to the court within ten working days
3 after the examination is completed. The report shall include at least the
4 following information:

5 1. The name of each mental health expert who examines the defendant.

6 2. A description of the nature, content, extent and results of the
7 examination and any test conducted AND OF ANY INSTRUMENT OR TOOL USED TO
8 ASSESS WHETHER THE DEFENDANT IS LIKELY TO BE DANGEROUS.

9 3. The facts on which the findings are based.

10 4. An opinion as to the competency of the defendant.

11 B. If the mental health expert determines that the defendant is
12 incompetent to stand trial, the report shall also include the following
13 information:

14 1. The nature of the mental disease, defect or disability that is the
15 cause of the incompetency.

16 2. The defendant's prognosis.

17 3. THE NATURE OF THE MENTAL HEALTH DISORDER, DISEASE OR DEFECT OR OF
18 ANY PERSONALITY OR OTHER DISORDER THAT MAKES THE DEFENDANT LIKELY TO BE
19 DANGEROUS OR A SEXUALLY VIOLENT PERSON.

20 ~~3.~~ 4. The most appropriate form and place of treatment in this state,
21 based on the defendant's therapeutic needs and potential threat to public
22 safety.

23 ~~4.~~ 5. Whether the defendant is incompetent to refuse treatment and
24 should be subject to involuntary treatment.

25 6. IF THE PROGNOSIS INCLUDES A DETERMINATION AS TO WHETHER THERE IS NO
26 SUBSTANTIAL PROBABILITY THAT THE DEFENDANT WILL REGAIN COMPETENCY WITHIN
27 TWENTY-ONE MONTHS AFTER THE DATE OF THE ORIGINAL FINDING OF INCOMPETENCY,
28 WHETHER THE DEFENDANT SHOULD BE CONSIDERED DANGEROUS OR MAY BE A SEXUALLY
29 VIOLENT PERSON.

30 C. If the mental health examiner determines that the defendant is
31 currently competent by virtue of ongoing treatment with psychotropic
32 medication, the report shall address the necessity of continuing that

1 treatment and shall include a description of any limitations that the
2 medication may have on competency.

3 Sec. 6. Section 13-4515, Arizona Revised Statutes, is amended to read:

4 13-4515. Duration of order; excluded time calculation; notice
5 of dismissed charge or voided order; petitions

6 A. An order or combination of orders that is issued pursuant to
7 section 13-4512 or 13-4514 shall not be in effect for more than twenty-one
8 months or the maximum possible sentence the defendant could have received
9 pursuant to section 13-702, section 13-703, section 13-704, subsection A, B,
10 C, D or E, section 13-705, section 13-706, subsection A, section 13-708,
11 subsection D or section 13-751 or any section for which a specific sentence
12 is authorized, whichever is less. In making this determination the court
13 shall not consider the sentence enhancements under section 13-703 or 13-704
14 for prior convictions.

15 B. The court shall only consider the time a defendant actually spends
16 in a restoration to competency program when calculating the time requirements
17 pursuant to subsection A of this section.

18 C. The court shall notify the prosecutor, the defense attorney, the
19 medical supervisor and the treating facility if the charges against the
20 defendant are dismissed or if an order is voided by the court. No charges
21 shall be dismissed without a hearing ~~prior to~~ BEFORE the dismissal.

22 D. If a defendant is discharged or released on the expiration of an
23 order or orders issued pursuant to section 13-4512 or 13-4514, the medical
24 supervisor may file a petition stating that the defendant requires further
25 treatment pursuant to title 36, chapter 5, ~~or~~ appointment of a guardian
26 pursuant to title 14 OR INVOLUNTARY COMMITMENT PURSUANT TO SECTION 13-4518
27 BECAUSE THE DEFENDANT IS DANGEROUS.

28 Sec. 7. Section 13-4517, Arizona Revised Statutes, is amended to read:

29 13-4517. Incompetent defendants; disposition

30 A. If the court finds that a defendant is incompetent to stand trial
31 and that there is no substantial probability that the defendant will regain

1 competency within twenty-one months after the date of the original finding of
2 incompetency, any party may request that the court:

3 1. Remand the defendant to the custody of the department of health
4 services for the institution of civil commitment proceedings pursuant to
5 title 36, chapter 5 AND ORDER THE PROSECUTOR TO FILE A PETITION FOR
6 EVALUATION AND PROVIDE ANY KNOWN CRIMINAL HISTORY FOR THE DEFENDANT.

7 2. Appoint a guardian pursuant to title 14, chapter 5.

8 3. Release the defendant from custody and dismiss the charges against
9 the defendant without prejudice.

10 4. HOLD A HEARING TO DETERMINE IF THE DEFENDANT IS DANGEROUS AND
11 SHOULD BE INVOLUNTARILY COMMITTED PURSUANT TO SECTION 13-4518.

12 B. IF THE COURT ENTERS AN ORDER PURSUANT TO SUBSECTION A, PARAGRAPH 1,
13 2 OR 4 OF THIS SECTION, THE COURT MAY ALSO ORDER AN ASSESSMENT OF THE
14 DEFENDANT'S ELIGIBILITY FOR PRIVATE INSURANCE OR PUBLIC BENEFITS THAT MAY BE
15 APPLIED TO THE EXPENSES OF THE DEFENDANT'S MEDICALLY NECESSARY MAINTENANCE
16 AND TREATMENT, INCLUDING SERVICES PURSUANT TO TITLE 36, CHAPTER 29,
17 STATE-ONLY BEHAVIORAL HEALTH SERVICES, TITLE XVIII SERVICES AND MEDICARE PART
18 D PRESCRIPTION DRUG BENEFITS, SUPPLEMENTAL SECURITY INCOME AND SUPPLEMENTAL
19 SECURITY DISABILITY INCOME.

20 C. THE COURT MAY RETAIN JURISDICTION OVER THE DEFENDANT UNTIL THE
21 DEFENDANT IS COMMITTED FOR TREATMENT PURSUANT TO TITLE 36, CHAPTER 5 OR A
22 GUARDIAN IS APPOINTED PURSUANT TO TITLE 14, CHAPTER 5.

23 D. IF THE COURT REMANDS THE DEFENDANT TO THE CUSTODY OF THE DEPARTMENT
24 OF HEALTH SERVICES FOR THE INSTITUTION OF CIVIL COMMITMENT PROCEEDINGS
25 PURSUANT TO TITLE 36, CHAPTER 5 AND THE COURT IS NOTIFIED THAT THE DEFENDANT
26 HAS NOT HAD A CIVIL COMMITMENT EVALUATION, THE COURT SHALL ORDER THE SHERIFF
27 TO TAKE THE DEFENDANT INTO CUSTODY SO THAT THE COURT MAY EXPLORE OPTIONS
28 PURSUANT TO SUBSECTION A, PARAGRAPH 2 OR 3 OF THIS SECTION. IF THE DEFENDANT
29 IS OUT OF CUSTODY, THE COURT MAY ORDER THAT THE DEFENDANT BE TAKEN INTO
30 CUSTODY FOR A DISPOSITION PURSUANT TO THIS SECTION.

31 E. IF A MENTAL HEALTH EXPERT HAS DETERMINED THAT THE DEFENDANT MAY BE
32 A SEXUALLY VIOLENT PERSON, THE MENTAL HEALTH EXPERT SHALL PROVIDE THE REPORT

1 TO THE PROSECUTING AGENCY SO THAT THE PROSECUTING AGENCY MAY FILE A PETITION
2 PURSUANT TO SECTION 36-3702.

3 Sec. 8. Title 13, chapter 41, Arizona Revised Statutes, is amended by
4 adding section 13-4518, to read:

5 13-4518. Dangerous and incompetent defendants; commitment
6 hearing; disposition

7 A. IF AN INCOMPETENT DEFENDANT IS FOUND TO BE NOT RESTORABLE TO
8 COMPETENCY, THE STATE MAY REQUEST A HEARING TO DETERMINE IF THE DEFENDANT IS
9 DANGEROUS AND SHOULD BE INVOLUNTARILY COMMITTED.

10 B. IF THERE HAS NOT BEEN A PREVIOUS EVALUATION TO DETERMINE WHETHER
11 THE DEFENDANT IS DANGEROUS, THE DEFENDANT SHALL BE EXAMINED BY MENTAL HEALTH
12 EXPERTS IN THE SAME MANNER PRESCRIBED IN SECTION 13-4505 TO DETERMINE IF THE
13 DEFENDANT SHOULD BE CONSIDERED DANGEROUS.

14 C. AT A HEARING TO DETERMINE IF THE DEFENDANT IS DANGEROUS THE STATE
15 SHALL ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT IS
16 DANGEROUS AND THAT THE DEFENDANT COMMITTED THE ACTS THAT CONSTITUTE THE
17 CHARGED OFFENSE. IF THE COURT DOES NOT FIND THE DEFENDANT IS DANGEROUS, THE
18 COURT SHALL PROCEED PURSUANT TO SECTION 13-4517, SUBSECTION A, PARAGRAPH 1, 2
19 OR 3.

20 D. IF THE COURT FINDS THAT THE DEFENDANT IS DANGEROUS, THE COURT SHALL
21 ORDER THE DEFENDANT TO BE COMMITTED TO A SECURE STATE MENTAL HEALTH FACILITY
22 LICENSED BY THE DEPARTMENT OF HEALTH SERVICES OR THE JOINT COMMISSION ON
23 ACCREDITATION OF HEALTH CARE ORGANIZATIONS. THE DEFENDANT SHALL RECEIVE
24 EDUCATION, CARE, SUPERVISION AND TREATMENT TO RENDER THE DEFENDANT EITHER
25 COMPETENT OR NONDANGEROUS.

26 E. IF THE COURT ISSUES A COMMITMENT ORDER PURSUANT TO THIS SECTION:

27 1. ALL FURTHER PROCEEDINGS FOR THE DEFENDANT'S CONTINUED TREATMENT AND
28 THE CIRCUMSTANCES UNDER WHICH THE DEFENDANT MAY BE RELEASED SHALL BE
29 CONDUCTED PURSUANT TO TITLE 36, CHAPTER 40.

30 2. THE ORDER SHALL REQUIRE THAT THE DEFENDANT REMAIN COMMITTED TO THE
31 CUSTODY OF THE SECURE STATE MENTAL HEALTH FACILITY UNTIL ANY OF THE FOLLOWING
32 OCCURS:

1 (a) THE COURT FINDS THAT THE DEFENDANT IS COMPETENT TO STAND TRIAL.

2 (b) THE COURT FINDS THAT THE DEFENDANT IS NO LONGER DANGEROUS.

3 (c) THE EXPIRATION OF A PERIOD OF TIME EQUAL TO EITHER THE SENTENCE
4 THE DEFENDANT WOULD HAVE RECEIVED IF THE DEFENDANT HAD BEEN SENTENCED
5 PURSUANT TO SECTION 13-751 OR THE PRESUMPTIVE SENTENCE FOR ALL OTHER
6 OFFENSES.

7 F. THE COURT SHALL RETAIN JURISDICTION OVER A DEFENDANT WHO IS
8 COMMITTED PURSUANT TO THIS SECTION UNTIL THE COURT DISCHARGES THE DEFENDANT
9 FROM TREATMENT.

10 G. IF A DEFENDANT IS INVOLUNTARILY COMMITTED PURSUANT TO THIS SECTION,
11 THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL DETERMINE THE EXTENT
12 TO WHICH THE DEFENDANT IS RECEIVING OR IS ELIGIBLE TO RECEIVE PRIVATE OR
13 PUBLIC BENEFITS THAT MAY BE APPLIED TO THE EXPENSES OF THE DEFENDANT'S
14 MAINTENANCE AND TREATMENT THAT ARE MEDICALLY NECESSARY, INCLUDING FEDERAL AND
15 STATE MEDICAID, ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM MONIES AND
16 REGIONAL BEHAVIORAL HEALTH CARE AUTHORITY MONIES. THE DEPARTMENT MAY ACCEPT
17 THESE MONIES WITHOUT A COURT ORDER. THE DEPARTMENT IS RESPONSIBLE FOR ALL
18 REMAINING COSTS ASSOCIATED WITH THE COMMITMENT.

19 Sec. 9. Section 36-501, Arizona Revised Statutes, is amended to read:

20 36-501. Definitions

21 In this chapter, unless the context otherwise requires:

22 1. "Administration" means the Arizona health care cost containment
23 system administration.

24 2. "Admitting officer" means a psychiatrist or other physician or
25 psychiatric and mental health nurse practitioner with experience in
26 performing psychiatric examinations who has been designated as an admitting
27 officer of the evaluation agency by the person in charge of the evaluation
28 agency.

29 3. "Chief medical officer" means the chief medical officer under the
30 supervision of the superintendent of the state hospital.

31 4. "Contraindicated" means that access is reasonably likely to
32 endanger the life or physical safety of the patient or another person.

1 5. "Court" means the superior court in the county in this state in
2 which the patient resides or was found before screening or emergency
3 admission under this title.

4 6. "CRIMINAL HISTORY" MEANS POLICE REPORTS, LISTS OF PRIOR ARRESTS AND
5 CONVICTIONS, CRIMINAL CASE PLEADINGS AND COURT ORDERS, INCLUDING A
6 DETERMINATION THAT THE PERSON HAS BEEN FOUND INCOMPETENT TO STAND TRIAL
7 PURSUANT TO SECTION 13-4510.

8 ~~6-~~ 7. "Danger to others" means that the judgment of a person who has
9 a mental disorder is so impaired that the person is unable to understand the
10 person's need for treatment and as a result of the person's mental disorder
11 the person's continued behavior can reasonably be expected, on the basis of
12 competent medical opinion, to result in serious physical harm.

13 ~~7-~~ 8. "Danger to self":

14 (a) Means behavior that, as a result of a mental disorder:

15 (i) Constitutes a danger of inflicting serious physical harm on
16 oneself, including attempted suicide or the serious threat thereof, if the
17 threat is such that, when considered in the light of its context and in light
18 of the individual's previous acts, it is substantially supportive of an
19 expectation that the threat will be carried out.

20 (ii) Without hospitalization will result in serious physical harm or
21 serious illness to the person.

22 (b) Does not include behavior that establishes only the condition of
23 having a grave disability.

24 ~~8-~~ 9. "Department" means the department of health services.

25 ~~9-~~ 10. "Detention" means the taking into custody of a patient or
26 proposed patient.

27 ~~10-~~ 11. "Director" means the director of the administration.

28 ~~11-~~ 12. "Evaluation" means:

29 (a) A professional multidisciplinary analysis that may include
30 firsthand observations or remote observations by interactive audiovisual
31 media and that is based on data describing the person's identity, biography

1 and medical, psychological and social conditions carried out by a group of
2 persons consisting of not less than the following:

3 (i) Two licensed physicians, who shall be qualified psychiatrists, if
4 possible, or at least experienced in psychiatric matters, and who shall
5 examine and report their findings independently. The person against whom a
6 petition has been filed shall be notified that the person may select one of
7 the physicians. A psychiatric resident in a training program approved by the
8 American medical association or by the American osteopathic association may
9 examine the person in place of one of the psychiatrists if the resident is
10 supervised in the examination and preparation of the affidavit and testimony
11 in court by a qualified psychiatrist appointed to assist in the resident's
12 training, and if the supervising psychiatrist is available for discussion
13 with the attorneys for all parties and for court appearance and testimony if
14 requested by the court or any of the attorneys.

15 (ii) Two other individuals, one of whom, if available, shall be a
16 psychologist and in any event a social worker familiar with mental health and
17 human services that may be available placement alternatives appropriate for
18 treatment. An evaluation may be conducted on an inpatient basis, an
19 outpatient basis or a combination of both, and every reasonable attempt shall
20 be made to conduct the evaluation in any language preferred by the person.

21 (b) A physical examination that is consistent with the existing
22 standards of care and that is performed by one of the evaluating physicians
23 or by or under the supervision of a physician who is licensed pursuant to
24 title 32, chapter 13 or 17 or a registered nurse practitioner who is licensed
25 pursuant to title 32, chapter 15 if the results of that examination are
26 reviewed or augmented by one of the evaluating physicians.

27 ~~12.~~ 13. "Evaluation agency" means a health care agency that is
28 licensed by the department and that has been approved pursuant to this title,
29 providing those services required of such agency by this chapter.

30 ~~13.~~ 14. "Family member" means a spouse, parent, adult child, adult
31 sibling or other blood relative of a person undergoing treatment or
32 evaluation pursuant to this chapter.

1 ~~14.~~ 15. "Grave disability" means a condition evidenced by behavior in
2 which a person, as a result of a mental disorder, is likely to come to
3 serious physical harm or serious illness because the person is unable to
4 provide for the person's own basic physical needs.

5 ~~15.~~ 16. "Health care decision maker" has the same meaning prescribed
6 in section 12-2801.

7 ~~16.~~ 17. "Health care entity" means a health care provider, the
8 department, the administration or a regional behavioral health authority
9 under contract with the administration.

10 ~~17.~~ 18. "Health care provider" means a health care institution as
11 defined in section 36-401 that is licensed as a behavioral health provider
12 pursuant to department rules or a mental health provider.

13 ~~18.~~ 19. "Independent evaluator" means a licensed physician,
14 psychiatric and mental health nurse practitioner or psychologist selected by
15 the person to be evaluated or by such person's attorney.

16 ~~19.~~ 20. "Informed consent" means a voluntary decision following
17 presentation of all facts necessary to form the basis of an intelligent
18 consent by the patient or guardian with no minimizing of known dangers of any
19 procedures.

20 ~~20.~~ 21. "Least restrictive treatment alternative" means the treatment
21 plan and setting that infringe in the least possible degree with the
22 patient's right to liberty and that are consistent with providing needed
23 treatment in a safe and humane manner.

24 ~~21.~~ 22. "Licensed physician" means any medical doctor or doctor of
25 osteopathy who is either:

26 (a) Licensed in this state.

27 (b) A full-time hospital physician licensed in another state and
28 serving on the staff of a hospital operated or licensed by the United States
29 government.

30 ~~22.~~ 23. "Medical director of an evaluation agency" means a
31 psychiatrist, or other licensed physician experienced in psychiatric matters,
32 who is designated in writing by the governing body of the agency as the

1 person in charge of the medical services of the agency for the purposes of
2 this chapter and may include the chief medical officer of the state hospital.

3 ~~23.~~ 24. "Medical director of a mental health treatment agency" means
4 a psychiatrist, or other licensed physician experienced in psychiatric
5 matters, who is designated in writing by the governing body of the agency as
6 the person in charge of the medical services of the agency for the purposes
7 of this chapter and includes the chief medical officer of the state hospital.

8 ~~24.~~ 25. "Mental disorder" means a substantial disorder of the
9 person's emotional processes, thought, cognition or memory. Mental disorder
10 is distinguished from:

11 (a) Conditions that are primarily those of drug abuse, alcoholism or
12 intellectual disability, unless, in addition to one or more of these
13 conditions, the person has a mental disorder.

