

# Judiciary & Public Safety

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**HB 2084 (Chapter 89): tribal courts; involuntary commitment orders**

Authorizes a mental health treatment facility to admit a patient for involuntary treatment pending the filing of the tribal court order with the clerk of the superior court. Provides for the discharge of the patient if the tribal court order is not filed by the close of business on the next day the court is open after the admission of the patient, or on the second day after admission if the first day falls on a tribal holiday. Effective: August 9, 2017.

Click [here](#) for bill history.

**HB 2085 (Chapter 27): sentencing document; fingerprint; misdemeanor offenses**

Requires the court to execute a judgment of guilt and sentence document at the time of sentencing for theft and shoplifting. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2087 (Chapter 55): Arizona criminal justice commission; continuation**

Continues the Arizona Criminal Justice Commission for eight years. Effective: Retroactive to July 1, 2017.

Click [here](#) for the bill history.

**HB 2106 (Chapter 90): garnishment; continuing lien; school employee**

Increases the length of time before a continuing lien becomes invalid from 60 to 90 days if the debtor is an employee of a school district, charter school, the Arizona State Schools for the Deaf and the Blind or an accommodation school. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2192 (Chapter 183): child support; driver license restriction**

Establishes a noncommercial restricted driver license as an alternative legal remedy for the willful failure to pay child support for at least 6 months. Outlines eligibility requirements and permitted travel for the restricted license. Permits the court to suspend the obligor's license upon a finding that the obligor is not in compliance with the payment plan. Transfers the burden of proving that the failure to make support payments was not willful to the obligor. Effective: August 9, 2017.

Click [here](#) for bill history.

**HB 2200 (Chapter 135): community notification; form of notice**

Specifies that sex offender notification must be disseminated in a non-electronic format to certain entities. Allows a person to opt in to electronic notification, if available. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2211 (Chapter 33): corrections; treatment programs; annual reports**

Requires the ADC Director to submit an annual report on drug and alcohol programs available to offenders under ADC's jurisdiction. Specifies information that must be included. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2216 (Chapter 165): prohibited firearm tracking; classification**

Makes it a class 6 felony to require the use of electronic firearm tracking technology or to disclose any identifiable information about either the person or the person's firearm use with electronic firearm tracking technology. Outlines exemptions and defines *electronic firearm tracking technology*. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2220 (Chapter 51): electronic files; access; official record**

Requires the court to provide electronic access and filing privileges to pro se litigants if they have been made available to attorneys. Permits the court to limit access or filing privileges to an attorney who is either a party to the case, or on file as an attorney of record for one of the parties. Allows the court to limit access or filing privileges for a pro se litigant to records related to their own case. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2237 (Chapter 34): forcible entry; detainer; prohibited rules**

Prohibits a state agency or court from adopting or enforcing standardized forms related to forcible entry and detainer. Deems a notice or pleading that meets the statutory requirements sufficient. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2238 (Chapter 167): child sex trafficking; violations**

Transfers sex trafficking provisions related to minor victims into the child prostitution statute. Makes a person convicted of any of the transferred provisions eligible for lifetime probation. Renames the offense of "child prostitution" into "child sex trafficking." Applies sex offender registration and notification requirements to a person convicted of child prostitution prior to the effective date, and child sex trafficking on or after the effective date. Effective: August 9, 2017.

Click [here](#) for bill history.

**HB 2239 (Chapter 59) incompetent, nonrestorable defendants; involuntary commitment**

Specifies the process for remanding an incompetent defendant for a competency evaluation or screening to determine if the person is a sexually violent person (SVP). Allows the county attorney to request a screening of a defendant found incompetent to determine if the person is a SVP if specific conditions are met. Outlines notice requirements prior to the person being released from the evaluation or treatment process. Requires the medical director to provide records to the court if a hearing is requested prior to the person's release. Requires criminal history information to be provided by the prosecutor to the court in the petition for evaluation. Outlines the process for conducting the screening and how to proceed with the results.

