

# Judiciary & Public Safety

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[P 105] Proposition 105 Clause  
[P 108] Proposition 108 Clause

<b>Bill</b>	<b>Chapter</b>	<b>Short Title</b>	<b>Page</b>
<a href="#">HB 2006</a>	173	NOW: minimum age; marriage	111
<a href="#">HB 2007</a>	61	NOW: evasion; crime; personal disguises	111
<a href="#">HB 2019</a>	4	civil rights advisory board; continuation	111
<a href="#">HB 2020</a>	264	NOW: sexual assault; harassment; confidentiality agreements	111
<a href="#">HB 2031</a>	132	spousal maintenance; significant contribution; reduction	111
<a href="#">HB 2038</a>	28	drug overdose review teams; records	111
<a href="#">HB 2053</a>	76	NOW: sexual acts; theft by extortion	112
<a href="#">HB 2155</a>	34	notaries public; immigration law; prohibition	112
<a href="#">HB 2238</a>	180	administrative decisions; review; scope	112
<a href="#">HB 2240</a>	36	judgment renewal; time period	112
<a href="#">HB 2243</a>	81	wrong-way driving; violation; DUI	112
<a href="#">HB 2244</a>	181	dangerous crimes; children; fictitious age	112
<a href="#">HB 2245</a>	115	prohibited bail; sexual conduct; molestation	113
<a href="#">HB 2246</a>	202	jail; prohibited items; drugs	113
<a href="#">HB 2247</a>	82	criminal justice commission; reporting requirements	113
<a href="#">HB 2248</a>	135	incompetency; screening; sexually violent persons	113
<a href="#">HB 2249</a>	232	protective orders; filing requirements	113
<a href="#">HB 2259</a>	136	juvenile court facilities; shelters; use	114
<a href="#">HB 2278</a>	14	child support rights transfer	114
<a href="#">HB 2283</a>	266	NOW: definition; defenses; sexual offenses	114
<a href="#">HB 2311</a>	137	limited liability; employers; ex-offenders	114
<a href="#">HB 2312</a>	83	setting aside conviction; requirements	114
<a href="#">HB 2313</a>	237	sentencing; monetary obligations; fine mitigation	115
<a href="#">HB 2314</a>	203	misdemeanor sentence; authorized disposition	115

<b>Bill</b>	<b>Chapter</b>	<b>Short Title</b>	<b>Page</b>
<a href="#">HB 2315</a>	204	intensive probation; employment wages; monitoring	115
<a href="#">HB 2327</a>	239	NOW: federal officers; personal information; confidentiality	115
<a href="#">HB 2328</a>	206	concealed weapons permit; electronic reports	115
<a href="#">HB 2356</a>	301	juvenile court; jurisdiction; age	116
<a href="#">HB 2384</a>	303	unlawful flight; vehicle impoundment	116
<a href="#">HB 2505</a>	97	converted entities; claims	116
<a href="#">HB 2522</a>	310	traffic violations; penalties	116
<a href="#">HB 2527</a>	312	NOW: ticket surcharge; public safety equipment	117
<a href="#">HB 2656</a>	328	electronic wills and trusts	117
<a href="#">SB 1041</a>	186	residency restrictions; sex offenders; victims	117
<a href="#">SB 1071</a>	144	adoption; subsidy; review; nonrecurring expenses	117
<a href="#">SB 1076</a>	22	assault; public safety contractors; workers	118
<a href="#">SB 1110</a>	123	photo radar; review; penalty	118
<a href="#">SB 1204</a>	102	trusts and estates	118
<a href="#">SB 1211</a>	269	sentence; life imprisonment; parole eligibility	118
<a href="#">SB 1393</a>	128	dissolution; human embryos; disposition	118
<a href="#">SB 1394</a>	219	DHS; reporting; abortions	119
<a href="#">SB 1395</a>	191	temporary custody without court order	119
<a href="#">SB 1400</a>	256	aggravated DUI; sentence; county jail	119
<a href="#">SB 1436</a>	193	prohibition; criminal history; occupational regulation	119
<a href="#">SB 1447</a>	222	juror questionnaire; investigations	120
<a href="#">SB 1450</a>	257	independent oversight committees; appointment; duties	120
<a href="#">SB 1498</a>	345	NOW: AZPOST; membership; training; AMBER alert	120
<a href="#">SB 1503</a>	226	NOW: delinquent restitution; procedure	120