14 (b) The declining mental abilities that directly accompany impending
15 death.

16 (c) Character and personality disorders characterized by lifelong and
17 deeply ingrained antisocial behavior patterns, including sexual behaviors
18 that are abnormal and prohibited by statute unless the behavior results from
19 a mental disorder.

20 ~~25.~~ 26. "Mental health provider" means any physician or provider of
21 mental health or behavioral health services involved in evaluating, caring
22 for, treating or rehabilitating a patient.

23 ~~26.~~ 27. "Mental health treatment agency" means the state hospital or
24 a health care agency that is licensed by the department and that provides
25 those services that are required of the agency by this chapter.

26 ~~27.~~ 28. "Outpatient treatment" or "combined inpatient and outpatient
27 treatment" means any treatment program not requiring continuous inpatient
28 hospitalization.

29 ~~28.~~ 29. "Outpatient treatment plan" means a treatment plan that does
30 not require continuous inpatient hospitalization.

31 ~~29.~~ 30. "Patient" means any person undergoing examination, evaluation
32 or behavioral or mental health treatment under this chapter.

1 ~~30-~~ 31. "Peace officers" means sheriffs of counties, constables,
2 marshals and policemen of cities and towns.

3 ~~31-~~ 32. "Persistent or acute disability" means a severe mental
4 disorder that meets all the following criteria:

5 (a) If not treated has a substantial probability of causing the person
6 to suffer or continue to suffer severe and abnormal mental, emotional or
7 physical harm that significantly impairs judgment, reason, behavior or
8 capacity to recognize reality.

9 (b) Substantially impairs the person's capacity to make an informed
10 decision regarding treatment, and this impairment causes the person to be
11 incapable of understanding and expressing an understanding of the advantages
12 and disadvantages of accepting treatment and understanding and expressing an
13 understanding of the alternatives to the particular treatment offered after
14 the advantages, disadvantages and alternatives are explained to that person.

15 (c) Has a reasonable prospect of being treatable by outpatient,
16 inpatient or combined inpatient and outpatient treatment.

17 ~~32-~~ 33. "Prepetition screening" means the review of each application
18 requesting court-ordered evaluation, including an investigation of facts
19 alleged in such application, an interview with each applicant and an
20 interview, if possible, with the proposed patient. The purpose of the
21 interview with the proposed patient is to assess the problem, explain the
22 application and, when indicated, attempt to persuade the proposed patient to
23 receive, on a voluntary basis, evaluation or other services.

24 ~~33-~~ 34. "Prescribed form" means a form established by a court or the
25 rules of the administration in accordance with the laws of this state.

26 ~~34-~~ 35. "Professional" means a physician who is licensed pursuant to
27 title 32, chapter 13 or 17, a psychologist who is licensed pursuant to title
28 32, chapter 19.1 or a psychiatric and mental health nurse practitioner who is
29 certified pursuant to title 32, chapter 15.

30 ~~35-~~ 36. "Proposed patient" means a person for whom an application for
31 evaluation has been made or a petition for court-ordered evaluation has been
32 filed.

1 37. "PROSECUTING AGENCY" MEANS THE COUNTY ATTORNEY, ATTORNEY GENERAL
2 OR CITY ATTORNEY WHO APPLIED OR PETITIONED FOR AN EVALUATION OR TREATMENT
3 PURSUANT TO CHAPTER 5 OF THIS TITLE.

4 ~~36-~~ 38. "Psychiatric and mental health nurse practitioner" means a
5 registered nurse practitioner as defined in section 32-1601 who has completed
6 an adult or family psychiatric and mental health nurse practitioner program
7 and who is certified as an adult or family psychiatric and mental health
8 nurse practitioner by the state board of nursing.

9 ~~37-~~ 39. "Psychiatrist" means a licensed physician who has completed
10 three years of graduate training in psychiatry in a program approved by the
11 American medical association or the American osteopathic association.

12 ~~38-~~ 40. "Psychologist" means a person who is licensed under title 32,
13 chapter 19.1 and who is experienced in the practice of clinical psychology.

14 ~~39-~~ 41. "Records" means all communications that are recorded in any
15 form or medium and that relate to patient examination, evaluation or
16 behavioral or mental health treatment. Records include medical records that
17 are prepared by a health care provider or other providers. Records do not
18 include:

19 (a) Materials that are prepared in connection with utilization review,
20 peer review or quality assurance activities, including records that a health
21 care provider prepares pursuant to section 36-441, 36-445, 36-2402 or
22 36-2917.

23 (b) Recorded telephone and radio calls to and from a publicly operated
24 emergency dispatch office relating to requests for emergency services or
25 reports of suspected criminal activity.

26 ~~40-~~ 42. "Regional behavioral health authority" has the same meaning
27 prescribed in section 36-3401.

28 ~~41-~~ 43. "Screening agency" means a health care agency that is
29 licensed by the department and that provides those services required of such
30 agency by this chapter.

1 ~~42.~~ 44. "Social worker" means a person who has completed two years of
2 graduate training in social work in a program approved by the council of
3 social work education and who has experience in mental health.

4 ~~43.~~ 45. "State hospital" means the Arizona state hospital.

5 ~~44.~~ 46. "Superintendent" means the superintendent of the state
6 hospital.

7 Sec. 10. Section 36-521, Arizona Revised Statutes, is amended to read:
8 36-521. Preparation of petition for court-ordered evaluation;
9 procedures for prepetition screening

10 A. On receiving the application for evaluation, the screening agency,
11 before filing a petition for court-ordered evaluation, shall provide
12 prepetition screening within forty-eight hours excluding weekends and
13 holidays when possible to determine whether there is reasonable cause to
14 believe the allegations of the applicant for the court-ordered evaluation,
15 whether the person will voluntarily receive evaluation at a scheduled time
16 and place and whether the person has a persistent or acute disability or a
17 grave disability or is likely to present a danger to self or others until the
18 voluntary evaluation.

19 B. After prepetition screening has been completed, the screening
20 agency shall prepare a report of opinions and conclusions. If prepetition
21 screening is not possible, the screening agency shall prepare a report giving
22 reasons why the screening was not possible and including opinions and
23 conclusions of staff members who attempted to conduct prepetition screening
24 or otherwise investigated the matter.

25 C. If the prepetition screening report indicates that there exists no
26 reasonable cause to believe the allegations of the applicant for the
27 court-ordered evaluation, it shall be reviewed by the medical director of the
28 screening agency or the medical director's designee.

29 D. If, based on the allegations of the applicant for the court-ordered
30 evaluation and the prepetition screening report or other information obtained
31 while attempting to conduct a prepetition screening, the agency determines
32 that there is reasonable cause to believe that the proposed patient is, as a

1 result of mental disorder, a danger to self or to others or has a persistent
2 or acute disability or a grave disability and that the proposed patient is
3 unable or unwilling to voluntarily receive evaluation or is likely to present
4 a danger to self or to others, has a grave disability or will further
5 deteriorate before receiving a voluntary evaluation, the agency shall prepare
6 a petition for court-ordered evaluation and shall file the petition, which
7 shall be signed by the person who prepared the petition unless the county
8 attorney performs these functions. If the agency determines that there is
9 reasonable cause to believe that the person is in such a condition that
10 without immediate hospitalization he is likely to harm himself or others, the
11 agency shall take all reasonable steps to procure such hospitalization on an
12 emergency basis.

13 E. The agency may contact the county attorney in order to obtain
14 assistance in preparing the petition for court-ordered evaluation, and the
15 agency may request the advice and judgment of the county attorney in reaching
16 a decision as to whether the court-ordered evaluation is justified.

17 F. The county attorney may prepare or sign or file the petition if a
18 court has ordered the county attorney to prepare the petition.

19 G. If a petition for court-ordered evaluation alleges danger to others
20 as described in section 36-501, the screening agency, before filing such a
21 petition, shall contact the county attorney for a review of the petition.
22 The county attorney shall examine the petition and make one of the following
23 written recommendations:

24 1. That a criminal investigation is warranted.

25 2. That the screening agency shall file the petition.

26 3. That no further proceedings are warranted. The screening agency
27 shall consider the recommendation in determining whether a court-ordered
28 evaluation is justified and shall include the recommendation with the
29 petition if the agency decides to file the petition with the court.

30 H. The petition shall be made in the form and manner prescribed by the
31 director.

1 I. IF A PETITION FOR COURT-ORDERED EVALUATION IS FILED BY A PROSECUTOR
2 PURSUANT TO SECTION 13-4517, A PRIOR APPLICATION FOR COURT-ORDERED EVALUATION
3 OR PRESCREENING IS NOT NECESSARY.

4 Sec. 11. Section 36-523, Arizona Revised Statutes, is amended to read:
5 36-523. Petition for evaluation

6 A. The petition for evaluation shall contain the following:

7 1. The name, address and interest in the case of the individual who
8 applied for the petition.

9 2. The name, and address if known, of the proposed patient for whom
10 evaluation is petitioned.

11 3. The present whereabouts of the proposed patient, if known.

12 4. A statement alleging that there is reasonable cause to believe that
13 the proposed patient has a mental disorder and is as a result a danger to
14 self or others, has a persistent or acute disability or a grave disability
15 and is unwilling or unable to undergo voluntary evaluation.

16 5. A summary of the facts that support the allegations that the
17 proposed patient is dangerous, has a persistent or acute disability or a
18 grave disability and is unwilling or unable to be voluntarily evaluated,
19 including the facts that brought the proposed patient to the screening
20 agency's attention.

21 6. IF THE PETITION IS FILED BY A PROSECUTOR PURSUANT TO SECTION
22 13-4517, THE PETITION SHALL INCLUDE ANY KNOWN CRIMINAL HISTORY OF THE
23 PROPOSED PATIENT, INCLUDING WHETHER THE PROPOSED PATIENT HAS EVER BEEN FOUND
24 INCOMPETENT TO STAND TRIAL PURSUANT TO SECTION 13-4510.

25 ~~6-~~ 7. Other information that the director by rule or the court by
26 rule or order may require.

27 B. The petition shall request that the court issue an order requiring
28 that the proposed patient be given an evaluation and shall advise the court
29 of both of the following:

30 1. That the opinion of the petitioner is either that the proposed
31 patient is or is not in such a condition that without immediate or continuing

1 hospitalization the patient is likely to suffer serious physical harm or
2 further deterioration or inflict serious physical harm on another person.

3 2. If the opinion of the petitioner is that the proposed patient is
4 not in the condition described in paragraph 1 of this subsection, that the
5 opinion of the petitioner is either that the evaluation should or should not
6 take place on an outpatient basis.

7 C. The petition for evaluation shall be accompanied by the application
8 for evaluation, by the recommendation of the county attorney pursuant to
9 section 36-521 and by a prepetition screening report, unless the documents
10 have not been prepared under a provision of law or in accordance with an
11 order of the court. The petition for evaluation shall also be accompanied by
12 a copy of the application for emergency admission if one exists.

13 D. A petition and other forms required in a court may be filed only by
14 the screening agency that has prepared the petition.

15 E. If the petition is not filed because it has been determined that
16 the person does not need an evaluation, the agency after a period of six
17 months shall destroy the petition and the various reports annexed to the
18 petition as required by this section.

19 F. IF THE PETITION IS NOT FILED BECAUSE IT HAS BEEN DETERMINED THAT
20 THE PERSON DOES NOT NEED AN EVALUATION AND A PROSECUTOR FILED A PETITION
21 PURSUANT TO SECTION 13-4517, THE PERSON SHALL BE REMANDED FOR A DISPOSITION
22 PURSUANT TO SECTION 13-4517. IF THE PERSON IS OUT OF CUSTODY, THE COURT MAY
23 ORDER THAT THE PERSON BE TAKEN INTO CUSTODY FOR A DISPOSITION PURSUANT TO
24 THIS SECTION.

25 G. IF THE PERSON IS THE SUBJECT OF A PETITION FILED BY A PROSECUTOR
26 PURSUANT TO SECTION 13-4517, AN EVALUATION SHALL BE COMPLETED WITHIN
27 SEVENTY-TWO HOURS AFTER THE PERSON IS DELIVERED TO THE EVALUATION AGENCY.

28 Sec. 12. Section 36-529, Arizona Revised Statutes, is amended to read:

29 36-529. Order for evaluation; order for detention; hearing

30 A. If, from the review of the petition for evaluation, the court does
31 not determine that the proposed patient is likely to present a danger to self
32 or others or further deteriorate prior to his hearing on court-ordered

1 treatment, but determines that there is reasonable cause to believe that the
2 proposed patient is, as a result of a mental disorder, a danger to self or
3 others,— OR has a persistent or acute disability or a grave disability, the
4 court shall issue an order directing the proposed patient to submit to an
5 evaluation at a designated time and place, specifying that the evaluation
6 will take place on an inpatient or an outpatient basis. The court may also
7 order that if the person does not or cannot so submit, that he be taken into
8 custody by a ~~police~~ PEACE officer and delivered to an evaluation agency. If
9 the court makes such a conditional order, it shall also make a conditional
10 appointment of counsel for the person to become effective when and if the
11 person is taken into custody pursuant to this section.

12 B. If, from review of the petition for evaluation, there is reasonable
13 cause to believe that the proposed patient is, as a result of a mental
14 disorder, a danger to self or others,— OR has a persistent or acute
15 disability or a grave disability and that the person requires immediate or
16 continued hospitalization prior to his hearing on court-ordered treatment,
17 the court shall order the proposed patient taken into custody and evaluated
18 at an evaluation agency. The court shall promptly appoint counsel for the
19 proposed patient. If an intercounty agreement authorizes the same, the court
20 may order that the evaluation be conducted in another county, and the
21 superior court in the county where the evaluation is conducted shall have
22 concurrent jurisdiction to make appropriate orders concerning the proposed
23 patient.

24 C. If the person is not taken into custody or if the evaluation
25 pursuant to the order of the court under subsection A or B is not initiated
26 within fourteen days from the date of the order, the order and petition for
27 evaluation shall expire. IF A PROSECUTOR FILED A PETITION PURSUANT TO
28 SECTION 13-4517, THE COURT AND THE PROSECUTING AGENCY SHALL RECEIVE NOTICE OF
29 THE EXPIRATION OF THE ORDER FOR EVALUATION. THE COURT MAY ENTER ANY ORDERS
30 NECESSARY FOR FURTHER DISPOSITION PURSUANT TO SECTION 13-4517, INCLUDING A
31 PICKUP ORDER DIRECTING THAT THE PERSON BE TAKEN INTO CUSTODY. THIS

1 SUBSECTION DOES NOT PREVENT ANY PERSON FROM INITIATING ANOTHER COURT ORDERED
2 EVALUATION OF THE PERSON PURSUANT TO TITLE 36, CHAPTER 5.

3 D. If the person is involuntarily hospitalized, the person shall be
4 informed by his appointed attorney of his rights to a hearing to determine
5 whether he should be involuntarily hospitalized for evaluation and to be
6 represented at the hearing by an attorney. If the patient requests a hearing
7 to determine whether he should be involuntarily hospitalized during
8 evaluation, the court shall schedule a hearing at its first opportunity.

9 Sec. 13. Section 36-531, Arizona Revised Statutes, is amended to read:

10 36-531. Evaluation; possible dispositions; release

11 A. A person who is being evaluated on an inpatient basis in an
12 evaluation agency shall be released if, in the opinion of the medical
13 director of the agency, further evaluation is not appropriate unless the
14 person applies for further care and treatment on a voluntary basis.

15 B. If it is determined on an evaluation of the patient's condition
16 that the patient is, as a result of a mental disorder, a danger to self or to
17 others or has a persistent or acute disability or a grave disability, the
18 medical director in charge of the agency that provided the evaluation, unless
19 the person applies for further care and treatment on a voluntary basis, shall
20 prepare, sign and file a petition for court-ordered treatment unless the
21 county attorney performs the functions of preparing, signing or filing the
22 petition as provided in subsection C of this section.

23 C. The agency may contact the county attorney to obtain assistance in
24 preparing the petition for court-ordered treatment, and the agency may
25 request the advice and judgment of the county attorney in reaching a decision
26 as to whether court-ordered treatment is justified.

27 D. A person being evaluated on an inpatient basis in an evaluation
28 agency shall be released within seventy-two hours, excluding weekends and
29 holidays, from the time that the person is hospitalized pursuant to a court
30 order for evaluation, unless the person applies for further care and
31 treatment on a voluntary basis or unless a petition for court-ordered
32 treatment has been filed pursuant to subsection B of this section.

1 E. IF A PROSECUTOR FILED A PETITION PURSUANT TO SECTION 13-4517, THE
2 MEDICAL DIRECTOR OF AN EVALUATION AGENCY SHALL PROVIDE NOTICE WITHIN
3 TWENTY-FOUR HOURS TO THE COURT AND THE PROSECUTING AGENCY OF THE DIRECTOR'S
4 INTENTION TO RELEASE THE PERSON UNDER THIS SECTION. THE COURT MAY ORDER THE
5 PERSON RETURNED TO CUSTODY FOR A DISPOSITION PURSUANT TO SECTION 13-4517. AT
6 ANY HEARING HELD PURSUANT TO THIS SUBSECTION, THE COURT SHALL ORDER THE
7 MEDICAL DIRECTOR TO PROVIDE THE PATIENT'S RECORDS, INCLUDING MEDICAL AND
8 TREATMENT RECORDS, TO THE COURT AND THE PROSECUTING AGENCY.

9 E. F. The administration may conduct jointly with a school district,
10 directly or indirectly, an educational evaluation pursuant to sections 15-765
11 and 15-766 for nonadjudicated youth. The evaluation information may be
12 shared by and among authorized personnel employed by the administration and
13 the department of education, or authorized personnel from the local education
14 agency, for purposes of ensuring the provision of special education and
15 related services as required by the individuals with disabilities education
16 act (20 United States Code sections 1400 through 1415).

17 Sec. 14. Section 36-533, Arizona Revised Statutes, is amended to read:

18 36-533. Petition for treatment

19 A. The petition for court-ordered treatment shall allege:

20 1. That the patient is in need of a period of treatment because the
21 patient, as a result of mental disorder, is a danger to self or to others,~~—~~
22 OR has a persistent or acute disability or a grave disability.

23 2. The treatment alternatives that are appropriate or available.

24 3. That the patient is unwilling to accept or incapable of accepting
25 treatment voluntarily.

26 B. The petition shall be accompanied by the affidavits of the two
27 physicians who participated in the evaluation and by the affidavit of the
28 applicant for the evaluation, if any. The affidavits of the physicians shall
29 describe in detail the behavior that indicates that the person, as a result
30 of mental disorder, is a danger to self or to others,~~—~~ OR has a persistent or
31 acute disability or a grave disability and shall be based on the physician's
32 observations of the patient and the physician's study of information about

1 the patient. A summary of the facts that support the allegations of the
2 petition shall be included. The affidavit shall also include any of the
3 results of the physical examination of the patient if relevant to the
4 patient's psychiatric condition.

