

Judiciary Committee

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JUDICIARY COMMITTEE

LEGISLATION ENACTED

parental rights; termination; sexual assault (NOW: parental rights; petition; sexual assault) ([S.B. 1007](#)) – Chapter 428

Adds, to the list of evidence sufficient to justify the termination of a parent-child relationship, a finding by clear and convincing evidence that the parent committed a sexual assault against the petitioning parent and that the child was conceived as a result of the sexual assault. The court may accept a guilty plea or conviction for sexual assault as evidence that the child was conceived as a result of a sexual assault by that parent.

dependent children; nonoperating identification; photograph ([S.B. 1019](#)) – Chapter 329

[SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.](#)

board of fingerprinting; continuation ([S.B. 1047](#)) – Chapter 311

Continues the Board of Fingerprinting for eight years, until July 1, 2029, retroactive to July 1, 2021.

administrative review of agency decisions ([S.B. 1063](#)) – Chapter 281

[SEE THE GOVERNMENT COMMITTEE.](#)

prisoners; discharge; transition program. ([S.B. 1067](#)) – Chapter 173

Continues the Prison Transition Program for nine years, until July 1, 2030, retroactive to July 1, 2020.

Beginning October 1, 2021, allows a person convicted of assault, aggravated assault, robbery or domestic violence to be eligible for transition services, if other eligibility requirements are met. Removes the requirement that an inmate be classified as a low violence risk to be eligible for transition services.

juvenile court dispositions ([S.B. 1166](#)) – Chapter 240

Allows the court to determine that juvenile intensive probation services are not required for repeat juvenile offenders over 14 years old based on the severity of the offense and a risk assessment. Removes home arrest, electronic monitoring and commitment to the Arizona

Department of Juvenile Corrections from the included juvenile intensive probation. Modifies juvenile court requirements for juvenile probation violations and release.

Requires the juvenile court to retain jurisdiction after a juvenile reaches 18 years old to modify any outstanding monetary obligation imposed by the court, except for victim restitution. Any time before an adjudication hearing or a proceeding in which a juvenile is admitting to an allegation in a petition, the state may file a notice of intent to retain jurisdiction over a juvenile who is 17 years old. Modifies administrative requirements for the destruction of juvenile records and the restoration of a person's right to carry or possess a firearm.

unlawful food or drink contamination (S.B. 1167/H.B. 2335) – Chapter 30

[SEE THE COMMERCE COMMITTEE.](#)

vulnerable adults; jurisdiction; grand juries (S.B. 1221) – Chapter 206

Authorizes the state grand jury to investigate and return indictments for offenses or violations of the Arizona Criminal Code or Welfare statutes if the victim is a vulnerable adult. A jury must determine liability, wilfulness and monetary remedies in a civil action brought by or on behalf of the state for an unlawful act or practice, unless the parties waive a trial by jury.

fertility fraud; civil; criminal action (S.B. 1237) – Chapter 126

Allows a civil action for fertility fraud to be brought by specified persons against a licensed health care provider (provider) who knowingly or intentionally treated a woman for infertility by using the provider's own spermatozoon or ovum without the patient's informed written consent. A separate cause of action may be brought for each child born as the result of the fraudulent fertility treatment.

Allows a civil action for fertility fraud to be brought by a donor of human reproductive material against a provider who treats a patient for infertility by using human reproductive material donated by the donor and who knows or reasonably should have known that the donor's human reproductive material was used without consent or in a manner other than that to which was consented.

Entitles a prevailing plaintiff to specified damages and outlines limitations for the commencement of a civil action for fertility fraud.

electronic communications; social media post (S.B. 1248) – Chapter 376

Adds a *social media post* to the definition of *electronic communication* for the purposes of the criminal offense of using electronic communication to terrify, intimidate, threaten or harass.

conviction; set aside; traffic violations (S.B. 1249) – Chapter 209

Allows a person convicted of a criminal offense to apply to have a judgment of guilt set aside for: 1) driving on a suspended, revoked or canceled license; 2) violating any local ordinance relating to stopping, standing or the operation of a vehicle; or 3) any traffic or vehicle regulation statute, except a reckless driving violation.

victims' privacy; criminal case information (S.B. 1256/H.B. 2428) – Chapter 40

Requires a victim's identifying and locating information to be redacted from criminal case records disclosed to the defendant's attorney or the attorney's staff.

court rules; signatures; court documents (S.B. 1265) – Chapter 138

Allows the court to accept documents that require a sworn written declaration, verification, certificate, statement, oath or affidavit that are signed with an electronic signature.

competency evaluation; records; appointments (S.B. 1266) – Chapter 139

Decreases, from two to one, the minimum number of mental health experts required for a competency examination of a defendant charged with only a misdemeanor. Removes the requirement that the parties provide all available medical and criminal history records to the court within three working days after a motion to examine the competency of the defendant is filed.

record of proceedings; electronic recording (S.B. 1267) – Chapter 346

Allows a court to use an electronic recording device in lieu of a court reporter or stenographer, except in grand jury trials or court-ordered mental health hearings. Prescribes procedures for the timely request by a party for the use of a court reporter or stenographer, in certain circumstances. If requested by either party, the court must hold a hearing to determine if there is a deficiency in the electronic record of a proceeding and whether the deficiency prejudiced a party. If there is a deficiency in the electronic record and the deficiency is found to have prejudiced a party, the prejudiced party is entitled to a new trial or new phase of trial.

~~college course credit; dual enrollment. (NOW: community college; expenditure limitation)~~ (NOW: sentencing records; sealing arrest; liability (S.B. 1294)) – Chapter 432

Beginning January 1, 2023, appropriates \$500,000 from the state General Fund in FY 2023 to the Administrative Office of the Courts to implement statutory requirements for sealing criminal case records.

