

# **Judiciary Committee**

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# JUDICIARY COMMITTEE

## LEGISLATION ENACTED

~~technical correction; tax judges; qualifications~~ (NOW: extortion; social media; messages) (S.B. 1001) – Chapter 254

Specifies that a person commits *theft by extortion* by knowingly obtaining or seeking to obtain property or services by means of a threat to expose a secret or an asserted fact in a social media message or any other manner. A threat based on a plausible claim of right to the property or services is not considered theft by extortion.

neglected children; definition (S.B. 1050) – Chapter 26

Modifies the definition of *neglect*, for the purposes of statutes governing Child Welfare, to mean an inability or unwillingness of a parent or guardian to provide a child with specified necessities that causes a substantial, rather than unreasonable, risk of harm to the child's health or welfare.

survival of action; deceased sheriff. (S.B. 1060) – Chapter 27

Repeals the authorization for an action brought against a sheriff or the sheriff's deputies for malfeasance, misfeasance or nonfeasance to be prosecuted against the sheriff's personal representative in like manner as if the cause of action survived at common law.

juvenile dependency; child placement (S.B. 1069) – Chapter 5

Allows a court to establish permanent guardianship of a child if a dependency petition is filed by a person other than the Department of Child Safety (DCS) and notice of the hearing has been served on all parties without objection. If a child is the subject of a pending dependency petition not filed by DCS, the court must notify DCS of the motion for permanent guardianship within 14 court days after the motion is filed. DCS may investigate any allegations contained in the dependency petition and may take necessary action to protect the health and safety of the child. Outlines DCS guardianship reporting requirements.

Allows invited guests of an adoptive family to attend a final adoption hearing and modifies guidelines for disclosing adoption hearing information. Specifies that court proceedings relating to dependency, guardianship and termination of parental rights may be open to the public or closed for good cause, unless requirements for termination adjudication hearings necessitate otherwise.

Allows out-of-court statements or nonverbal conduct of a minor regarding acts of abuse or neglect to be admissible in guardianship proceedings. Requires an attorney to be appointed in any delinquency proceedings that are commenced with a petition or that may involve detention, rather than in all delinquency proceedings. The attorney in a dependency hearing must represent the child through dismissal, rather than through permanency.

juveniles; adjudication; disposition; probation (S.B. 1073) – Chapter 6

Allows a juvenile who is charged with a dangerous offense to be detained in a juvenile detention center if the court orders the detention and adds factors a court must consider when determining whether to detain the juvenile in a juvenile detention center, including the juvenile's age and physical and mental maturity. The appropriate county's director of juvenile court services (director) may file a motion to transfer a juvenile to an adult facility based on the juvenile's behavior while in detention.

Modifies supervision requirements relating to a juvenile intensive probation team (team) by: 1) specifying that intensive probation should emphasize individualized interventions and services; 2) removing the minimum 32-hour weekly activity requirement; 3) allowing the team to maintain visual contact with the juvenile as deemed appropriate, rather than four times a week; 4) removing the requirement that prosocial activity be approved by the team in each instance; and 5) allowing a probation officer to modify the juvenile's level of intensive probation.

Allows a team to consist of only one probation officer and limits the number of juveniles that may be supervised by a one-person probation team to 15 juveniles. A team may supervise additional juveniles if the director determines it is necessary and the team's caseload does not exceed statutory limits. If the court finds that a juvenile committed an additional felony offense that posed a serious threat or danger to the community, rather than any additional felony offense, the juvenile's intensive probation must be revoked.

Requires the court to notify any school in which the juvenile is enrolled, rather than the juvenile's school district of attendance, if the juvenile has been adjudicated delinquent for or convicted of a dangerous offense or certain sexual offenses. If the juvenile withdraws from one school and enrolls in a different school while on probation, the court must provide the notice to the new school. A judicial officer must notify the school in which the juvenile is enrolled, rather than the school district, of the juvenile's release from custody.

Requires an attorney to be appointed in any delinquency proceedings that are commenced with a petition or that may involve detention, rather than in all delinquency proceedings. The attorney in a dependency proceeding must represent a child through dismissal, rather than through permanency. Requires a juvenile risk needs assessment to be completed for each juvenile that is adjudicated delinquent in, rather than referred to, the juvenile court.

Modifies when records concerning a referral or citation must be destroyed. Allows monies in the Juvenile Probation Services Fund to be used to obtain, operate and maintain a state-approved case management system that serves adult and juvenile probationers.

incompetent defendant; guardian appointment; costs (S.B. 1075) – Chapter 158

Allows a party to request that the court appoint a guardian ad litem for an incompetent defendant to investigate whether the defendant is or may be in need of a guardian, conservator or other protective order. If the guardian ad litem determines that protective action is appropriate, the guardian ad litem must initiate and prosecute proceedings for the appointment of a guardian, conservator or other protective order for persons under disability. On request of the guardian ad

litem or on its own motion, the court may order an independent evaluation of the defendant by a licensed physician or psychologist or a registered nurse to assess whether the defendant is an incapacitated person or in need of other protection. Entitles a guardian ad litem and an appointed evaluator to reasonable compensation.

child placement; procedural time limits (S.B. 1079) – Chapter 30

Requires all parties, counsel and the court to adhere to statutory procedural time limits for child placement proceedings and prohibits procedural time limits from being waived, extended or continued unless necessary for the full, fair and proper presentation of evidence and is in the best interest of the child. A request for an extension beyond 30 days may be granted on a finding of extraordinary circumstances. Prohibits any extension beyond 60 days, unless the court makes a written finding on substantial evidence that additional time is in the best interest of the child. A court may impose sanctions on a party if the court determines the procedural time limit extension was due to a party's disclosure violation or lack of due diligence.

