

3-21-16

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Report of Regular Meeting
Thursday, March 17, 2016
House Hearing Room 5 -- 9:00 a.m.

Convened 9:03 a.m.

Recessed

Reconvened

Adjourned 1:41 p.m.

Members Present

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

Members Absent

Agenda

Original Agenda -- Attachment 1

Request to Speak

Report -- Attachment 2

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
SB1212	DP	8-0-0-0	3, 4
SB1377	DPA	5-3-0-0	5, 6, 7
SB1244	DPA	8-0-0-0	8, 9, 10
SB1156	DP	7-1-0-0	11, 12
SB1162	FAILED	0-7-1-0	13, 14, 15, 16
SB1240	DP	7-1-0-0	17, 18
SB1410	DP	8-0-0-0	19, 20
	Committee Attendance		21



Jen Burns, Chairman Assistant
March 21, 2016

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

Convened: 9:03 am
Adjourned: 1:41 pm

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

REGULAR MEETING AGENDA

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

DATE Thursday, March 17, 2016

ROOM HHR 5

TIME 9:00 A.M.

Members:

Mr. Andrade
Mr. Campbell
Mr. Cardenas

Mr. Farnsworth E
Mr. Kern
Ms. Mach

Mr. Finchem, Vice-Chairman
Mr. Borrelli, Chairman

Bills	Short Title	Strike Everything Title
SB1212	<u>DP</u> national guard; peace officers; appointment (Smith, McGuire, Andrade, et al)	
	<u>8.0.0.0</u> MAPS, RULES	
*SB1244	<u>DPA</u> fire districts; wildland fires; budgets (Allen S, Begay, Borrelli, et al)	
	<u>8.0.0.0</u> MAPS held 0-0-0-0, RULES	
SB1377	<u>DPA</u> sentence enhancements; unlawful presence; release (Smith)	
	<u>5.3.0.0</u> MAPS, JUD, RULES	

ADDENDUM #1 - 03/15/16

SB1156	<u>DP</u> absence of state elected officials(now: state elected officials; absence; protection) (Burges, Griffin: Allen S, et al)	
	<u>7.1.0.0</u> MAPS, RULES	
SB1162	<u>FAILED</u> alarm industry; fingerprint requirements (Kavanagh)	S/E: auto glass repair; unlawful practices
	<u>0.7.1.0</u> MAPS, RULES	

Bills	Short Title	Strike Everything Title
SB1240	<u>DP</u> private postsecondary institutions; police officers(now: peace officers; appointment; training)	
	<u>7.1.0.0</u> (Kavanagh)	
	MAPS, RULES	
SB1410	<u>DP</u> sexual assault victim advocates; privilege (Hobbs, Bradley, Cajero Bedford, et al)	
	<u>8.0.0.0</u> MAPS, RULES	

* On previous agenda

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

jb
3/10/16
3/15/16

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 Military Affairs and Public Safety (3/17/2016)

SB1212, national guard; peace officers; appointment

Support:

Reba Dermody, representing self; Travis Schulte, AZ DEPT OF EMERGENCY & MILITARY AFFAIRS

Neutral:

Joyce Hill, representing self; Johnnie Rae Latham, representing self; Anthony Moreland, representing self; Melody Judd, representing self; Tom Judd, representing self; Bonnie Schoeneberger, representing self

All Comments:

Joyce Hill, Self: VFW is neutral on this bill.; Reba Dermody, Self: Pass this bill

SB1244, fire districts; wildland fires; budgets

Testified in support:

Michael Colletto, PROFESSIONAL FIRE FIGHTERS OF AZ; John Flynn, Arizona Fire District Association; John Flynn, Arizona Fire Chiefs Association; Michael Colletto, PROFESSIONAL FIRE FIGHTERS OF AZ; Scott Freitag, representing self; Gary Morris, representing self; James Morgan, representing self

Support:

Dan Bogert, COUNTY SUPERVISORS ASSN OF AZ; Jennifer Stielow, Vice President, Arizona Tax Research Association

All Comments:

Gary Morris, Self: Speak in favor. Pine Strawberry Fire District

SB1377, sentence enhancements; unlawful presence; release

Testified as opposed:

Will Gaona, AMERICAN CIVIL LIBERTIES UNION OF AZ (ACLU-AZ); Joanne Woods, representing self; Irene Chavez, representing self; Rosa maria Soto, representing self; Francisca Porchas, representing self; Alejandra Gomez, representing self

Support:

Jose Borrajero, representing self; Terrance Traylor, representing self; Dennis Genge, representing self; Christine Maceri Genge, representing self; elisa dewsgroseilliers, representing self; Jennifer Wellsman, representing self; John Baunoch, representing self; Joyce Hill, representing self; Richard Hofelich, representing self; April Pinger, representing self; Donald Cline, representing self; Tom Holding, representing self; Shirley Lamonna, representing

self; jan humble, representing self; J.R. Morris, representing self; Austin Hoopes, PINAL COUNTY ATTORNEY'S OFFICE

Oppose:

Abigail Jensen, representing self; Dianne Post, representing self; Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona; Arthur Rogers, representing self; Jack Wilborn, representing self; Nancy Pfafflin, representing self; Todd Baughman, TUCSON, CITY OF; Craig McDermott, representing self; Michelle Benham, representing self; Eric Ehst, representing self; John Leech, representing self; Jason Barraza, Associate Director, LOS ABOGADOS HISPANIC BAR ASSOCIATION; Judith K. Moll, representing self

All Comments:

Abigail Jensen, Self: Arizona already has some of the most draconian sentencing laws in the country and incarcerates far too many people at huge cost to taxpayers. Removing judges' discretion to place people on probation in appropriate cases is the wrong way to go.; Arthur Rogers, Self: This bill takes discretion away from a judge, thus violates the separation of legislative and judicial functions. A judge hears testimony and facts and uses the facts of the case to set the sentence.; Jack Wilborn, Self: We have judges to apply what the law requires. Let them judge, mandatory legislation is generally a bad idea. You cannot legislate each case nor legislate morality. Let the Judges JUDGE!; Jason Barraza, LOS ABOGADOS HISPANIC BAR ASSOCIATION: This bill will likely result in an increased cost to the Department of Corrections that is not appropriated in the measure.