Allows a person who is arrested, convicted or sentenced before, on or after January 1, 2023, to file a petition to seal all case records related to a criminal offense if the person meets specified criteria, unless the person has been convicted of certain dangerous offenses. At the time of

sentencing, the court must inform a person on the record of their eligibility to have criminal records sealed. All sealed case records may be: 1) alleged as an element of an offense; 2) used as a historical prior felony conviction; 3) admissible for impeaching any party or witness in a subsequent trial; 4) used to enhance the sentence for a subsequent felony or a driving under the influence offense; 5) pleaded and proved in any subsequent prosecution of the person by the state or a political subdivision; and 6) used as a conviction if the conviction would be admissible had the conviction not been sealed.

Prescribes the period of time required to lapse before a person may petition to have their records sealed. A defendant may appeal an order that denied their eligibility to petition the court to seal case records, if the sole basis for the appeal is the defendant's eligibility to petition the court. The court may grant or deny a petition to seal case records without a hearing, unless the petitioner, prosecutor or victim requests a hearing. A victim has the right to be present and heard at any proceeding in which the defendant has filed a petition to seal case records. If the court grants a petition to seal case records, a person whose records are sealed may state, in all instances, that the person has never been arrested for, charged with or convicted of the crime that is the subject of the arrest or conviction, with certain exceptions. If the court grants a petition to seal case records, the person's employer is not liable for hiring or contracting with the person.

Outlines procedures and requirements for a petition to seal case records and requires the clerk of the court to create and manage a system for sealing case records and for providing sealed case records to authorized entities.

~~statement of contest; technical correction~~ (NOW: sex offender registration; requirements) ([S.B. 1305](#)) – Chapter 444

Requires a person registering as a sex offender to provide specified motor vehicle identification information. A person registered as a sex offender must notify the county sheriff within 72 hours after making any change to the motor vehicle owned or operated by the person. The person must annually report in person to the sheriff during the month of the person's birthdate and confirm all required sex offender registration information.

Requires a person who must register as a sex offender to register with the county sheriff within 72 hours, rather than within 10 days, after entering and remaining in the county for at least 72 hours. The person must indicate whether residence is permanent or temporary, and a person who is transitioning from a permanent residence to a temporary residence or transient status or who is moving to a different residence must notify the sheriff in person within 72 hours of the change. A person registering as a sex offender must: 1) provide the location and number of any place the person receives mail, rather than only a post office box; and 2) verify the person's residence on request from the Department of Public Safety.

eviction proceedings; virtual appearances ([S.B. 1322](#)) – Chapter 243

Requires a court, if provided written notice, to allow any party to participate in an eviction proceeding initial appearance remotely by telephone or video conference. The court may require all parties, attorneys and witnesses to participate in person if the court continues a contested matter.

emancipated minors; orders; employment rights (S.B. 1332) – Chapter 144

Grants an emancipated minor the ability to pursue any opportunity provided by law to a person who is at least 18 years old and exempts an emancipated minor from statutes relating to prohibited and permissible employment of minors. A petition for emancipation must include whether the minor has obtained an offer of employment and the court must consider the information when determining emancipation. Allows a minor who is a ward of the court or who is in the care, custody and control of a state agency to file a petition for emancipation, if certain criteria are met.

civil liability; public health pandemic (S.B. 1377) – Chapter 179

Retroactive to March 11, 2020, establishes civil liability standards for specified acts or omissions during a state of emergency for a public health pandemic by: 1) a health care institution; 2) a health professional; 3) an educational institution or district; 4) a religious institution or nonprofit organization; 5) a property owner or manager; 6) a person who provides goods or services; and 7) a local government, political subdivision, the state or a state agency. An entity is presumed to have acted in good faith if the entity adopted and implemented reasonable public health pandemic policies. A health professional or health care institution is presumed to have acted in good faith if they relied on and attempted to comply with guidance issued by a federal or state agency. Exempts claims for workers' compensation from the outlined liability standard.

~~essential businesses; firearms; ammunition; sales~~ (NOW: essential businesses; civil actions; ammunition) (S.B. 1382) – Chapter 348

Prohibits a person from commencing a qualified civil liability action against a manufacturer or seller of firearms or a trade association for damages or relief resulting from the criminal or unlawful misuse of a firearm, ammunition or their components. A store that sells firearms, ammunition or their components is an essential business and is protected from a qualified civil liability action.

~~incapacitated person; special investigator~~ (NOW: incapacitated person; guardian ad litem) (S.B. 1389) – Chapter 303

Allows the court to appoint a guardian ad litem to investigate the need for a guardian or conservator, or both, in a marital or domestic relations proceeding if: 1) there is reasonable cause to believe that an adult party is or may be an incapacitated person or is a person in need of protection; and 2) the party is or may be in need of guardianship or conservatorship. Upon request, the court may order an independent evaluation by a licensed physician to evaluate the capacity of an adult party. If deemed appropriate, a guardian ad litem may initiate and prosecute protective proceedings for the appointment of a guardian or conservator, or both. Prescribes compensation guidelines for a guardian ad litem and a licensed physician evaluator. The Arizona Supreme Court must adopt appropriate rules to govern the appointment of a guardian ad litem in proceedings relating to marital or domestic relations.

guardian ad litem; protective proceeding (S.B. 1390) – Chapter 248

Allows the court to appoint a guardian ad litem to represent the interest of a minor, an incapacitated person, an unborn or unascertained person or a person whose identity or address is unknown in a trust, estate or protective proceeding. The court may appoint a guardian ad litem to represent multiple individuals or interests if a conflict of interest does not exist. The court must state the basis for appointing a guardian ad litem in its appointment order and entitles a guardian ad litem to reasonable compensation.

Modifies statutory requirements for court-appointed representatives.

juvenile proceedings; appointment of attorney (S.B. 1391) – Chapter 228

Requires the court to appoint an attorney for a child before the first hearing in a delinquency, dependency or termination of parental rights proceeding. The appointed attorney must represent the child at all stages of the proceeding and, in a dependency hearing, through permanency. Removes the stipulation that detention must be a possible outcome of a proceeding for a juvenile to have the right to counsel. Modifies requirements regarding waiving the right to counsel in certain juvenile proceedings.