Requires a court to hold a termination adjudication hearing or guardianship adjudication hearing within 90 days after an initial severance hearing or initial guardianship hearing. Removes the permissive authority for the court to continue an initial dependency hearing for good cause.

liens; fees; exemption (S.B. 1089) – Chapter 9

[SEE THE GOVERNMENT COMMITTEE.](#)

court-ordered treatment; case records; confidentiality (S.B. 1114) – Chapter 299

Specifies that case records and information related to court-ordered evaluations and treatment for mental disorders are not open to public access or inspection except as otherwise provided by law, court rule or court order. The court may authorize the release of the case records and information for good cause shown and the Supreme Court may adopt rules to govern access to case records and information.

Requires an emergency admission application to include: 1) a statement of whether the applicant believes the person has a persistent, acute or grave disability and will not submit to voluntary treatment; 2) the specific nature of the harm the person will suffer or inflict without treatment; and 3) a summary of supporting facts. Allows an admitting officer to admit a person to an evaluating agency as an emergency patient if the admitting officer finds that there is reasonable cause to believe the person has a persistent, acute or grave disability and will not submit to voluntary treatment. A petition for court-ordered treatment must identify the existing guardian of the person subject to the petition and request the imposition of additional guardian duties, if applicable. If the petition contains a request for court action, a copy of the petition must be mailed to the agency or person nominated as guardian, rather than the appropriate public fiduciary.

Grants the superior court in the county where a patient is found or resides concurrent jurisdiction with the court in the county that issued the court order for treatment for the purposes of enforcing or modifying the order or treatment plan. Outlines procedures to facilitate

enforcement of an order or the case transfer. The Supreme Court may adopt rules to govern enforcement and administrative procedures for court orders for treatment and facilitation of case transfers. The Supreme Court must adopt a rule to establish a program to enable specified criminal justice and judicial entities to determine the existence of an active order for treatment and a patient's history of court orders for treatment.

in-state student status; veterans (S.B. 1115) – Chapter 10 E

[SEE THE EDUCATION COMMITTEE.](#)

~~Harquahala non-expansion area; groundwater transportation. (NOW: certified applicators; fingerprinting requirement) (S.B. 1147)~~ – Chapter 32 E

[SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.](#)

asbestos claims; required information; liability (S.B. 1157) – Chapter 188

Requires the plaintiff in any action involving a personal injury claim arising from exposure to asbestos to file a sworn statement within 45 days after filing the action. The sworn statement must specify the facts and basis for each claim against each defendant and include information relating to asbestos exposures, asbestos-containing products and any supporting documentation. On motion by a defendant, the court must dismiss a plaintiff's claim without prejudice if a plaintiff fails to comply with the disclosure requirements or a defendant's product or premises is not identified in the required disclosures. Asbestos disclosure requirements apply to personal injury claims arising from asbestos exposure filed beginning September 24, 2022.

abortion; gestational age; limit (S.B. 1164) – Chapter 105

Prohibits a physician, except in a medical emergency, from intentionally or knowingly performing or inducing or attempting to perform or induce an abortion if the probable gestational age of the unborn human being is determined to be more than 15 weeks. Requires a physician to determine the probable gestational age according to standard medical practices and document the probable gestational age in the maternal patient's chart and, if required, in a report filed with the Department of Health Services (DHS).

A physician who intentionally or knowingly performs or induces or attempts to perform or induce an abortion past 15 weeks gestational age: 1) is guilty of a class 6 felony; and 2) commits an act of unprofessional conduct. The physician's license must be suspended or revoked, as applicable. Prohibits a woman on whom an unlawful abortion is performed, induced or attempted from being prosecuted for conspiracy to commit a violation of abortion restrictions.

In each case involving an abortion past 15 weeks gestational age, a physician must file a report with DHS within 15 days after the abortion. The report must include outlined information and may not contain the name of the maternal patient or any other identifying information. A physician who intentionally or knowingly delivers a false report or who fails to deliver a report is subject to a civil penalty of \$10,000.

Allows the Attorney General to bring an enforcement action on behalf of the Director of DHS, the Arizona Medical Board or the Board of Osteopathic Examiners in Medicine and Surgery and allows the Legislature to appoint one or more of its members to intervene as a matter of right in any case in which the constitutionality or enforceability of the gestational limit on abortion is challenged.

interscholastic; intramural athletics; biological sex (S.B. 1165) – Chapter 106

Requires an interscholastic or intramural athletic team or sport that is sponsored by a public or private school that competes against public schools to be expressly designated based on the biological sex of the participating students. Athletic teams or sports designated for females, women or girls may not be open to students of the male sex.

Designates this legislation as the *Save Women's Sports Act (Act)*. No adverse action may be taken against a school for maintaining separate athletic teams or sports for students of the female sex. Outlines causes of action for relief for a student or school that suffers harm from a violation of the Act and specifies that all civil action must be initiated within two years of the alleged violation. A person who prevails on a claim brought pursuant to the Act is entitled to damages.

concealed weapons permit; renewal application (S.B.1177) – Chapter 344

Requires the Department of Public Safety to send a renewal reminder notice and renewal application form to a concealed weapon permit holder at least 60 days before the permit expires.

veterans' services department; commission; continuation (S.B. 1212) – Chapter 13

Continues the Arizona Department of Veterans' Services and the Arizona Veterans' Service Advisory Commission for eight years, until July 1, 2030, retroactive to July 1, 2022.

armed robbery; deadly weapon; classification (S.B. 1251) – Chapter 348

Specifies that taking possession or attempting to take possession of a deadly weapon while in the course of committing robbery constitutes *armed robbery*.

~~incompetent defendants; public safety guardianship~~ (NOW: dangerous; incompetent person; evaluation; commitment) (S.B. 1310) – Chapter 352

Beginning January 1, 2024, allows any party to request a court-ordered trial to determine if a defendant is dangerous and should be involuntarily committed if: 1) the defendant is charged with a serious offense; 2) the defendant is found to be incompetent to stand trial; and 3) there is no substantial probability that the defendant will regain competency within 21 months. Within 10 days after ordering a trial to determine if a defendant is dangerous and should be involuntarily committed, the court must hold a hearing to determine if the proof is evident or the presumption great that the defendant committed the act constituting a serious offense. If the court does not find that the proof is evident or the presumption great, the court must either proceed with alternative

orders for treatment or release the defendant from custody. Allows the state and the defendant to each retain a mental health expert to examine the defendant and present the evaluation at a dangerousness trial and requires the examination report to include outlined information. If it is found that the defendant is dangerous and should be involuntarily committed, the court must order the defendant to be involuntarily committed to a secure state mental health facility (SMHF). If the defendant is involuntarily committed, the commitment order may not be in effect for more than the presumptive sentence the defendant could have received for the highest charged offense. Once a defendant is discharged from an SMHF or released on expiration of the commitment order, the Medical Director of the SMHF (Director) may file a petition stating that the defendant requires further treatment or the appointment of a guardian.