SB1156, absence of state elected officials (NOW: state elected officials; absence; protection)

Testified in support:

Lyle Rapacki, Ph.D., representing self

SB1162, alarm industry; fingerprint requirements

Testified in support:

Marc Osborn, Geico; Liberty Mutual Insurance; Nationwide Insurance, PROPERTY CASUALTY INSURERS ASSOC OF AMERICA; Frank Thomas, representing self; scot zajic, representing self; Noel Young, ALLSTATE INSURANCE CO; Karen Fann, Representative District 1, representing self; Karen Fann, Representative District 1, representing self

Testified as opposed:

Rex Altree, representing self; Barry Aarons, Safety Glass Association Of AZ, Inc.; Cassandra Craig, representing self; Thomas Pentelute, representing self; Cynthia Larmore, representing self; ERIC SOLHEIM, representing self; jeremy solheim, representing self; Kerry Soat, representing self; Cara Fuller, representing self

Support:

Sarah Davis, representing self; Greg Tornga, representing self; Phillip Kashin, representing self; dillon spoon, representing self; Stephanie Maxwell, representing self; Robert Harris, representing self; Stuart Goodman, CSAA Insurance Group; Cheyenne Walsh, STATE FARM INSURANCE COMPANIES; Celesta Summers, representing self; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Ellen Poole, Executive Director, SW Region Govt Relations, U.S.A.A.; Samantha Freedman, GOVERNMENT EMPLOYEES INSURANCE COMPANY (GEICO); Karol

Beccerra, representing self; Don Isaacson, STATE FARM INSURANCE COMPANIES; Barbara Meaney, SAFELITE GROUP INC; J. Michael Low, Attorney, ALLSTATE INSURANCE CO, American Family Insurance; Quinton Miranda, representing self; Gregory Harris, Progressive Insurance; Amanda Rusing, American Insurance Association; Kerry L. Hayden, FARMERS INSURANCE GROUP OF COMPANIES; Ron Moore, representing self

Oppose:

James Rose, representing self; Julio Duran, representing self; gilbert martinez, representing self; Frank olivarez, representing self; Ronnie Craig, representing self; Pat Boris, representing self; wade hardie, representing self; Cassandra Sand, representing self; Adam Corbin, representing self; James Hamilton, SAFETY GLASS ASSN OF AZ INC; Dave Greve, representing self; adam machelski, representing self; Roger Score, representing self; Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; David Farnsworth, Sen. Dist 16, representing self

All Comments:

Rex Atree, Self: I'm the president of the Arizona Auto Glass Association and I represent 403 Auto Glass shops. We would like to have the opportunity to share our views.; Sarah Davis, Self: I am a constituent in District 10, and I support the strike everything amendment to SB 1162; Greg Tornga, Self: Fraud and unethical business practices must stop in the auto glass industry.; Phillip Kashin, Self: I am a constituent in District 10, and I support the strike everything amendment to SB 1162.; dillon spoon, Self: I am a constituent in District 9 and I support the strike everything amendment to SB 1162.; Stephanie Maxwell, Self: I am a constituent from District 11, and I support the strike everything amendment to SB 1162; Stuart Goodman, CSAA Insurance Group: Support the strike-everything amendment; Barry Aarons, Safety Glass Association Of AZ, Inc.: oppose the striker.; Celesta Summers, Self: I am absolutely for this bill. The "big bad insurance companies" are always "raising rates" but little does the public know we are accounting for all kinds of things. Frequency of fraud/exaggeration in glass claims included. Every penny counts!; Ellen Poole, U.S.A.A.: in support of striker; Samantha Freedman, GOVERNMENT EMPLOYEES INSURANCE COMPANY (GEICO): GEICO supports the strike everything amendment to SB 1162; Thomas Pentelute, Self: Independent Auto Glass Business Owner; ERIC SOLHEIM, Self: this bill is a small business killer.; jeremy solheim, Self: PLEASE CONSIDER THE SMALL BUSINESS!!! THIS IS BAD FOR "THE LITTLE GUY". NO COMPANY SHOULD HAVE THIS KIND OF POWER OVER AN ENTIRE INDUSTRY.; James Rose, Self: THIS IS NOT FAIR TO THE SMALL GUYS IN THE AUTO GLASS BUESNISS. THIS BILL CAN NOT PASS!!!; Julio Duran, Self: No to this bill SB 1162; gilbert martinez, Self: this bill cannot pass. my job depends on this bill not passing.; Frank olivarez, Self: I don't want this bill to pass my job depends on it .. Thanks; Frank Thomas, Self: support the Strike Amendment for SB1162; Barbara Meaney, SAFELITE GROUP INC: Support the striker and the amendment to the striker; Pat Boris, Self: this bill is detrimental to the longevity of the auto glass industry. We must ask how and why are we here if we wish to effectively change the future.. I respectfully ask you to come to my shop, and get to know my pain then you will see the solution.; J. Michael Low, ALLSTATE INSURANCE CO, American Family Insurance: In support of amendment.; Cassandra Sand, Self: This bill, if passed, will give insurance companies complete pricing control over every auto glass company within Arizona. and cause many independent glass shops to close their door, leaving many people unemployed within the industry.; Adam Corbin, Self: Comment This bill, if passed, will give insurance companies complete pricing control over every auto glass company within Arizona. and cause many independent glass shops to close their doors and leave many unemployed.; scot zajic, Self: I support the strike all amendment; Gregory Harris, Progressive Insurance: support with the strike everything amendment; Amanda Rusing, American Insurance Association: In support of auto glass s/e; Roger Score, Self: HB 1162 represents the Republicans failure to stand up to special interest. The Board should not be licensing alarm people, the ROC should. This is like painting the abortion clinic to make it more acceptable. Complete FAILURE on the GOP.; Farrell Quinlan, NATIONAL FEDERATION OF INDEPENDENT BUSINESS: NFIB is against the auto-glass striker because it unfairly burdens the

smaller, independent operators at the expense of big business and insurance companies.; Karen Fann, Self: Support; Karen Fann, Self: As the Insurance Committee Chair; David Farnsworth, Self: This is very bad policy. Special interest bill for Safelite!