Allows, rather than requires, the court to appoint a guardian ad litem in a juvenile court proceeding where the dependency petition includes an allegation that the juvenile is abused or neglected. A guardian ad litem appointed in a juvenile court proceeding must be an attorney who is not the child's attorney. An appointed guardian ad litem may not be a court-appointed special advocate who is not an attorney.

DUI; incarceration credits; calculation (S.B. 1407) – Chapter 148

Requires a person who receives time-served credit towards a mandatory term of incarceration for a driving under the influence violation to serve at least eight consecutive hours for each day of credit.

zoning ordinances; property rights; costs (S.B. 1409) – Chapter 358

[SEE THE GOVERNMENT COMMITTEE.](#)

probation; prisoners; protective orders (S.B. 1412) – Chapter 273

Requires the court, before terminating probation or intensive probation early, on the petition of a victim, to determine whether to prohibit the defendant from contacting the victim and issue an injunction against harassment (IAH). If the court issues an IAH, the IAH must be served before terminating the period of probation or intensive probation. On request of a victim, the Board of Executive Clemency must prohibit a paroled person from contacting the victim as a condition of parole or community supervision.

guardianship proceedings; sealing of records (S.B. 1415) – Chapter 280

Allows a court to order that public access to a petition for guardianship file, the records contained in the file or information about the file be prohibited if the petition: 1) is withdrawn before an adjudication of incapacity; 2) is denied based on a finding that the allegation of incapacity is unproven; or 3) was filed frivolously or without merit. A court order after a showing of good cause must allow public access to the guardianship records.

health care directives; contact orders (S.B. 1417) – Chapter 377

[SEE THE HEALTH & HUMAN SERVICES COMMITTEE.](#)

military installation fund; property conveyance (S.B. 1447) – Chapter 274

Allows the Department of Emergency and Military Affairs (DEMA) to sell, lease or convey property, infrastructure or improvements acquired for the preservation or enhancement of military installations. Before any conveyance, lease or sublease, DEMA must ensure that the property will be used or developed in compliance with development standards for high noise and accident potential zones. A lease or sublease of acquired property is exempt from the prohibition on state competition with private enterprise. Monies received from the conveyance of acquired property may be used for the preservation and enhancement of military missions and installments in Arizona.

abortion; unborn child; genetic abnormality (S.B. 1457) – Chapter 286

Provides an unborn child with all the rights, privileges and immunities available to other persons, citizens and residents of Arizona, subject only to the U.S. Constitution and U.S. Supreme Court decisions. Provides protection from a cause of action for a person who performs authorized in vitro fertilization and for a woman who indirectly harms her unborn child. The Legislature may appoint one or more sponsors or co-sponsors of this legislation to intervene in any case in which the constitutionality of this legislation is challenged.

Classifies, as a class 6 felony, performing an abortion knowing it is sought solely because of a genetic abnormality of the child, except in a medical emergency. Decreases, from a class 3 to a class 6 felony, performing an abortion knowing that it is sought based on the sex or race of the child. Classifies, as a class 3 felony, knowingly: 1) using force or the threat of force to intentionally injure or intimidate a person for the purpose of coercing an abortion because of a genetic abnormality; or 2) soliciting or accepting monies to finance an abortion because of a genetic abnormality.

Repeals statute that makes it unlawful for a woman to solicit and take medicine, drugs or substances, or who submits to an operation, with the intent to procure a miscarriage. An abortion-inducing drug may be provided only by a qualified physician, except drugs known to cause an abortion that are prescribed for other medical purposes. A person or entity may not provide an abortion-inducing drug via courier, delivery or mail service.

Allows the maternal grandparent, if the mother is under 18 years old, or the father of the unborn child who is married to the mother at the time she receives an abortion because of a genetic abnormality to bring a civil action on behalf of the unborn child to obtain appropriate relief. A woman on whom an abortion is performed because of a child's genetic abnormality is not subject to criminal prosecution or civil liability. Prescribes informed consent requirements.

A facility that is run by or that operates on the property of a public educational institution may not perform or provide an abortion, unless the abortion is necessary to save the life of the woman having the abortion. Prohibits certain monies received from the government, public or students of a state university or a community college from being used on an existing or proposed research project that involves fetal remains from an abortion or human somatic cell nuclear transfer or any statutorily prohibited research.

Requires the Director of the Department of Health Services (DHS) to adopt rules for the final disposition of fetal bodily remains and exempts DHS from rulemaking requirements until September 29, 2022. Requires reports submitted to DHS by facilities that perform abortions to include outlined information.

agency decisions; administrative reviews (S.B. 1459) – Chapter 316

Removes the administrative review exemption that applies to Arizona Corporation Commission (ACC) agency actions. ACC decisions are subject to de novo court review and the statutory requirements for the scope of judicial review of agency actions, except for actions related to public service corporation issuance of stocks and bonds or the Powerplant and Transmission Line Siting Committee.

forensic evidence testing; postconviction relief (S.B. 1469) – Chapter 157

Allows a convicted person to request that any evidence in the possession of the court or the state related to an investigation or prosecution resulting in a felony conviction be: 1) forensically tested using a technique that was not available in the scientific community at the time of sentencing and that has become widely accepted through technological advances; or 2) uploaded to searchable local, state or national databases. Authorizes the court to appoint counsel for an indigent petitioner during evidentiary testing proceedings and to make any order the court deems appropriate.

After notice to the prosecutor and an opportunity to respond, the court must order new forensic testing if the court finds that: 1) a reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through the new forensic testing; 2) the evidence meets outlined criteria; and 3) the new forensic testing may resolve an issue that was not previously resolved by any other testing. The Department of Public Safety crime laboratory must conduct all laboratory forensic testing, with certain exceptions.

driver license suspensions; restrictions (S.B. 1551) – Chapter 189

[SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.](#)

crimes against children; dependencies; omnibus (S.B. 1660) – Chapter 435

Removes the statute of limitations for child sex trafficking and allows a criminal prosecution to be brought at any time. Within 30 days after a dependent child who is at least eight years old is placed in out-of-home care, the Department of Child Safety must ensure that the child receives appropriate materials relating to sexual abuse, child sex trafficking and exploitation, unless otherwise recommended by a doctor or therapist.