Tolls the period of court-ordered treatment during the unauthorized absence of a patient. Outlines notice requirements and provides that the tolling cannot continue for more than one year. Exempts the treatment agency from being liable for damages resulting from the patient's actions, if specific conditions are met. Effective: August 9, 2017

Click [here](#) for the bill history.

**HB 2240 (Chapter 35): alternate grand jurors; service**

Defines *alternate grand juror* as an additional grand juror selected and sworn in at the time of empanelment, but not designated as permanent until a permanent juror is permanently excused. Permits a designee of the presiding judge to excuse a grand juror. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2241 (Chapter 36): victims' rights; pleading endorsements**

Requires a victim's counsel to be endorsed on all pleadings on the filing of a notice of appearance by either the victim or the victim's counsel. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2243 (Chapter 250): anti-racketeering revolving funds; electronic reports**

Requires ACJC to receive and submit Anti-Racketeering Revolving Fund revenue and expenditure reports electronically and to file the reports quarterly. Modifies reporting deadlines. Effective: October 1, 2017.

Click [here](#) for bill history.

**HB 2244 (Chapter 151): Now: initiatives; standard of review; handbook**

Specifies that the constitutional and statutory requirements for statewide initiative measures must be strictly construed and requires all persons using the initiative process to strictly comply with these requirements. Requires the SOS to prepare and publish an initiative, referendum and recall handbook and sample initiative petition, which must be made available to the public. Effective: August 9, 2017.

Click [here](#) for bill history.

**HB 2246 (Chapter 141): Arizona lengthy trial fund; continuation**

Continues the Arizona Lengthy Trial Fund until July 1, 2027 and permits the collection of fees until January 1, 2027. Effective: August 9, 2017.

Click [here](#) for bill history.

**HB 2254 (Chapter 197) judicial productivity credits; salary calculation**

Modifies the current judicial productivity credit (JPC) salary calculation formula by changing the weight given to specific types of filings. Counts juvenile filings in the same manner as adult filings. Requires the Supreme Court to annually compute the number of JPCs using the new formula and establishes reporting requirements.

If the BOS divides a JP precinct into two or more precincts, it must set the JP salary for each precinct at the level of the highest salary of any JPs affected by the division. The BOS is required to review and adjust the annual salary of each JP every year, beginning on January 1, 2019. Prohibits the salary of a JP from being reduced during the JP's term of office. If the JP serves consecutive terms, the salary cannot be reduced by more than one tier under the salary formula. JP salary adjustments made due to a precinct being divided are excluded. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2268 (Chapter 38): sexual assault evidence; submission; reports**

Establishes timeframes and guidelines for the testing of sexual assault kits. Requires the crime laboratory to upload all eligible DNA profiles into the outlined databases, if the DNA sample meets the requirements of the database comparison policies. States that failure by a law enforcement agency (LEA) to submit evidence within the specific timeframes does not constitute grounds in any criminal or civil proceeding to challenge the validity of the DNA evidence association. Prohibits a court from excluding the evidence based on those grounds (timeframe). A person who is accused or convicted of a crime against a victim does not have standing to object to any failure to meet the outlined requirements and failure to meet the requirements is not grounds for setting aside a conviction or sentence. States that this does not establish a private right of action or claim on the part of any individual, entity or agency against an LEA or contractor. Outlines reporting requirements for LEAs and crime labs related to the number of sexual assault kits that are received, submitted and analyzed. Requires ADPS to submit a report to the Governor, President of the Senate and the Speaker of the House of Representatives that compiles the LEA and crime lab reports into one report and to also post the report on the ADPS website. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2269 (Chapter 229): victims' rights; requirements; monetary judgments**

Prohibits the payment of specific types of monetary judgments to a person who is or was incarcerated at ADC before all owed restitution and incarceration costs are paid if the judgment is against the state, a political subdivision, any prison, jail or correctional facility or an employee or agent of a facility. Allows for alternative forms of notice of specified victim rights information and permits a victim to exercise his or her right to be heard through the submission of any video or digital media available to the court. Requires the court to provide notice to ADC and the Board of Executive Clemency if a victim has requested post-conviction notice and a defendant is committed to ADC as the result of probation being revoked.