Requires a competent professional to biannually examine each person committed as a dangerous and incompetent defendant to aid in determining if a defendant is no longer dangerous or competent to stand trial and can be released to a less restrictive alternative. The attorney for the state must prove by clear and convincing evidence that the defendant's mental illness has not changed and that the defendant is still dangerous and incompetent to stand trial. A committed defendant may annually petition the court for conditional release to a less restrictive alternative. Outlines requirements and procedures for a conditional release.

Allows a committed defendant to annually petition the court for discharge from an SMHF if the Director determines that the defendant's mental illness has changed so that the defendant is no longer dangerous but remains incompetent to stand trial. The attorney for the state must prove by clear and convincing evidence that the defendant's mental illness has not changed and that the defendant is still dangerous.

Outlines requirements for transporting committed defendants, administrative procedures for detained and committed persons and procedures to identify an unidentified patient.

health care workers; assault; prevention. (S.B. 1311) – Chapter 190

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

third party rights; adopted child (S.B. 1323) – Chapter 113

Specifies, for the purpose of third-party rights regarding child visitation, that an adopted child may be treated as if born in lawful wedlock only if the child is adopted jointly by married parents.

public establishment; terrorism; definition (S.B. 1332) – Chapter 160

Modifies the definition of *public establishment* to include a structure, vehicle or craft that is owned, leased or operated by a private educational institution for the purposes of specifying when certain felonies committed against private educational institutions are considered an act of terrorism.

DUI; license suspensions; restrictions (S.B. 1334) – Chapter 233

Beginning January 1, 2023, allows a person who is subject to driving privilege suspension for refusing a driving under the influence (DUI) test to apply for a special ignition interlock restricted driver license (SIIRDL) before serving 90 consecutive days of the suspension period, if the person has completed any ordered alcohol or drug screening. Requires the Arizona Department of Transportation (ADOT) to issue a SIIRDL upon request to a person who would otherwise be eligible for a 30-day suspension and subsequent 60-day restriction for a lesser DUI offense, if the person meets certain requirements. Removes the prohibition on the 30-day suspension and 60-day restriction eligibility for a person that has had their driving privilege suspended pursuant to a DUI test refusal or an administrative license suspension within the last 84 months. A person who applies for and is issued a SIIRDL as a result of a DUI test refusal or an administrative license suspension agrees to the administrative action taken by ADOT against the person's license and waives their right to an administrative hearing contesting the action. Requires an order of suspension to inform the person that the person's driving privilege may be issued or reinstated following the issuance of a SIIRDL only if the person completes alcohol or drug screening.

If a person is issued a SIIRDL for a DUI violation and is required to install a functioning certified ignition interlock device (IID), the person must be credited for the time an IID is installed in their vehicle after ADOT authorizes the installation. Removes locational restrictions between which a person issued a SIIRDL may operate a motor vehicle, with exceptions.

Effectuates a license suspension order 30 days, rather than 15 days, after the date the order is served. Increases, from 15 days to 30 days, the time a temporary driving permit is valid if a person surrenders a valid license or permit and the time a person can request a hearing and summary review of an order of suspension after notice of the order.

foreign-country judgments; applicability (S.B. 1363) – Chapter 161

States that statutes governing the recognition of foreign-country money judgments do not prevent the recognition of a foreign-country judgment that is not within the scope of existing law.

dissolution of marriage; annulment (S.B. 1383) – Chapter 301

Allows parties to jointly elect to proceed with a dissolution of marriage or legal separation action as a summary consent decree proceeding (consent decree) if a comprehensive settlement of all issues is reached before either party initiates formal dissolution of marriage or legal separation proceedings. Final settlement documents must be submitted within 60 days after the parties to a consent decree file a combined petition and response and the court may not enter the final decree earlier than 60 days after the filing date. Either party may withdraw from the consent decree before the entry of the final decree. If both parties withdraw from a consent decree, the court must dismiss the case.

For a court to issue a dissolution of marriage, the court must find that the marriage is irretrievably broken by either an oath or affirmation by one or both parties, as outlined. If one party denies that the marriage is irretrievably broken, the court must hold a hearing to consider all

relevant factors to reconciliation and either make a finding as to whether the marriage is irretrievably broken or continue the matter for up to 60 days. Either party may request, or the court may order, a conciliation conference and the court must make a finding on the possible prospect of reconciliation of the marriage at the next hearing.

Legally separated parties may terminate a decree at any time after entry of a final decree of legal separation that has not been converted into a decree of dissolution of marriage. Outlines requirements necessary to terminate the decree of legal separation by stipulated order. The order must be filed under the same case number and include outlined agreements and information.

Requires the petition in a proceeding for dissolution of marriage, annulment or legal separation to allege that the marriage is void and that both parties desire to live separately. The only defense to a petition in an annulment proceeding is that the marriage is not void. Enjoins parties in an action for dissolution of marriage, annulment or legal separation that have a natural or adopted child residing in Arizona from removing the child from Arizona, rather than from the superior court's jurisdiction, without written consent of the parties or permission of the court. Removes the permissive authority for the court to issue a preliminary injunction or an order for temporary maintenance or support or make temporary orders for the property of the parties.