A juvenile court order does not take precedence over a criminal court order concerning an ongoing case that governs a criminal defendant's ability to contact the victim, the family of the victim or other minor children, if the criminal court finds that contact with other minor children would pose a risk of harm to those children.

Allows a court to prohibit the direct questioning by a pro se defendant of a minor victim in specified prosecutions involving a minor victim, if the court determines that direct questioning by the defendant would prevent the minor victim from being able to reasonably communicate. By January 15, the clerk of the court must compile an annual report on the number of civil actions that are filed by a person arising from an allegation of sexual conduct or sexual contact committed against a minor.

Requires the State Board of Education to establish best practices for social media and cellphone use between students and school personnel, which must be made available to public and private schools. Requires the Arizona Prosecuting Attorneys' Advisory Council to develop statewide training curriculum on mandatory reporting laws for public school personnel. The Arizona Department of Education must provide resources and materials that schools may use for the purposes of providing information on mandatory reporting laws to parents and students.

party representative; resident; violation. (S.B. 1835/H.B. 2923) – Chapter 388

[SEE THE GOVERNMENT COMMITTEE.](#)

sex offender registration; termination. (S.B. 1836/H.B. 2907) – Chapter 393

Modifies the criteria to which a defendant who is required to register as a sex offender and who successfully completes a term of probation must avow to in a petition to terminate their duty to register as follows: 1) the defendant must be at least 35 years old at the time of filing the petition; 2) the victim may have been a peace officer posing as a person who is 15, 16 or 17 years old or a fictitious minor purported to be 15, 16 or 17 years old; 3) the sexual conduct was consensual if the defendant was required to register for committing sexual conduct with a minor; 4) the defendant has not subsequently committed another felony offense, sexual offense or sexual exploitation of children offense for at least 10 years; and 5) the defendant was not convicted of more than one offense involving more than one victim or any specified violations, as outlined.

guilty except insane; court jurisdiction. (S.B. 1839/H.B. 2914) – Chapter 390

Beginning July 1, 2023, repeals the Psychiatric Security Review Board (PSRB) and grants the superior court (court) exclusive supervisory jurisdiction over all persons who are currently

under the supervision of the PSRB. Makes various changes to the practices and procedures of the PSRB prior to July 1, 2023.

The length of the PSRB jurisdiction over a person is equal to the presumptive sentence the person could have received for the crime committed. Outlines criteria for committing a person found guilty except insane (GEI) to a mental health facility and for determining which entity has jurisdiction over the person. Modifies court procedures for persons found GEI and prescribes requirements for a person to be conditionally released to the community. Adds requirements for the Arizona State Hospital relating to conditional release hearings.

Allows the PSRB, an outpatient treatment supervisor and a person under the jurisdiction of the PSRB or the court to request a hearing to review the status of a person under supervision. Outlines procedures and requirements for setting a hearing and for collecting and disseminating hearing materials, including risk assessments and mental health reports. Provides guidelines for the rehospitalization of a person who has violated the terms of conditional release or whose mental health has deteriorated.

Outlines requirements for law enforcement, the PSRB and the court when returning a person under PSRB or court jurisdiction to a secure mental health facility. Requires both the PSRB and the court, at least 30 days before the expiration of the entity's jurisdiction over a person, to set an expiration hearing to determine if the jurisdiction over the person should expire or if further evaluation is necessary. Allows a party to retain an independent qualified expert to evaluate a person and make recommendations to the PSRB or the court. Outlines requirements for transferring jurisdiction of a person from the PSRB to the court for suspension or imposition of a sentence and a judicial review of the transfer, or both.

Modifies the composition, powers and duties of the PSRB and requires PSRB members to complete training, as outlined. Requires the PSRB to require at least two PSRB members voting in the affirmative to modify a person's conditional release based on clear and convincing evidence. The PSRB must submit an annual report to specified entities that includes information related to cases heard by the PSRB and the implementation status of new requirements and recommendations made by the Office of the Auditor General.

prisoners; training; individual certificates. (S.B. 1849/H.B. 2911) – Chapter 400

Requires the Director of the Arizona Department of Corrections (ADC), on request of a female inmate, to provide the inmate with a sufficient supply of feminine hygiene products at no charge. Requires ADC to adopt rules limiting the ability of male correctional officers to conduct inspections or searches of female prisoners who are in a state of undress. If a male correctional officer determines that it is appropriate to conduct an inspection or search when it is clear that a female prisoner is in a state of undress in a private area, the correctional officer must report their justification to the warden within 72 hours. Prohibits the use of restraints on pregnant prisoners and prisoners who have recently given birth and requires a correctional institution to provide outlined accommodations to pregnant prisoners or prisoners who have recently given birth. Decreases, from 14 days to 72 hours, the time in which a corrections official must make written findings if restraints are used on a pregnant prisoner or detainee.

After accounting for security and capacity factors, ADC must place a prisoner who is the parent of a minor child in a prison facility within 250 miles of the prisoner's permanent address. ADC must adopt rules addressing visitation for prisoners who are parents of minor children and who are classified as low-security or minimum-security risk. A prisoner who successfully completes a training program must receive an individual certificate that includes outlined information. Designates this legislation as the *Dignity for Incarcerated Women Act*.

civil rights; amendments (H.B. 2045/S.B. 1180) – Chapter 1

[SEE THE COMMERCE COMMITTEE.](#)

arrest procedures; magistrates (H.B. 2066) – Chapter 73

Allows a person arrested in a county other than where the offense was committed to be taken to the nearest or most accessible magistrate in the county where the arrest occurred or to a magistrate in the county where the offense was committed.

Allows a peace officer to take an arrested person to a magistrate or other official in the county where the offense was committed, if the arrested person is bailable as of right and the warrant includes a bond amount. The magistrate or other official must order the person arrested to appear in the court that issued the warrant.

criminal conviction; set aside; applicability (H.B. 2067) – Chapter 159

Requires a court order granting a judgment of guilt to be set aside to include a certificate of second chance (certificate) if the person has not previously received a certificate and the required time for the severity of the offense has elapsed. If the court does not issue a certificate when a person's conviction is set aside, the person may apply for a certificate after meeting outlined requirements.