Specifies that the trial court retains jurisdiction over all restitution orders in a victim's favor until payments are made in full for purposes of ordering, modifying and enforcing the manner of payments. Prohibits charging a fee for a person filing a criminal restitution order or a restitution lien. Permits the victim or a prosecutor to file a request for a pre-conviction restitution lien in a criminal proceeding where there was an economic loss. The lien would be released if the defendant is acquitted or prosecution does not proceed. Allows a victim to file a restitution lien after restitution is ordered and determined by the trial court. Requires the county treasurer to deposit monies from unclaimed victim restitution payments in possession of the JP court in the Victim Compensation and Assistance Fund. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2375 (Chapter 125): victims; medical bills; prohibited acts**

States that healthcare providers who agree to the Victims' Compensation Program rules and accept payment from the Program are deemed paid in full. Prohibits providers from pursuing debt collection activity if a person has filed a claim with the Program until the claim has been processed. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2435 (Chapter 170): name change; juvenile court**

Permits the court to change the name of a child who is the subject of an adoption to the name requested by the adoptive parents. Allows the juvenile court to change the name of a child who was the subject of an action to terminate parental rights. Requires the court to consider the wishes of the child if the child is 12 years or older. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2444 (Chapter 64): sexual assault; victim advocates; privilege**

Establishes guidelines relating to communications between victims and sexual assault victim advocates. Prohibits an advocate from being examined regarding communications with a victim in a civil action. Outlines when communication is not privileged and allows a party to make a motion to disclose privileged information. Requires an advocate to meet specific training requirements to qualify for the privilege and advocates who are volunteers must work under qualified supervision. Adds advocates to the definition of a [person](#) who is required to report to law enforcement or to DCS if the advocate believes that a minor is the victim of physical injury, abuse, child abuse, a *reportable offense* or neglect. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2477 (Chapter 149): civil forfeiture; report information; remedies**

Increases the standard of evidence for civil asset seizure and forfeiture processes from preponderance of evidence to clear and convincing evidence. Authorizes the court to award reasonable attorney fees, expenses and damages for loss of the use of property to any claimant who substantially prevails in an action to challenge a seizure or forfeiture. States that the seizing agency, person making the seizure or the attorney for the state are not personally liable for a seizure unless the person or agency intended to cause injury or was grossly negligent. Requires the court to award treble costs or damages if the court finds that reasonable cause did not exist for the seizure, forfeiture or the filing and the seizing agency/attorney intended to cause injury or was grossly negligent.

Requires any agency applying for monies from an Anti-Racketeering Revolving Fund (ARRF) to submit a written application with a description of how the money will be used to the AG or county attorney. The AG or county attorney may deny an application that requests monies for purposes not authorized by statute or federal law. Requires the county attorney to submit an application to the BOS to use county attorney ARRF monies and outlines the approval process. ARRF monies may be used by the county attorney and AG as necessary for the accounting and approval measures outlined. Specific reporting requirements are outlined for the AG, county attorneys and entities that receive ARRF monies. The OAG is required to conduct a performance and financial audit of the AG's use of its ARRF monies every other year, beginning in 2018.

Prohibits the seizing agency and state attorneys from entering into any agreement that would transfer or refer seized property to a federal agency if the seizure was part of an investigation that did not involve a federal agency and involves only a state law violation. Prohibits the transfer or referral of seized property from a joint investigation unless the gross estimated value of the property is greater than \$75,000 and defines a *joint investigation*. Effective: August 9, 2017.

Click [here](#) for the bill history.