Outlines requirements for either party in a dissolution of marriage, legal separation or annulment to move for temporary orders seeking temporary legal decision-making over a child and specified possessions. A party seeking an order for equal possession of liquid assets must file a motion containing the basis for the motion, the amount requested and the liquid assets of the parties. Outlines requirements for the court after granting an order for equal possession of liquid assets and specifies that temporary order rules do not eliminate the application of the preliminary injunction. A temporary order: 1) does not prejudice the rights of the parties or child; 2) may be revoked or modified; 3) does not prejudice either party's claim for temporary maintenance, child support or attorney fees; and 4) terminates upon dismissal or entering the final decree.

Requires the Supreme Court to establish guidelines for determining and awarding spousal maintenance and outlines requirements for the court to issue spousal maintenance.

continuation; state department of corrections. (S.B. 1401) – Chapter 327

Continues the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) for eight years, until July 1, 2030, retroactive to July 1, 2022. The Auditor General must annually review ADCRR's compliance with: 1) the Inmate Transition Program and related release and reporting provisions; 2) the requirement to provide rehabilitation programs and the participation and completion numbers for each program; 3) the Earned Release Credit Program; 4) drug and alcohol treatment programs reporting requirements; and 5) ADCRR's policies regarding industry-recommended reporting guidelines. The Auditor General must submit a report of its findings to the Governor and Legislature by September 1, 2023, and each year thereafter. Until July 1, 2030, the Legislature may annually assess ADCRR's compliance with program requirements.

state parks board; volunteers; fingerprinting (S.B. 1405) – Chapter 47

[SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.](#)

state bar; attorney charges; damages (S.B. 1566) – Chapter 226

Deems the State Bar of Arizona (Bar) to be responsible for attorney fees and court costs incurred by a prevailing attorney in an attorney discipline matter that is not dismissed by the Bar before the final disposition of the complaint. Court costs include the cost of all stages of the investigation and discipline process and, if applicable, any court litigation and appeal.

sexual offenses; forensic examination; expenses (S.B. 1593) – Chapter 117

Requires the county in which a dangerous crime against children, sexual abuse, sexual conduct with a minor or child sex trafficking occurred to pay for any expenses arising out of the need to secure evidence of that offense. A health care institution may not charge a fee or bill any additional balance to a patient as part of a medical or forensic interview or examination for which a county is required to pay to secure relevant evidence. A county must post on their website the name of the county official responsible for paying expenses to secure relevant evidence.

central state repository; offenses (S.B. 1602) – Chapter 163

Beginning January 1, 2023, requires the Department of Public Safety (DPS) to procure criminal history information from criminal justice agencies for all precluding offenses for specified professions and fingerprint clearance cards. Allows DPS to procure criminal history records from criminal justice agencies for violations not explicitly listed in statute.

state guard; volunteers (S.B. 1607) – Chapter 222

Requires rules issued by the Governor for the administration and organization of the Arizona State Guard to include a chain of command and a process by which individuals may volunteer and report for duty.

unauthorized disclosure; intimate images; remedies (S.B. 1624) – Chapter 118

Establishes civil liability for a person who intentionally discloses or threatens to disclose an intimate image of another individual if the depicted individual suffers harm from the disclosure and the disclosing individual knew or should have known that: 1) the depicted individual did not consent to the disclosure; 2) the intimate image was private; and 3) the depicted individual is identifiable. A depicted individual's consent to the creation or the previous disclosure of an intimate image does not by itself establish that the depicted individual consented to the disclosure or lacked a reasonable expectation of privacy. A depicted individual who does not consent to the activity or state of nudity in an intimate image retains a reasonable expectation of privacy even if the image was created in a public place.

A disclosing individual is exempt from liability if the person proves that the disclosure was: 1) made in good faith in an act of law enforcement, legal proceedings, medical education or treatment or in reporting or investigating unlawful or unsolicited and unwelcome conduct; 2) related to a matter of public concern or interest; 3) reasonably intended to assist the depicted individual; or 4) made by a parent or legal guardian and the depicted individual is the child, unless the disclosure was intended to harm the child. If a plaintiff proves the disclosure was prohibited by law or made for the purpose of sexual arousal, sexual gratification, humiliation, degradation or monetary or commercial gain, the disclosing individual is not exempt from liability.

If a plaintiff files a confidential information form, the court may exclude or redact the plaintiff's identifying characteristics from all court documents and make further orders as necessary to protect the plaintiff's privacy. Allows a prevailing plaintiff to recover specified damages and outlines limitations for the commencement of a civil action for an unauthorized disclosure. When determining statutory damages, the court must consider aggravating or mitigating factors, including the age of the parties, the number of disclosures made by the defendant and the breadth of distribution of the disclosure.

harassment; aggravated harassment; offense (S.B. 1633) – Chapter 291

Specifies that a person commits *harassment* if the person knowingly and repeatedly commits an act or acts that harass another person or the person commits outlined harassing acts. Removes, from criteria used to determine if a person has committed harassment, the person's intention to harass, whether the harassing communication happened anonymously or otherwise, whether the person followed or surveilled the person being harassed for no legitimate purpose and whether a person made a false report on more than one occasion. Licensed professional investigators, licensed peace officers and certified and authorized process servers acting within the scope of the person's job duties are exempt from the crime of harassment.

A person who violates a valid court order where a prohibition on contacting the victim was a condition of release commits a class 6 felony for the first offense and a class 5 felony for any subsequent offenses.

lifetime injunction; crime victim (S.B. 1653) – Chapter 278

Requires the court, at the time of sentencing and on the request of the victim or prosecutor, to issue an injunction that prohibits the defendant from contacting the victim, if the defendant is convicted of a dangerous felony offense, sexual offense, serious offense or violent or aggravated felony. The injunction is effective immediately and valid for the defendant's natural lifetime, unless the victim submits an early termination request or the defendant makes a showing to the court that either the victim has died or the conviction has been dismissed, expunged, overturned or pardoned. The court may hold a hearing to verify a victim's request to dismiss the injunction.