A certificate releases a qualified person from all barriers and disabilities in obtaining an occupational license that resulted from the conviction and provides: 1) liability protections to an employer for employing a person with a certificate; and 2) negligence protections to a person or entity that houses a person with a certificate. Outlines procedures for objecting to a set aside application, victim notification and criminal history notation.

records; confidentiality; eligible individuals (H.B. 2073) – Chapter 96

Allows a hearing officer, former prosecutor, municipal court commissioner and a member of the county commission on appellate court appointments (county commission) to request a court to prohibit the public from accessing personal information maintained by certain governmental entities. Prohibits a person from knowingly disseminating the personal information of a hearing officer, former prosecutor, municipal court commissioner or county commission member on the internet if doing so poses an imminent and serious threat to that person or their immediate family.

Allows a contributor to a candidate committee, political action committee or political party whose residential address is protected from public disclosure to provide an alternate mailing address, rather than the person's residential address.

sentencing; judgment of guilt; fingerprints (H.B. 2075) – Chapter 74

Authorizes the court to collect a defendant's fingerprint or fingerprints at a time other than the time of sentencing and at a place other than open court.

missing children; mandatory reporting (NOW: missing children; law enforcement; reporting) (H.B. 2098) – Chapter 364

Requires a law enforcement agency (LEA) that receives a report of a missing, kidnapped or runaway child to provide outlined information to the Arizona Crime Information Center, the National Crime Information Center and the National Missing and Unidentified Persons System. The LEA must institute or assist with appropriate search and investigative procedures and maintain a close liaison with state and local child welfare systems and other organizations. An LEA that receives a report of a missing, kidnapped or runaway child who is in the foster care system must notify the National Center for Missing and Exploited Children.

civil penalties; traffic; mitigation; restitution (NOW: civil penalties; mitigation; restitution) (H.B. 2110) – Chapter 288

Allows a court to order community restitution in lieu of a monetary obligation at a rate equal to Arizona's minimum wage rounded up to the nearest dollar. The court may only order community restitution if requested by the defendant, except in the case of a juvenile offender. Requires the court to determine where the community restitution is performed.

2nd amendment; unenforceable federal laws (H.B. 2111) – Chapter 182

Prohibits the state and all political subdivisions from using any personnel or financial resources to enforce, administer or cooperate with any federal act, law, treaty, order, rule or regulation that is inconsistent with Arizona law regarding the regulation of firearms. Designates this legislation as the *2nd Amendment Firearm Freedom Act*.

human trafficking; civil action; liability (H.B. 2116) – Chapter 76

Deems a person, including a corporation, association or partnership, who traffics another person, or who intentionally or knowingly benefits from participation in a venture that traffics another person as civilly liable to the person trafficked. Treats a shareholder, member or partner of an entity found responsible for trafficking as jointly and severally liable if it is demonstrated that the shareholder, member or partner used the entity to traffic that person for their direct personal benefit. Outlines requirements for defense and awarding damages.

intensive probation; requirements; modification (H.B. 2130) – Chapter 256

Requires, for the court to grant intensive probation, a person to: 1) have high risk and high need; and 2) be eligible for a grant of probation. Modifies the conditions of intensive probation and requires the court to revoke the grant of intensive probation and impose a term of imprisonment if the court finds that the person has committed a violation of a condition of intensive probation that posed a serious threat or danger to the community.

Allows the adult intensive probation team to determine an appropriate frequency for visual contact with each probationer and modifies the administrative responsibilities of the adult intensive probation team. Outlines procedures for the proposed modification of intensive probation supervision and the intensive probation period. Removes the authority of the court to: 1) issue a warrant for the arrest of a person granted intensive probation; and 2) revoke intensive probation if the person commits an additional offense or violates a condition of probation.

protective orders; central repository; notification (H.B. 2158) – Chapter 258

Requires a court issuing an injunction against harassment or workplace harassment or an order of protection to enter the injunction or order and proof of service into the Arizona Supreme Court's central repository. The Arizona Supreme Court must register the injunction or order with the National Crime Information Center.

Removes the requirement that, while an emergency order of protection is in place, a party that was granted the use and exclusive possession of a shared residence notify the court within five days after moving out of the residence.

undesigned offenses; misdemeanor status; exceptions (H.B. 2162) – Chapter 192

Beginning July 1, 2022, allows an undesigned class 6 felony to be treated as a misdemeanor until the offense is designated as a misdemeanor or felony. The undesigned class 6 felony offense must be treated as a felony offense for the purpose of: 1) placing the defendant on felony probation; 2) required DNA collection; 3) determining the defendant's right to possess a firearm; 4) being used as a historical prior felony conviction; 5) being admissible for impeachment purposes in a subsequent trial; or 6) being used to enhance the sentence. The court must designate an undesigned offense as a misdemeanor on completion of probation and discharge by the court.

criminal justice commission; data collection (H.B. 2166) – Chapter 101

Allows the Arizona Criminal Justice Commission (ACJC) to require any state or local criminal justice agency (agency) to submit specified criminal justice data to the ACJC. By August 1, 2022, requires the ACJC to create a State Criminal Justice Data Inventory Report (Report) identifying what criminal justice data is housed at each agency. The Report must include information necessary for the ACJC to implement a Statewide Criminal Justice Data Reporting System (System). By November 1, 2022, the ACJC must develop a comprehensive list of data that agencies are required to report into the System.

use of force; reports; analysis (H.B. 2168) – Chapter 290

Beginning January 1, 2022, requires law enforcement agencies to annually collect and report data on use-of-force incidents to the Arizona Criminal Justice Commission (ACJC). The use-of-force data may not include any law enforcement officer's identifying information and must be consistent with the Federal Bureau of Investigation's national use-of-force collection standards. Requires the ACJC, beginning March 1, 2023, to annually publish the use-of-force data in a publicly available database. By January 1, 2025, the ACJC must complete a publicly available analysis of law enforcement agency use-of-force rates and update the report every five years.