**HB 2006 (Chapter 173): NOW minimum age; marriage**

Prohibits marriage by any person who is under 16 years of age. Stipulates that a person who is 16 or 17 years of age may marry only if the person's prospective spouse is not more than three years older than the person and either the person is emancipated or the custodial parent or guardian consents to the marriage.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2007 (Chapter 61): NOW evasion; crime; personal disguises**

Expands the list of aggravating circumstances for sentencing to include the use of a mask or other disguise to obscure the defendant's face to avoid identification during or immediately following the commission of the offense.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2019 (Chapter 4): civil rights advisory board; continuation**

Continues Arizona Civil Rights Advisory Board for eight years.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2020 (Chapter 264): NOW sexual assault; harassment; confidentiality agreements**

States that the terms of a nondisclosure agreement (NDA) in relation to specified sexual offenses may not be used to prohibit a party from responding to an inquiry from a peace officer or prosecutor, or making a statement in a criminal proceeding. Prohibits the use of public monies as consideration in exchange for an NDA related to an allegation of sexual assault or sexual harassment.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2031 (Chapter 132): spousal maintenance; significant contribution; reduction**

Expands the list of conditions for granting a spousal maintenance order to include if the spouse has made a significant financial or other contribution to the education, training, vocational skills, career or earning ability of the other spouse, or experienced a significant reduction in income or career opportunities for the benefit of the other spouse.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2038 (Chapter 28): drug overdose review teams; records**

Requires law enforcement agencies to provide unredacted reports to a local drug overdose fatality review team on request and stipulates the information and records obtained are confidential.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2053 (Chapter 76): NOW sexual acts; theft by extortion**

Establishes the offense of *sexual extortion* as knowingly communicating a threat intended to coerce another person to engage in specified sexual acts. Makes the offense a Class 3 felony. If the victim is under 15 years old, the offense is a Class 2 felony that may be designated as a dangerous crime against children and requires the person to register as a sex offender.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2155 (Chapter 34): notaries public; immigration law; prohibition**

Prohibits a notary public who is not an attorney from rendering any service for compensation that constitutes the unauthorized practice of immigration and nationality law. Requires the SOS, in addition to any other penalty, to impose a civil penalty of up to \$1,000 for any violation and revoke the notary public's commission.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2238 (Chapter 180): administrative decisions; review; scope**

Requires the court, in a proceeding brought by or against a regulated party, to decide on all questions of law without deference to any previous determination by the agency. States that court procedures outlined following an evidentiary hearing apply to the judicial review of any agency action authorized by law. Directs the court to affirm an agency action from a utilization review appeal, unless it is not supported by substantial evidence, contrary to law, arbitrary and capricious or an abuse of discretion.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2240 (Chapter 36): judgment renewal; time period**

Increases the period to enforce and renew a judgment from 5 years to 10 years.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2243 (Chapter 81): wrong-way driving; violation; DUI**

Establishes a civil traffic offense for driving the wrong way on a controlled access highway. A person found responsible is subject to a \$500 civil penalty and must attend and successfully complete Traffic Survival School. Creates a new aggravated DUI offense for a person who commits a regular, extreme or aggravated DUI violation while driving the wrong way on a highway. Makes a violation a Class 4 felony and requires a minimum incarceration of 4 months.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2244 (Chapter 181): dangerous crimes; children; fictitious age**