Allows a victim to submit a petition to the court requesting an injunction against a defendant who was sentenced before September 24, 2022, and requires the Supreme Court to develop and adopt petition procedures for eligible victims. Requires the court to provide information to the Department of Public Safety to register the injunction with the National Crime Information System and notify the victim of the injunction. Removes requirements relating to issuing an injunction against harassment on a defendant prior to the early termination of probation.

juveniles; educational classes; discretionary (S.B. 1682) – Chapter 363

[SEE THE EDUCATION COMMITTEE.](#)

criminal victim notification fund; appropriation (NOW: victim notification; victims' rights; appropriation) (S.B. 1712) – Chapter 333

[SEE THE APPROPRIATIONS COMMITTEE.](#)

law enforcement video recordings; redactions (NOW: risk management; liability; state agencies) (H.B. 2081) – Chapter 239

Caps, at \$1,000,000 per claim or \$2,000,000 in annual aggregate, state self-insurance claims or other insurance that is provided by the Arizona Department of Administration (ADOA) for custodial care clients against property damage caused by the client and for liability resulting from the client's direct or incidental care. Allows ADOA to adjust the caps by rule. Insurance and state self-insurance obtained for these purposes do not apply to providers who are contractually required to indemnify the state or a state department or agency for some or all liability. Insurable programs include transitional independent living programs and extended foster care programs. Outlines liabilities that are excluded from state self-insurance coverage, including those arising from an act or omission determined to be a felony.

Allows ADOA to obtain liability insurance or provide for state self-insurance against losses for any agents of the state or state departments or agencies for acts or omissions while acting in the course and scope of employment or authorization by the state or state departments or agencies. If state self-insurance and any other valid insurance is determined to be primary, ADOA and other insurers must contribute equal amounts until the applicable limit of insurance has been paid or none of the loss remains.

Increases the maximum liability claim settlement the Director of ADOA, the Attorney General and the Joint Legislative Budget Committee may authorize. Allows ADOA to intervene in a lawsuit against an insured person to assert a defense on behalf of the person that the claimant failed to comply with statutory qualified immunity requirements or that a portion or all of the action is barred. Specifies that a public warning of any unreasonably dangerous condition indemnifies a public entity or employee for injury arising out of a plan or design for transportation facilities.

electric energy; reliability; public policy (H.B. 2101/S.B. 1631) – Chapter 191

[SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.](#)

community property award; convicted spouse (H.B. 2104) – Chapter 53

Allows a spouse making ongoing division of property installment payments to a convicted spouse to petition the court to cancel ongoing payments.

unlawful disclosure; images; definitions (H.B. 2106) – Chapter 65

Corrects defective references relating to the definitions of *specific sexual activities* and *state of nudity*.

civil rights restoration; requirements; process (H.B. 2119) – Chapter 199

Requires a court to inform a person who is eligible for automatic restoration of civil rights, in writing and on the record, that the person's rights will be automatically restored on completion of probation or absolute discharge. A court must inform a person who is not eligible for automatic restoration of civil rights, in writing and on the record, that the person has the right to restore their civil rights. The court's judgment and order of guilt must include an explanation of the civil rights that will be automatically restored or when the person can apply to have their civil rights restored. Requires a probation department or the Arizona Department of Corrections, Rehabilitation and Reentry to provide a person with a copy of the court's sentencing order and judgment of guilt on completion of probation or absolute discharge, as applicable. The clerk of the court must notify the Department of Public Safety when a person's civil rights are automatically restored.

Allows the right to possess a firearm to be automatically restored, rather than requiring an offender to wait two years after absolute discharge before filing for firearm rights restoration, if the person was not convicted of a dangerous offense or a serious offense. A first-time felony offender sentenced outside of Arizona may apply for the automatic restoration of civil rights if all victim restitution is paid. The court must grant the application without response from the state or holding a hearing. Modifies requirements relating to filing civil rights restoration applications for persons sentenced outside of Arizona and persons previously convicted of a felony.

recreational users; property (H.B. 2130) – Chapter 242

Limits a landowner's liability for injuries incurred by recreational users and educational users (users) while on the owner's land and states that a user of a premises accepts the risks created by the user's activities. Installing a sign or other warning or failing to maintain or keep in place a warning does not create liability on the part of the owner if there is no other basis for that liability. Statutory requirements relating to landowner duties apply to the duties and liability of any governmental entity, nongovernmental organization or person that performs certain actions regarding land made available to the public. A user is liable to an owner for any damage to land, property, livestock or crops that the user causes while on the land.

law enforcement officers; polygraph; examinations (H.B. 2159) – Chapter 175

Prohibits an employer from administering a polygraph examination to a law enforcement officer in an administrative investigation and removes certain requirements and exceptions relating to polygraph examination procedures.

In the course of an investigation involving multiple law enforcement officers, an employer must issue a notice of findings to an officer if evidence is discovered that exonerates the officer or fails to sustain any wrongdoing. The employer may continue to order the officer not to disclose

information regarding the investigation, with exceptions. Allows a hearing officer, administrative law judge or appeals board to consider violations of administrative investigation procedures as mitigation in determining discipline.

Allows an employer to order a psychological or behavioral examination if the officer has acted or failed to act in an observable manner that indicates a physical, psychological or behavioral condition materially limiting the officer's ability to perform essential job functions. If the officer is a danger to self or others, a 10-day notice for the officer's pending psychological examination is not required. Expands the list of professionals that may perform physical, psychological or behavioral examinations on an officer.

parental rights; schools; educational records (H.B. 2161) – Chapter 200

[SEE THE EDUCATION COMMITTEE.](#)

emergency; military affairs; national guard (H.B. 2223) – Chapter 151

Allows a spouse or dependent of a national guard member or an employee of the Department of Emergency and Military Affairs (DEMA) to apply to DEMA for tuition reimbursement for semesters completed at a postsecondary educational institution. To qualify for reimbursement, the individual must meet outlined criteria, including maintaining an average grade of C or better for each semester for which reimbursement is sought and meeting appropriate service or job performance requirements. Requires applications for tuition reimbursement to be submitted within 21 days of the beginning of each semester or term, rather than within 15 days of registration for each semester. Prescribes an order of priority for tuition reimbursement. Requires the Adjutant General's annual report on tuition reimbursement to include the total number of spouses, dependents and DEMA employees who receive reimbursement payments.