SB1240, private postsecondary institutions; police officers (NOW: peace officers; appointment; training)

Testified in support:

Paul Senseman, GRAND CANYON UNIVERSITY

SB1410, sexual assault victim advocates; privilege

Testified in support:

Alona Del Rosario, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

Support:

Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on MAPS Bill Number SB 1162 (S/E)
 Date 3-17-16 Support Oppose Neutral
 Name KAREN FANN Need to Speak? Yes No
 Representing Insurance Committee Chair Are you a registered lobbyist? NO
 Complete Address 5691 Nola in one Drive Prescott
 E-mail Address Kfann@azleg.gov Phone Number 602-926-5874
 Comments: _____

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on PUBLIC SAFETY Bill Number SB 1156
 Date 3-17-2016 Support Oppose Neutral
 Name LYLE RAPACKI, Ph.D. Need to Speak? Yes No
 Representing _____ Are you a registered lobbyist? NO
 Complete Address _____
 E-mail Address LYLE@SENTINEL Phone Number 602-826-7300
INTELLIGENCE SERVICES.COM
 Comments: _____

WOULD LIKE TO SPEAK IN FAVOR OF THIS BILL

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on MAPS Bill Number SB 1377

Date 3/17/16 Support Oppose Neutral

Name Steve Roubbeck Need to Speak? Yes No

Representing self Are you a registered lobbyist? _____

Complete Address _____

E-mail Address _____ Phone Number _____

Comments: _____

FIVE-MINUTE SPEAKING LIMIT



HOUSE OF REPRESENTATIVES

SB 1212

national guard; peace officers; appointment
Prime Sponsor: Senator Smith, LD 11

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

OVERVIEW

SB 1212 expands Arizona National Guard (AZNG) member eligibility for appointment to Peace Officer status.

PROVISIONS

1. Requires, as deemed necessary, the Adjutant General to appoint members of the AZNG to Peace Officer status if they have served as a:
 - a. Law enforcement officer in any branch of the U.S. Armed Forces; or
 - b. Special agent of a military criminal investigative organization within the U.S. Department of Defense.
2. Makes technical changes.

CURRENT LAW

A.R.S. § 26-102 requires the Adjutant General, as deemed necessary, to appoint to Peace Officer status members of the AZNG who have been awarded a U.S. Army Military Occupational Specialty as military policeman or a U.S. Air Force Specialty Code as security policeman.

Eligible AZNG members must successfully complete a course of study to be prescribed by the Arizona Peace Officer Standards and Training Board before appointment as Peace Officers. These AZNG members have all the powers, privileges and immunities of Peace Officers provided by law.

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1212

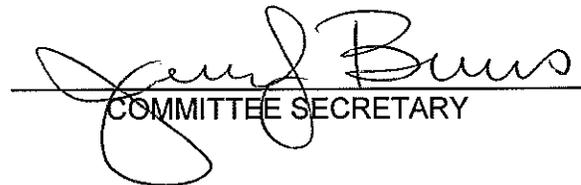
DATE March 17, 2016 MOTION: DP

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

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

SB 1377

sentence enhancements; unlawful presence; release

Prime Sponsor: Senator Smith, LD 11

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

OVERVIEW

SB 1377 stipulates that any person who commits a felony or misdemeanor offense that includes certain immigration violations as an aggravating factor, must be sentenced to no less than the presumptive term for the sentence and must not be eligible for probation, suspension of sentence, community supervision, commutation or release on any basis until the full sentence is served.

PROVISIONS

1. Stipulates that if a person is convicted of committing any felony or misdemeanor offense, and the trier of fact determines that the aggravating factor of: unlawful bringing of aliens into the United States, bringing in and harboring certain aliens, improper entry by an alien, reentry of removed aliens or importation of an alien for immoral purpose apply at the time of the commission of the offense:
 - a. The court must sentence the person to imprisonment for no less than the presumptive sentence; and
 - b. The person is not eligible for probation, suspension of sentence, community supervision, commutation or release on any basis until the sentence imposed is served.
2. Requires any time that a person with an aggravating factor listed in this section is not in this country to be tolled when calculating the statute of limitations.

CURRENT LAW

A.R.S. § 13-701 outlines aggravating circumstances that the trier of fact must consider in determining a sentence, which include, but are not limited to, a number of immigration offenses listed in Title 8 of the U.S. Code, relating to Aliens and Nationality.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1377

(Reference to Senate engrossed bill)

- 1 Page 1, strike lines 12 through 18
- 2 Reletter to conform
- 3 Amend title to conform

SONNY BORRELLI

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Attachment 4

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

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

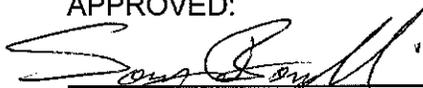
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1377

DATE March 17, 2016 MOTION: DPA

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

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

SB 1244

fire districts; wildland fires; budgets
Prime Sponsor: Senator Allen S, LD 6

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

****REVISED****

OVERVIEW

SB 1244 makes changes to statute relating to merging and consolidating fire districts and the State Forester.

PROVISIONS

State Forester

1. Authorizes Budget Stabilization Fund (Fund) monies to be used to pay for certified claims by the State Forester.
2. States that Fund monies are to be continuously appropriated.
3. Includes claims for personnel hours, used supplies and reasonable and negotiated costs of damage to equipment that exceeds normal wear and tear to items that must be paid for by the State Forester if a claim for reimbursement is processed.
4. Requires the State Forester to certify a claim that is not reimbursed by a federal agency within 30 days, to the State Treasurer who must pay the claim from the Fund.
5. Requires a claim holder to reimburse the state within 30 days, if a federal agency makes payment on the claim.