States that it is not a defense to a dangerous crime against children allegation if the minor is fictitious or is a person posing as a minor, if the defendant knew or should have known that the purported minor was under 15 years of age.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2245 (Chapter 115): prohibited bail; sexual conduct; molestation**

Modifies the prohibition on bail for a person charged with sexual conduct with a minor under 15 or child molestation to apply only if the person was 18 years old and the victim was under 13 years old, or if the person was 10 years older than a 13- or 14-year-old victim.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2246 (Chapter 202): jail; prohibited items; drugs**

Makes several changes to the offense of taking prohibited items into a jail. Expands the list of drugs prohibited to include marijuana, narcotic drugs or dangerous drugs. Includes a culpable mental state of knowingly and excludes grounds adjacent to a jail.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2247 (Chapter 82): criminal justice commission; reporting requirements**

Removes the requirement for ADPS to provide disposition information to ACJC on charges of false reporting of sexual assault of a spouse. Clarifies the reporting process. Requires ACJC to maintain record extracts of the number of sexual assault police reports filed, if available.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2248 (Chapter 135): incompetency; screening; sexually violent persons**

Expands the list of conditions that may trigger the sexually violent person screening process to include a defendant who was ever convicted of a sexually violent offense or found guilty except insane for a sexually violent offense.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2249 (Chapter 232): protective orders; filing requirements**

Requires the court to provide the Order of Protection (OP) to a Law Enforcement Agency (LEA), constable or other authorized person for service, after the order is granted. Requires an affidavit, declaration, acceptance or return of service to be filed as soon as practicable, within 72 hours excluding weekends and holidays. Provides that the court must register order with National Crime Information Center within 24 hours of the filing. States that an emergency OP expires at the close of the next judicial business day or 72 hours after issuance, whichever is longer. Provides that an Injunction Against Harassment, Injunction Against Workplace Harassment or OP expires if it is not served on the defendant within one year of issuance. Permits plaintiff notification through a victim notification system.

Effective: January 1, 2020

Click [here](#) for bill history.

**HB 2259 (Chapter 136): juvenile court facilities; shelters; use**

Allows juvenile court staff to provide services within juvenile court facilities on authorization from the presiding judge of the superior court, if facilities are available.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2278 (Chapter 14): child support rights transfer**

States that child support, in a Title IV-D case, transfers to a caretaker who has physical custody of a child for 30 consecutive days, regardless of a custody order. Restricts ADES to only disburse child support to a caretaker who has physical custody for 30 consecutive days. Removes the condition that a caretaker continue to receive child support until the obligor, who has the intent to obtain custody, receives an order granting custody.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2283 (Chapter 266): NOW definition; defenses; sexual offenses**

Excludes from the definition of *sexual contact* any direct or indirect touching or manipulating during caretaking responsibilities or interactions with a minor or vulnerable adult that an objective, reasonable person would recognize as normal and reasonable under the circumstances. Strikes the defense for sexual abuse or molestation if the defendant was not motivated by sexual interest.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2311 (Chapter 137): limited liability; employers; ex-offenders**

States that an employer is not liable for hiring or contracting with a person previously convicted of a criminal offense. Prohibits introducing the fact that an employee or contractor was previously convicted of a criminal offense as evidence in any negligent hiring action based on a theory of liability other than hiring or contracting with a person with a prior criminal offense. States that this liability exemption does not preclude an existing cause of action for failure to provide supervisor of an employee or contractor. Provides specific exemptions.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2312 (Chapter 83): setting aside conviction; requirements**

Requires a convicted person to be informed of the option to have a conviction set aside at the time of sentencing, instead of at discharge. Outlines the factors that the court must consider in determining whether to set aside a conviction. Outlines situations where the use of a set aside conviction is permitted. Expands the list of disqualifying offenses for set aside.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2313 (Chapter 237): sentencing; monetary obligations; fine mitigation**