Requires national guard personnel on active duty for more than 30 consecutive days to receive the same leave entitlements as prescribed for the U.S. Armed Forces. Modifies residency requirements for Adjutant General appointees and allows the Governor to give preference to a person who has served in the Arizona National Guard when appointing the Adjutant General.

universities; water rights adjudication (H.B. 2231) – Chapter 152 E

[SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.](#)

~~lasers; assault; peace officers; penalty~~ (NOW: lasers; peace officers; aircraft; penalty) (H.B. 2251) – Chapter 260

Increases the following penalties from a class 1 misdemeanor to: 1) a class 5 felony, for intentionally or knowingly aiming a laser pointer at a peace officer; and 2) a class 6 felony, for intentionally or knowingly aiming a laser pointer at an occupied aircraft. The penalty for aiming a laser pointer at an occupied aircraft is a class 3 felony if the act renders the pilot unable to safely operate the aircraft or a class 2 felony if the act causes the pilot to crash the aircraft or perform an emergency landing. Recklessly aiming a laser pointer at a peace officer or an occupied aircraft is a class 1 misdemeanor.

~~asbestos claims; required information; liability.~~ (NOW: threshold amount; fentanyl) ([H.B. 2253](#)) – Chapter 371

Establishes a statutory drug *threshold amount* of nine grams for fentanyl or fentanyl mimetic substances for the purposes of determining sentencing for drug offenses.

officers bill of rights; preemption ([H.B. 2254](#)) – Chapter 88

States that the Peace Officers Bill of Rights outlines the minimum rights given to peace officers in Arizona.

insurance; secondary sources ([H.B. 2272](#)) – Chapter 89

[SEE THE FINANCE COMMITTEE.](#)

detained juveniles; advisements; notifications ([H.B. 2309](#)) – Chapter 375

Requires a peace officer who takes a juvenile into temporary custody to: 1) before questioning, advise the juvenile of their juvenile Miranda rights in language comprehensible to a juvenile; and 2) notify the parents, guardian or custodian of the juvenile's custody as soon as practicable, unless doing so would pose a risk to the juvenile. After making the custody notification, a peace officer must advise the parent, guardian or custodian of the juvenile Miranda rights. If a juvenile is a ward of the state, a peace officer must notify the Department of Child Safety, which must notify a prescribed individual of the juvenile's custody.

~~appropriation; border fence construction~~ (NOW: revenue distribution; border security) ([H.B. 2317](#)) – Chapter 334

[SEE THE APPROPRIATIONS COMMITTEE.](#)

law enforcement activity; recording prohibition ([H.B. 2319](#)) – Chapter 376

Prohibits a person from making a video recording of law enforcement activity within eight feet of where the activity is occurring: 1) if the person knows or reasonably should know where the activity is occurring; and 2) the person receives a verbal warning of the prohibition from a law enforcement officer and continues to record. A violation of the prohibition is a class 3 misdemeanor. Allows a person to make a video recording of a law enforcement activity occurring in an enclosed structure on private property from an adjacent room or area that is within eight feet of the activity if the person is authorized to be on the property, unless the officer determines that the person is interfering with the activity or that it is not safe and orders the person to leave the area. A person who is the subject of police contact or the occupants of a vehicle subject to a police stop may record the encounter if the person is not interfering with lawful police actions.

hazing; hazing paraphernalia; offense (NOW: hazing; classification; offense) (H.B. 2322) – Chapter 202

Establishes the criminal offense of *hazing* and classifies hazing as a class 1 misdemeanor or, if the hazing results in death, as a class 4 felony. A person commits *hazing* by intentionally, knowingly or recklessly causing or forcing a minor or student to engage in or endure certain actions or conditions for the purpose of affiliation with an organization whose members are primarily students or former students at a high school or postsecondary institution. A victim's consent, an organization's approval or the conduct being customary is not a defense to hazing. Immunizes a person from being prosecuted for hazing if the evidence is gained solely as a result of the person transporting a hazing victim or reporting a medical event, subject to certain limitations.

Establishes the criminal offense of *hazing planning or organizing* and classifies the offense as a class 2 misdemeanor. A person commits *hazing planning or organizing* by engaging in acts involving: 1) promoting or aiding in hazing as outlined; 2) conduct that would constitute or culminate in hazing if the circumstances were as the person believes them to be; or 3) conduct intended to aid another in hazing, though the hazing is not committed or attempted, if the conduct would have established the person as a party to the offense. A person may not be charged with hazing planning or organizing if the person takes active steps to thwart the planned hazing from occurring or voluntarily renounces criminal intent in writing to the others involved.

Redefines *hazing*, relating to public educational institution hazing prevention policies, as an act in violation of *hazing* or *hazing planning or organizing*.

homeowner's insurance; dogs; nondiscrimination (H.B. 2323) – Chapter 243

Prohibits a dog's breed from being considered in findings of facts or conclusions of law regarding whether a dog is aggressive or vicious or has created liability for a dog bite. Defines *aggressive*, *breed*, *provocation* and *vicious* relating to determining liability for a dog bite.