**HB 2494 (Chapter 301): civil liability; vehicles; minors; animals**



Provides an exemption from civil liability for a person using reasonable force to remove a minor or confined domestic animal from a locked or unattended vehicle. The person must have a good faith belief that the minor or animal is in imminent danger of injury or death and must follow specific procedures.

Click [here](#) for the bill history.

**HB 2515 (Chapter 327): governor appointees; criminal records checks**

Requires gubernatorial nominees, appointees and applicants for specified positions to submit fingerprints to their prospective employers for purposes of state and federal criminal records checks prior to nomination, appointment or hire. Allows ADPS to exchange the fingerprint data with the FBI and permits ADPS to exchange criminal records history information with the Governor for prospective gubernatorial nominees, appointees and employees. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1025 (Chapter 253) public entities; defenses**

Expands the affirmative defense for public entities and employees in the case of an injury arising from a plan or design for construction, maintenance or improvement to transportation facilities if the plan or design was prepared in conformance to accepted standards in effect at the time and a reasonably adequate warning of any unreasonably dangerous hazard is provided. Bifurcates the process of adjudicating whether the affirmative defense applies from the awarding of damages. Effective: August 9, 2017.

Click [here](#) for bill history.

**SB 1031 (Chapter 103): dangerous; incompetent defendants; study committee**

Re-establishes the Incompetent, Nonrestorable and Dangerous Defendants Study Committee, outlines membership, research and reporting requirements. Repeals the committee on June 30, 2018. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1033 (Chapter 5); board of executive clemency; continuation**

Continues the Board of Executive Clemency for eight years. Effective: Retroactive to July 1, 2017.

Click [here](#) for the bill history.

**SB 1050 (Chapter 6): private process servers; duties**

Specifies that private process servers may serve all processes, writs, orders, pleadings or papers that may be served by a sheriff or constable under specific statutes. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1066 (Chapter 8): clerk of court; records**

Updates court reporting requirements when a defendant defaults on an order to pay a fee, fine or incarceration cost. Permits a victim to request a copy of the defendant's restitution history from the clerk. Effective: August 9, 2017.

Click [here](#) for the bill history.



**SB 1072 (Chapter 329): administrative decisions; scope of review**

Requires the court to award attorney fees and other expenses in a successful civil action challenging an administrative decision on the grounds that the decision is contrary to law if the agency or commission is statutorily exempt from rulemaking. States that the court may only affirm, reverse, modify or vacate and remand an agency action after reviewing the administrative record and supplementing evidence presented at the evidentiary hearing. Effective: August 9, 2017.

Click [here](#) for bill history.

**SB 1157 (Chapter 14): competency hearings; jurisdiction; referral**

Permits a JP or municipal court to exercise jurisdiction over misdemeanor competency hearings. Allows a JP or municipal court judge to refer a competency hearing to another JP or municipal court if the receiving court approves and is located in the same county as the referring court. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1180 (Chapter 240): bingo establishments; ADA compliance**

Establishes requirements for the use of technological devices in bingo games and expands the list of individuals who may conduct bingo games to include contractors. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1190 (Chapter 113): public safety; supplemental benefits; continuation**

Continues the supplemental benefit plan for specific public safety employees who are injured on the job until October 1, 2025. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1253 (Chapter 260): law enforcement officers; administrative investigations**

Outlines the use of officer-recorded video in an administrative investigation of a use of force incident that resulted in death or serious physical injury to another person. Requires the law enforcement officer (LEO) to have an opportunity to view the video recording and provide additional information regarding the footage before the investigation is complete. Provides a notice that must be read to the LEO before viewing the video. States that law enforcement agencies are not precluded from adopting policies or rules regarding the review of officer-recorded video by LEOs. Effective: August 9, 2017.

Click [here](#) for bill history.