Expands the option for sentencing a defendant to community restitution in lieu of payment of a fine, fee, assessment or incarceration cost. Allows a judge to mitigate a fine if a defendant demonstrates hardship on the defendant or the defendant's family. Outlines specific criteria for the court to consider in determining whether to mitigate the fine. Strikes current authorization for the waiver of civil penalties, fines, forfeitures and surcharges, except for mandatory penalties and fines. Establishes an interest rate of 4% per year on criminal restitution orders enforced by the state. Establishes a penalty assessment of \$9 on every fine, penalty and forfeiture for criminal offenses, traffic violations or violations of Game and Fish statutes. Deposits the monies in the Victims' Rights Fund and the Victim Compensation and Assistance Fund. Reduces the current CJEF surcharge from 47% to 42% of every fine, penalty, forfeiture and civil penalty.

Effective: January 1, 2019

Click [here](#) for bill history.

**HB 2314 (Chapter 203): misdemeanor sentence; authorized disposition**

Allows the court to impose a sentence of community restitution or a term of education or treatment for misdemeanor convictions, in addition to any sentence authorized by law.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2315 (Chapter 204): intensive probation; employment wages; monitoring**

Modifies the procedures for a person under intensive probation to make payment of restitution, probation fees, fines and other payments by removing the requirement for the person's wages be paid directly into an account established by the chief adult probation officer and requiring the person's wages be monitored by the person's probation officer to ensure payment.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2327 (Chapter 239): NOW federal officers; personal information; confidentiality**

Expands the list of persons who qualify to have personal information removed from public records to include federal Law Enforcement Officers or agents who reside in Arizona and who have federal arrest authority. Applies to records maintained by the county recorder, the county assessor and county treasurer, superior courts, voter registration and ADOT.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2328 (Chapter 206): concealed weapons permit; electronic reports**

Requires ADPS to submit its annual CCW permit report electronically. Expands the report to include any changes made in the previous year to a written agreement with another state.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2356 (Chapter 301): juvenile court; jurisdiction; age**

Requires the juvenile court to retain jurisdiction over a juvenile who is at least 17 years old and who has been adjudicated delinquent, until the person reaches 19 years old, if the state files a notice of intent to retain jurisdiction. Requires the court to order continued probation and treatment services until the juvenile adjudicated delinquent reaches 19 years old or services are terminated by the court.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2384 (Chapter 303): unlawful flight; vehicle impoundment**

Expands the offense of *unlawful flight from law enforcement* to include a person who flees or attempts to elude an unmarked law enforcement vehicle, if the driver admits to knowing it was a law enforcement vehicle or evidence shows that the driver knew that it was a law enforcement vehicle. Allows an officer to have a vehicle removed if the driver commits unlawful flight from law enforcement, leaves the vehicle and continues to flee.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2505 (Chapter 97): converted entities; claims**

Limits who can bring a claim for specified dissolutions or receivership against a converted entity to only a governor or interest holder in the converted entity when a conversion becomes effective.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2522 (Chapter 310): traffic violations; penalties**

Allows the court to suspend a person's driving privilege for up to 180 days, instead of up to 90 days, for a first violation of a specified moving violation resulting in serious physical injury or a second or subsequent violation within three years, if the violation results in serious physical injury. Allows the court to suspend a person's driving privilege for up to one year, instead of up to 180 days, for a first violation resulting in death or a second or subsequent violation within three years, if the violation results in death. Requires the court to award restitution and increases the cap on restitution from \$10,000 to \$100,000. Increases the penalty from a Class 3 misdemeanor to a Class 1 misdemeanor. Removes the maximum fine of \$1,000 for causing a death.

Expands the offenses of causing death by a vehicle and serious physical injury by a vehicle to include if the person causes a death or caused the injury while committing any of the outlined violations, if at the time of the accident, the person's license is suspended for failure to provide proof of financial responsibility after receiving a DUI. Makes the offense a Class 3 felony, if the person's license was suspended at the time of the accident due to a DUI or failure to provide proof of financial responsibility after a DUI violation for causing death by use of a vehicle. Mandates a consecutive sentence. Requires ADOT to revoke the person's license, permit or nonresident operating privilege for one year.