Fire Districts

6. States that starting July 1, 2016, a consolidated district is prohibited from receiving more than the maximum allowable amount in Fire District Assistance Tax (FDAT) monies, without regard to whether the district is located in more than one county.
7. Specifies that the FDAT for any merged or consolidated districts formed in fiscal year (FY) 2014 or later is the sum average of the amount received in the five years immediately preceding the merger or consolidation.
8. Requires the county treasurer to pay a consolidated district formed in FY 2014 or later an amount equal to 20% of the property levy if the total amount of FDAT paid to all districts in the county is less than the amount of monies raised by the \$0.10 levy per \$100 of assessed valuation.
9. Allows merged or consolidated districts to continue to receive monies in an amount not to exceed the allowable amount each district received at the time of the merger or consolidation.

SB 1244

10. Prohibits, beginning in FY 2017, a consolidated district from receiving more than the maximum allowed, rather than the current FDAT cap of \$400,000.
11. Contains a retroactive effective date of July 1, 2016.

Emergency Response Fund

12. Authorizes monies from the Emergency Response Fund to be used to pay for wildland fire suppression.

Miscellaneous

13. Makes technical and conforming changes.

CURRENT LAW

The Fire Suppression Revolving Fund is administered by the State Forester for the purposes of covering the costs of activities related to suppressing wildland fires on public and private lands as well as other unplanned all-risk activities such as floods, earthquakes, wind or hazardous material responses. Monies in the Fund are continuously appropriated to the State Forester, unless the unobligated balance of the Fund exceeds \$2 million at the end of a calendar year; the excess reverts to the state General Fund (A.R.S. § 37-623.02).

The Fund, also known as the Rainy Day Fund, was established in 1990 for the purpose of setting aside excess revenue for use during times of below-trend growth (A.R.S. § 35-144). The Fund is administered by the State Treasurer, who is responsible for transferring money into and out of the Fund.

The county board of supervisors is required to levy a FDAT not to exceed \$0.10 per \$100 of assessed valuation on the taxable property in the county. The county treasurer must pay each district an amount equal to 20% of the property tax levy adopted by the district for the FY. Beginning FY 2013, a consolidated district is prohibited from receiving more than \$400,000 in FDAT monies. If two or more districts merge to form a consolidated district and the total amount of FDAT received by each district is less than \$400,000, the consolidated district may continue to receive monies until it reaches \$400,000 (A.R.S. § 48-807).

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1244

(Reference to Senate engrossed bill)

- 1 Page 1, line 16, after "37-623.02" insert ", SUBSECTION E, PARAGRAPH 4"
- 2 Page 4, strike lines 13 and 14, insert:
 - 3 "4. FOR ANY VALID CLAIM FOR FEDERAL REIMBURSEMENT, THE STATE FORESTER"
 - 4 Line 15, after the second "CLAIM" insert ", INCLUDING CLAIMS FOR PERSONNEL
 - 5 HOURS, USED SUPPLIES AND REASONABLE AND NEGOTIATED COSTS OF DAMAGE TO
 - 6 EQUIPMENT THAT EXCEEDS NORMAL WEAR AND TEAR,"
 - 7 Line 17, after the period strike remainder of line
 - 8 Strike line 18, insert "THE STATE FORESTER SHALL REIMBURSE THE STATE"
 - 9 Line 19, strike "THIRTY" insert "FORTY-FIVE"
- 10 Page 11, strike lines 35 through 44
- 11 Page 12, strike lines 1 through 6
- 12 Renumber to conform
- 13 Amend title to conform

SONNY BORRELLI

1244SB.doc
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Attachment 9

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

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1244

DATE March 17, 2016 MOTION: DPA

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

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

SB 1156

state elected officials; absence; protection
Prime Sponsor: Senator Burges, LD 22

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

OVERVIEW

SB 1156 requires Arizona's Secretary of State, Attorney General or State Treasurer to be absent, on a rotating basis, from various events where members of the executive department participate or are in attendance.

PROVISIONS

1. Requires, on a rotating basis, either of the Secretary of State, Attorney General or State Treasurer to be excused and absent from the vicinity of the seat of government during the following events where members of the executive department participate or are in attendance:
 - a. The inauguration of state elected officials;
 - b. The annual Governor's State of the State Address; and
 - c. Any other state address by the Governor or gubernatorial event.
2. Requires the protective transport of the excused elected official to a safe and secure location established by the Department of Public Safety (DPS) at least three hours before such an event and that is at least 20 miles away from the seat of government.
3. Requires the excused elected official to remain at the secure location for the duration of the event.
4. Stipulates that, if the excused elected official is unable to attend the event, the next elected official in the rotation must be transported in the same manner.
5. Requires the protective detail to cease:
 - a. At the successful conclusion of the event; and
 - b. On the successful return of the excused elected official to the seat of government from the secure location.

CURRENT LAW

Not currently addressed in statute.

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1156

DATE March 17, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade			✓		
Mr. Campbell		✓			
Mr. Cardenas	✓	✓			
Mr. Farnsworth E	✓	✓			
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman	✓	✓			
Mr. Borrelli, Chairman		✓			
		7	1	-	-

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

SB 1162

alarm industry; fingerprint requirements
Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to SB 1162 adds additional unlawful practices relating to auto glass repair.

PROVISIONS

1. Applies current unlawful practices regarding auto glass repair to an auto glass repair or replacement facility or any agent, contractor, vendor, representative or anyone acting on behalf of the person or facility.
2. Includes the following as unlawful practices relating to auto glass repair:
 - a. Represent to a policyholder what auto glass coverage is available under the insurance policy.
 - b. Threaten, coerce or intimidate a policyholder for the purpose of inducing the policyholder to file a claim for auto glass repair or replacement.
 - c. Induce a policyholder to file an auto glass replacement claim if the damage to the auto glass is insufficient to warrant replacement according to the auto glass replacement safety standard.
 - d. Induce a policyholder to file an auto glass repair claim if the damage to the auto glass is insufficient to warrant the repair according to the repair of laminated automotive glass standard.
 - e. Waive or offer to waive the policyholder's deductible or offer a rebate, gift, gift card, cash or coupon with an aggregate value of more than \$25 for a referral in connection with, or to any person in order to induce the policyholder to file, an auto glass repair or replacement claim under an insurance policy.
 - f. Misrepresent the value of the rebate, gift, gift card, cash offer or coupon to any person in conjunction with a repair or replacement claim.
 - g. Represent verbally, electronically, including an advertisement or website or any marketing materials, that a claim for auto glass repair or replacement under an insurance policy is free without disclosing that a deductible may apply to the policyholder or the insurer may be charged.
 - h. Perform auto glass repair or replacement services without obtaining a transaction privilege tax license.
 - i. Fail to provide a written estimate to the policy holder before beginning work that includes:
 - i. A statement whether the person repairing or replacing the glass does not accept the insurer's price for parts, kits and labor.