5 C. The petition shall request the court to issue an order requiring
6 the person to undergo a period of treatment. IF PROVIDED BY THE PROSECUTOR
7 PURSUANT TO SECTION 13-4517 THE PETITION SHALL SET FORTH ANY KNOWN CRIMINAL
8 HISTORY OF THE PERSON.

9 D. In cases of grave disability the petition shall also include:

10 1. A statement that in the opinion of the petitioner the person with a
11 grave disability does or does not require guardianship or conservatorship, or
12 both, under title 14 and the reasons on which the statement is based.

13 2. A request that the court order an independent investigation and
14 report for the court if in the opinion of the petitioner the person does
15 require guardianship or conservatorship, or both.

16 3. A statement that in the opinion of the petitioner the person with a
17 grave disability does or does not require temporary guardianship or
18 conservatorship, or both, and the reasons on which the statement is based.

19 4. A request that the court appoint a temporary guardian or
20 conservator, or both, if in the opinion of the petitioner the person does
21 require temporary guardianship or conservatorship, or both.

22 E. A copy of the petition in cases of grave disability shall be mailed
23 to the public fiduciary in the county of the patient's residence or in which
24 the patient was found before evaluation and to any person nominated as
25 guardian or conservator.

26 F. A copy of all petitions shall be mailed to the superintendent of
27 the Arizona state hospital.

28 Sec. 15. Section 36-534, Arizona Revised Statutes, is amended to read:
29 36-534. Change to voluntary status; discharge; notice; hearing

30 A. If, after a petition for court-ordered treatment has been filed and
31 prior to the hearing, the medical director of the agency finds that it is
32 more appropriate to discharge the patient or to admit the proposed patient on

1 a voluntary basis, the medical director shall, after receiving approval from
2 the court, SHALL either discharge the patient or admit the patient for
3 further treatment on a voluntary basis.

4 B. IF THE COURT APPROVES ADMITTING A PATIENT FOR WHOM A PETITION HAS
5 BEEN FILED BY A PROSECUTOR PURSUANT TO SECTION 13-4517 TO VOLUNTARY TREATMENT
6 OR BEFORE A PATIENT IS DISCHARGED PURSUANT TO THIS SECTION, THE MEDICAL
7 DIRECTOR SHALL PROVIDE NOTICE TO THE PROSECUTING AGENCY. THE PROSECUTING
8 AGENCY MAY REQUEST A HEARING TO DETERMINE WHETHER THE COURT SHOULD ORDER THE
9 DEFENDANT RETURNED TO CUSTODY FOR A DISPOSITION PURSUANT TO SECTION 13-4517.
10 FOR ANY HEARING HELD PURSUANT TO THIS SUBSECTION, THE COURT SHALL ORDER THE
11 MEDICAL DIRECTOR TO PROVIDE THE PATIENT'S RECORDS, INCLUDING MEDICAL AND
12 TREATMENT RECORDS, TO THE COURT AND TO THE PROSECUTING AGENCY.

13 Sec. 16. Section 36-540, Arizona Revised Statutes, is amended to read:

14 36-540. Court options

15 A. If the court finds by clear and convincing evidence that the
16 proposed patient, as a result of mental disorder, is a danger to self, is a
17 danger to others, has a persistent or acute disability or a grave disability
18 and IS in need of treatment, and is either unwilling or unable to accept
19 voluntary treatment, the court shall order the patient to undergo one of the
20 following:

21 1. Treatment in a program of outpatient treatment.

22 2. Treatment in a program consisting of combined inpatient and
23 outpatient treatment.

24 3. Inpatient treatment in a mental health treatment agency, in a
25 hospital operated by or under contract with the United States department of
26 veterans affairs to provide treatment to eligible veterans pursuant to
27 article 9 of this chapter, in the state hospital or in a private hospital, if
28 the private hospital agrees, subject to the limitations of section 36-541.

29 B. The court shall consider all available and appropriate alternatives
30 for the treatment and care of the patient. The court shall order the least
31 restrictive treatment alternative available.

1 C. The court may order the proposed patient to undergo outpatient or
2 combined inpatient and outpatient treatment pursuant to subsection A,
3 paragraph 1 or 2 of this section if the court:

4 1. Determines that all of the following apply:

5 (a) The patient does not require continuous inpatient hospitalization.

6 (b) The patient will be more appropriately treated in an outpatient
7 treatment program or in a combined inpatient and outpatient treatment
8 program.

9 (c) The patient will follow a prescribed outpatient treatment plan.

10 (d) The patient will not likely become dangerous or suffer more
11 serious physical harm or serious illness or further deterioration if the
12 patient follows a prescribed outpatient treatment plan.

13 2. Is presented with and approves a written treatment plan that
14 conforms with the requirements of section 36-540.01, subsection B. If the
15 treatment plan presented to the court pursuant to this subsection provides
16 for supervision of the patient under court order by a mental health agency
17 that is other than the mental health agency that petitioned or requested the
18 county attorney to petition the court for treatment pursuant to section
19 36-531, the treatment plan must be approved by the medical director of the
20 mental health agency that will supervise the treatment pursuant to subsection
21 E of this section.

22 D. An order to receive treatment pursuant to subsection A, paragraph 1
23 or 2 of this section shall not exceed three hundred sixty-five days. The
24 period of inpatient treatment under a combined treatment order pursuant to
25 subsection A, paragraph 2 of this section shall not exceed the maximum period
26 allowed for an order for inpatient treatment pursuant to subsection F of this
27 section.

28 E. If the court enters an order for treatment pursuant to subsection
29 A, paragraph 1 or 2 of this section, all of the following apply:

30 1. The court shall designate the medical director of the mental health
31 treatment agency that will supervise and administer the patient's treatment
32 program.

1 2. The medical director shall not use the services of any person,
2 agency or organization to supervise a patient's outpatient treatment program
3 unless the person, agency or organization has agreed to provide these
4 services in the individual patient's case and unless the department has
5 determined that the person, agency or organization is capable and competent
6 to do so.

7 3. The person, agency or organization assigned to supervise an
8 outpatient treatment program or the outpatient portion of a combined
9 treatment program shall be notified at least three days before a referral.
10 The medical director making the referral and the person, agency or
11 organization assigned to supervise the treatment program shall share relevant
12 information about the patient to provide continuity of treatment.

13 4. THE COURT MAY ORDER THAT THE MEDICAL DIRECTOR PROVIDE NOTICE TO THE
14 COURT OF ANY NONCOMPLIANCE WITH THE TERMS OF A TREATMENT ORDER.

15 ~~4.~~ 5. During any period of outpatient treatment under subsection A,
16 paragraph 2 of this section, if the court, ON ITS OWN MOTION OR on motion by
17 the medical director of the patient's outpatient mental health treatment
18 facility, determines that the patient is not complying with the terms of the
19 order or that the outpatient treatment plan is no longer appropriate and the
20 patient needs inpatient treatment, the court, without a hearing and based on
21 the court record, the patient's medical record, the affidavits and
22 recommendations of the medical director, and the advice of staff and
23 physicians or the psychiatric and mental health nurse practitioner familiar
24 with the treatment of the patient, may enter an order amending its original
25 order. The amended order may alter the outpatient treatment plan or order
26 the patient to inpatient treatment pursuant to subsection A, paragraph 3 of
27 this section. The amended order shall not increase the total period of
28 commitment originally ordered by the court or, when added to the period of
29 inpatient treatment provided by the original order and any other amended
30 orders, exceed the maximum period allowed for an order for inpatient
31 treatment pursuant to subsection F of this section. If the patient refuses
32 to comply with an amended order for inpatient treatment, the court, ON ITS

1 OWN MOTION OR ON THE REQUEST OF THE MEDICAL DIRECTOR, may authorize and
2 direct a peace officer, ~~on the request of the medical director,~~ to take the
3 patient into protective custody and transport the patient to the agency for
4 inpatient treatment. ANY AUTHORIZATION, DIRECTIVE OR ORDER ISSUED TO A PEACE
5 OFFICER TO TAKE THE PATIENT INTO PROTECTIVE CUSTODY SHALL INCLUDE THE
6 PATIENT'S CRIMINAL HISTORY AND THE NAME AND TELEPHONE NUMBERS OF THE
7 PATIENT'S CASE MANAGER, GUARDIAN, SPOUSE, NEXT OF KIN OR SIGNIFICANT OTHER,
8 AS APPLICABLE. When reporting to or being returned to a treatment agency for
9 inpatient treatment pursuant to an amended order, the patient shall be
10 informed of the patient's right to judicial review and the patient's right to
11 consult with counsel pursuant to section 36-546.

12 5- 6. During any period of outpatient treatment under subsection A,
13 paragraph 2 of this section, if the medical director of the outpatient
14 treatment facility in charge of the patient's care determines, in concert
15 with the medical director of an inpatient mental health treatment facility
16 who has agreed to accept the patient, that the patient is in need of
17 immediate acute inpatient psychiatric care because of behavior that is
18 dangerous to self or to others, the medical director of the outpatient
19 treatment facility may order a peace officer to apprehend and transport the
20 patient to the inpatient treatment facility pending a court determination on
21 an amended order under paragraph 4- 5 of this subsection. The patient may be
22 detained and treated at the inpatient treatment facility for a period of no
23 more than forty-eight hours, exclusive of weekends and holidays, from the
24 time that the patient is taken to the inpatient treatment facility. The
25 medical director of the outpatient treatment facility shall file the motion
26 for an amended court order requesting inpatient treatment no later than the
27 next working day following the patient being taken to the inpatient treatment
28 facility. Any period of detention within the inpatient treatment facility
29 pending issuance of an amended order shall not increase the total period of
30 commitment originally ordered by the court or, when added to the period of
31 inpatient treatment provided by the original order and any other amended
32 orders, exceed the maximum period allowed for an order for inpatient

1 treatment pursuant to subsection F of this section. If a patient is ordered
2 to undergo inpatient treatment pursuant to an amended order, the medical
3 director of the outpatient treatment facility shall inform the patient of the
4 patient's right to judicial review and to consult with an attorney pursuant
5 to section 36-546.

6 F. The maximum periods of inpatient treatment that the court may
7 order, subject to the limitations of section 36-541, are as follows:

8 1. Ninety days for a person found to be a danger to self.

9 2. One hundred eighty days for a person found to be a danger to
10 others.

11 3. One hundred eighty days for a person found to have a persistent or
12 acute disability.

13 4. Three hundred sixty-five days for a person found to have a grave
14 disability.

15 G. If, on finding that the patient meets the criteria for
16 court-ordered treatment pursuant to subsection A of this section, the court
17 also finds that there is reasonable cause to believe that the patient is an
18 incapacitated person as defined in section 14-5101 or is a person in need of
19 protection pursuant to section 14-5401 and that the patient is or may be in
20 need of guardianship or conservatorship, or both, the court may order an
21 investigation concerning the need for a guardian or conservator, or both, and
22 may appoint a suitable person or agency to conduct the investigation. The
23 appointee may include a court appointed guardian ad litem, an investigator
24 appointed pursuant to section 14-5308 or the public fiduciary if there is no
25 person willing and qualified to act in that capacity. The court shall give
26 notice of the appointment to the appointee within three days of the
27 appointment. The appointee shall submit the report of the investigation to
28 the court within twenty-one days. The report shall include recommendations
29 as to who should be guardian or who should be conservator, or both, and a
30 report of the findings and reasons for the recommendation. If the
31 investigation and report so indicate, the court shall order the appropriate

1 person to submit a petition to become the guardian or conservator, or both,
2 of the patient.

3 H. In any proceeding for court-ordered treatment in which the petition
4 alleges that the patient is in need of a guardian or conservator and states
5 the grounds for that allegation, the court may appoint an emergency temporary
6 guardian or conservator, or both, for a specific purpose or purposes
7 identified in its order and for a specific period of time not to exceed
8 thirty days if the court finds that all of the following are true:

9 1. The patient meets the criteria for court-ordered treatment pursuant
10 to subsection A of this section.

11 2. There is reasonable cause to believe that the patient is an
12 incapacitated person as defined in section 14-5101 or is in need of
13 protection pursuant to section 14-5401, paragraph 2.

14 3. The patient does not have a guardian or conservator and the welfare
15 of the patient requires immediate action to protect the patient or the ward's
16 property.

17 4. The conditions prescribed pursuant to section 14-5310, subsection B
18 or section 14-5401.01, subsection B have been met.

19 I. The court may appoint as a temporary guardian or conservator
20 pursuant to subsection H of this section a suitable person or the public
21 fiduciary if there is no person qualified and willing to act in that
22 capacity. The court shall issue an order for an investigation as prescribed
23 pursuant to subsection G of this section and, unless the patient is
24 represented by independent counsel, the court shall appoint an attorney to
25 represent the patient in further proceedings regarding the appointment of a
26 guardian or conservator. The court shall schedule a further hearing within
27 fourteen days on the appropriate court calendar of a court that has authority
28 over guardianship or conservatorship matters pursuant to this title to
29 consider the continued need for an emergency temporary guardian or
30 conservator and the appropriateness of the temporary guardian or conservator
31 appointed, and shall order the appointed guardian or conservator to give
32 notice to persons entitled to notice pursuant to section 14-5309, subsection

1 A or section 14-5405, subsection A. The court shall authorize certified
2 letters of temporary emergency guardianship or conservatorship to be issued
3 on presentation of a copy of the court's order. If a temporary emergency
4 conservator other than the public fiduciary is appointed pursuant to this
5 subsection, the court shall order that the use of the money and property of
6 the patient by the conservator is restricted and not to be sold, used,
7 transferred or encumbered, except that the court may authorize the
8 conservator to use money or property of the patient specifically identified
9 as needed to pay an expense to provide for the care, treatment or welfare of
10 the patient pending further hearing. This subsection and subsection H of
11 this section do not:

12 1. Prevent the evaluation or treatment agency from seeking
13 guardianship and conservatorship in any other manner allowed by law at any
14 time during the period of court-ordered evaluation and treatment.

15 2. Relieve the evaluation or treatment agency from its obligations
16 concerning the suspected abuse of a vulnerable adult pursuant to title 46,
17 chapter 4.

18 J. If, on finding that a patient meets the criteria for court-ordered
19 treatment pursuant to subsection A of this section, the court also learns
20 that the patient has a guardian appointed under title 14, the court with
21 notice may impose on the existing guardian additional duties pursuant to
22 section 14-5312.01. If the court imposes additional duties on an existing
23 guardian as prescribed in this subsection, the court may determine that the
24 patient needs to continue treatment under a court order for treatment and may
25 issue the order or determine that the patient's needs can be adequately met
26 by the guardian with the additional duties pursuant to section 14-5312.01 and
27 decline to issue the court order for treatment. If at any time after the
28 issuance of a court order for treatment the court finds that the patient's
29 needs can be adequately met by the guardian with the additional duties
30 pursuant to section 14-5312.01 and that a court order for treatment is no
31 longer necessary to assure compliance with necessary treatment, the court may
32 terminate the court order for treatment. If there is a court order for

1 treatment and a guardianship with additional mental health authority pursuant
2 to section 14-5312.01 existing at the same time, the treatment and placement
3 decisions made by the treatment agency assigned by the court to supervise and
4 administer the patient's treatment program pursuant to the court order for
5 treatment are controlling unless the court orders otherwise.

6 K. The court shall file a report as part of the court record on its
7 findings of alternatives for treatment.

8 L. Treatment shall not include psychosurgery, lobotomy or any other
9 brain surgery without specific informed consent of the patient or the
10 patient's legal guardian and an order of the superior court in the county in
11 which the treatment is proposed, approving with specificity the use of the
12 treatment.

13 M. The medical director or any person, agency or organization used by
14 the medical director to supervise the terms of an outpatient treatment plan
15 is not civilly liable for any acts committed by a patient while on outpatient
16 treatment if the medical director, person, agency or organization has in good
17 faith followed the requirements of this section.

18 N. A peace officer who in good faith apprehends and transports a
19 patient to an inpatient treatment facility on the order of the medical
20 director of the outpatient treatment facility pursuant to subsection E,
21 paragraph ~~5~~ 6 of this section is not subject to civil liability.

22 O. If a person has been found, as a result of a mental disorder, to
23 constitute a danger to self or others or to have a persistent or acute
24 disability or a grave disability and the court enters an order for treatment
25 pursuant to subsection A of this section, the court shall transmit the
26 person's name, sex, date of birth, social security number, if available, and
27 date of the order for treatment to the supreme court. The supreme court
28 shall transmit the information to the department of public safety to comply
29 with the requirements of title 13, chapter 31 and title 32, chapter 26. The
30 department of public safety shall transmit the information to the national
31 instant criminal background check system. The superior court may access the

1 information of a person who is ordered into treatment to enforce or
2 facilitate a treatment order.

3 P. On request, the clerk of the court shall provide certified copies
4 of the commitment order to a law enforcement or prosecuting agency that is
5 investigating or prosecuting a prohibited possessor as defined in section
6 13-3101.

7 Q. IF THE COURT DOES NOT FIND A PERSON TO BE IN NEED OF TREATMENT AND
8 A PROSECUTOR FILED A PETITION PURSUANT TO SECTION 13-4517, THE COURT SHALL
9 NOTIFY THE PROSECUTING AGENCY OF ITS FINDING. THE PERSON SHALL BE REMANDED
10 TO THE CUSTODY OF THE SHERIFF FOR FURTHER DISPOSITION PURSUANT TO SECTION
11 13-4517.

12 Sec. 17. Section 36-540.01, Arizona Revised Statutes, is amended to
13 read:

14 36-540.01. Conditional outpatient treatment

15 A. The medical director may issue an order for conditional outpatient
16 treatment for a patient ordered to undergo treatment pursuant to section
17 36-540 if, after consultation with staff familiar with the patient's case
18 history, the medical director determines with a reasonable degree of medical
19 probability that all of the following apply:

20 1. The patient no longer requires continuous inpatient
21 hospitalization.

22 2. The patient will be more appropriately treated in an outpatient
23 treatment program.

24 3. The patient will follow a prescribed outpatient treatment plan.

25 4. The patient will not likely become dangerous, suffer more serious
26 physical harm or serious illness or further deteriorate if the patient
27 follows a prescribed outpatient treatment plan.

28 B. The order for conditional outpatient treatment issued by the
29 medical director shall include a written outpatient treatment plan prepared
30 by staff familiar with the patient's case history and approved by the medical
31 director. The plan shall include all of the following:

1 1. A statement of the patient's requirements, if any, for supervision,
2 medication and assistance in obtaining basic needs such as employment, food,
3 clothing or shelter.

4 2. The address of the residence where the patient is to live and the
5 name of the person in charge of the residence, if any.