**SB 1342 (Chapter 187): search warrants; tracking; simulator devices**

Establishes requirements for tracking device and cell site simulator device search warrants. Prohibits the issuance of a warrant without probable cause and requires an affidavit or oath with specific information. Outlines grounds for the issuance of the warrant and authorizes the use of the tracking device or cell site simulator device at any time of day or night. The warrant is required to specify a reasonable length of time that the device may be used, which cannot exceed 60 days from the date that the warrant is signed. The process and time limits for extensions are outlined. The warrant is void unless initiated before the 11<sup>th</sup> day or the time is extended by a magistrate. Requires the warrant to be returned to the court within 3 court-business days of the warrant's expiration and outlines information that must be included in the return. A copy of the warrant must

be served within 90 days after the use of the device ends. Outlines who must be served and methods for accomplishing service. Notice may be delayed by the court if it makes specific findings. SB 1342 prohibits the use of a cell site simulator device to intercept, obtain or access the content of stored oral, wire or electronic communication, unless the use is specifically authorized by law. Non-target data must be destroyed within 60 court-business days after the return of the warrant. If the device is used to identify an unknown communications device, the court may order the preservation of non-target data. Removes the existing 10-day limit for an extension the court can grant to delay service of the receipt of property that was removed under a warrant. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1344 (Chapter 148): firearms; state preemption; employees**

Specifies the exception allowing a political subdivision to regulate firearm possession of independent contractors and employees does not include the lawful possession of a firearm or weapon on the person's private property, in the person's private vehicle or water craft or as outlined by statute. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1350 (Chapter 119): terrorist threats; false reports; terrorism**

Makes numerous changes to the terrorism statutes including expanding the offense of terrorism to include providing advice, assistance or direction in the financing, management or conduct of a terrorist organization and separating the offenses related to the unlawful use of a biological substance or radiological agent from the terrorism section into a new section. Establishes the offense of making a terrorist threat and false reporting of terrorism. A person convicted of either offense is liable for expenses related to the investigation or response to a report. Outlines applicable penalties and sentencing ranges. For purposes of the racketeering statutes, expands the existing definitions of terrorism and public establishment and creates a definition for a terrorist organization. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1366 (Chapter 162) peace officer; victim; aggravating factor**

Expands the list of aggravating circumstances for sentencing purposes to include if there is evidence that the person committed an aggravated assault because the victim is a peace officer. For aggravated assault, the bill removes the requirement that the assault be committed while the officer is engaged in official duties or as a result of the officer's execution of official duties. States that it is not a mitigating circumstance or defense if the officer was not on duty or not engaged in official duties. Effective: August 9, 2017.

Click [here](#) for bill history.

**SB 1367 (Chapter 133): abortion; live delivery; report**

Establishes reporting requirements for a physician who performs an abortion where the fetus or embryo is born alive. Requires the director of ADHS to prescribe rules in compliance with the reporting requirements. Outlines minimum policies and procedures for hospitals and facilities where abortions take place. Permits the imposition of sanctions and penalties under current law for any hospital not in substantial compliance with these requirements. Requires an action to

enforce to be brought in the name of the state by either the AG or the county attorney. Outlines specific individuals who may file a civil action to obtain relief for a violation, requires a civil action to be brought in the county where the woman whom the abortion was performed on resides and outlines relief options. A civil action must be initiated within 6 years of the violation. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1422 (Chapter 87): vacating conviction; trafficking; local offenses**

Permits a person convicted of violating a city or town's prostitution ordinance to apply to have the sentence vacated if the offense occurred as a result of sex trafficking. Effective: August 9, 2017.

Click [here](#) for the bill history.

**SB 1439 (Chapter 73): end-of-life; discrimination; prohibition**

Prohibits discrimination against a health care entity for not providing or assisting in end-of-life services. Creates a cause of action for a health care entity that is discriminated against in violation of this law and states that an additional burden or expense on another health care entity is not a defense to the civil action. Outlines specific remedies the court may order for a violation. Includes a construction clause specifying that this act does not create or recognize a right to assisted suicide, euthanasia or mercy killing. Effective: August 9, 2017.

Click [here](#) for the bill history.