Prohibits a dog's breed from being the sole factor considered or used to determine risk, liability or losses under a homeowners' or renters' insurance policy or for questionnaires, surveys or other information-gathering regarding dog possession or a dog's presence on insured premises.

animal fighting; cockfighting; minors presence (H.B. 2324) – Chapter 138 E

[SEE THE NATURAL RESOURCES, ENERGY & WATER COMMITTEE.](#)

Arizona correctional industries; workplace injuries (H.B. 2328) – Chapter 90

Prohibits a prisoner, in an action for damages against a third-party contractor for the prisoner's work-related injury or death, from introducing into evidence the amount or cost of medical and health services the Arizona Department of Corrections, Rehabilitation and Reentry or the State of Arizona paid on the prisoner's behalf due to the prisoner's injury or death. A prisoner may introduce into evidence any amount the prisoner paid to secure the prisoner's right to medical and health services.

department of public safety; continuation (H.B. 2330) – Chapter 83

Continues the Department of Public Safety for eight years, until July 1, 2030, retroactive to July 1, 2022.

disciplinary appeals; final disposition reporting (H.B. 2340) – Chapter 139

Requires an administrative law judge, hearing officer or presiding authority, immediately after a law enforcement officer receives the final disposition of a disciplinary action appeal, to provide a final disposition report to the law enforcement agency that initiated or imposed discipline on the officer. The law enforcement agency must include the final disposition report in the original investigation record and provide the report to a prosecuting agency, if the agency was provided information during the investigation for inclusion in the prosecuting agency's Rule 15.1 database.

crime scene investigation interference; offense (H.B. 2343) – Chapter 262

Specifies that a person commits *interfering with a crime scene investigation* if the person knowingly disobeys a peace officer's reasonable verbal order to remain off the premises of a possible crime scene or otherwise interferes with a peace officer's crime scene investigation. Interfering with a crime scene investigation is a class 2 misdemeanor.

military affairs commission; continuation (H.B. 2344) – Chapter 67

Continues the Military Affairs Commission for eight years, until July 1, 2030, retroactive to July 1, 2022.

law enforcement; misconduct investigations; extension (H.B. 2347) – Chapter 378

Allows a law enforcement employer to extend a misconduct investigation beyond the 180-calendar-day limit if the employer demonstrates that additional time is necessary to obtain and review evidence. An extension may not go beyond an additional 180 days, except that an employer that is subject to supervision by a court-ordered monitor may extend an investigation by 360 days. An investigation that is not completed by the end of the extension period must be dismissed. Requires, rather than allows, a hearing officer, administrative law judge or appeals board to dismiss the discipline if an employer does not make a good faith effort to complete the investigation within 180 calendar days or any extension. The 180-calendar-day limit does not preclude an employer from initiating a new investigation of the employee for misconduct upon newly discovered material evidence that could not be discovered with reasonable diligence during the 180-calendar-day limit or any extension.

peace officer standards board; membership (H.B. 2349) – Chapter 153

Removes the rank requirements for the two law enforcement officers appointed to the Arizona Peace Officer Standards and Training Board and requires the appointed officers to be from different law enforcement agencies and to not serve in a supervisory capacity.

second degree murder; sentencing (H.B. 2355) – Chapter 245

Allows an adult or a person tried as an adult who has been convicted of a dangerous crime against children in the first degree involving second degree murder of a minor under 15 years old to be sentenced to life imprisonment. Prescribes sentencing ranges for persons not sentenced to life imprisonment. The convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement, with limited exceptions.

animal cruelty; release conditions (H.B. 2372) – Chapter 107

Requires a judicial officer to impose a condition of release prohibiting a person from possessing or having contact with any animal if the person is currently serving a term of probation for animal cruelty and is charged with a new animal cruelty violation on the person's own recognizance or on the execution of bail.

forcible entry; detainer; filing fee (H.B. 2484) – Chapter 97

Prohibits a court from imposing or collecting a fee for filing an answer to a complaint for forcible entry or detainer and eliminates the \$18 forcible entry and detainer filing fee.

eviction dismissal; sealed records (H.B. 2485) – Chapter 286

[SEE THE COMMERCE COMMITTEE.](#)

voter registration; verification; citizenship (H.B. 2492) – Chapter 99

[SEE THE GOVERNMENT COMMITTEE.](#)

religious services; essential services (H.B. 2507) – Chapter 181

[SEE THE GOVERNMENT COMMITTEE.](#)

department of juvenile corrections; continuation (H.B. 2570) – Chapter 91

Continues the Arizona Department of Juvenile Corrections for eight years, until July 1, 2030, retroactive to July 1, 2022.

~~DUI information; annual report; ACJC (NOW: DUI; data collection; study committee)~~ (H.B. 2583) – Chapter 206

Establishes the 14-member Driving Under the Influence (DUI) Data Collection Study Committee (Study Committee) and outlines membership requirements. The Study Committee must gather information to understand current DUI-related data collection processes among Arizona's various law enforcement agencies, crime labs, prosecutorial offices and courts and submit a report of its findings, conclusions and recommendations to the Governor and Legislature by December 16, 2022. Repeals the Study Committee on October 1, 2023.

commission; review of laws (NOW: judge; superior court; emergency orders) (H.B. 2604) – Chapter 167

Allows certain court officials in a county with a population of fewer than 150,000 persons to issue emergency orders of protection by telephone during the hours that the courts are closed. An order of protection is effective for two years, rather than one year, after a defendant has been served. Emergency orders of protection are effective for seven calendar days, rather than the longer of 72 hours or the next judicial day of business after issuance.

false filings; UCC; penalty (H.B. 2645) – Chapter 208

Increases, from a class 1 misdemeanor to a class 3 felony, the penalty for filing an unauthorized Uniform Commercial Code secured transaction record (record) with the knowledge that the record is unauthorized or contains a material misstatement or false claim.

Increases the civil penalty for a notary public who fails to notify the Secretary of State of a loss, theft or compromise of an official journal or stamping device from \$25 to \$1,000 and allows the Attorney General or appropriate county attorney to prosecute a violation or refer the fee to collections. If the identity of a party who signed a public notary's instrument is in question and the notary public's official journal is lost, stolen or compromised, the identity is presumed to be valid if the notary public complied with change of address notification requirements. If a court determines a notary public did not comply with notification requirements, the court must notify the Secretary of State and the appropriate county attorney.

concurrent jurisdiction; Yuma proving ground (H.B. 2649) – Chapter 61

Designates the Yuma Proving Ground as land subject to concurrent criminal jurisdiction between the United States and Arizona, after approval by the Governor and completion of a memorandum of understanding with applicable county sheriffs, to address lead investigative agency responsibilities on specific crimes and other coordinating matters.

right to jury; parent-child relationship (NOW: antisemitism; reporting) (H.B. 2675) – Chapter 186