6 3. The name and address of any person, agency or organization assigned
7 to supervise an outpatient treatment plan or care for the patient, and the
8 extent of authority of the person, agency or organization in carrying out the
9 terms of the plan.

10 4. The conditions for continued outpatient treatment, which may
11 require periodic reporting, continuation of medication and submission to
12 testing, and may restrict travel, consumption of spirituous liquor and drugs,
13 associations with others and incurrence of debts and obligations or such
14 other reasonable conditions as the medical director may specify.

15 5. ANY OTHER PROVISIONS THAT THE MEDICAL DIRECTOR OR THE COURT
16 BELIEVES ARE NECESSARY TO PROTECT THE WELL-BEING OF THE PATIENT AND THE
17 PUBLIC.

18 C. THE COURT MAY ORDER THAT THE MEDICAL DIRECTOR PROVIDE NOTICE TO THE
19 COURT OF SPECIFIC INSTANCES OF NONCOMPLIANCE AS SPECIFIED BY THE COURT.

20 ~~C.~~ D. Before release for conditional outpatient treatment, the
21 patient shall be provided with copies and full explanations of the medical
22 director's order and the treatment plan. If, after full explanation, the
23 patient objects to the plan or any part of it, the objection and reasons for
24 the objection shall be noted in the patient's record. The medical director's
25 order and treatment plan shall be filed in the patient's medical file and
26 shall also be filed with the court.

27 ~~D.~~ E. The period for which conditional outpatient treatment may be
28 ordered may not exceed the remainder of the period of court ordered
29 treatment.

30 ~~E.~~ F. Before the release of a patient for outpatient treatment, the
31 medical director shall give notice pursuant to section 36-541.01, subsection
32 B- C and a motion for a determination by the court as to whether the standard

1 for conditional release of the patient has been met may be made by the
2 persons and in the manner provided for in section 36-541.01, subsection ~~H~~ I.
3 Before the release of a person found to be a danger to self, ~~OR OTHERS OR~~
4 ~~FOUND to be a person with~~ HAVE a persistent or acute disability or a grave
5 disability for outpatient treatment, the medical director shall give notice
6 to the court that ordered the patient to undergo treatment. If criminal
7 charges against a patient involving death or serious physical injury or a
8 violation of title 13, chapter 14 are dismissed pursuant to section 13-4517,
9 the medical director shall notify the prosecuting agency if a civil
10 commitment order issued pursuant to this chapter expires or is terminated, or
11 if the patient is discharged to outpatient treatment. The medical director
12 shall provide this notice by mail at least five days before the anticipated
13 date of the expiration, termination or discharge.

14 ~~F~~ G. The medical director shall require periodic reports concerning
15 the condition of patients on conditional outpatient treatment from any
16 person, agency or organization assigned to supervise an outpatient treatment
17 plan. The medical director shall require these reports at intervals not to
18 exceed thirty days.

19 ~~G~~ H. The medical director shall review the condition of a patient on
20 conditional outpatient treatment at least once every thirty days and enter
21 the findings in writing in the patient's file. In conducting the review, the
22 medical director shall consider all reports and information received and may
23 require the patient to report for further evaluation.

24 ~~H~~ I. The medical director may amend any part of the outpatient
25 treatment plan during the course of conditional outpatient treatment. If the
26 plan is amended, the medical director shall issue a new order including the
27 amended outpatient treatment plan. The new order and amended outpatient
28 treatment plan shall be filed in the patient's medical file. Copies of the
29 new order and outpatient treatment plan shall be immediately provided to the
30 patient and to any person, agency or organization assigned to supervise an
31 outpatient treatment plan. Copies of the new order and outpatient treatment

1 plan shall be immediately filed with the court AND, IF A PROSECUTOR FILED A
2 PETITION PURSUANT TO SECTION 13-4517, WITH THE PROSECUTING AGENCY.

3 ~~J.~~ J. The medical director may rescind an order for conditional
4 outpatient treatment and order the patient to return to a mental health
5 treatment agency at any time during the period of court ordered treatment if,
6 in the medical director's judgment, the patient has failed to comply with a
7 term of the outpatient treatment plan or if, for any reason, the medical
8 director determines that the patient needs inpatient treatment or that
9 conditional outpatient treatment is no longer appropriate. THE MEDICAL
10 DIRECTOR SHALL GIVE NOTICE TO THE COURT THAT ISSUED THE TREATMENT ORDER AND
11 THE PROSECUTING AGENCY IF A PROSECUTOR FILED A PETITION PURSUANT TO SECTION
12 13-4517.

13 ~~J.~~ K. If the medical director rescinds an order for conditional
14 outpatient treatment and the patient is returned to a mental health treatment
15 agency for inpatient treatment, the patient shall be informed of the
16 patient's right to judicial review and right to consult with counsel pursuant
17 to section 36-546.

18 ~~K.~~ L. If the medical director rescinds an order for conditional
19 outpatient treatment and orders the patient to return to a mental health
20 treatment agency, the medical director may request, OR A COURT MAY ORDER, a
21 peace officer or a designated officer or employee of the treatment agency to
22 take the patient into custody for immediate delivery to the agency pursuant
23 to section 36-544.

24 ~~L.~~ M. The medical director is not civilly liable for any act
25 committed by a patient while on conditional outpatient treatment if the
26 medical director has in good faith followed the requirements of this section.

27 ~~M.~~ N. This section does not prevent the medical director from
28 authorizing a patient ordered to undergo treatment pursuant to section 36-540
29 as a danger to self, OR a danger to others, OR a patient with a persistent
30 or acute disability or a grave disability to leave the treatment agency for
31 periods of no more than five days under the care, custody and control of a
32 spouse, relative or other responsible person if the medical director

1 determines that the patient will not become dangerous or suffer serious
2 physical harm or illness during that time.

3 ~~N.~~ 0. The medical director may authorize a patient who is civilly
4 committed pursuant to section 36-540 to leave the state hospital grounds
5 unaccompanied if the leave is part of an inpatient individualized treatment
6 and discharge plan and the medical director determines that the patient will
7 not become dangerous or suffer serious physical harm or illness during that
8 time.

9 Sec. 18. Section 36-541.01, Arizona Revised Statutes, is amended to
10 read:

11 36-541.01. Release or discharge from treatment before
12 expiration of period ordered by court; notification
13 of intent to release or discharge; hearing

14 A. A PATIENT WHO IS FOUND TO HAVE A GRAVE DISABILITY OR A PERSISTENT
15 OR ACUTE DISABILITY AND ORDERED TO UNDERGO TREATMENT PURSUANT TO THIS ARTICLE
16 MAY BE RELEASED FROM INPATIENT TREATMENT WHEN, IN THE OPINION OF THE MEDICAL
17 DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY, THE LEVEL OF CARE OFFERED BY
18 THE AGENCY IS NO LONGER REQUIRED. THE PATIENT MAY AGREE TO CONTINUE
19 TREATMENT VOLUNTARILY. IF THE PATIENT IS TO BE RELEASED, THE MEDICAL
20 DIRECTOR SHALL ARRANGE FOR AN APPROPRIATE ALTERNATIVE PLACEMENT. IF THE
21 PATIENT WHO IS TO BE RELEASED FROM INPATIENT TREATMENT IS UNDER A
22 GUARDIANSHIP, THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY
23 SHALL NOTIFY THE GUARDIAN AND ANY RELEVANT REGIONAL BEHAVIORAL HEALTH
24 AUTHORITY TEN DAYS BEFORE THE INTENDED RELEASE DATE THAT THE PATIENT NO
25 LONGER REQUIRES THE LEVEL OF CARE THAT IS OFFERED BY THE AGENCY. THE
26 GUARDIAN AND, IF RELEVANT, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL
27 ARRANGE ALTERNATIVE PLACEMENT WITH THE ADVICE AND RECOMMENDATIONS OF THE
28 MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY.

29 ~~A.~~ B. A patient who is ordered to undergo treatment pursuant to this
30 article may be released from treatment before the expiration of the period
31 ordered by the court if, in the opinion of the medical director of the mental
32 health treatment agency, the patient no longer is, as a result of a mental

1 disorder, a danger to others or a danger to self or no longer has a
2 persistent or acute disability or a grave disability. A person who is
3 ordered to undergo treatment as a danger to others OR WHO HAS HAD A PETITION
4 FILED BY A PROSECUTOR PURSUANT TO SECTION 13-4517 may not be released or
5 discharged from treatment before the expiration of the period for treatment
6 ordered by the court unless the medical director first gives notice of
7 intention to do so as provided by this section.

8 ~~B-~~ C. Before the release or discharge of a patient who is ordered to
9 undergo treatment, the medical director of the mental health treatment agency
10 shall notify the following of the medical director's intention to release or
11 discharge the patient:

12 1. The presiding judge of the court that entered the order for
13 treatment.

14 2. Any relative or victim of the patient who has filed a demand for
15 notice with the treatment agency.

16 3. Any person found by the court to have a legitimate reason for
17 receiving notice.

18 ~~G-~~ D. If ~~criminal charges against a patient involving death or~~
19 ~~serious physical injury or a violation of title 13, chapter 14 are dismissed~~
20 THE PATIENT IS UNDERGOING COURT ORDERED TREATMENT AS THE RESULT OF A PETITION
21 FILED BY A PROSECUTING AGENCY pursuant to section 13-4517, the medical
22 director shall notify the COURT AND THE prosecuting agency if a civil
23 commitment order issued pursuant to this chapter expires or is terminated, or
24 if the patient is discharged to outpatient treatment. The medical director
25 shall provide this notice by mail at least five days before the anticipated
26 date of the expiration, termination or discharge.

27 ~~D-~~ E. If the director of the mental health treatment agency is unable
28 to determine, based on the information submitted pursuant to subsection ~~E-~~ F
29 of this section, that a person who has filed a demand for notice is a victim,
30 the director shall inform that person that that person's demand for notice is
31 denied and that notice will not be given unless ordered by the court pursuant
32 to subsection ~~F-~~ G of this section.

1 ~~E~~. F. A demand for notice by a relative or victim, and a petition for
2 notice by other persons, shall be on a form prescribed by the administration
3 and shall include the following information:

4 1. The full name of the person to receive notice.

5 2. The address to which notice is to be mailed.

6 3. The telephone number of the person to receive notice.

7 4. The relationship to the patient, if any, or the reasons why the
8 person believes the person has a legitimate reason to receive notice.

9 5. A statement that the person will advise the treatment agency in
10 writing by certified mail, return receipt requested, of any change in the
11 address to which notice is to be mailed.

12 6. The full name of the patient ordered to undergo treatment as a
13 danger to others OR WHO HAS HAD A PETITION FILED BY A PROSECUTOR PURSUANT TO
14 SECTION 13-4517.

15 7. The mental health number assigned to the case by the superior
16 court.

17 ~~F~~. G. If the court receives a demand for notice by a relative or
18 victim, the court shall order the medical director of the mental health
19 treatment agency not to release or discharge the patient before the
20 expiration of the period of court-ordered treatment without first giving
21 notice to the relative or victim as provided in subsection ~~G~~- H of this
22 section. After considering a petition for notice, if the court finds that
23 the petitioner has a legitimate reason for receiving prior notice, the court
24 may order the medical director of the mental health treatment agency not to
25 release or discharge the patient from inpatient treatment before the
26 expiration of the period of court-ordered treatment without first giving
27 notice to the petitioner as provided in subsection ~~G~~- H of this section. Any
28 order for notice shall be delivered to the mental health treatment agency and
29 shall be filed with the patient's clinical record. If the patient is
30 transferred to another agency or institution, any orders for notice shall be
31 transferred with the patient.

1 ~~G~~ H. A notice of intention to release or discharge shall include the
2 following information:

3 1. The name of the patient to be released or discharged.

4 2. The type of release or discharge.

5 3. The date of anticipated release or discharge. Notices shall be
6 placed in the mail, postage prepaid and addressed to the court and to each
7 person for whom notice has been ordered, at least ten days before the date of
8 intended release or discharge, except that notice shall be sent to the
9 prosecuting agency at least five days before the date of intended release or
10 discharge. For purposes of computing the notice requirement, the day of
11 mailing shall not be counted.

12 ~~H~~ I. Any person for whom prior notice is required pursuant to this
13 section, or the court, may make a motion within the notification period that
14 requires the court to determine whether the standard for release of the
15 patient before the expiration of the period for court-ordered treatment has
16 been met. A determination that the standard for release has been met may be
17 made by the court based on a review of the record and any affidavits
18 submitted without further hearing. For good cause, the court may order an
19 evidentiary hearing. Whether or not a hearing is held, the court shall make
20 a determination at the earliest possible time but no longer than three weeks
21 after the anticipated date of release pursuant to subsection ~~G~~ H of this
22 section, and the patient shall be retained for the additional time required
23 for the court's determination. In making its determination the court may
24 order an independent examination of the patient. If a motion is not made,
25 the patient may be released in accordance with the terms set forth in the
26 notice without further court order. IF A HEARING IS HELD PURSUANT TO THIS
27 SUBSECTION, THE COURT SHALL ORDER THE MEDICAL DIRECTOR TO PROVIDE THE
28 PATIENT'S RECORDS, INCLUDING MEDICAL AND TREATMENT RECORDS, TO THE COURT AND
29 THE PROSECUTING AGENCY.

30 ~~I~~ J. If a motion has not been made pursuant to subsection ~~H~~ I of
31 this section, the patient may be released or discharged and the medical
32 director of the mental health treatment agency shall send to the court a

1 certificate that the patient is no longer a danger to others or a danger to
2 self or no longer has a persistent or acute disability or a grave disability
3 as the result of a mental disorder and therefore is released before the
4 expiration of the period ordered for treatment. The court shall enter an
5 order terminating the patient's court-ordered treatment.

6 ~~⌋~~ K. The medical director of the mental health treatment agency
7 shall not be held civilly liable for any acts committed by a patient who is
8 released before the expiration of the period of court-ordered treatment if
9 the medical director has in good faith followed the requirements of this
10 section.

11 Sec. 19. Section 36-542, Arizona Revised Statutes, is amended to read:

12 36-542. Discharge of patient at expiration of period ordered by
13 court; change to voluntary status; relief from civil
14 liability

15 A. A patient ordered by a court to undergo treatment pursuant to this
16 article shall be discharged from treatment at the expiration of the period of
17 treatment ordered unless one of the following occurs:

18 1. The person accepts voluntary treatment at the mental health
19 treatment agency.

20 2. Before the discharge date, a new petition is filed in the county in
21 which the patient is being treated. The proceedings shall then be governed
22 by this article. The costs of the proceedings shall be a charge against the
23 county in which the patient resided or was found prior to hospitalization.

24 3. AN APPLICATION FOR CONTINUED COURT ORDERED TREATMENT IS GRANTED
25 PURSUANT TO SECTION 36-543.

26 B. If a patient to be discharged is under guardianship, the medical
27 director of the mental health treatment agency shall notify the guardian ten
28 days before discharge.

29 C. IF A PATIENT TO BE DISCHARGED IS UNDERGOING COURT ORDERED TREATMENT
30 AS A RESULT OF A PETITION FILED BY A PROSECUTOR PURSUANT TO SECTION 13-4517
31 AND THE PATIENT IS BEING DISCHARGED BECAUSE THE MEDICAL DIRECTOR HAS DECIDED
32 NOT TO FILE A NEW PETITION FOR COURT ORDERED EVALUATION OR TREATMENT OR HAS

1 DECIDED NOT TO REQUEST THE COURT TO ORDER THAT THE PREVIOUS ORDER FOR
2 TREATMENT BE CONTINUED, THE PATIENT MAY NOT BE DISCHARGED OR RELEASED FROM
3 TREATMENT BEFORE THE PATIENT COMPLIES WITH THE PROVISIONS OF SECTION
4 36-541.01.

5 ~~E.~~ D. The medical director is not civilly liable for any acts
6 committed by a RELEASED OR discharged patient if the medical director has in
7 good faith followed the requirements of this article.

8 Sec. 20. Section 36-543, Arizona Revised Statutes, is amended to read:

9 36-543. Annual review of a patient with a grave disability or a
10 persistent or acute disability; notice; court order
11 for continued treatment; rules

12 ~~A. A patient who is found to have a grave disability or a persistent~~
13 ~~or acute disability and ordered to undergo treatment may be released from~~
14 ~~inpatient treatment when, in the opinion of the medical director of the~~
15 ~~mental health treatment agency, the level of care offered by the agency is no~~
16 ~~longer required. The patient may agree to continue treatment voluntarily.~~
17 ~~If the patient is to be released, the medical director shall arrange for an~~
18 ~~appropriate alternative placement.~~

19 ~~B. If a patient who is to be released from inpatient treatment is~~
20 ~~under guardianship, the medical director of the mental health treatment~~
21 ~~agency shall notify the guardian and any relevant regional behavioral health~~
22 ~~authority ten days before the intended release date that the ward no longer~~
23 ~~requires the level of care offered by the agency. The guardian and, if~~
24 ~~relevant, the regional behavioral health authority shall arrange alternative~~
25 ~~placement with the advice and recommendations of the medical director of the~~
26 ~~mental health treatment agency.~~

27 ~~C. The medical director of the mental health treatment agency is not~~
28 ~~civilly liable for any acts committed by the released patient if the medical~~
29 ~~director has in good faith complied with the requirements of this article.~~

30 ~~D.~~ A. Within ninety days before the expiration of a court order for
31 treatment, the medical director of the mental health treatment agency shall
32 conduct an annual review of a patient who has been found to have a grave

1 disability or a persistent or acute disability and is undergoing
2 court-ordered treatment to determine whether the continuation of
3 court-ordered treatment is appropriate and to assess the needs of the patient
4 for guardianship or conservatorship, or both. The annual review shall
5 consist of the mental health treatment and clinical records contained in the
6 patient's treatment file. The mental health treatment agency shall keep a
7 record of the annual review. If the medical director believes that a
8 continuation of court-ordered treatment is appropriate, the medical director
9 of the mental health treatment agency shall appoint one or more psychiatrists
10 to carry out a psychiatric examination of the patient. In any proceeding
11 conducted pursuant to this section, a patient has the right to have an
12 analysis of the patient's mental condition by an independent evaluation
13 pursuant to section 36-538.

14 ~~E~~ B. Each examiner participating in the psychiatric examination of
15 the patient shall submit a report to the medical director of the mental
16 health treatment agency that includes the following:

17 1. The examiner's opinions as to whether the patient continues to have
18 a grave disability or a persistent or acute disability as the result of a
19 mental disorder and be in need of continued court-ordered treatment. In
20 evaluating the patient's need for continued court-ordered treatment, the
21 examiner must consider, along with all other evidence, the patient's history
22 before and during the current period of court-ordered treatment, the
23 patient's compliance with recommended treatment and any other evidence
24 relevant to the patient's ability and willingness to follow recommended
25 treatment with or without a court order.