writs of garnishment; attorney fees (H.B. 2170) – Chapter 306

Requires an application for a writ of garnishment to include accrued attorney fees if allowed by the judgment or contract. A judgment creditor must include accrued attorney fees and costs in specified reports sent to a garnishee and judgment debtor. Includes accrued attorney fees as taxable costs.

marijuana violations; court jurisdiction; procedures (H.B. 2171) – Chapter 222 E

An emergency measure effective April 14, 2021, that grants the juvenile court jurisdiction over civil marijuana violations committed by a juvenile. The juvenile court may retain jurisdiction after a juvenile's 18th birthday for the purpose of expungement of certain marijuana offenses. Grants juvenile hearing officers jurisdiction over civil violations committed by a juvenile involving the possession and personal use of marijuana. Grants justice courts and municipal courts jurisdiction over civil marijuana violation cases.

A peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected marijuana violation and may serve a complaint for an alleged civil marijuana violation. Prescribes processes and timeframe requirements for civil marijuana violation cases.

Adds civil marijuana cases and petitions to expunge specified marijuana offenses to the calculation of judicial productivity credits used to determine justice of the peace salaries.

theft by extortion; defense (H.B. 2178) – Chapter 102

Changes the defense to a prosecution of theft by extortion to a defense, rather than an affirmative defense. The defense to a prosecution of theft by extortion applies if a reasonable person would believe the property or services were obtained or sought to be obtained by threat of a reasonable accusation, exposure, lawsuit or other invocation of official action.

civil juries; size; concurrence (H.B. 2185) – Chapter 160 E

An emergency measure effective April 1, 2021, that allows, until January 1, 2023, a superior court presiding judge to order a civil jury trial to consist of six jurors, rather than eight jurors. The concurrence of all but one juror is necessary to render a verdict. Reverts the civil jury size and degree of unanimity on January 1, 2023.

prosecution; deferred; diverted (H.B. 2186) – Chapter 103

Removes the prohibition on a county attorney diverting or deferring the prosecution of a person who has been: 1) previously convicted of a serious offense, sexual offense, dangerous offense or dangerous crime against children; or 2) convicted three or more times for personal possession of a controlled substance or drug paraphernalia.

agency actions; procedures; fee awards (H.B. 2242) – Chapter 161

Modifies the limitation placed on certain fees awarded to a prevailing party in specified civil actions against the state or a political subdivision. Removes the requirement that a proceeding must be a contested case in the awarding of fees and other expenses in an action to review an agency decision.

Specifies that license application completeness determinations are appealable agency actions and, if timely initiated, entitle the applicant to an adjudication on the merits of the administrative completeness of the application. Prohibits an agency from basing a decision regarding any filing or other matter on a requirement or condition that is not specifically authorized by a statute, rule, federal law or regulation or state tribal gaming compact.

Applies the section of the Administrative Procedures Act (APA) governing inspections and audits to all state agencies that conduct inspections and audits and determines that the APA takes precedence if a conflict arises with the rights afforded to a regulated person in any other statute.

law enforcement officers; database; rules (H.B. 2295) – Chapter 336

Prohibits a law enforcement agency (LEA) from using the placement of a law enforcement officer's name in a Rule 15.1 database (database) as the sole reason for taking disciplinary action against the officer. The underlying facts that were the basis for placement of the officer's name in a database may still be used by the LEA for disciplinary action.

Outlines procedures for a prosecuting agency to notify an officer before and after making a determination to place the officer's name in a database. An officer may request a reconsideration of the placement in a database and a prosecuting agency may approve or deny the request. Requires a prosecuting agency that maintains a database to adopt a policy regarding specified database procedures.

military leaves of absence; duration (H.B. 2297) – Chapter 193

Modifies the calculation of a military leave period for a public employee, from up to 30 days in a two-year period, to up to three times the average regularly scheduled weekly work hours each year and up to six times the average regularly scheduled weekly work hours in any two consecutive years.

sentencing; repetitive offenders (H.B. 2318) – Chapter 107

Requires a person convicted of multiple felony offenses that were not committed on the same occasion, that either are consolidated for trial or are not historical prior felony convictions, to be sentenced as a category 1 repetitive offender, rather than a category 2, for a third or subsequent offense.

safe havens; newborn infant age (H.B. 2410) – Chapter 195

[SEE THE HEALTH & HUMAN SERVICES COMMITTEE.](#)

sex offender registration; online identifiers (H.B. 2413) – Chapter 83

Modifies the definition of *required online identifier* for the purposes of the Department of Public Safety's sex offender internet database by including: 1) any identifier used for mobile application or internet website communication; 2) a mobile telephone number; and 3) any mobile device identification information. Excludes a personal password from the definition of *required online identifier*.

motor carriers; violations; penalties (H.B. 2425) – Chapter 112

[SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.](#)

manslaughter; suicide assistance; violation (H.B. 2459) – Chapter 46 E

An emergency measure effective March 17, 2021, that classifies, as manslaughter and a class 2 felony, a person who is at least 18 years old intentionally providing advice or encouragement that a minor uses to die by suicide with the knowledge that the minor intends to die by suicide.

detention officers; arrest warrant; custody (H.B. 2460) – Chapter 236

Adds, to the authorized circumstances in which a detention officer acting in an official capacity may arrest a person pursuant to an existing warrant, a person who is: 1) under law enforcement supervision or custody at a hospital facility to which the detention officer is assigned; 2) at a superior, justice or municipal court facility to which the detention officer is assigned; or 3) in a jail facility as a visitor with an outstanding warrant. A detention officer acting in an official capacity may take custody of a person remanded into custody by a judicial officer during a court proceeding.

civilian review board members; training ([H.B. 2462](#)) – Chapter 338

Requires current and prospective members of a civilian review board that reviews the actions of peace officers to complete: 1) 80 hours of Arizona Peace Officer Standards and Training Board-certified training in outlined subjects; or 2) a community college police academy.

