

Military Affairs, Public Safety & Border Security Committee

Senator David Gowan, Chairperson



Zack Dean, Research Analyst

Sawyer Bessler, Assistant Research Analyst

Kaytlin King, Intern

MILITARY AFFAIRS, PUBLIC SAFETY & BORDER SECURITY COMMITTEE

LEGISLATION ENACTED

~~correctional facilities; body scanners~~ (NOW: body scanners; correctional facilities) ([S.B. 1030](#)) – Chapter 45

Allows a city or town correctional facility to: 1) request a licensed practitioner to order that x-radiation be performed on any inmate if there is reason to believe the inmate is in possession of any contraband; and 2) perform a body scan of an inmate by using low-dose ionizing radiation without an order from a licensed practitioner to prevent any contraband from entering a correctional facility.

~~peer support teams; information; disclosure~~ ([S.B. 1071](#)) – Chapter 171

Prohibits a peer support team member from being compelled to disclose privileged information regarding designated persons in a legal proceeding, trial or investigation, with certain exceptions. A *peer support team* is a designated group of individuals trained in compassion fatigue, crisis support, grief and loss resiliency, motivational interviewing and suicide prevention who have completed training provided by a licensed mental health professional and who are part of a crisis response team for law enforcement, probation officers, firefighters or emergency medical providers.

~~tuition; family; posttraumatic stress; suicide~~ ([S.B. 1174](#)) – Chapter 230

Retroactive to July 1, 2023, requires the Arizona Board of Regents or a community college district to provide a tuition waiver scholarship to the child or spouse of a deceased veteran or member of the U.S. Armed Forces, or a current or previously employed peace officer or firefighter, if the parent or spouse was an Arizona resident at their time of death and died by suicide while having a documented posttraumatic stress injury that occurred in the line of duty. Outlines criteria that establishes prima facie evidence of a parent's or spouse's posttraumatic stress injury. A person who was eligible for a tuition waiver scholarship in FYs 2024 or 2025, or both, and who did not receive a scholarship, is eligible for a tuition scholarship award in an amount equal to the tuition for both years, as outlined.

~~prisoners; transition services; noncontracted entities~~ (NOW: vehicle lighting; law enforcement; exceptions) ([S.B. 1196](#)) – Chapter 173

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

~~internet sex offender website; offenses~~ ([S.B. 1236](#)) – Chapter 158

Requires a person registered as a Level 1 sex offender to register on the internet sex offender website if the offender was at least 21 years old at the time of the offense and was sentenced for a dangerous crime against children after committing any of the following sexual

offenses: 1) sexual abuse; 2) child molestation; 3) sexual conduct with a minor; 4) child sex trafficking; 5) taking a child for the purpose of prostitution; 6) luring or aggravated luring of a minor for sexual exploitation; or 7) continuous sexual abuse of a child. A person registered as a Level 1 sex offender who was convicted of or adjudicated guilty except insane must have been at least 18 years old at the time of the qualifying offense to be required to register. By September 14, 2025, the Department of Public Safety must add to the internet sex offender website the names and information of all persons convicted of outlined sexual offenses before September 14, 2024.

sex offender registration; school notification (S.B. 1404) – Chapter 57

Requires a person registered as a sex offender who has legal custody of a child enrolled in school to: 1) provide the child's name and enrollment status at the time of registering as a sex offender with the county sheriff; and 2) notify the county sheriff of any change to the enrollment status of the person's child within 72 hours. A Level 1 sex offender who has been convicted of a dangerous crime against children must be included in the community notification that is disseminated to specified schools.

organized retail theft task force (S.B. 1411) – Chapter 167

Requires the Attorney General (AG) to establish the Organized Retail Theft Task Force (Task Force) to combat crimes that relate to stealing, embezzling or obtaining retail merchandise by fraud, false pretenses or other illegal means for the purpose of resale. Outlines Task Force membership and requires the AG to invite federal, state and local law enforcement personnel to participate in the Task Force.