26 2. A statement as to whether suitable alternatives to court-ordered
27 treatment are available.

28 3. A statement as to whether voluntary treatment would be appropriate.

29 4. A review of the patient's status as to guardianship or
30 conservatorship, or both, the adequacy of existing protections of the patient
31 and the continued need for guardianship or conservatorship, or both. If the
32 examiner concludes that the patient's needs in these areas are not being

1 adequately met, the examiner's report shall recommend that the court order an
2 investigation into the patient's needs.

3 5. If the patient has an existing guardian who does not have the
4 mental health powers authorized pursuant to section 14-5312.01, a
5 recommendation as to whether the additional mental health powers authorized
6 by section 14-5312.01 should be imposed on the existing guardian and whether
7 the patient's needs can be adequately addressed by a guardian with mental
8 health powers without the need for a court order for treatment or whether the
9 court order for treatment should continue regardless of the additional mental
10 health powers imposed on the guardian.

11 6. The results of any physical examination conducted during the period
12 of court-ordered treatment if relevant to the psychiatric condition of the
13 patient.

14 ~~F.~~ C. After conducting the annual review as prescribed in this
15 section, if the medical director believes that continued court-ordered
16 treatment is necessary or appropriate, not later than thirty days before the
17 expiration of the court order for treatment, the medical director shall file
18 with the court an application for continued court-ordered treatment alleging
19 the basis for the application and shall file simultaneously with the
20 application any psychiatric examination conducted as part of the annual
21 review. If the patient is under guardianship, the medical director shall
22 mail a copy of the application to the patient's guardian.

23 ~~G.~~ D. If an application for continued court-ordered treatment is
24 filed, all of the following apply:

25 1. If the patient does not have an attorney, the court shall appoint
26 an attorney to represent the patient.

27 2. Within ten days after appointment, an attorney appointed pursuant
28 to this subsection, to the extent possible, shall fulfill the duties imposed
29 pursuant to section 36-537, review the medical director's report and the
30 patient's medical records, interview any physician who prepared a report on
31 the annual review and file a response requesting a hearing or submitting the
32 matter to the court for a ruling based on the record without a hearing.

1 3. If a hearing is not requested, the court shall rule on the
2 application or set the matter for hearing. If a hearing is requested, the
3 hearing shall be held within three weeks after the request for hearing is
4 filed. The hearing may be continued for good cause on motion of a party or
5 on the court's own motion, and the expiration of the current court order for
6 treatment may be extended until a ruling by the court on an application filed
7 pursuant to this subsection.

8 4. The patient's attorney must be present at all hearings and may
9 subpoena and cross-examine witnesses and present evidence. The patient has
10 the right to attend all hearings, but may choose not to attend a hearing.
11 The patient's attorney may waive the patient's presence after speaking with
12 the patient and confirming that the patient understands the right to be
13 present and does not desire to attend. If the patient is unable to be
14 present at the hearing for medical or psychiatric reasons and the hearing
15 cannot be conducted where the patient is being treated or confined, or the
16 patient cannot appear by another reasonably feasible means, the court shall
17 require clear and convincing evidence that the patient is unable to be
18 present at the hearing and on such a finding may proceed with the hearing in
19 the patient's absence.

20 5. The evidence presented by the applicant includes the testimony of
21 one or more witnesses acquainted with the patient during the period of
22 court-ordered treatment, which may be satisfied by a statement agreed on by
23 the parties, and the testimony of any physician who performed an annual
24 review of the patient, which may be satisfied by stipulating to the admission
25 of the examining physicians' written report prepared pursuant TO subsection
26 E- B of this section. The court may waive the need for the applicant to
27 present the testimony of witnesses acquainted with the patient as required by
28 this subsection, if it finds that the need for a continued court order for
29 treatment has been established by clear and convincing evidence from the
30 other testimony and evidence presented at the hearing.

31 6. At a hearing held pursuant to this subsection, the court, with
32 notice, may impose on an existing guardian additional powers pursuant to

1 section 14-5312.01. If the court finds that the patient's needs can be
2 adequately met by an existing guardian with the additional powers pursuant to
3 section 14-5312.01 and that a court order for treatment is not necessary to
4 ensure compliance with necessary treatment, the court may terminate the court
5 order for treatment or decline to issue an order continuing court-ordered
6 treatment. The court may also order an investigation into the need for
7 guardianship or conservatorship, or both, and may appoint a suitable person
8 or agency to conduct the investigation. The appointee may include a
9 court-appointed guardian ad litem, a court-appointed investigator pursuant to
10 section 14-5308 or the public fiduciary if there is no person willing and
11 qualified to act in that capacity. The court shall give notice of the
12 appointment to the appointee within three days after the appointment. The
13 appointee shall submit the report of the investigation to the court within
14 twenty-one days. The report shall include recommendations as to who should
15 be guardian or conservator, or both, and the findings and reasons for the
16 recommendation. If the investigation and report so indicate, the court may
17 authorize an appropriate person to file a petition for appointment of a
18 guardian or conservator for the patient.

19 ~~H~~. E. If a hearing is held pursuant to subsection ~~G~~- D of this
20 section, the party seeking the renewal of the court order must prove all of
21 the following by clear and convincing evidence:

22 1. The patient continues to have a mental disorder and, as a result of
23 that disorder, has either a persistent or acute disability or a grave
24 disability.

25 2. The patient is in need of continued court-ordered treatment.

26 3. The patient is either unwilling or unable to accept treatment
27 voluntarily.

28 ~~I~~. F. After a hearing held pursuant to subsection ~~G~~- D of this
29 section, the court may order the patient to be released from court-ordered
30 treatment or to undergo continued court-ordered treatment for a period not to
31 exceed the time periods prescribed in section 36-540, subsection D.

1 C. IF CONFIRMED IN A COURT ORDER THAT IS ISSUED PURSUANT TO THIS
2 SECTION, the period of court-ordered treatment ceases to run during the
3 unauthorized absence of the patient ~~from the jurisdiction or from any~~
4 ~~required supervision~~ and resumes running only on the patient's voluntary or
5 involuntary return to the treatment agency. THE COURT SHALL CONFIRM THE
6 TOLLING AND THE RESUMPTION OF THE RUNNING OF THE PERIOD OF COURT-ORDERED
7 TREATMENT IN AN ORDER ISSUED BY THE COURT AFTER A PETITION IS FILED BY THE
8 TREATMENT AGENCY. NOTICE OF THE PETITION AND THE OPPORTUNITY TO APPEAR SHALL
9 BE PROVIDED TO THE PATIENT BY REGULAR MAIL AT THE PATIENT'S LAST KNOWN
10 ADDRESS. IF THE PATIENT IS UNDERGOING TREATMENT AS A RESULT OF A REMAND
11 PURSUANT TO SECTION 13-4517, NOTICE OF THE PETITION SHALL BE PROVIDED TO THE
12 PROSECUTING AGENCY.

13 ~~D. A patient who remains on unauthorized absence status continuously~~
14 ~~for at least ninety days may petition the court on his return to the~~
15 ~~treatment agency for a hearing to determine his current mental status and his~~
16 ~~present need for treatment. The court shall order a hearing if requested by~~
17 ~~the patient, his legal guardian or an interested party. The hearing shall be~~
18 ~~held within seventy-two hours after the request.~~

19 ~~E. Subsections C and D of this section shall apply only to inpatient~~
20 ~~treatment pursuant to section 36-540, subsection A, paragraphs 2 and 3.~~

21 D. A PATIENT WHOSE PERIOD OF COURT ORDERED TREATMENT IS TOLLED FOR A
22 PERIOD OF AT LEAST SIXTY CONTINUOUS DAYS MAY REQUEST A JUDICIAL REVIEW
23 PURSUANT TO SECTION 36-546 ON THE PATIENT'S VOLUNTARY OR INVOLUNTARY RETURN
24 TO TREATMENT. DURING THE PERIOD TOLLED BY A COURT ORDER ISSUED PURSUANT TO
25 THIS SECTION, THE TREATMENT AGENCY SHALL MAKE ACTIVE AND DILIGENT EFFORTS TO
26 FIND AND RETURN THE PATIENT TO APPROPRIATE TREATMENT AND AT LEAST ONCE EVERY
27 SIXTY DAYS, OR AS OFTEN AS OTHERWISE ORDERED BY THE COURT, SHALL FILE A
28 REPORT OF THE AGENCY'S EFFORTS WITH THE COURT. AFTER THE PERIOD OF TREATMENT
29 IS TOLLED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS, IF THE COURT IS SATISFIED
30 THAT THE AGENCY HAS MADE ACTIVE AND DILIGENT EFFORTS TO FIND AND RETURN THE
31 PATIENT TO APPROPRIATE TREATMENT, ON PETITION OF THE TREATMENT AGENCY, THE
32 COURT MAY TERMINATE THE ORDER FOR TREATMENT OR MAY ORDER THE TREATMENT AGENCY

1 TO MAKE FURTHER SPECIFIC EFFORTS TO FIND AND RETURN THE PATIENT TO
2 APPROPRIATE TREATMENT. THE TREATMENT AGENCY SHALL PROVIDE NOTICE TO THE
3 PROSECUTING AGENCY OF THE PETITION TO TERMINATE TREATMENT.

4 E. THE PERIOD OF TREATMENT UNDER A COURT ORDER MAY NOT BE TOLLED FOR
5 MORE THAN THREE HUNDRED SIXTY-FIVE DAYS.

6 F. IF THE TREATMENT AGENCY HAS IN GOOD FAITH FOLLOWED THE REQUIREMENTS
7 OF THIS SECTION, THE TREATMENT AGENCY IS NOT LIABLE IN A CIVIL ACTION FOR
8 DAMAGES THAT RESULT FROM THE ACTIONS OF A PATIENT DURING ANY PERIOD OF
9 TREATMENT TOLLED BY AN ORDER ISSUED PURSUANT TO THIS SECTION.

10 G. FOR THE PURPOSE OF THIS SECTION, "ABSENT WITHOUT PROPER
11 AUTHORIZATION" OR "UNAUTHORIZED ABSENCE" INCLUDES BEING ABSENT FROM AN
12 INPATIENT TREATMENT FACILITY WITHOUT AUTHORIZATION, NO LONGER LIVING IN A
13 PLACEMENT OR RESIDENCE SPECIFIED BY THE TREATMENT PLAN WITHOUT AUTHORIZATION
14 AND LEAVING OR FAILING TO RETURN TO THE COUNTY OR STATE WITHOUT
15 AUTHORIZATION.

16 Sec. 22. Section 36-546, Arizona Revised Statutes, is amended to read:

17 36-546. Judicial review; right to be informed; request;
18 jurisdiction

19 A. In addition to the procedure for applying for a writ of habeas
20 corpus, as provided in title 13, chapter 38, article 26, a patient receiving
21 court-ordered treatment or any person acting on the patient's behalf may
22 request the patient's release pursuant to the following:

23 1. A request in writing may be presented to any member of the
24 treatment staff of the agency providing the patient's treatment. The request
25 may be made on a prescribed form that shall be prepared by the facility and
26 made available for use by any person. The completed form shall identify:

27 (a) The patient being treated and the agency at which the patient is
28 being treated.

29 (b) The person to whom the request for release was made.

30 (c) The person making the request for release, indicating whether the
31 person is the patient being treated or someone acting on the person's behalf.

1 2. The request, when signed and dated by the person making the request
2 for release, shall be delivered to the medical director of the agency.
3 Within three days of receipt of the request, the medical director shall
4 deliver the form, along with a current psychiatric report of the patient's
5 condition, to the clerk of the court. If the person presenting the request
6 refuses to sign the form, the medical director of the agency shall proceed as
7 if the form had been signed and shall note on the form the circumstances as
8 to why the form was not signed.

9 B. The patient shall be informed of the patient's right to judicial
10 review by the medical director of the agency and the patient's right to
11 consult with counsel at least once each sixty days while the patient is
12 undergoing court-ordered treatment. The notification required by this
13 subsection shall be recorded in the clinical record of the patient by the
14 individual who gave the notice.

15 C. With the exception of requests made pursuant to section 36-540,
16 subsection E, paragraphs ~~4~~ 6 and ~~5~~ 7 and section 36-540.01, subsection ~~J~~ K
17 for judicial review, a request for judicial review may not be made sooner
18 than sixty days after the issuance of the order for treatment or a hearing on
19 a previous petition for habeas corpus or the issuance of the court order or
20 other final resolution determining a previous request for judicial review by
21 the patient.

22 D. Judicial review shall be in the superior court in the county in
23 which the patient is being treated. That court may review the additional
24 material presented and enter its order without necessity of further hearing.

25 E. The reviewing court may order a further hearing on the affidavit of
26 the attorney for the patient setting forth the need for further evidentiary
27 hearing and the reasons why the hearing is necessary before the time set for
28 the release of the patient.

29 F. The patient shall be informed of the patient's right to consult an
30 attorney by the person or court to whom the patient makes the request for
31 release at the time the patient makes the request and, in the case of
32 confinement in an agency, by the reviewing court within one day of its

1 receipt of notice from the medical director of the agency where the patient
2 is being treated. The patient shall be permitted to consult an attorney to
3 assist in preparation of a petition for the writ of habeas corpus and to
4 represent the patient in the hearing. If the patient is not represented by
5 an attorney, the reviewing court, within two days of its notice to the
6 patient of the patient's right to counsel, shall appoint an attorney to
7 assist the patient in the preparation of a petition and to represent the
8 patient in the hearing.

9 G. The medical director of the mental health treatment agency, at
10 least twenty-four hours before the hearing, shall provide the patient's
11 attorney with a copy of the patient's medical records.

12 H. The patient's attorney shall fulfill all of the following minimal
13 duties:

14 1. Within twenty-four hours of appointment, conduct an interview with
15 the patient.

16 2. At least twenty-four hours before the hearing, interview the
17 patient's treatment physician or psychiatric and mental health nurse
18 practitioner if available.

19 3. Before the hearing, examine the clinical record of the patient.

20 4. Before the hearing, examine the patient's court records as to the
21 patient's involuntary treatment.

22 I. An attorney who does not fulfill the duties prescribed by
23 subsection H of this section is subject to contempt of court.

24 Sec. 23. Section 36-3701, Arizona Revised Statutes, is amended to
25 read:

26 36-3701. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Agency" means any agency that is authorized to direct the release
29 of a person who is serving a sentence or term of confinement or who is
30 receiving treatment, including a state or federal prison, a county jail and
31 the Arizona state hospital OR OTHER MENTAL HEALTH TREATMENT AGENCY.

32 2. "Competent professional" means a person who is:

1 (a) Familiar with the state's sexually violent persons statutes and
2 sexual offender treatment programs available in this state.

3 (b) Approved by the superior court as meeting court approved
4 guidelines.

5 3. "Conviction" includes a finding of guilt at any time for a sexually
6 violent offense or an order of the juvenile court adjudicating the person
7 delinquent for any sexually violent offense.

8 4. "Less restrictive alternative" means court ordered treatment in a
9 setting that is less restrictive than total confinement and that is conducted
10 in a setting approved by the superintendent of the state hospital.

11 5. "Mental disorder" means a paraphilia, personality disorder or
12 conduct disorder or any combination of paraphilia, personality disorder and
13 conduct disorder that predisposes a person to commit sexual acts to such a
14 degree as to render the person a danger to the health and safety of others.

15 6. "Sexually violent offense" means any of the following:

16 (a) Indecent exposure to a person who is under fifteen years of age
17 pursuant to section 13-1402, public sexual indecency to a minor pursuant to
18 section 13-1403, sexual conduct with a minor pursuant to section 13-1405,
19 sexual assault pursuant to section 13-1406, molestation of a child pursuant
20 to section 13-1410, continuous sexual abuse of a child pursuant to section
21 13-1417 or sexual assault of a spouse if the offense was committed before
22 August 12, 2005.

23 (b) Second degree murder pursuant to section 13-1104, first degree
24 murder pursuant to section 13-1105, assault pursuant to section 13-1203,
25 aggravated assault pursuant to section 13-1204, unlawful imprisonment
26 pursuant to section 13-1303, kidnapping pursuant to section 13-1304 or
27 burglary in the first degree pursuant to section 13-1508 if the court at the
28 time of sentencing or civil commitment proceedings determines beyond a
29 reasonable doubt that the act was sexually motivated pursuant to section
30 13-118.

31 (c) An attempt, a solicitation, a facilitation or a conspiracy to
32 commit an offense listed in subdivision (a) or (b) of this paragraph.

1 (d) An act committed in another jurisdiction that if committed in this
2 state would be a sexually violent offense listed in subdivision (a), (b) or
3 (c) of this paragraph.

4 (e) A conviction for a felony offense that was in effect before
5 September 1, 1978 and that if committed on or after September 1, 1978 would
6 be comparable to a sexually violent offense listed in subdivision (a) or (b)
7 of this paragraph.

8 7. "Sexually violent person" means a person to whom both of the
9 following apply:

10 (a) Has ever been convicted of or found guilty but insane of a
11 sexually violent offense or was charged with a sexually violent offense and
12 was determined incompetent to stand trial.

13 (b) Has a mental disorder that makes the person likely to engage in
14 acts of sexual violence.

15 Sec. 24. Title 36, Arizona Revised Statutes, is amended by adding
16 chapter 40, to read:

17 CHAPTER 40

18 DANGEROUS AND INCOMPETENT PERSONS

19 ARTICLE 1. GENERAL PROVISIONS

20 36-4001. Definitions

21 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 1. "COMPETENT PROFESSIONAL" MEANS A PERSON WHO IS:

23 (a) FAMILIAR WITH THIS STATE'S CRIMINAL AND INVOLUNTARY COMMITMENT
24 STANDARDS AND STATUTES FOR PERSONS WITH A MENTAL ILLNESS, DEFECT OR
25 DISABILITY THAT ARE AVAILABLE IN THIS STATE.

26 (b) APPROVED BY THE SUPERIOR COURT AS MEETING COURT APPROVED
27 GUIDELINES.

28 2. "DANGEROUS INCOMPETENT" MEANS A PERSON WHO HAS BEEN DETERMINED TO
29 BE INCOMPETENT AND NONRESTORABLE AND DANGEROUS PURSUANT TO TITLE 13,
30 CHAPTER 41.

1 3. "LESS RESTRICTIVE ALTERNATIVE" MEANS COURT ORDERED TREATMENT IN A
2 SETTING THAT IS LESS RESTRICTIVE THAN TOTAL CONFINEMENT AND THAT IS CONDUCTED
3 IN A SETTING APPROVED BY THE SUPERINTENDENT OF THE STATE HOSPITAL.