- ii. The actual price that will be charged for that work and the difference between that price and the insurer's price.
 - iii. A statement that the policyholder may be financially responsible to pay the difference between the actual price that will be charged and the insurer's price.
 - iv. The signature of the policyholder.
 - v. The business's transaction privilege tax license number.
 - j. Perform auto glass repair or replacement services under the insurance policy without first obtaining the policyholder's and insurer's approval.
 - k. Falsely transpose, duplicate or sign a policyholder's signature onto a work order or any other related document that is required to authorize the repair or replacement of glass.
 - i. Does not include copies of a document for record retention purposes.
 - l. Bill the insurer for more than the repair or replacement cost agreed on with the policyholder, a third party administrator, or an agent representing the insurer for the written estimate.
 - m. Obtain a signature from a policyholder if the work under the contract is not fully completed at the time the policyholder signs or does not accurately reflect the negotiations and agreement between the policyholder and the auto glass facility.
 - n. Take an assignment of any claim relating to the repair or replacement of auto glass.
3. Stipulates that if the person performing the repair or replacement fails to provide a statement to the policyholder stating financial responsibility for any difference in cost, the policyholder or the insurer is not responsible for payment of any amounts in excess of the repair or replacement estimate not expressly authorized.
4. Declares it is unlawful for a person who sells or repairs and replaces auto glass to fail to make the vehicle available for inspection at the request of the insurer before performing auto glass services on the vehicle.

CURRENT LAW

Laws 2010, Chapter 180, establishes unlawful practices relating to auto glass repair which includes submitting a false claim, falsify certain information, misrepresent the cost of repairs, add to the damage or encourage the policyholder to add to the damage of auto glass repair, and perform work clearly beyond the work necessary to repair or replace the auto glass.

A person who commits an unlawful practice with the intent to injure, defraud, or deceive an insurer is guilty of a class 6 felony which holds a presumptive penalty of 1 year.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1162

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 20-463.01, Arizona Revised Statutes, is amended to
3 read:

4 20-463.01. Unlawful practices; auto glass repair;
5 policyholders; insurers

6 A. It is an unlawful practice for a person who sells or repairs auto
7 glass, AN AUTO GLASS REPAIR OR REPLACEMENT FACILITY OR ANY AGENT, CONTRACTOR,
8 VENDOR, REPRESENTATIVE OR OTHER PERSON ACTING ON BEHALF OF THE PERSON OR
9 FACILITY to knowingly:

10 1. Submit a false claim to an insurer for auto glass repair or
11 replacement or for related services:

12 (a) If the services were not provided.

13 (b) Showing work performed in a geographical area that in fact was not
14 the location where the services were provided and that results in a higher
15 payment than would otherwise be paid to the person by the policyholder's
16 insurer.

17 (c) Not authorized in writing by the owner or lessee of the vehicle.

18 (d) Showing work performed on a date other than the date the work was
19 actually performed and resulting in a change of insurance coverage status.

20 2. Advise a policyholder to falsify the date of damage to the auto
21 glass that results in a change of insurance coverage for repair or
22 replacement of the auto glass.

23 3. Falsely sign on behalf of a policyholder or another person a work
24 order, insurance assignment form or other related form in order to submit a

Attachment 14

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

1 claim to an insurer for auto glass repair or replacement or for related
2 services.

3 4. Misrepresent to a policyholder or other person:

4 (a) The price of the proposed repairs or replacement being billed to
5 the policyholder's insurer.

6 (b) That the insurer has approved the repairs or replacement unless
7 the auto glass repair or replacement facility has verified coverage ~~or~~ AND
8 obtained authorization directly from the insurance company or any other third
9 party administrator contracted with the insurance company and the evidence
10 has been confirmed by fax, e-mail or other written and recorded
11 communication.

12 5. Represent to a policyholder or other person WHAT AUTO GLASS
13 COVERAGE IS AVAILABLE UNDER THE INSURANCE POLICY OR that the repair or
14 replacement will be paid for entirely by the policyholder's insurer and at no
15 cost to the policyholder unless the insurance coverage has been verified by a
16 person who is employed by or is a producer contracted with the policyholder's
17 insurer or is a third party administrator contracted with the insurer.

18 6. Add to the damage of auto glass before repair in order to increase
19 the scope of repair or replacement or encourage a policyholder or other
20 person to add to the damage of auto glass before repair.

21 7. Perform work clearly and substantially beyond the level of work
22 necessary to repair or replace the auto glass to put the vehicle back into a
23 safe pre-damaged condition in accordance with accepted or approved reasonable
24 and customary glass repair or replacement techniques.

25 8. THREATEN, COERCE OR INTIMIDATE A POLICYHOLDER FOR THE PURPOSE OF
26 INDUCING THE POLICYHOLDER TO FILE A CLAIM FOR AUTO GLASS REPAIR OR
27 REPLACEMENT.

28 9. INDUCE A POLICYHOLDER TO FILE AN AUTO GLASS REPLACEMENT CLAIM IF
29 THE DAMAGE TO THE AUTO GLASS IS INSUFFICIENT TO WARRANT AUTO GLASS
30 REPLACEMENT ACCORDING TO THE AUTO GLASS REPLACEMENT SAFETY STANDARD AS
31 APPROVED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE.

1 10. INDUCE A POLICYHOLDER TO FILE AN AUTO GLASS REPAIR CLAIM IF THE
2 DAMAGE TO THE AUTO GLASS IS INSUFFICIENT TO WARRANT AUTO GLASS REPAIR
3 ACCORDING TO THE REPAIR OF LAMINATED AUTOMOTIVE GLASS STANDARD AS APPROVED BY
4 THE AMERICAN NATIONAL STANDARDS INSTITUTE.