Effective: August 3, 2018

Click [here](#) for bill history.

**HB 2527 (Chapter 312): NOW ticket surcharge; public safety equipment**

Increases the assessment for attending a court-authorized diversion program for traffic offenses (including defensive driving programs) from \$5 to \$9 and establishes a \$4 assessment on all civil and criminal traffic offenses. Establishes the Peace Officer Equipment Training Fund and requires monies to be used only for peace officer equipment. Creates a reporting requirement for JLBC. Establishes the Peace Officer Equipment Training Fund Advisory Commission to make an annual recommendation on allocation of monies in the Fund. Outlines initial appropriations from the Fund.

Effective: January 1, 2019

Click [here](#) for bill history.

**HB 2656 (Chapter 328): electronic wills and trusts**

Outlines requirements for the creation of an electronic will. States that a self-proved electronic will must meet additional requirements that include designating a qualified custodian to maintain custody. Requires any question raised about the force, effect, validity and interpretation of an electronic will to be determined in the same manner as a holographic will. Outlines requirements for a qualified custodian that include the storage and maintenance of electronic records, restrictions on access and destruction of electronic records and the issuance of paper certified originals. Adds that the definition of *will* may include an electronic will. Clarifies the use of an electronic will in other statutory requirements that include the revocation of a will, the petition for formal probate and the succession of real property.

Effective: July 1, 2019

Click [here](#) for bill history.

**SB 1041 (Chapter 186): residency restrictions; sex offenders; victims**

Prohibits a person convicted of a dangerous crime against children who is required to register as a sex offender from knowingly residing or establishing a residence within 1,000 feet of the property where the person's former victim lives, or establishing a residence and residing within 1,000 feet of the property where the person's former victim lives. Provides two exceptions and a defense for the person under certain circumstances. Makes a violation a Class 1 misdemeanor a second or subsequent violation is a Class 6 felony.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1071 (Chapter 144): adoption; subsidy; review; nonrecurring expenses**

Limits the amount paid by DCS for nonrecurring adoption expenses to \$2,000 per petition, instead of \$2,000 per eligible child. Prohibits DCS from paying nonrecurring adoption expenses for a child and siblings or half siblings whose parental rights were terminated within 60 days of each other, unless the children are listed on the same adoption petition. Allows DCS to determine the frequency of reviews for adoption subsidies.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1076 (Chapter 22): assault; public safety contractors; workers**

For purposes of disease testing after an assault in a correctional facility, expands the definition of *public safety employee or volunteer* by adding a contractor of a state or local LEA or correctional facility, or any other person who is authorized to perform official duties or be present in a correctional facility.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1110 (Chapter 123): photo radar; review; penalty**

Requires a LEA to review evidence recorded by photo radar to determine whether a violation occurred before issuing a citation. Prohibits a photo enforcement company from determining a violation and makes the failure to comply a Class 1 misdemeanor.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1204 (Chapter 102): trusts and estates**

Asserts that the Arizona Rules of Probate Procedure rather than the Arizona Rules of Civil Procedure govern formal estates, trusts and protective proceedings, with exceptions. Clarifies that a penalty clause for contesting a will or a trust instrument is unenforceable in either proceedings or actions if probable cause exists for the contest, proceedings or actions. Prohibits a person from requiring a trustee to furnish copies of excerpts from the trust instrument unless the person provides a verified statement of reasonable basis for the request.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1211 (Chapter 269): sentence; life imprisonment; parole eligibility**

Makes a person eligible for parole after serving the minimum number of years of the person's sentence, if the person was convicted of first degree murder, sentenced to life with the possibility of parole after serving a minimum number of years and sentenced under a plea agreement containing the stipulation to parole eligibility. Requires a person granted parole under this law to remain on parole for life, unless parole is revoked. Applies to defendants who enter into a plea agreement stipulating to parole eligibility and are sentenced between January 1, 1994 and August 3, 2018.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1393 (Chapter 128): dissolution; human embryos; disposition**