4 4. "MENTAL ILLNESS, DEFECT OR DISABILITY" MEANS A PSYCHIATRIC OR
5 NEUROLOGICAL DISORDER THAT IS EVIDENCED BY BEHAVIORAL OR EMOTIONAL SYMPTOMS,
6 INCLUDING CONGENITAL MENTAL CONDITIONS, CONDITIONS RESULTING FROM INJURY OR
7 DISEASE AND DEVELOPMENTAL DISABILITIES AS DEFINED IN SECTION 36-551.

8 36-4002. Annual examination of committed persons; report

9 A. THE PSYCHIATRIST, PSYCHOLOGIST OR OTHER COMPETENT PROFESSIONAL OF
10 THE STATE HOSPITAL OR A LICENSED FACILITY UNDER THE SUPERVISION OF THE
11 ARIZONA STATE HOSPITAL SHALL ANNUALLY EXAMINE EACH PERSON WHO IS COMMITTED
12 PURSUANT TO SECTION 13-4518. THE PERSON WHO CONDUCTS THE ANNUAL EXAMINATION
13 SHALL SUBMIT THE EXAMINATION REPORT TO THE COURT. THE ANNUAL REPORT SHALL
14 STATE THE TREATMENT AND EDUCATION THAT THE PERSON HAS RECEIVED, A PROGNOSIS
15 FOR THE PERSON'S RESTORATION TO COMPETENCY AND WHETHER THE PERSON REMAINS
16 DANGEROUS.

17 B. IF THE PSYCHIATRIST, PSYCHOLOGIST OR OTHER COMPETENT PROFESSIONAL
18 SUBMITS A REPORT INDICATING THAT THE PERSON IS COMPETENT TO STAND TRIAL OR IS
19 NO LONGER DANGEROUS THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER THE
20 PERSON IS COMPETENT OR IS NO LONGER DANGEROUS.

21 C. IF THE PSYCHIATRIST, PSYCHOLOGIST OR OTHER COMPETENT PROFESSIONAL
22 SUBMITS A REPORT THAT THE PERSON IS NO LONGER DANGEROUS IN WHOLE OR IN PART
23 BECAUSE OF MEDICATION THAT THE PERSON IS TAKING, THE REPORT SHALL STATE
24 WHETHER THE DEFENDANT WILL CONTINUE TO TAKE THAT MEDICATION IF RELEASED TO A
25 LESS RESTRICTIVE ALTERNATIVE AND WOULD COMPLY WITH ALL OTHER CONDITIONS OF A
26 LESS RESTRICTIVE ALTERNATIVE.

27 D. THE COURT SHALL HOLD THE HEARING WITHIN FORTY-FIVE DAYS AFTER
28 RECEIVING THE REPORT. THE COURT MAY CONTINUE THE HEARING ON THE REQUEST OF
29 EITHER PARTY AND A SHOWING OF GOOD CAUSE OR ON ITS OWN MOTION IF THE PERSON
30 WILL NOT BE SUBSTANTIALLY PREJUDICED. THE PROSECUTING AGENCY SHALL REPRESENT
31 THE STATE AT THE HEARING AND MAY REQUEST THAT THE PERSON BE EXAMINED BY A
32 COMPETENT PROFESSIONAL SELECTED BY THE PROSECUTING AGENCY. THE ATTORNEY FOR

1 THE STATE HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE
2 PERSON'S MENTAL ILLNESS, DEFECT OR DISABILITY HAS NOT CHANGED AND THAT THE
3 PERSON REMAINS DANGEROUS OR THAT THE PERSON IS COMPETENT TO STAND TRIAL.

4 E. A RETAINED OR APPOINTED COMPETENT PROFESSIONAL SHALL HAVE ACCESS TO
5 ALL RECORDS CONCERNING THE PERSON. ALL COMPETENT PROFESSIONALS SHALL HAVE
6 EQUAL ACCESS TO THE PERSON AS WELL AS ALL RECORDS CONCERNING THE PERSON.

7 F. THIS SECTION DOES NOT PRECLUDE THE PERSON FROM PETITIONING THE
8 COURT FOR CONDITIONAL RELEASE TO A LESS RESTRICTIVE ALTERNATIVE OR
9 UNCONDITIONAL DISCHARGE FROM TREATMENT PURSUANT TO SECTION 36-4004.

10 36-4003. Disposition

11 AFTER A HEARING PURSUANT TO SECTION 36-4002 OR 36-4004, IF THE COURT
12 FINDS THAT:

13 1. THE PERSON HAS BEEN RESTORED TO COMPETENCY, THE COURT SHALL ORDER
14 THAT THE CRIMINAL PROCEEDINGS RESUME.

15 2. THE PERSON HAS NOT BEEN RESTORED TO COMPETENCY AND:

16 (a) THE PERSON IS NOT DANGEROUS, THE COURT SHALL RELEASE THE PERSON
17 FROM TREATMENT AND PROCEED PURSUANT TO SECTION 13-4517, PARAGRAPH 1, 2 OR 3.

18 (b) THE PERSON IS NOT DANGEROUS IN WHOLE OR IN PART BECAUSE OF THE
19 HABILITATION OR TREATMENT THAT THE PATIENT IS RECEIVING, INCLUDING THE TAKING
20 OF MEDICATION, THE COURT MAY RELEASE THE PERSON TO A LESS RESTRICTIVE
21 ALTERNATIVE PURSUANT TO SECTIONS 36-4005 AND 36-4006.

22 (c) THE PERSON IS DANGEROUS, THE PERSON SHALL REMAIN COMMITTED FOR
23 EDUCATION, CARE, SUPERVISION AND TREATMENT TO RENDER THE PERSON COMPETENT OR
24 NONDANGEROUS.

25 36-4004. Petition for change of status; procedures

26 A. IF THE SUPERINTENDENT OF THE STATE HOSPITAL OR THE DIRECTOR OF THE
27 DEPARTMENT OF HEALTH SERVICES DETERMINES THAT THE PERSON'S MENTAL ILLNESS,
28 DEFECT OR DISABILITY HAS SO CHANGED THAT THE PERSON IS NO LONGER DANGEROUS IF
29 CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE, THE SUPERINTENDENT
30 OR DIRECTOR SHALL ALLOW THE PERSON TO PETITION THE COURT FOR CONDITIONAL
31 RELEASE TO A LESS RESTRICTIVE ALTERNATIVE. THE PERSON SHALL SERVE THE
32 PETITION ON THE COURT AND THE ATTORNEY FOR THE STATE. THE COURT SHALL HOLD A

1 HEARING ON THE PETITION FOR CONDITIONAL RELEASE TO A LESS RESTRICTIVE
2 ALTERNATIVE WITHIN FORTY-FIVE DAYS AFTER RECEIVING THE PETITION. THE COURT
3 MAY CONTINUE THE HEARING ON THE REQUEST OF EITHER PARTY AND A SHOWING OF GOOD
4 CAUSE OR ON ITS OWN MOTION IF THE PERSON WILL NOT BE SUBSTANTIALLY
5 PREJUDICED. THE PROSECUTING AGENCY SHALL REPRESENT THE STATE AT THE HEARING
6 AND MAY REQUEST THAT THE PERSON BE EXAMINED BY A COMPETENT PROFESSIONAL
7 SELECTED BY THE PROSECUTING AGENCY.

8 B. THE ATTORNEY FOR THE STATE HAS THE BURDEN OF PROVING BY CLEAR AND
9 CONVINCING EVIDENCE THAT THE PERSON'S MENTAL ILLNESS, DEFECT OR DISABILITY
10 HAS NOT CHANGED AND THAT THE PERSON REMAINS DANGEROUS IF CONDITIONALLY
11 RELEASED TO A LESS RESTRICTIVE ALTERNATIVE OR UNCONDITIONALLY DISCHARGED.

12 C. THIS SECTION DOES NOT PROHIBIT THE COMMITTED PERSON FROM ANNUALLY
13 PETITIONING THE COURT FOR CONDITIONAL RELEASE TO A LESS RESTRICTIVE
14 ALTERNATIVE WITHOUT THE APPROVAL OF THE SUPERINTENDENT OF THE STATE HOSPITAL
15 OR THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES. THE DIRECTOR OF THE
16 DEPARTMENT OF HEALTH SERVICES SHALL PROVIDE AN ANNUAL WRITTEN NOTICE TO THE
17 COMMITTED PERSON OF THE PERSON'S RIGHT TO PETITION THE COURT FOR CONDITIONAL
18 RELEASE TO A LESS RESTRICTIVE ALTERNATIVE WITHOUT THE APPROVAL OF THE
19 SUPERINTENDENT OR DIRECTOR. THE NOTICE MUST CONTAIN A WAIVER OF RIGHTS. THE
20 DIRECTOR SHALL SUBMIT THE NOTICE AND WAIVER TO THE COURT WITH THE ANNUAL
21 EXAMINATION REPORT.

22 D. THE COMMITTED PERSON MAY BE PRESENT AT THE HEARING. THE
23 PROSECUTING AGENCY MAY REQUEST THAT THE PERSON BE EXAMINED BY A COMPETENT
24 PROFESSIONAL SELECTED BY THE PROSECUTING AGENCY. THE COMMITTED PERSON MAY
25 RETAIN AND THE COURT, ON REQUEST OF AN INDIGENT PERSON, MAY APPOINT A
26 COMPETENT PROFESSIONAL. THE ATTORNEY FOR THE STATE HAS THE BURDEN OF PROVING
27 BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON'S MENTAL ILLNESS, DEFECT OR
28 DISABILITY HAS NOT CHANGED AND THAT THE PERSON REMAINS DANGEROUS IF
29 CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE. IF THE STATE DOES
30 NOT MEET ITS BURDEN OF PROOF, THE PERSON SHALL BE DISCHARGED FROM TREATMENT.

31 E. AT THE CONCLUSION OF A HEARING, IF THE COURT FINDS THAT THERE IS NO
32 LEGALLY SUFFICIENT EVIDENTIARY BASIS TO CONCLUDE THAT THE CONDITIONS

1 PRESCRIBED IN SECTION 36-4006 HAVE BEEN MET, THE COURT SHALL GRANT THE
2 STATE'S MOTION FOR A JUDGMENT ON THE ISSUE OF CONDITIONAL RELEASE TO A LESS
3 RESTRICTIVE ALTERNATIVE.

4 36-4005. Conditional release to a less restrictive alternative;
5 conditions; reports; review

6 A. IF THE COURT DETERMINES THAT CONDITIONAL RELEASE TO A LESS
7 RESTRICTIVE ALTERNATIVE IS IN THE BEST INTEREST OF THE PERSON AND WILL
8 ADEQUATELY PROTECT THE COMMUNITY AND THE COURT DETERMINES THAT THE MINIMUM
9 CONDITIONS UNDER SECTION 36-4006 ARE MET, THE COURT SHALL ENTER JUDGMENT AND
10 ORDER THE PERSON'S CONDITIONAL RELEASE TO A LESS RESTRICTIVE ALTERNATIVE.

11 B. IF THE COURT CONCLUDES THAT THE ONLY REASON THE PERSON DOES NOT
12 MEET THE STANDARD FOR CONTINUED COMMITMENT IS THE EFFECT OF TREATMENT OR
13 HABILITATION BEING RECEIVED, THE COURT MAY DENY THE REQUEST FOR CONDITIONAL
14 RELEASE TO A LESS RESTRICTIVE ALTERNATIVE UNLESS THE COURT FINDS BY A
15 PREPONDERANCE OF THE EVIDENCE THAT THE PERSON WILL CONTINUE TO RECEIVE SUCH
16 TREATMENT AND HABILITATION FOLLOWING RELEASE FOR AS LONG AS THE TREATMENT AND
17 HABILITATION IS REQUIRED. IF THE COURT FINDS THAT THE PERSON WILL CONTINUE
18 TO RECEIVE THE NEEDED TREATMENT OR HABILITATION, IT MAY ORDER THE PERSON TO
19 BE CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE ON THE CONDITION
20 THAT THE PERSON CONTINUE TO RECEIVE SUCH TREATMENT OR HABILITATION. IF THE
21 PERSON FAILS TO RECEIVE THE TREATMENT OR HABILITATION ORDERED, THE COURT MAY
22 REVOKE THE CONDITIONAL RELEASE.

23 C. THE COURT MAY IMPOSE ANY ADDITIONAL CONDITIONS ON THE PERSON THAT
24 THE COURT DETERMINES ARE NECESSARY TO ENSURE THE PERSON'S COMPLIANCE WITH
25 TREATMENT AND TO PROTECT THE COMMUNITY. IF THE COURT FINDS THAT CONDITIONS
26 DO NOT EXIST THAT WILL BOTH ENSURE THE PERSON'S COMPLIANCE WITH TREATMENT AND
27 PROTECT THE COMMUNITY, THE COURT SHALL REMAND THE PERSON TO THE CUSTODY OF
28 THE SUPERINTENDENT OF THE STATE HOSPITAL FOR CARE, SUPERVISION OR TREATMENT
29 IN A LICENSED FACILITY THAT IS UNDER THE SUPERVISION OF THE SUPERINTENDENT.

30 D. IF THE PROVIDER THAT IS DESIGNATED TO PROVIDE INPATIENT OR
31 OUTPATIENT TREATMENT OR TO MONITOR OR SUPERVISE ANY OTHER TERMS AND
32 CONDITIONS OF A PERSON'S PLACEMENT IN A LESS RESTRICTIVE ALTERNATIVE IS NOT

1 THE STATE HOSPITAL, THE PROVIDER SHALL AGREE IN WRITING TO PROVIDE THE
2 TREATMENT.

3 E. BEFORE THE COURT AUTHORIZES A PERSON'S CONDITIONAL RELEASE TO A
4 LESS RESTRICTIVE ALTERNATIVE, THE COURT SHALL IMPOSE ANY CONDITIONS ON THE
5 PERSON THAT THE COURT DETERMINES ARE NECESSARY TO ENSURE THE SAFETY OF THE
6 COMMUNITY. THE CONDITIONS SHALL INCLUDE THAT BEFORE A RELEASE TO A LESS
7 RESTRICTIVE ALTERNATIVE, A PERSON SHALL BE REQUIRED TO SUBMIT TO NINETY DAYS
8 OF INPATIENT EVALUATION AT THE ARIZONA STATE HOSPITAL. AT THE DISCRETION OF
9 THE SUPERINTENDENT OF THE STATE HOSPITAL, THE DURATION OF THE EVALUATION
10 PERIOD MAY BE LESS THAN NINETY DAYS. THE COURT SHALL ORDER THE
11 SUPERINTENDENT OF THE STATE HOSPITAL TO INVESTIGATE THE LESS RESTRICTIVE
12 ALTERNATIVE AND TO SUBMIT ADDITIONAL CONDITIONS TO THE COURT. THE COURT
13 SHALL GIVE A COPY OF THE CONDITIONS OF RELEASE TO THE PERSON AND TO ANY
14 DESIGNATED SERVICE PROVIDER. OTHER CONDITIONS MAY INCLUDE ANY OF THE
15 FOLLOWING:

- 16 1. SPECIFICATION OF A RESIDENCE.
- 17 2. COMPLIANCE WITH ANY MEDICATIONS PRESCRIBED AND ANY TESTING OR
18 MONITORING REQUIRED.
- 19 3. PROHIBITION ON ANY CONTACT WITH POTENTIAL OR PAST VICTIMS OR OTHER
20 PERSONS AND PROHIBITION ON ASSOCIATING WITH OTHER PERSONS OR TYPES OF
21 PERSONS.
- 22 4. PROHIBITION ON THE USE OF ALCOHOL AND OTHER DRUGS.
- 23 5. SUPERVISION BY THE DEPARTMENT OF HEALTH SERVICES.
- 24 6. A REQUIREMENT THAT THE PERSON REMAIN IN THIS STATE UNLESS THE
25 PERSON RECEIVES PRIOR AUTHORIZATION FROM THE COURT.
- 26 7. COMPLIANCE WITH ANY SUPERVISION OR MONITORING OR REPORTING
27 REQUIRED.
- 28 8. OTHER CONDITIONS THAT THE COURT OR THE SUPERINTENDENT OF THE STATE
29 HOSPITAL DETERMINES ARE IN THE BEST INTEREST OF THE PERSON OR OTHERS.

30 F. FOLLOWING A DETERMINATION THAT A PERSON'S RELEASE TO A LESS
31 RESTRICTIVE ALTERNATIVE IS WARRANTED AND AFTER CONSIDERING THE RECOMMENDATION
32 REGARDING THE DURATION AND AMOUNT OF TREATMENT BY THE SUPERINTENDENT OF THE

1 STATE HOSPITAL, THE COURT SHALL REQUIRE AS A CONDITION OF RELEASE TO A LESS
2 RESTRICTIVE ALTERNATIVE THAT THE PERSON PARTICIPATE IN OUTPATIENT TREATMENT.
3 THE OUTPATIENT SUPERVISION AND TREATMENT MAY INCLUDE MONITORING A PERSON BY
4 USE OF AN ELECTRONIC BRACELET. THE TREATMENT SHALL CONTINUE UNTIL THE COURT
5 ORDERS A CHANGE IN THE PERSON'S TREATMENT REQUIREMENTS OR THE PERSON IS
6 DISCHARGED PURSUANT TO SECTION 36-4009.

7 G. EACH MONTH OR AS OTHERWISE DIRECTED BY THE COURT, EACH DESIGNATED
8 SERVICE PROVIDER SHALL SUBMIT A REPORT THAT STATES WHETHER THE PERSON IS
9 COMPLYING WITH THE TERMS AND CONDITIONS OF THE CONDITIONAL RELEASE TO A LESS
10 RESTRICTIVE ALTERNATIVE TO:

- 11 1. THE COURT.
- 12 2. THE FACILITY FROM WHICH THE PERSON WAS RELEASED.
- 13 3. THE COUNTY ATTORNEY IN THE COUNTY WHERE THE PERSON WAS FOUND TO BE
14 A DANGEROUS INCOMPETENT OR TO THE ATTORNEY GENERAL.

15 H. THE COURT SHALL REVIEW THE CASE OF EACH PERSON WHO IS CONDITIONALLY
16 RELEASED TO A LESS RESTRICTIVE ALTERNATIVE WITHIN ONE YEAR AFTER THE PERSON'S
17 RELEASE AND THEREAFTER ON MOTION OF EITHER PARTY OR THE SUPERINTENDENT OF THE
18 STATE HOSPITAL OR ON THE COURT'S OWN MOTION UNTIL THE PERSON IS DISCHARGED.
19 AT A CASE REVIEW, THE COURT SHALL DETERMINE ONLY IF THE PERSON SHALL CONTINUE
20 TO BE CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE. IN MAKING
21 ITS DETERMINATION, THE COURT SHALL CONSIDER THE PERIODIC REPORTS THAT ARE
22 SUBMITTED TO THE COURT PURSUANT TO SUBSECTION G OF THIS SECTION AND THE
23 OPINIONS OF THE SUPERINTENDENT OF THE STATE HOSPITAL AND ANY OTHER COMPETENT
24 PROFESSIONAL.