The Task Force must: 1) meet regularly to review cases and provide updates on ongoing cases; 2) investigate, apprehend and recommend individuals or entities for prosecution, as appropriate; 3) investigate offenses or violations under the AG's jurisdiction; 4) review, investigate and recommend for prosecution appropriate cases brought before the Task Force by law enforcement agencies or authorized loss prevention personnel; and 5) by July 1, submit a report to the Governor, Legislature and Secretary of State outlining activities and recommendations.

residential property; transient occupant; remedies (NOW: Pacific conflict; assessment) (S.B. 1638) – Chapter 243

[SEE THE JUDICIARY COMMITTEE.](#)

public-private partnership contracts (S.B. 1670) – Chapter 201 E

[SEE THE GOVERNMENT COMMITTEE.](#)

prisoner spendable accounts; restitution (S.B. 1671) – Chapter 80

Allows the court to order the Director of the Arizona Department of Corrections, Rehabilitation and Reentry to withdraw more than 20 percent of available monies from a prisoner's spendable account for restitution purposes.

prior felony conviction; aggravated DUI (S.B. 1675) – Chapter 60

Allows an aggravated driving under the influence offense (DUI) that was committed within five years immediately preceding the present offense to be alleged as a historical prior felony conviction, even if the present offense is not also an aggravated DUI.

~~traffic violations; photo radar; penalties~~ (NOW: minors; motorcycle helmets; citations) (S.B. 1680) – Chapter 246

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

peace officers; mutual aid agreements (S.B. 1683) – Chapter 185

Requires each county sheriff to develop and adopt a policy on cross-certifying peace officers from adjoining states, including whether to allow cross-certification in that county. A peace officer employed by an adjoining state county must submit a cross-certification request to the county sheriff and submit evidence that the officer is certified as a peace officer. Cross-certification remains active for one year and provides the peace officer with the law enforcement powers of an Arizona peace officer for the purpose of assisting with emergencies, including the capability to enforce Arizona's criminal laws if directed by the peace officer's employer. The Arizona Peace Officer Standards and Training Board must maintain records of all cross-certified peace officers from adjoining states. The state and each political subdivision are indemnified from liability for any act or failure to act by a cross-certified peace officer.

private property; sale; veterans affairs. (S.J.R. 1001) – Chapter 247 E

An emergency measure effective June 21, 2024, that consents to the sale of specified parcels of land in Maricopa County to the United States for and on behalf of the U.S. Department of Veterans Affairs and provides a legal description of the land being sold.

space national guard; urging establishment (S.C.M. 1004)

Urges the U.S. Congress to enact legislation to establish a Space National Guard.

~~department of health services; rulemaking~~ (NOW: ambulance attendants; services) (H.B. 2033) – Chapter 128

Allows an emergency medical responder who is employed by an ambulance service and whose primary responsibility is driving an ambulance to exclusively drive an ambulance when providing interfacility transportation. Department of Health Services (DHS)-adopted ambulance operation standards, criteria and procedures must require that ambulance services providing interfacility transportation have one, rather than at least one, ambulance attendant who is an emergency medical technician (EMT), licensed physician or professional nurse. The second ambulance attendant required by the ambulance operation standards may be any classification of ambulance attendant, including an emergency medical responder.

An ambulance service must charge the basic life support base rate as prescribed by the Director of DHS for an interfacility transport when the ambulance is staffed with at least one EMT, one paramedic whose primary responsibility is the care of patients in an ambulance, one licensed physician or one professional nurse.

DOC officers; personnel system; covered (H.B. 2034) – Chapter 249

Adds the following employees at the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) to covered service under the state personnel system: 1) correctional captains, lieutenants, sergeants and corporals; 2) correctional officer IVs; and 3) community corrections unit supervisors and group supervisors. Requires the Director of ADCRR to adopt rules to allow such employees to keep the maximum annual leave carryover and accrual rate prescribed for employees in uncovered service.

~~traumatic event counseling; constables~~ (NOW: constables; traumatic event counseling) (H.B. 2103) – Chapter 115

Adds constables and deputy constables to the definition of *peace officers* for the purpose of qualifying for state employer-provided traumatic event counseling.

department of homeland security; continuation (H.B. 2107) – Chapter 25

Continues the Arizona Department of Homeland Security for four years, until July 1, 2028, retroactive to July 1, 2024.

fingerprinting; criminal history; records checks (H.B. 2243) – Chapter 188 E

An emergency measure effective May 17, 2024, that modifies policies and procedures for the Board of Fingerprinting (Board) and the Department of Public Safety (DPS) relating to fingerprinting and criminal history records checks. The Board may only review a person's criminal history records if the person has applied for a good cause exception for a fingerprint clearance card (FCC). The DPS Fingerprinting Division (Division) may only release a person's criminal history records to the Board if the Division suspends a person's FCC and the person applies for a good cause exception through the Board. Removes the requirement for the Director of the Board to provide reports of arrests, charges or convictions of precluding offenses to applicable state agencies and specifies that DPS may notify the agency. Codifies the authorization for DPS to use and retain fingerprints for conducting criminal history records checks through Rap Back services.