Requires the chief officer of a state or local criminal justice agency to provide the Department of Public Safety (DPS) with information concerning crimes that manifest evidence of prejudice based on antisemitism. DPS must collect information concerning criminal offenses that manifest evidence of prejudice based on antisemitism for the Central State Repository.

employment discrimination; sexual harassment; definition (H.B. 2679) – Chapter 169

[SEE THE COMMERCE COMMITTEE.](#)

forfeiture; substitute assets; postdeprivation hearing (H.B. 2695) – Chapter 131

Allows a court to order the forfeiture of substitute assets in accordance with property seizure requirements after a conviction for an offense to which forfeiture applies. Specifies that statutory requirements for the return of claimed property in postdeprivation hearings do not prevent the state from returning any property to the property owner or prevent the filing of a racketeering or restitution lien. If a court finds by sufficient evidence that the victim of the alleged crime giving rise to the forfeiture has filed a claim to the seized property, the court is not required to grant a motion to release seized property on the basis that the property is the only means for a defendant to pay for legal representation in a related criminal matter.

mandatory sentences; children; trafficking; smuggling (H.B. 2696) – Chapter 197

Increases the term of imprisonment required for an adult, or a person tried as an adult, who is convicted of a dangerous crime against children (DCAC) in the first degree involving continuous sexual abuse of a child to a presumptive sentence of 60 years for a first offense and 90 years for any subsequent offense. Excludes offenders convicted of a DCAC involving luring a minor for sexual exploitation or sexual extortion from eligibility for early release based on the earned release credit program.

A person who has committed outlined offenses related to human smuggling is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the imposed sentence has been served or commuted, with limited exceptions. Modifies the circumstances necessary for a person or entity to commit the act of *participating in a human smuggling organization or operation*.

victim's right to privacy; exception (H.B. 2709) – Chapter 100

Exempts a victim's address from the requirement for a victim's identifying and locating information to be redacted from criminal case records if the address appears in body-worn camera footage, photographs or other visual or audio depictions and the defendant knows the victim's address because of a statutorily-outlined familial or sexual relationship.

Allows a court to order the disclosure of a victim's identifying and locating information in a specific case if it is necessary to protect the defendant's constitutional rights or when the information is not reasonably able to be redacted because of undue burden or expense. Before the disclosure, the victim must be notified of the disclosure and has the right to be heard by the court. If the disclosure is made to the defendant's attorney, the attorney may not disclose the information to anyone other than the attorney's staff or a designated investigator.

law enforcement officers: AZPOST (H.B. 2721) – Chapter 386

Retroactive to January 1, 2021, requires two-thirds of the members, staff, employees or seats, rather than the voting membership, of any government entity that investigates law enforcement officer misconduct to consist of Arizona Peace Officer Standards and Training

(AZPOST) Board-certified law enforcement officers. Any findings or recommendations from any government entity require a majority vote to investigate misconduct, influence the conduct of or certify an officer misconduct investigation or recommend or impose discipline. Exempts outlined entities from the membership and voting requirements.

strategic actions; public participation (H.B. 2722) – Chapter 267

Allows a person other than a state actor or intervener to file a motion to dismiss or quash, rather than only dismiss, a strategic action against public participation (legal action) that involves the person's constitutional right to free speech, freedom of the press, freedom to associate or the right to peaceably assemble. A person who files a motion to dismiss or quash has the burden of establishing prima facie proof that the legal action was substantially motivated by a desire to deter, retaliate against or prevent the lawful exercise of a constitutional right. A party's response to a motion is not required unless the court finds the moving party has established prima facie proof and orders the party to file a response.

Requires a court to grant the motion to dismiss or quash unless the responding party is: 1) a state actor and shows that the legal action in question is justified by clearly established law and did not act in order to deter the moving party's exercise of constitutional rights; or 2) is not a state actor and shows that the legal action is justified by existing law or supported by reasonable argument for modifying existing law. Outlines methods through which a state actor may demonstrate that a legal action is justified.

Reduces, from 90 days to 60 days, the time period within which a motion to dismiss or quash may be filed after the service of the complaint or other document on which the motion is based. At the court's discretion, a motion may be filed at a later time after there is notice of a party's misconduct. If possible, the court must hold an expedited hearing on the motion if the court finds that prima facie proof has been established. Outlines discovery proceedings requirements.

Allows, rather than requires, a court that grants a motion to dismiss or quash to award the moving party costs and reasonable attorney fees. If the court denies a motion to dismiss or quash, the denial and the court's supporting findings are not admissible in evidence at any later stage of the case or in any subsequent action. An order granting or denying a motion to dismiss or quash is appealable if the court determines that the moving party has established prima facie proof. Requires the court of appeals to expedite any appeal unless the court finds that expedited review is not feasible under the circumstances or a court rule specifically provides otherwise.

civil case assignment; judges (H.B. 2723) – Chapter 283

Requires the assignment of civil trial cases to superior court judges in a county with a population of more than 1,000,000 persons to be done in a blind manner by either automated means or a formula approved by the Supreme Court. In an emergency matter or if a judge becomes unavailable, the superior court must assign a judge in a blind manner and may account for judicial

availability. The superior court may deviate from the blind assignment protocol to ensure that tax, complex, commercial and water rights cases are assigned to appropriate specialty courts. Prohibits a superior court judge from selecting a case for assignment or refusing to accept an assigned case, unless good cause exists or a court rule requires or allows the refusal.

tuition waiver; veterans; felonies; eligibility ([H.B. 2823](#)) – Chapter 144

[SEE THE EDUCATION COMMITTEE.](#)

automation; 2022-2023 ([H.B. 2856/S.B. 1723](#)) – Chapter 307

[SEE THE APPROPRIATIONS COMMITTEE.](#)

courts; 2022-2023 ([H.B. 2859/S.B. 1726](#)) – Chapter 310

[SEE THE APPROPRIATIONS COMMITTEE.](#)

criminal justice; 2022-2023 ([H.B. 2860/S.B. 1727](#)) – Chapter 311

[SEE THE APPROPRIATIONS COMMITTEE.](#)