5 11. WAIVE OR OFFER TO WAIVE THE POLICYHOLDER'S DEDUCTIBLE OR OFFER A
6 REBATE, GIFT, GIFT CARD, CASH OR COUPON WITH AN AGGREGATE VALUE OF MORE THAN
7 TWENTY-FIVE DOLLARS FOR A REFERRAL OF A POLICYHOLDER TO THE AUTO GLASS REPAIR
8 FACILITY IN CONNECTION WITH AN AUTO GLASS REPAIR OR REPLACEMENT CLAIM UNDER
9 AN INSURANCE POLICY.

10 12. WAIVE OR OFFER TO WAIVE THE POLICYHOLDER'S DEDUCTIBLE OR OFFER A
11 REBATE, GIFT, GIFT CARD, CASH OR COUPON WITH AN AGGREGATE VALUE OF MORE THAN
12 TWENTY-FIVE DOLLARS TO ANY PERSON IN ORDER TO INDUCE THE POLICYHOLDER TO FILE
13 AN AUTO GLASS REPAIR OR REPLACEMENT CLAIM UNDER AN INSURANCE POLICY.

14 13. MISREPRESENT THE VALUE OF THE REBATE, GIFT, GIFT CARD, CASH OFFER
15 OR COUPON TO ANY PERSON IN CONJUNCTION WITH AN AUTO GLASS REPAIR OR
16 REPLACEMENT CLAIM UNDER AN INSURANCE POLICY.

17 14. REPRESENT VERBALLY, ELECTRONICALLY OR IN ANY OTHER WAY, INCLUDING
18 AN ADVERTISEMENT OR WEBSITE OR ANY MARKETING MATERIALS, THAT A CLAIM FOR AUTO
19 GLASS REPAIR OR REPLACEMENT UNDER AN INSURANCE POLICY IS FREE WITHOUT
20 DISCLOSING THAT A DEDUCTIBLE MAY APPLY TO THE POLICYHOLDER OR THAT THE
21 POLICYHOLDER'S INSURER MAY BE CHARGED IN CONJUNCTION WITH THE AUTO GLASS
22 REPAIR OR REPLACEMENT SERVICES.

23 15. PERFORM AUTO GLASS REPAIR OR REPLACEMENT SERVICES IN THIS STATE
24 WITHOUT OBTAINING A TRANSACTION PRIVILEGE TAX LICENSE NUMBER ISSUED BY THE
25 DEPARTMENT OF REVENUE PURSUANT TO SECTION 42-5005.

26 16. IF THE PERSON REPAIRING OR REPLACING THE AUTO GLASS DOES NOT
27 ACCEPT THE INSURER'S PRICE, FAIL TO PROVIDE A WRITTEN ESTIMATE TO THE
28 POLICYHOLDER BEFORE THE WORK BEGINS THAT INCLUDES ALL OF THE FOLLOWING:

29 (a) A STATEMENT WHETHER THE PERSON REPAIRING OR REPLACING THE AUTO
30 GLASS DOES NOT ACCEPT THE INSURER'S PRICE FOR PARTS, KITS AND LABOR.

31 (b) THE ACTUAL PRICE THAT WILL BE CHARGED FOR THAT WORK AND THE
32 DIFFERENCE BETWEEN THAT PRICE AND THE INSURER'S PRICE.

1 (c) A STATEMENT THAT THE POLICYHOLDER MAY BE FINANCIALLY RESPONSIBLE
2 TO PAY THE DIFFERENCE BETWEEN THE ACTUAL PRICE THAT WILL BE CHARGED FOR THAT
3 WORK AND THE INSURER'S PRICE.

4 (d) THE SIGNATURE OF THE POLICYHOLDER.

5 (e) THE BUSINESS'S TRANSACTION PRIVILEGE TAX LICENSE NUMBER ISSUED BY
6 THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 42-5005.

7 17. PERFORM AUTO GLASS REPAIR OR REPLACEMENT SERVICES UNDER AN
8 INSURANCE POLICY WITHOUT FIRST OBTAINING THE POLICYHOLDER'S AND INSURER'S
9 APPROVAL FOR THE SPECIFIC WORK TO BE PERFORMED.

10 18. FALSELY TRANSPOSE, DUPLICATE OR SIGN, EITHER ELECTRONICALLY OR IN
11 ANY OTHER FORM, A POLICYHOLDER'S OR OTHER PERSON'S SIGNATURE ONTO A WORK
12 ORDER, INSURANCE ASSIGNMENT FORM OR ANY OTHER RELATED DOCUMENT THAT IS
13 REQUIRED TO AUTHORIZE THE REPAIR OR REPLACEMENT OF AUTO GLASS. FOR THE
14 PURPOSES OF THIS PARAGRAPH, DUPLICATE DOES NOT INCLUDE MAKING COPIES OF A
15 DOCUMENT FOR RECORD RETENTION PURPOSES.

16 19. BILL THE INSURER FOR MORE THAN THE REPAIR OR REPLACEMENT COST
17 AGREED ON WITH THE POLICYHOLDER, A THIRD-PARTY ADMINISTRATOR OF THE INSURER
18 OR AN AGENT REPRESENTING THE INSURER FOR THE WRITTEN ESTIMATE.

19 20. OBTAIN A SIGNATURE FROM A POLICYHOLDER OR OTHER PERSON ON A
20 CONTRACT IF THE WORK UNDER THE CONTRACT IS NOT FULLY COMPLETED AT THE TIME
21 THE POLICYHOLDER OR OTHER PERSON SIGNS OR DOES NOT ACCURATELY REFLECT THE
22 NEGOTIATIONS AND AGREEMENT BETWEEN THE POLICYHOLDER OR OTHER PERSON AND THE
23 AUTO GLASS REPAIR OR REPLACEMENT FACILITY.

24 21. TAKE AN ASSIGNMENT OF ANY CLAIM RELATING TO THE REPAIR OR
25 REPLACEMENT OF AUTO GLASS.