animal ownership; possession; prohibition ([H.B. 2483](#)) – Chapter 366

[SEE THE COMMERCE COMMITTEE.](#)

animal fighting paraphernalia; offense ([H.B. 2484/S.B. 1238](#)) – Chapter 35

[SEE THE COMMERCE COMMITTEE.](#)

electronic communications; personal information; harassment ([H.B. 2502](#)) – Chapter 295

Prohibits a person from using an electronic communication device to electronically share another person's personal identifying information if: 1) the person committing the offense intends to terrify, intimidate, threaten or harass the person or their immediate family member; 2) the person committing the offense acts without consent and for the purpose of causing unwanted contact by a third party; and 3) the use does incite or produce the unwanted contact. Exempts interactive computer, information and telecommunications services from the prohibition.

veteran suicides; annual report ([H.B. 2542](#)) – Chapter 223

Requires the Department of Health Services's Report on Veteran Suicides to include the utilization and encounter data for a nonprofit veterans' services organization that provides services related to reducing suicides among Arizona's military and veteran populations. Data submitted by the Arizona Department of Veterans' Services for report compliance may include national, state and local sources.

complaints against peace officers; notification ([H.B. 2550](#)) – Chapter 423

Requires a law enforcement agency, before accepting a complaint made against a peace officer, to provide the person making the complaint with a prescribed notice relating to false reporting to law enforcement agencies.

peace officers; investigator membership requirements ([H.B. 2567](#)) – Chapter 322

Requires at least two-thirds of the voting membership of any government committee, board or entity to be Arizona Peace Officer Standards and Training Board-certified law enforcement officers who are from the same department or agency as an officer who is the subject of an

investigation or disciplinary action if the committee, board or entity: 1) investigates officer misconduct; 2) influences the conduct of officer misconduct investigations; 3) recommends disciplinary actions for officer misconduct; or 4) imposes discipline for officer misconduct. If a committee, board or entity does not meet the membership requirements, a supervisor, department head or agency head may investigate and impose discipline for an officer's misconduct if acting independently of the committee, board or entity.

limited jurisdiction courts; judgment assignment (H.B. 2579) – Chapter 172

Allows the prevailing party in a small claims action to assign a monetary judgment to a licensed debt collector. The licensed debt collector may appear in small claims court as the prevailing party only for the purposes of enforcing the judgement.

judgments; liens; homestead (H.B. 2617) – Chapter 368

[SEE THE FINANCE COMMITTEE.](#)

~~military installation fund; property conveyance.~~ (NOW: contractors; qualifying party; liability) (H.B. 2760) – Chapter 297

Allows a licensee doing business as a sole proprietor to be held personally liable to the Registrar of Contractors for enforcing contractor regulations, including in subrogation proceedings. The responsibility of a qualifying party or a person named on a license for violations of contractor regulations is limited to licensure regulatory purposes and does not impose personal liability on a qualifying party or a person named on the license for the violation.

county officials; practice of law (H.B. 2763) – Chapter 369

Allows a county sheriff's deputies to practice law and form a partnership with an attorney-at-law. Representation by a deputy county attorney of a pro bono client does not disqualify the county attorney's office from participating in a subsequent action affecting the client.

occupational regulation; good character; definition (H.B. 2787) – Chapter 269

[SEE THE COMMERCE COMMITTEE.](#)

prisoners; escape; classification (H.B. 2790) – Chapter 361

Increases, from a class 5 felony to a class 4 felony, the penalty for escaping from an adult correctional facility.

civil asset forfeiture; conviction; procedures (H.B. 2810) – Chapter 327

Requires a person to have been convicted of an offense to which forfeiture applies before the person's seized property is subject to forfeiture and requires the state to establish that the property is subject to forfeiture by clear and convincing evidence. The court may waive the conviction requirement for forfeiture under certain circumstances. A court may order a person to forfeit property that meets outlined criteria after a person is convicted of an offense for which forfeiture applies. Outlines procedures for the property of an innocent owner. Makes corresponding changes to judicial proceedings relating to civil asset forfeiture and prescribes notice requirements.

An officer may make a warrantless seizure of property that is subject to forfeiture if the officer has probable cause to believe that the property is subject to forfeiture and if the delay of getting a court order would result in the removal or destruction of the property or otherwise frustrate the seizure. Removes the statutory inference that money or other negotiable instruments found in proximity to contraband or to instrumentalities of an offense are proceeds of the contraband or intended to be used to facilitate the offense. The presence of U.S. currency, debit cards or credit cards by themselves is insufficient probable cause for seizure of the items.

Requires a person seeking a search warrant and the judicial officer issuing the search warrant to have probable cause for believing grounds exist to issue the search warrant. All seized property must be returned to the owner within 10 business days, with certain exceptions. Prescribes procedures for seized property itemization and notice.

Extends, from August 27, 2019, to August 27, 2024, the expiration of the prohibition on the Attorney General using monies from the Anti-Racketeering Revolving Fund for employee salaries.

failure; appear; surety; notice; rules (H.B. 2831) – Chapter 370

Beginning January 1, 2022, requires the court to provide notice of a defendant's failure to appear to the surety and the bail bond agent responsible for the defendant's appearance, if the defendant released on an appearance bond fails to appear in court and the court issues a warrant for the defendant's arrest.

~~sexual offenses; children; sentencing~~ (NOW: sentencing; sexual offenses; children) (H.B. 2889) – Chapter 202

Requires a person who is at least 18 years old and who is convicted of a dangerous crime against children (DCAC) in the first degree involving commercial sexual exploitation of a minor or child sex trafficking to be sentenced to natural life in prison, if the person has previously been convicted of a DCAC in the first degree. Requires a person previously convicted of child sex trafficking involving a minor who is 15, 16 or 17 years old and who is convicted of any subsequent child sex trafficking offense to be sentenced to natural life in prison. A person sentenced to natural life in prison is not eligible for commutation, parole, work furlough, work release or release from confinement.