25 I. IF A PERSON IS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE
26 ALTERNATIVE, THE DEPARTMENT OF HEALTH SERVICES SHALL NOTIFY THE DEPARTMENT OF
27 PUBLIC SAFETY OF THE PERSON'S RELEASE SO THAT THE DEPARTMENT OF PUBLIC SAFETY
28 CAN COMMENCE ANY APPLICABLE NOTIFICATION PROCESS AS PROVIDED IN SECTION
29 13-3825.

30 36-4006. Conditional release to a less restrictive alternative;

31 findings

1 BEFORE THE COURT ORDERS THAT A PERSON BE CONDITIONALLY RELEASED TO A
2 LESS RESTRICTIVE ALTERNATIVE, THE COURT SHALL FIND THAT ALL OF THE FOLLOWING
3 APPLY:

4 1. THE PERSON WILL BE TREATED BY A PROVIDER WHO IS QUALIFIED TO
5 PROVIDE THE NECESSARY TREATMENT IN THIS STATE.

6 2. THE PROVIDER PRESENTS A SPECIFIC COURSE OF TREATMENT FOR THE
7 PERSON, AGREES TO ASSUME RESPONSIBILITY FOR THE PERSON'S TREATMENT, WILL
8 REPORT ON THE PERSON'S PROGRESS TO THE COURT ON A REGULAR BASIS AND WILL
9 REPORT ANY VIOLATIONS AS PRESCRIBED IN PARAGRAPHS 4 AND 5 OF THIS SUBSECTION
10 IMMEDIATELY TO THE COURT, THE ATTORNEY FOR THE STATE AND THE SUPERINTENDENT
11 OF THE STATE HOSPITAL.

12 3. THE PERSON WHO IS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE
13 ALTERNATIVE HAS HOUSING ARRANGEMENTS THAT ARE SUFFICIENTLY SECURE TO PROTECT
14 THE COMMUNITY AND THE PERSON OR AGENCY THAT IS PROVIDING THE HOUSING TO THE
15 CONDITIONALLY RELEASED PERSON AGREES IN WRITING TO THE FOLLOWING CONDITIONS:

16 (a) TO ACCEPT THE CONDITIONALLY RELEASED PERSON.

17 (b) TO PROVIDE THE LEVEL OF SECURITY THAT THE COURT REQUIRES.

18 (c) TO IMMEDIATELY REPORT THE UNAUTHORIZED ABSENCE OF THE
19 CONDITIONALLY RELEASED PERSON FROM THE HOUSING ARRANGEMENT TO WHICH THE
20 PERSON HAS BEEN ASSIGNED.

21 4. THE PERSON WILL COMPLY WITH THE PROVIDER AND ALL OF THE
22 REQUIREMENTS THAT ARE IMPOSED BY THE PROVIDER AND THE COURT.

23 5. THE PERSON WILL COMPLY WITH THE SUPERVISION REQUIREMENTS THAT ARE
24 IMPOSED BY THE DEPARTMENT OF HEALTH SERVICES.

25 36-4007. Detention and commitment requirements; definition

26 A. A PERSON WHO IS COMMITTED OR CONDITIONALLY RELEASED TO A LESS
27 RESTRICTIVE ALTERNATIVE PURSUANT TO THIS ARTICLE DOES NOT FORFEIT ANY LEGAL
28 RIGHT AND SHALL NOT SUFFER ANY LEGAL DISABILITY AS A CONSEQUENCE OF ANY
29 ACTIONS TAKEN OR ORDERS MADE EXCEPT AS SPECIFICALLY PROVIDED IN THIS ARTICLE.

30 B. A PERSON WHO IS COMMITTED OR CONDITIONALLY RELEASED TO A LESS
31 RESTRICTIVE ALTERNATIVE PURSUANT TO THIS ARTICLE SHALL RECEIVE CARE,
32 SUPERVISION OR TREATMENT. THE SUPERINTENDENT OF THE STATE HOSPITAL SHALL

1 KEEP RECORDS DETAILING ALL MEDICAL, EXPERT AND PROFESSIONAL CARE AND
2 TREATMENT THAT A COMMITTED PERSON RECEIVES AND SHALL KEEP COPIES OF ALL
3 REPORTS OF PERIODIC EXAMINATIONS THAT ARE MADE PURSUANT TO THIS ARTICLE.
4 THESE RECORDS AND REPORTS SHALL BE MADE AVAILABLE ON REQUEST ONLY TO ANY OF
5 THE FOLLOWING:

- 6 1. THE COMMITTED PERSON.
- 7 2. THE COMMITTED PERSON'S ATTORNEY.
- 8 3. THE COUNTY ATTORNEY OR THE ATTORNEY GENERAL.
- 9 4. THE COURT.

10 5. ON PROPER SHOWING, AN EXPERT OR PROFESSIONAL PERSON WHO
11 DEMONSTRATES A NEED FOR ACCESS TO THE RECORDS OR REPORTS.

12 6. ANY MENTAL HEALTH PROFESSIONAL DIRECTLY RESPONSIBLE OR ASSOCIATED
13 WITH THE MENTAL HEALTH PROFESSIONAL WHO IS DIRECTLY RESPONSIBLE FOR THE CARE,
14 CONTROL, ASSESSMENT OR TREATMENT OF THE COMMITTED PERSON.

15 C. AT THE TIME A PERSON IS DETAINED OR TRANSFERRED INTO A LICENSED
16 FACILITY PURSUANT TO THIS ARTICLE, THE PERSON IN CHARGE OF THE FACILITY OR
17 THE PERSON'S DESIGNEE SHALL TAKE REASONABLE PRECAUTIONS TO INVENTORY AND
18 SAFEGUARD THE PERSONAL PROPERTY OF THE DETAINED OR TRANSFERRED PERSON. THE
19 STAFF MEMBER WHO MAKES AN INVENTORY OF THE PERSON'S PERSONAL PROPERTY SHALL
20 GIVE A SIGNED COPY OF THAT INVENTORY TO THE PERSON. THE FACILITY SHALL ALLOW
21 A RESPONSIBLE RELATIVE TO INSPECT THE PROPERTY, SUBJECT TO ANY LIMITATIONS
22 THAT THE PERSON SPECIFICALLY IMPOSES. THE FACILITY SHALL NOT DISCLOSE THE
23 CONTENTS OF THE INVENTORY TO ANY OTHER PERSON WITHOUT THE CONSENT OF THE
24 PERSON OR A COURT ORDER.

25 D. THIS ARTICLE DOES NOT PROHIBIT A PERSON WHO IS COMMITTED OR
26 CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE FROM EXERCISING ANY
27 RIGHT THAT IS AVAILABLE FOR THE PURPOSE OF OBTAINING RELEASE FROM
28 CONFINEMENT, INCLUDING THE RIGHT TO PETITION FOR A WRIT OF HABEAS CORPUS.
29 THE COMMITTED PERSON MUST EXHAUST ALL DIRECT APPEAL AND POSTCOMMITMENT
30 PROCEDURES BEFORE EXERCISING THE COMMITTED PERSON'S RIGHT TO PETITION FOR A
31 WRIT OF HABEAS CORPUS.

1 E. A PERSON WHO IS INDIGENT MAY NOT BE CONDITIONALLY RELEASED TO A
2 LESS RESTRICTIVE ALTERNATIVE OR DISCHARGED WITHOUT SUITABLE CLOTHING. WHEN A
3 PERSON IS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE OR
4 DISCHARGED, THE SUPERINTENDENT OF THE STATE HOSPITAL SHALL FURNISH THE PERSON
5 WITH AN AMOUNT OF MONEY PURSUANT TO SECTION 31-228.

6 F. FOR THE PURPOSES OF THIS SECTION, "RESPONSIBLE RELATIVE" MEANS THE
7 SPOUSE, PARENT, ADULT CHILD OR ADULT SIBLING OF THE PERSON AND INCLUDES THE
8 GUARDIAN, CONSERVATOR OR ATTORNEY OF THE PERSON.

9 36-4008. Revocation of conditional release to a less
10 restrictive alternative; hearing

11 A. IF THE PETITIONER OR THE COURT BELIEVES THAT THE PERSON WHO IS
12 CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE IS NOT COMPLYING
13 WITH THE TERMS AND CONDITIONS OF RELEASE OR IS IN NEED OF ADDITIONAL CARE AND
14 TREATMENT, THE DESIGNATED SERVICE PROVIDER OR THE ATTORNEY FOR THE STATE MAY
15 PETITION THE COURT FOR, OR THE COURT ON ITS OWN MOTION MAY SCHEDULE, A
16 HEARING FOR THE PURPOSE OF REVOKING OR MODIFYING THE TERMS AND CONDITIONS OF
17 THE PERSON'S CONDITIONAL RELEASE. THE HEARING SHALL BE HELD WITHIN TEN DAYS
18 AFTER THE PETITION IS FILED.

19 B. IF THE ATTORNEY FOR THE STATE OR THE COURT REASONABLY BELIEVES THAT
20 A PERSON WHO IS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE IS
21 NOT COMPLYING WITH THE TERMS AND CONDITIONS OF THE PERSON'S CONDITIONAL
22 RELEASE, IS IN NEED OF ADDITIONAL CARE OR TREATMENT OR IF THE CIRCUMSTANCES
23 OF THE RELEASE HAVE CHANGED SO THAT THE COMMUNITY IS NO LONGER SAFE, THE
24 COURT OR THE DEPARTMENT OF HEALTH SERVICES MAY ORDER THAT THE CONDITIONALLY
25 RELEASED PERSON BE DETAINED AND TAKEN INTO CUSTODY UNTIL A HEARING CAN BE
26 SCHEDULED TO DETERMINE IF THE PERSON'S CONDITIONAL RELEASE SHOULD BE REVOKED
27 OR MODIFIED. THE COURT SHALL BE NOTIFIED BEFORE THE CLOSE OF THE NEXT
28 JUDICIAL DAY OF THE PERSON'S DETENTION. THE ATTORNEY FOR THE STATE AND THE
29 CONDITIONALLY RELEASED PERSON MAY REQUEST AN IMMEDIATE MENTAL EXAMINATION OF
30 THE PERSON. IF THE CONDITIONALLY RELEASED PERSON IS INDIGENT, THE COURT, ON
31 REQUEST, SHALL ASSIST THE PERSON IN OBTAINING A COMPETENT PROFESSIONAL TO
32 CONDUCT THE EXAMINATION.

1 C. WITHIN FIVE DAYS AFTER RECEIVING NOTICE OF THE PERSON'S DETENTION,
2 THE COURT SHALL SCHEDULE A HEARING. AT THE HEARING, THE COURT SHALL
3 DETERMINE IF THE STATE HAS PROVED BY A PREPONDERANCE OF THE EVIDENCE THAT THE
4 PERSON WHO IS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE DID
5 NOT COMPLY WITH THE TERMS AND CONDITIONS OF RELEASE, IS IN NEED OF ADDITIONAL
6 CARE OR TREATMENT OR IF THE CIRCUMSTANCES OF THE RELEASE HAVE CHANGED SO THAT
7 THE COMMUNITY IS NO LONGER SAFE AND IF THE PERSON SHOULD CONTINUE ON
8 CONDITIONAL RELEASE UNDER THE SAME OR MODIFIED CONDITIONS OR IF THE
9 CONDITIONAL RELEASE SHOULD BE REVOKED AND THE PERSON SHOULD BE COMMITTED TO
10 TOTAL CONFINEMENT, SUBJECT TO RELEASE ONLY UNDER THE PROVISIONS OF THIS
11 ARTICLE. THE COURT MAY ADMIT HEARSAY EVIDENCE IF THE COURT FINDS THAT THE
12 HEARSAY EVIDENCE IS OTHERWISE RELIABLE.

13 36-4009. Petition for discharge: procedures

14 A. IF THE SUPERINTENDENT OF THE STATE HOSPITAL OR THE DIRECTOR OF THE
15 DEPARTMENT OF HEALTH SERVICES DETERMINES THAT THE PERSON'S MENTAL ILLNESS,
16 DEFECT OR DISABILITY HAS SO CHANGED THAT THE PERSON IS NO LONGER DANGEROUS IF
17 DISCHARGED, THE SUPERINTENDENT OR DIRECTOR SHALL ALLOW THE PERSON TO PETITION
18 THE COURT FOR DISCHARGE. THE PERSON SHALL SERVE THE PETITION ON THE COURT
19 AND THE ATTORNEY FOR THE STATE. THE COURT SHALL HOLD A HEARING ON THE
20 PETITION FOR DISCHARGE WITHIN FORTY-FIVE DAYS AFTER RECEIVING THE PETITION.
21 THE COURT MAY CONTINUE THE HEARING ON THE REQUEST OF EITHER PARTY AND A
22 SHOWING OF GOOD CAUSE OR ON ITS OWN MOTION IF THE RESPONDENT WILL NOT BE
23 SUBSTANTIALLY PREJUDICED. THE PROSECUTING AGENCY SHALL REPRESENT THE STATE
24 AT THE HEARING AND MAY REQUEST THAT THE PETITIONER BE EXAMINED BY A COMPETENT
25 PROFESSIONAL WHO IS SELECTED BY THE PROSECUTING AGENCY. THE ATTORNEY FOR THE
26 STATE HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE
27 PETITIONER'S MENTAL ILLNESS, DEFECT OR DISABILITY HAS NOT CHANGED AND THAT
28 THE PETITIONER REMAINS DANGEROUS OR THAT THE DEFENDANT IS CURRENTLY COMPETENT
29 TO STAND TRIAL.

30 B. THIS SECTION DOES NOT PROHIBIT THE COMMITTED PERSON FROM ANNUALLY
31 PETITIONING THE COURT FOR DISCHARGE WITHOUT THE APPROVAL OF THE
32 SUPERINTENDENT OF THE STATE HOSPITAL OR THE DIRECTOR OF THE DEPARTMENT OF

1 HEALTH SERVICES. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL
2 GIVE ANNUAL WRITTEN NOTICE TO THE COMMITTED PERSON OF THE PERSON'S RIGHT TO
3 PETITION THE COURT FOR DISCHARGE WITHOUT THE APPROVAL OF THE SUPERINTENDENT
4 OR DIRECTOR. THE NOTICE SHALL CONTAIN A WAIVER OF RIGHTS. THE DIRECTOR
5 SHALL SUBMIT THE NOTICE AND WAIVER TO THE COURT WITH THE ANNUAL EXAMINATION
6 REPORT.

7 C. THE COMMITTED PERSON MAY BE PRESENT AT THE DISCHARGE HEARING. THE
8 PROSECUTING AGENCY MAY REQUEST THAT THE PERSON BE EXAMINED BY A COMPETENT
9 PROFESSIONAL WHO IS SELECTED BY THE ATTORNEY FOR THE STATE. THE COMMITTED
10 PERSON MAY RETAIN AND THE COURT ON THE REQUEST OF AN INDIGENT PERSON MAY
11 APPOINT A COMPETENT PROFESSIONAL. THE ATTORNEY FOR THE STATE HAS THE BURDEN
12 OF PROVING BEYOND A REASONABLE DOUBT THAT THE PERSON'S MENTAL ILLNESS, DEFECT
13 OR DISABILITY HAS NOT CHANGED AND THAT THE PERSON REMAINS A DANGER TO OTHERS
14 AND IS LIKELY TO ENGAGE IN ACTS THAT ARE A DANGER TO PUBLIC SAFETY IF
15 DISCHARGED. IF THE STATE DOES NOT MEET ITS BURDEN OF PROOF, THE PERSON SHALL
16 BE DISCHARGED FROM TREATMENT.

17 D. IF A PERSON IS DISCHARGED, THE DEPARTMENT OF HEALTH SERVICES SHALL
18 NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OF THE PERSON'S DISCHARGE SO THAT THE
19 DEPARTMENT OF PUBLIC SAFETY CAN COMMENCE ANY NOTIFICATION PROCESS AS PROVIDED
20 IN SECTION 13-3825.

21 36-4010. Place for proceedings; transportation; immunity

22 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A PERSON WHO IS
23 DETAINED OR CIVILLY COMMITTED PURSUANT TO THIS ARTICLE SHALL NOT BE
24 TRANSPORTED FROM A LICENSED FACILITY UNDER THE SUPERVISION OF THE
25 SUPERINTENDENT OF THE ARIZONA STATE HOSPITAL, EXCEPT THAT A PERSON MAY BE
26 TRANSPORTED TO COURT FOR ANY OF THE FOLLOWING REASONS:

- 27 1. A HEARING ON AN ANNUAL EXAMINATION.
- 28 2. A HEARING ON A PETITION FOR CONDITIONAL RELEASE TO A LESS
29 RESTRICTIVE ALTERNATIVE PURSUANT TO SECTION 36-4005.
- 30 3. A HEARING ON A PETITION FOR DISCHARGE PURSUANT TO SECTION 36-4009.
- 31 4. ANY EVIDENTIARY HEARING IN WHICH THE PRESENCE OF A PERSON WHO IS
32 DETAINED OR CIVILLY COMMITTED PURSUANT TO THIS ARTICLE IS NECESSARY.

1 5. ANY COURT PROCEEDING NOT OTHERWISE SPECIFIED IN THIS ARTICLE WHERE
2 THE PRESENCE OF THE COMMITTED PERSON IS REQUIRED.

3 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY PERSON WHOM THE
4 COURT HAS DETERMINED IS SUBJECT TO CONDITIONAL RELEASE PURSUANT TO SECTION
5 36-4009 OR TO ANY NECESSARY MEDICAL TRANSPORTS.

6 C. SUBSECTION A OF THIS SECTION DOES NOT PRECLUDE ANY PROCEEDING FROM
7 BEING HELD ON THE GROUNDS OF THE ARIZONA STATE HOSPITAL OR FROM USING A
8 TELEPHONIC CONFERENCE OR AN INTERACTIVE AUDIOVISUAL DEVICE. THE COURT SHALL
9 ADOPT RULES CONCERNING THE CONDUCT OF PROCEEDINGS PURSUANT TO THIS ARTICLE.
10 THE RULES SHALL ENSURE THE SAFETY OF ALL PERSONS. THE RULES MAY INCLUDE
11 PROVISIONS THAT ALLOW FOR PROCEEDINGS TO BE HELD ON THE GROUNDS OF THE
12 ARIZONA STATE HOSPITAL OR FOR THE USE OF A TELEPHONIC CONFERENCE OR AN
13 INTERACTIVE AUDIOVISUAL DEVICE.