26 B. IF THE PERSON REPAIRING OR REPLACING THE AUTO GLASS FAILS TO
27 PROVIDE THE STATEMENT REQUIRED IN SUBSECTION A, PARAGRAPH 16, SUBDIVISION (c)
28 OF THIS SECTION IN WRITING TO THE POLICYHOLDER, NEITHER THE POLICYHOLDER OR
29 THE INSURER IS RESPONSIBLE FOR THE PAYMENT OF ANY AMOUNTS IN EXCESS OF THE
30 REPAIR OR REPLACEMENT ESTIMATE NOT EXPRESSLY AUTHORIZED BY THE POLICYHOLDER
31 OR INSURER.

1 ~~B.~~ C. It is unlawful for a person who sells or repairs auto glass to
2 intentionally misrepresent the relationship of the glass repair facility to
3 the policyholder's insurer. For the purposes of determining whether a person
4 intended the misrepresentation, it may be presumed that the person intended
5 the misrepresentation if the person was engaged in a regular and consistent
6 pattern of misrepresentation.

7 D. IT IS UNLAWFUL FOR A PERSON WHO SELLS OR REPAIRS AND REPLACES AUTO
8 GLASS TO FAIL TO MAKE THE VEHICLE AVAILABLE FOR INSPECTION AT THE REQUEST OF
9 THE INSURER BEFORE PERFORMING AUTO GLASS REPAIR AND REPLACEMENT SERVICES ON
10 AN INSURED VEHICLE.

11 ~~E.~~ E. A violation of this section is subject to enforcement under
12 this article.

13 ~~F.~~ F. For the purposes of determining whether a defendant knew of any
14 particular element of the prohibited activity, it may be presumed that the
15 person had knowledge if the person was engaged in a regular and consistent
16 pattern of the prohibited activity."

17 Amend title to conform

SONNY BORRELLI

1162sb.doc
03/15/2016
9:55 AM
C: kcb

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1162

(Reference to the proposed Borrelli s/e amendment dated 03/15/2016; 9:55 a.m.)

- 1 Page 2, line 30, after "REPLACEMENT" strike remainder of line
2 Strike line 31, insert "CONSISTENT WITH CURRENT VEHICLE GLASS STANDARDS
3 ESTABLISHED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE RELATED TO AUTO
4 GLASS REPLACEMENT."
5 Page 3, strike lines 3 through 16, insert "CONSISTENT WITH CURRENT VEHICLE GLASS
6 STANDARDS ESTABLISHED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE RELATED TO
7 REPAIR OF LAMINATED AUTO GLASS.
8 11. MISREPRESENT THE ITEM PROMISED IN CONJUNCTION WITH AN AUTO GLASS
9 REPAIR OR REPLACEMENT CLAIM UNDER AN INSURANCE POLICY. ANY REBATE, GIFT,
10 GIFT CARD, CASH OR COUPON PROMISED IN CONJUNCTION WITH AN AUTO GLASS REPAIR
11 OR REPLACEMENT CLAIM UNDER AN INSURANCE POLICY SHALL BE WORTH A SPECIFIC
12 AMOUNT THAT IS CLEARLY DISCLOSED TO THE POLICYHOLDER AND THAT IS NOT
13 CONTINGENT ON ANY PAYMENT RECEIVED BY AN INSURER."
14 Renumber to conform
15 Page 4, line 24, strike "ANY CLAIM" insert "RIGHTS"
16 Line 25, after the period insert "THIS PARAGRAPH DOES NOT PREVENT THE EXECUTION
17 OF A SIGNED REQUEST BY THE POLICYHOLDER TO THE INSURER TO DIRECTLY PAY AN
18 AUTO GLASS REPAIR OR REPLACEMENT FACILITY FOR THE WORK PERFORMED."
19 Line 27, strike "16" insert "14"
20 Amend title to conform

SONNY BORRELLI

1162BORRELLI
03/16/2016
09:06 AM
C: MJH
Printed By: claube
Printed On: March 16, 2016 09:06 AM

Attachment 15

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

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

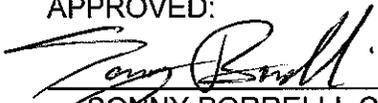
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1162

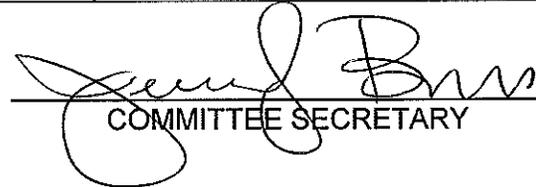
DATE March 17, 2016 MOTION: Failed

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade	✓		✓		
Mr. Campbell				✓	
Mr. Cardenas			✓		
Mr. Farnsworth E			✓		
Mr. Kern			✓		
Ms. Mach			✓		
Mr. Finchem, Vice-Chairman			✓		
Mr. Borrelli, Chairman			✓		
		0	7	1	-

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

SB 1240

peace officers; appointment; training
Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

SB 1240 allows a private postsecondary institution (Institution) to appoint peace officers to aid and supplement law enforcement agencies of this state in the protection of private postsecondary institution property, employees, students and faculty.

PROVISIONS

1. Expands the definition of *peace officer* to include peace officers appointed by an Institution pursuant to statute and who are Arizona Peace Officer Standards and Training Board (AZPOST) certified.
2. Allows an Institution which offers bachelor degrees and has on-campus dormitories to appoint one or more persons as peace officers for the institution.
3. Stipulates that while on Institution property and engaged in conduct of their employment, a designated peace officer possesses and is required to exercise all of the powers of a peace officer in this state.
4. Specifies that an Institution peace officer is permitted to enforce the law only on property that is under the control of the Institution.
5. Asserts that a law enforcement agency in this state is not preempted by an Institution peace officer.
6. Requires an Institution peace officer to notify the appropriate law enforcement agency if either of the following occur:
 - a. A felony arrest is made; or
 - b. A felony investigation is initiated within a law enforcement agencies jurisdiction.
7. Requires an Institution peace officer to have at least the minimum statutory qualifications and comply with all AZPOST rules.
8. Requires an Institution to reimburse AZPOST for all incurred training and audit expenses relating to Institution peace officers.
9. States that an Institution must file the name of each Institution peace officer with AZPOST on the date of their appointment.
10. Mandates that AZPOST issue a certificate of authority to act as a peace officer, if a proposed Institution peace officer meets all statutory requirements and allows AZPOST to revoke a certificate for good cause.