Increases the sentencing ranges for child sex trafficking and commercial sexual exploitation of a minor who is under 15 years old. Establishes a mandatory sentencing range for commercial sexual exploitation of a minor who is 15, 16 or 17 years old. Increases, from a class 6 felony to a class 5 felony, engaging in prostitution with a minor who is 15, 16 or 17 years old. All sentences for child sex trafficking and certain sentences for child molestation must be served consecutively. Prohibits a person convicted of sex trafficking or commercial sexual exploitation of a minor who is 15, 16 or 17 years old from eligibility for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized in statute until the sentence imposed by the court has been served or commuted.

criminal justice; budget reconciliation; 2021-2022. ([H.B. 2893](#)) – Chapter 403

[SEE THE APPROPRIATIONS COMMITTEE.](#)

law enforcement; first responders; honoring ([H.C.R. 2003](#))

Expresses sincere gratitude to all law enforcement personnel and other first responders in Arizona.

border patrol ([H.C.R. 2029](#))

Commends the courage, dedication and sacrifice of the men and women of the U.S. Border Patrol and recognizes their vital role in safeguarding Arizona and the United States.

private property; sale; veterans administration ([H.J.R. 2001](#)) – Chapter 203 E

An emergency measure effective April 9, 2021, that consents to the sale of specified parcels of land in Pima County to the United States for use by the U.S. Department of Veterans Affairs.

LEGISLATION VETOED

guilty except insane; court jurisdiction (S.B. 1030) – VETOED

Beginning July 1, 2023, repeals the Psychiatric Security Review Board (PSRB) and grants the superior court (court) exclusive supervisory jurisdiction over all persons who are currently under the supervision of the PSRB. Makes various changes to the practices and procedures of the PSRB prior to July 1, 2023.

The length of the PSRB jurisdiction over a person is equal to the presumptive sentence the person could have received for the crime committed. Outlines criteria for committing a person found guilty except insane (GEI) to a mental health facility and for determining which entity has jurisdiction over the person. Modifies court procedures for persons found GEI and prescribes requirements for a person to be conditionally released to the community. Adds requirements for the Arizona State Hospital relating to conditional release hearings.

Allows the PSRB, an outpatient treatment supervisor and a person under the jurisdiction of the PSRB or the court to request a hearing to review the status of a person under supervision. Outlines procedures and requirements for setting a hearing and for collecting and disseminating hearing materials, including risk assessments and mental health reports. Provides guidelines for the rehospitization of a person who has violated the terms of conditional release or whose mental health has deteriorated.

Outlines requirements for law enforcement, the PSRB and the court when returning a person under PSRB or court jurisdiction to a secure mental health facility. Requires both the PSRB and the court, at least 30 days before the expiration of the entity's jurisdiction over a person, to set an expiration hearing to determine if the jurisdiction over the person should expire or if further evaluation is necessary. Allows a party to retain an independent qualified expert to evaluate a person and make recommendations to the PSRB or the court. Outlines requirements for transferring jurisdiction of a person from the PSRB to the court for suspension or imposition of a sentence and a judicial review of the transfer, or both.

Modifies the composition, powers and duties of the PSRB and requires PSRB members to complete training, as outlined. Requires the PSRB to require at least two PSRB members voting in the affirmative to modify a person's conditional release based on clear and convincing evidence. The PSRB must submit an annual report to specified entities that includes information related to cases heard by the PSRB and the implementation status of new requirements and recommendations made by the Office of the Auditor General.

The Governor indicates in his [veto message](#) that his priority at this time is the FY 2022 state budget.

justification; criminal offense (S.B. 1261) – VETOED

Allows justification as a defense in any prosecution for any criminal offense, rather than only offenses outlined in the Arizona Criminal Code.

The Governor indicates in his [veto message](#) that S.B. 1261 could make the prosecution of driving under the influence nearly impossible, resulting in unintended consequences for highway safety.

prisoners; training; individual certificates (S.B. 1526) – VETOED

Requires the Director of the Arizona Department of Corrections (ADC), on request of a female inmate, to provide the inmate with a sufficient supply of feminine hygiene products at no charge. Requires ADC to adopt rules limiting the ability of male correctional officers to conduct inspections or searches of female prisoners who are in a state of undress. If a male correctional officer determines that it is appropriate to conduct an inspection or search when it is clear that a female prisoner is in a state of undress in a private area, the correctional officer must report their justification to the warden within 72 hours. Prohibits the use of restraints on pregnant prisoners and prisoners who have recently given birth and requires a correctional institution to provide outlined accommodations to pregnant prisoners or prisoners who have recently given birth. Decreases, from 14 days to 72 hours, the time in which a corrections official must make written findings if restraints are used on a pregnant prisoner or detainee.

After accounting for security and capacity factors, ADC must place a prisoner who is the parent of a minor child in a prison facility within 250 miles of the prisoner's permanent address. ADC must adopt rules addressing visitation for prisoners who are parents of minor children and who are classified as low-security or minimum-security risk. A prisoner who successfully completes a training program must receive an individual certificate that includes outlined information. Designates this legislation as the *Dignity for Incarcerated Women Act*.

The Governor indicates in his [veto message](#) that his priority at this time is the FY 2022 state budget.

sex offender registration; termination (H.B. 2674) – VETOED

Modifies the criteria to which a defendant who is required to register as a sex offender and who successfully completes a term of probation must avow to in a petition to terminate their duty to register as follows: 1) the defendant must be at least 35 years old at the time of filing the petition; 2) the victim may have been a peace officer posing as a person who is 15, 16 or 17 years old or a fictitious minor purported to be 15, 16 or 17 years old; 3) the sexual conduct was consensual if the defendant was required to register for committing sexual conduct with a minor; 4) the defendant has not subsequently committed another felony offense, sexual offense or sexual exploitation of children offense for at least 10 years; and 5) the defendant was not convicted of more than one offense involving more than one victim or any specified violations, as outlined.

The Governor indicates in his [veto message](#) that his priority at this time is the FY 2022 state budget.

early ballots; request required (H.B. 2792) – VETOED

[SEE THE GOVERNMENT COMMITTEE.](#)