Outlines requirements for the court in awarding *in vitro human embryos* in marital dissolution proceedings. Requires the court to award the embryos as outlined if an agreement regarding disposition is brought before the court. Relieves the spouse who is not awarded the embryos from parental responsibilities. Requires a spouse who does not consent to being a parent to provide detailed health and genetic history information about the spouse and the spouse's family.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1394 (Chapter 219): DHS; reporting; abortions**

Prohibits a hospital or facility from including information in statutorily-required reports that may identify a woman who obtained or sought an abortion. Adds additional reporting requirements and expands current categories for reporting. States that the hospital or facility must request information relating to the reason for the abortion at the same time it provides informed consent information, individually and in a private room. States that if the woman discloses that the reason for the abortion is that the pregnancy is the result of sexual assault or incest, or that the woman is a victim of sex trafficking, domestic violence or is being coerced into the abortion, the hospital or facility must provide specified information. Expands the reporting requirement for a provider who treats a woman in need of care due to a complication resulting from abortion. Adds new reporting requirements for physicians providing informed consent information. Expands the ADHS Annual Statistical Report to include this information.

Effective: January 1, 2019

Click [here](#) for bill history.

**SB 1395 (Chapter 191): temporary custody without court order**

Requires the court to find probable cause exists, instead of reasonable grounds, for the temporary removal of a child in specific circumstances. Replaces the current probable cause standard for taking a child into temporary custody without a court order, with a requirement that *exigent circumstances* exist. Defines *exigent circumstances*. States that a juvenile taken into temporary custody cannot be held at a police station, jail or lockup where adults or juveniles charged with crimes are detained.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1400 (Chapter 256): aggravated DUI; sentence; county jail**

Allows the sheriff of a county with less than 500,000 persons to establish an aggravated DUI jail program. Requires ADC to enter into an agreement with the county BOS before the program can be implemented. Expands where persons convicted of a DUI, extreme DUI or aggravated DUI may be incarcerated to include a medium security facility established by a city, town or county that has entered into an agreement with ADC and upon the order of a judge. Requires ACJC to submit an annual recidivism report.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1436 (Chapter 193): prohibition; criminal history; occupational regulation**

Allows a person to petition an agency for a determination as to whether the person's criminal record will disqualify the person from receiving a credential. Prohibits an agency from determining that the person's criminal record disqualifies the person from obtaining a credential unless specific circumstances exist. Contains exemptions.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1447 (Chapter 222): juror questionnaire; investigations**

Allows the juror commissioner to ask the county attorney to assist in an investigation on the accuracy of answers provided in a juror questionnaire.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1450 (Chapter 257): independent oversight committees; appointment; duties**

Renames Human Rights Committees (HRC) into Independent Oversight Committees (IOC). Places the IOCs under ADOA, instead of ADES, AHCCCS and DCS. Limits the number of current or former providers who can serve on each IOC on the mentally ill to two per committee.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1498 (Chapter 345): NOW AZPOST; membership; training; AMBER alert**

Requires the two-certified law enforcement officer members on AZPOST to have knowledge and experience in officer representation in disciplinary cases. Permits AZPOST to provide training for emergency alert notification systems. Requires ADPS to assist Indian tribes in implementing and testing an AMBER alert notification system, as well as assisting in the dissemination of an emergency alert notification.

Effective: August 3, 2018

Click [here](#) for bill history.

**SB 1503 (Chapter 226): NOW delinquent restitution; procedure**

Establishes a process for notifying the court if a probationer is delinquent in victim restitution by an amount that totals four full monthly payments. Requires the court to hold a hearing if requested by the state or the victim, or on its own motion. States a review hearing is not required if a petition to revoke probation or an order to show cause is filed.

Effective: August 3, 2018

Click [here](#) for bill history.