SB 1240

11. Prohibits:

- a. An Institution peace officer from participating in the Public Safety Personnel Retirement Plan if their service is provided solely to an Institution; and
- b. An Institution from receiving fund monies from the Peace Officers Training Fund.

12. Exempts Institution peace officers from statute relating to Law Enforcement Officers and Adult and Juvenile Probation Officers.

13. Provides that an Institution is liable for an Institution peace officer's acts that are within the scope of their employment.

14. Exempts the state and any political subdivision from liability for any act or failure to act by any Institution peace officer.

15. States that all Institution police department documentation, records and reports are public records and are therefore subject to applicable statute.

16. Requires an airport and railroad company to file the name of each police officer, on the date of their appointment, with AZPOST, rather than the Director of the Department of Public Safety (DPS).

CURRENT LAW

A.R.S. § 1-215 defines a peace officer as a county sheriff, marshal, constable, local policeman, commissioned personnel for DPS, AZPOST certified corrections and juvenile corrections officers, water conservation district peace officers, peace officers appointed by the Board of Regents, airport police and special agents from either the Attorney General's Office or the office of a count attorney.

A.R.S. § 41-1822 prescribes minimum qualifications that must be met in order for an individual to become a peace officer in Arizona. These qualifications include United States citizenship and physical, mental and moral fitness. Statute also outlines what subject matter must be covered during the course of a cadet's training.

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1240

DATE March 17, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E			✓		
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	1	-	-


 COMMITTEE SECRETARY

APPROVED:

 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

SB 1410

sexual assault victim advocates; privilege
Prime Sponsor: Senator Hobbs, et al., LD 24

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

OVERVIEW

SB 1410 adds sexual assault victim advocates to the list of mandatory reporters of child abuse, injury, neglect or denial or deprivation of medical or surgical care and prohibits sexual assault victim advocates from being examined in a civil action as to a communication made by the sexual assault victim to the sexual assault victim advocate.

PROVISIONS

1. Prohibits a sexual assault victim advocate from being examined as to any communication made by the sexual assault victim to the sexual assault victim advocate in a civil action.
2. Stipulates that the prescribed communication privilege does not apply to:
 - a. A civil action brought relating to the civil commitment of sexually violent persons; or
 - b. The duty of a sexual assault victim advocate to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors.
3. Stipulates that the communication is not privileged if the victim advocate knows or should have known that the victim will or has given perjurious statements or statements that would tend to disprove the existence of sexual assault, unless the sexual assault program or service provider has immunity under law.
4. Permits a party to an action to make a motion for disclosure of privileged information and requires the court, if reasonable cause is found, to hold a hearing in camera as to whether the privilege should apply.
5. Requires a sexual assault victim advocate to have at least 30 hours of training in assisting victims of sexual assault in order to qualify for this privilege, and:
 - a. Requires a portion of this training to include an explanation of privileged communication and reporting requirements;
 - b. Permits this training to be provided by the sexual assault program or service provider or by an outside agency that issues a certificate of completion; and
 - c. Requires the records custodian of the sexual assault program or service provider to maintain the training documents.
6. Requires a volunteer sexual assault victim advocate to perform all activities under qualified supervision.
7. Adds sexual assault victim advocates to the list of mandatory reporters who must report to a peace officer, the Department of Child Safety (DCS) or a tribal law enforcement or social services agency if a minor has been the victim of physical injury, abuse, child abuse, a

SB 1410

reportable offense or neglect or denial or deprivation of necessary medical treatment or surgical care or nourishment.

8. Defines *sexual assault victim advocate*.
9. Makes technical changes.

CURRENT LAW

A.R.S. § 13-3620 lists certain persons as mandatory reporters, who must report if a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect or denial or deprivation of necessary medical treatment or surgical care or nourishment. The list of mandatory reporters includes:

- Any physician, physician's assistant, optometrist, dentist, osteopath,, chiropractor, podiatrist, behavioral health professional, nurse psychologist, counselor or social worker;
- Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or Christian Science practitioner;
- The parent, stepparent or guardian of the minor;
- School personnel or domestic violence victim advocates; and
- Any other person who is responsible for the care or treatment of the minor.

Statute exempts a member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's role with and discipline enjoined by the church from this communication requirement and stipulates that this exemption applies only to the communication or confession and not personal observations by these persons.

A.R.S., Title 12, Chapter 13, Article 4 prohibits certain persons from being examined in a civil proceeding relating to any communication made between them. This list of privileged communications includes, but is not limited to, those made between an attorney and their client, a clergyman or priest and a penitent or a doctor and their patient.

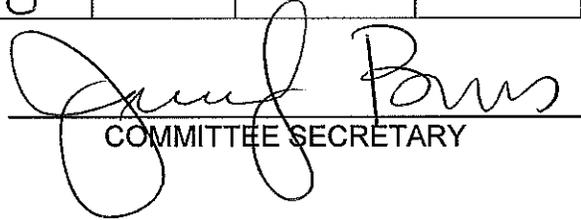
**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session**

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1410

DATE March 17, 2016 MOTION: DP

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


COMMITTEE SECRETARY

APPROVED:



SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman

ATTACHMENT _____

ARIZONA STATE LEGISLATURE
 Fifty-second Legislature - Second Regular Session
COMMITTEE ATTENDANCE RECORD

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

CHAIRMAN: Sonny Borrelli VICE-CHAIRMAN: Mark Finchem

DATE	/16	/16	/16	/16	/16
CONVENED	9:03 am	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	1:41 pm				
MEMBERS					
Mr. Andrade	✓				
Mr. Campbell	✓				
Mr. Cardenas	✓				
Mr. Farnsworth E	✓				
Mr. Kern	✓				
Ms. Mach	✓				
Mr. Finchem, Vice-Chairman	✓				
Mr. Borrelli, Chairman	✓				

✓ Present --- Absent exc Excused