14 D. THE DEPARTMENT OF HEALTH SERVICES IS RESPONSIBLE FOR THE
15 TRANSPORTATION TO AND FROM A MEDICAL FACILITY OF A PERSON WHO IS DETAINED OR
16 COMMITTED PURSUANT TO THIS ARTICLE. THE DEPARTMENT OF HEALTH SERVICES SHALL
17 DETERMINE THE APPROPRIATE MODE OF TRANSPORTATION AND LEVEL OF SECURITY AND
18 RESTRAINT FOR THE TRANSPORTATION NEEDS OF THE PERSON. IN DETERMINING THE
19 APPROPRIATE MODE OF TRANSPORTATION AND LEVEL OF SECURITY AND RESTRAINT, THE
20 DEPARTMENT SHALL CONSIDER THE SAFETY OF THE PUBLIC, THE TRANSPORTING
21 PERSONNEL AND THE DETAINED OR COMMITTED PERSON.

22 E. THE DEPARTMENT OF HEALTH SERVICES AND ANY COUNTY SHERIFF ARE IMMUNE
23 FROM LIABILITY FOR ANY GOOD FAITH ACTS UNDER THIS SECTION.

24 Sec. 25. Effective date

25 This act is effective from and after December 31, 2016."

26 Amend title to conform

EDDIE FARNSWORTH

1510FARNSWORTH E
03/14/2016
01:14 PM
H: KP/MA/rca

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1510

DATE March 16, 2016 MOTION: approve

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

APPROVED:


 EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 36



HOUSE OF REPRESENTATIVES

SB 1474

human fetus; embryo; prohibited actions

Prime Sponsor: Senator Barto, LD 15

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1474 rewrites current statute relating to prohibitions on the use of a human fetus or embryo.

PROVISIONS

1. Repeals A.R.S. § 36-2302 and replaces it with a new section outlining prohibitions on the use of a human fetus or embryo.
2. States a person may not use a human fetus or embryo or any part, organ or fluid of the fetus or embryo resulting from an abortion in animal or human research, experimentation or study or for transplantation, except for either of the following:
 - a. Diagnostic or remedial procedures for the purpose of determining the life or health of the human fetus or embryo or the mother; or
 - b. A pathological study.
3. Prohibits a person from experimenting on a human fetus or embryo prior to an abortion.
4. Stipulates a person may not perform or offer to perform an abortion for which part or all of the justification or reason is that the human fetus or embryo or any part, organ or fluid of the human fetus or embryo may be used for animal or human research, experimentation or study or for transplantation.
5. Prohibits a person from knowingly selling, transferring, distributing, giving, accepting, using or attempting to use any human fetus or embryo or any part, organ or fluid of the human fetus or embryo resulting from an abortion.
6. States a person may not aid or abet the sale, transfer, distribution, other unlawful disposition, acceptance, use or attempted use of a human fetus or embryo or any part, organ or fluid of the human fetus or embryo resulting from an abortion.
7. States that the physician-patient privilege does not prevent the production of documents or records relevant to an investigation of a violation.
 - a. All documents or records produced in an action brought must be inspected by the court in camera.
 - b. Before the release of documents or records to the requesting party, the court must remove patient names and other identifying information and substitute pseudonyms.
8. Permits the Director of the Department of Health Services to suspend or revoke the license of any health care institution if the owners, officers, agents or employees commit a violation.
9. Defines *abortion*, *experimentation* and *pathological study*.

SB 1474

10. Contains a construction and severability clause.

CURRENT LAW

A.R.S. § 36-2302 prohibits knowingly using any human fetus or embryo, living or dead, or any parts, organs or fluids of any such fetus or embryo resulting from an induced abortion in any manner for any medical experimentation or scientific or medical investigative purposes:

- Except as strictly necessary to diagnose a disease or condition in the mother of the fetus or embryo, and
- Only if the abortion was performed because of such disease or condition.

The physician-patient privilege must not prevent the production of documents or records relevant to an investigation. All documents must be inspected by the court in camera, and before documents are released to a requesting party, the court must remove the names and other identifying information, if any, of the patients and substitute pseudonyms. Routine pathologic examinations are not prohibited by a medical examiner or hospital laboratory provided such examination is not a part of or in any way related to any medical or scientific experimentation.

In *Forbes v Woods*, an action was brought challenging the constitutionality of A.R.S. § 36-2302; the United States District Court for the District of Arizona found the statutes unconstitutionally vague on summary judgment and permanently enjoined the enforcement of A.R.S. § 36-2302 (*Forbes v Woods*, 71 F. Supp.2d 2015 (D. Ariz. 1999)). On appeal, Court of Appeals, Ninth Circuit affirmed the decision (*Forbes v. Napolitano*, C.A. 9 (Ariz.) 2000, 236 F.3d 1009).

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1474

DATE March 16, 2016 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:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 38



HOUSE OF REPRESENTATIVES

SB 1452

unlawful executive actions; second amendment

Prime Sponsor: Senator Allen S, LD 6

X Committee on Judiciary

Caucus and COW

House Engrossed

STRIKE EVERYTHING SUMMARY

The strike-everything amendment makes a *refugee resettlement agency* (*agency*) liable for any crime committed by a refugee within five years of being resettled by that *agency*.

PROVISIONS

1. Stipulates that if a *refugee* commits a crime in this state within five years of being resettled by an *agency*, the *agency* is liable for:
 - a. The indemnification of this state or any political subdivision of this state for the cost of prosecuting the *refugee*; and
 - b. Damages or injuries suffered by the victim of the crime.
2. Allows this state, a political subdivision of this state or a victim of the crime committed by a *refugee* to bring civil action against the *agency* that resettled the *refugee* for any damages or injuries caused by the *refugee's* criminal act.
3. Mandates that an *agency* report its financial capacity to meet any obligations imposed by the above provisions in an amount up to \$25,000,000 on or before July 1st of every year to the Department of Insurance (DOI).
4. Requires the DOI to impose a civil penalty of no more than \$1,000 per *refugee* relocated if the *agency* fails to report their financial capacity to the DOI by July 1st.
5. Provides that each day that an *agency* fails to report their financial capacity to the DOI after July 1st is a separate violation.
6. Defines *high-risk country* as any country or territory that is:
 - a. Designated as a state sponsor of terrorism by the United States Department of State (DOS); or
 - b. Identified as high-risk by a United States government agency.
7. Defines *refugee* as any person who is a citizen of a *high-risk country* and has been granted either refugee status or asylum.
8. Defines *agency* as any nongovernmental agency that receives refugees for resettlement in this state.
9. Contains an emergency clause.

CURRENT LAW

The Refugee Act of 1980 establishes The Federal Refugee Resettlement Program (Program) to effectively resettle refugees. This Program partners state governments with nonprofit

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SB 1452

resettlement agencies to provide temporary cash and medical and social services to resettled refugees. 8 U.S.C. § 1521 establishes the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services. 8 U.S.C. § 1522 governs the conditions of refugee assistance and establishes that the Director of ORR must make available sufficient resources for benefits such as employment training or cash assistance. ORR must consult regularly with state and local governments and private nonprofit voluntary agencies in regards to the distribution of refugees among the states and localities. More information on the program is available here.

8 U.S.C. § 1101 defines *refugee* as any person who is outside the country of their nationality and is unable or unwilling to return to that country due to fear of persecution for their race, religion, nationality, political opinion or membership in a particular group.

ADDITIONAL INFORMATION

The Arizona Refugee Resettlement Program (RRP) administers benefits and services to refugees resettled in Arizona to help them adjust. RRP is entirely funded by the ORR and is administered by the Department of Economic Security.

According to DES, local voluntary private refugee resettlement agencies provide refugees with essential services during their first 30 days in the United States. These services are provided in cooperative agreement with the U.S. Department of State Bureau of Population, Refugees and Migration (PRM) and are linked to RRP benefits. PRM is governed under DOS.

According to DOS, a U.S. Embassy can refer a refugee to the United States Refugee Admissions Program. After a referral is made, a Resettlement Support Center funded through PRM prepares a presentation for the Department of Homeland Security (DHS). An officer from DHS' United States Citizenship and Immigration Services then interviews all applicants. If an application is approved, the applicant and their family undergo standard medical exams. A non-governmental organizations working in agreement with PRM then agrees to be the refugee's sponsor. Once all health and security checks are completed, the refugee is then scheduled to resettle in America.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1452
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 12, chapter 5, article 3, Arizona Revised Statutes,
3 is amended by adding section 12-558.02, to read:

4 12-558.02. Refugee resettlement agencies; liability; civil
5 penalty; definitions

6 A. FOR FIVE YEARS AFTER RESETTLING A REFUGEE, A REFUGEE RESETTLEMENT
7 AGENCY IS LIABLE FOR BOTH OF THE FOLLOWING:

8 1. THE INDEMNIFICATION OF THIS STATE OR ANY POLITICAL SUBDIVISION OF
9 THIS STATE FOR THE COST OF PROSECUTING A REFUGEE RECEIVED BY THE REFUGEE
10 RESETTLEMENT AGENCY FOR RESETTLEMENT IN THIS STATE.

11 2. DAMAGES OR INJURIES SUFFERED BY A VICTIM THAT ARE PROXIMATELY
12 CAUSED BY ANY CRIMINAL ACT COMMITTED BY A REFUGEE RECEIVED BY THE REFUGEE
13 RESETTLEMENT AGENCY FOR RESETTLEMENT IN THIS STATE.

14 B. THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR A VICTIM OF A
15 CRIMINAL ACT COMMITTED BY A REFUGEE MAY COMMENCE A CIVIL ACTION AGAINST A
16 REFUGEE RESETTLEMENT AGENCY FOR ANY DAMAGES OR INJURIES THAT ARE PROXIMATELY
17 CAUSED BY THE REFUGEE'S CRIMINAL ACT.

18 C. ON OR BEFORE JULY 1 OF EACH YEAR, A REFUGEE RESETTLEMENT AGENCY
19 SHALL REPORT TO THE DEPARTMENT OF INSURANCE ON A FORM PRESCRIBED BY THE
20 DEPARTMENT ITS FINANCIAL CAPACITY TO MEET ANY OBLIGATIONS IMPOSED UNDER THIS
21 SECTION IN AN AMOUNT UP TO TWENTY-FIVE MILLION DOLLARS.

22 D. IF A REFUGEE RESETTLEMENT AGENCY FAILS TO MAKE THE REPORT
23 PRESCRIBED IN SUBSECTION C OF THIS SECTION, THE DEPARTMENT OF INSURANCE SHALL

Attachment 40

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

1 IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS PER REFUGEE
2 RELOCATED IN THIS STATE BY THE REFUGEE RESETTLEMENT AGENCY IN THE PREVIOUS
3 FIVE YEARS. EACH DAY AFTER JULY 1 THAT A REFUGEE RESETTLEMENT AGENCY FAILS
4 TO COMPLY WITH SUBSECTION C OF THIS SECTION IS A SEPARATE VIOLATION.

5 E. FOR THE PURPOSES OF THIS SECTION:

6 1. "HIGH-RISK COUNTRY" MEANS ANY COUNTRY OR TERRITORY THAT IS EITHER
7 OF THE FOLLOWING:

8 (a) DESIGNATED AS A STATE SPONSOR OF TERRORISM BY THE UNITED STATES
9 DEPARTMENT OF STATE.

10 (b) IDENTIFIED AS HIGH RISK BY A UNITED STATES GOVERNMENT AGENCY,
11 INCLUDING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED
12 STATES DEPARTMENT OF THE TREASURY, THE FEDERAL BUREAU OF INVESTIGATION OR THE
13 OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

14 2. "REFUGEE" MEANS ANY PERSON WHO IS A CITIZEN OF A HIGH-RISK COUNTRY
15 AND WHO HAS BEEN GRANTED EITHER OF THE FOLLOWING:

16 (a) REFUGEE STATUS PURSUANT TO 8 UNITED STATES CODE SECTION 1157.

17 (b) ASYLUM PURSUANT TO 8 UNITED STATES CODE SECTION 1158.

18 3. "REFUGEE RESETTLEMENT AGENCY" MEANS ANY NONGOVERNMENTAL AGENCY THAT
19 RECEIVES REFUGEES FOR RESETTLEMENT IN THIS STATE.

20 Sec. 2. Emergency

21 This act is an emergency measure that is necessary to preserve the
22 public peace, health or safety and is operative immediately as provided by
23 law."

24 Amend title to conform

EDDIE FARNSWORTH

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12:13 PM
C: kcb

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

ROLL CALL VOTE

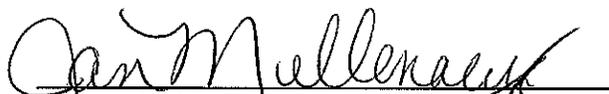
COMMITTEE ON JUDICIARY BILL NO. SB 1452

DATE March 16, 2016 MOTION: dpa 5/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

APPROVED:


EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 41



HOUSE OF REPRESENTATIVES

SB 1266

firearms; state preemption; penalties
Prime Sponsor: Senator Smith, LD 11

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1206 declares invalid any rule, ordinance, tax or regulation enacted by a political subdivision in violation of the firearms preemption statute and establishes penalties for violations.

PROVISIONS

1. States that any tax, ordinance, rule or regulation enacted by a political subdivision in violation of the firearms state preemption statute is invalid and subject to a permanent injunction.
2. States that it is not a defense that the political subdivision was acting in good faith or on the advice of counsel.
3. Allows the court to assess a civil penalty of up to \$50,000 against a political subdivision if the violation was knowing and willful.
4. Subjects a person to termination from employment if a court determines that the person knowingly and willfully violated the preemption statute while acting in the person's official capacity. Termination is to the extent allowable under law.
5. Allows a person or organization whose membership is adversely affected by an ordinance, regulation, tax, measure, directive, rule, enactment, order or policy in violation of the preemption statute to file a civil action in any court with jurisdiction over the defendant for:
 - a. Declaratory and injunctive relief; and
 - b. Actual damages against the political subdivision.
6. Requires the court to award the following if the plaintiff prevails in the action:
 - a. Reasonable attorney fees and costs; and
 - b. Actual damages incurred, up to \$100,000.
7. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 13-3108 is the state firearms preemption statute that prohibits a political subdivision from enacting any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms, ammunition, components or accessories in this state. Political subdivisions are prohibited from:

- Requiring licensing or registration of firearms, ammunition, components or accessories;
- Prohibiting the ownership, purchase, sale or transfer of firearms, ammunition, components or accessories;

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Judiciary

SB 1266

- Requiring or maintaining a record of the identifying information of either:
 - A person who leaves a weapon in temporary storage;
 - A person who owns, possesses, purchases, sells or transfers a firearm; or
 - The description (including a serial number) of a weapon left in temporary storage.
- Enacting any rule or ordinance related to firearms that is more prohibitive than or that has a greater penalty than any state law;
- Enacting any ordinance, rule or regulation limiting the lawful taking of wildlife during open season, unless the rule, ordinance or regulation is consistent with state law or agency rule;
- Facilitating the destruction of a firearm or purchasing or acquiring a firearm for the purpose of destroying it, unless authorized under law.

Several exceptions are also provided in this section. Under A.R.S. 13-3108, a *political subdivision* is defined as including a political subdivision acting in any capacity, including under police power, in a proprietary capacity or otherwise.

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

ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1266

DATE March 16, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese			✓		
Mr. Hale			✓		
Mr. Kern		✓			
Mr. Mesnard					1
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		3	2	0	1

APPROVED:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 43



HOUSE OF REPRESENTATIVES

SB 1324

abortion clinics; medication abortions

Prime Sponsor: Senator Yee, LD 20

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1324 requires abortion procedure rules to include that any medication, drug or other substance used to induce or cause a *medication abortion* be administered in compliance with the Mifeprex final printing label protocol approved by the U.S. Food and Drug Administration (FDA) and in effect as of December 31, 2015.

PROVISIONS

1. States that the rule adopted by the Director of the Department of Health Services (ADHS) must require any medication, drug or other substance used to induce or cause a *medication abortion* is administered in compliance with the Mifeprex final printing label protocol approved by the FDA and in effect as of December 31, 2015.
2. Defines *medication abortion* using an existing definition in A.R.S. § 36-2151.
3. Provides a one-year rulemaking exemption for ADHS for implementation.
4. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 36-449.03 outlines administrative rules that the director of ADHS must adopt in regard to abortion clinics and abortion procedures. The section was amended in 2012 by Laws 2012, Ch. 250, which in part requires any medication, drug or other substance used to induce an abortion be administered in compliance with the protocol authorized by the FDA and outlined in the final printing labeling instructions for that medication, drug or substance. In response to Laws 2012, Ch. 250 ADHS promulgated A.A.C. R9-10-1508(G) which includes in part:

“A medical director shall ensure that any medication, drug, or substance used to induce an abortion is administered in compliance with the protocol authorized by the United States Food and Drug Administration and that is outlined in the final printing labeling instructions for that medication, drug, or substance.”

Two lawsuits were filed after the changes to A.R.S. 36-449.03 and the subsequent adoption of changes to A.A.C. R9-10-1508. In *Planned Parenthood Arizona Inc v Humble*, plaintiffs challenged the statute and sought a temporary restraining order to block implementation. The District Court held that the plaintiffs were not entitled to the preliminary injunction because they were not likely to succeed on their claim that the statute was void for vagueness nor on the basis of undue burden challenge. On appeal, the U.S. Court of Appeals, Ninth Circuit, reversed the decision not to grant a preliminary injunction and remanded the case back to the District Court

SB 1324

for the issuance of the injunction (Planned Parenthood Inc v Humble, C.A. 9 (Ariz.) 2014, 753F. 3d 905. The underlying case is still pending.

In a separate action in Maricopa County (Planned Parenthood Arizona Inc v Cara Christ), plaintiffs filed suit alleging in part that A.R.S. § 36-449.03 is an unconstitutional delegation of legislative authority because it gives the power to make law to drug companies and the FDA and adopts a changeable standard. The Court found the law to be an unconstitutional delegation of authority (CV2014-006633, 10/13/2015).

ARIZONA HOUSE OF REPRESENTATIVES
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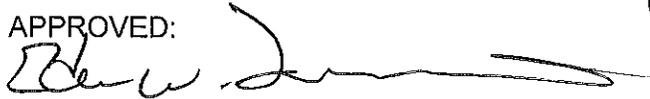
ROLL CALL VOTE

COMMITTEE ON JUDICIARY BILL NO. SB 1324

DATE March 16, 2016 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:



EDDIE FARNSWORTH, Chairman
 SONNY BORRELLI, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT 45

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON JUDICIARY

CHAIRMAN: Edwin W. Farnsworth VICE-CHAIRMAN: Sonny Borrelli

DATE	3/2 116	3/16 116	116	116	116
CONVENED	10:06 ^{a.m.}	8:19 ^{a.m.}	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	11:27 ^{a.m.}	12:04 ^{p.}			
MEMBERS					
Mr. Friese	✓	✓			
Mr. Hale	✓	✓			
Mr. Kern	✓	✓			
Mr. Mesnard	✓	✓			
Mr. Borrelli, Vice-Chairman	✓	✓			
Mr. Farnsworth E, Chairman	✓	✓			

√ Present --- Absent exc Excused