Allows an applicant for an occupation or position that requires a valid FCC, and whose application is pending approval for a federal criminal records check, to be granted a temporary work authorization while the application is pending. To be granted work authorization, an applicant must provide specified documents to the state agency, including notarized forms that affirm the person has never been convicted of a precluding offense. A state agency may perform third-party background checks on applicants and take other actions as outlined. The authority to grant temporary work authorizations expires on the date that the Federal Bureau of Investigation notifies DPS that the agency has been approved to conduct federal criminal history records checks.

narcotic drugs; fentanyl; sentencing (H.B. 2245) – Chapter 66

Establishes sentencing ranges for persons convicted of possessing or transporting a narcotic drug if the offense involves the sale of fentanyl to another person in an amount of at least 200 grams. For a first offense, the sentence is a minimum of 5 years, presumptive of 10 years and maximum of 15 years. The minimum, presumptive and maximum sentences are increased by five years if the person has previously been convicted of possessing or transporting a narcotic drug. The presumptive prison sentences may be mitigated or aggravated as prescribed.

prisoners; services budget; postsecondary education (H.B. 2248) – Chapter 119

Adds postsecondary education for employment in any of the following industries to the list of education programs for which appropriated and expended monies must be identified in the Arizona Department of Corrections, Rehabilitation and Reentry's prisoner education services budget: 1) information technology; 2) transportation and warehousing; 3) construction; 4) health care and social assistance; 5) manufacturing; 6) finance and insurance; and 7) retail trade.

~~health care decisions; living wills~~ (NOW: Arizona space commission; research fund) (H.B. 2254) – Chapter 140

Establishes the 13-member Arizona Space Commission (Commission) and outlines Commission membership and duties. The Commission must identify research and funding opportunities within Arizona that: 1) enhance Arizona's position in civil, commercial and military aeronautics research and development and space flight infrastructure; 2) enhance the integration of the space aeronautics, astronautics and aviation industries in Arizona; and 3) promote and research materials derived from or developed through space exploration and space flight.

Establishes the Space Exploration and Aeronautics Research Fund (Fund), consisting of legislative appropriations, gifts, grants and donations. Fund monies may be used, as prescribed, to provide grants to businesses or nonprofit organizations in Arizona that are involved in the space exploration or aeronautics industry or to a governmental entity with which the Commission's governing Board has entered into an intergovernmental agreement. Prescribes grant project, prioritization and reporting requirements.

Requires the Commission to develop and annually update a strategic plan for promoting and expanding space, aeronautics and aviation in Arizona, including a list of potential projects to further the purposes of the Commission. By December 31, 2024, and each even-numbered year thereafter, the Commission must submit the strategic plan to the Governor and Legislature.

peace officers; discipline; modification (H.B. 2322) – Chapter 69

Allows the Law Enforcement Merit System Council (LEMSC) to recommend modification of a disciplinary action if the state agency head has proven that the employing agency had just cause to discipline the employee but evidence presented by the employee or the employing agency, any legal basis brought in the appeal or any other facts or circumstances offered for LEMSC's consideration demonstrate that the disciplinary action should be modified.

mental health transition program; release (H.B. 2433) – Chapter 35

Allows an inmate who is eligible for the Arizona Department of Corrections, Rehabilitation and Reentry's (ADCRR's) Mental Health Transition Pilot Program (Pilot Program) to be released from confinement three months earlier than the inmate's earliest release date if certain criteria are met, including that the inmate has not been convicted of: 1) specified sexual offenses; 2) arson related offenses; or 3) violent crimes resulting in death or physical injury or any criminal use of a deadly weapon or dangerous instrument. The Director of ADCRR must adopt rules to require that an eligible inmate receive Pilot Program services for at least 90 days or for the duration of the inmate's release.

diversion; juveniles; conditions (H.B. 2511) – Chapter 39

Allows a juvenile offender whose prosecution has been diverted to voluntarily participate in a court-approved religious program. The religious program may be substituted for another diversion program. The purpose of the religious program may not include any effort to coerce the juvenile offender to adopt or change any religious affiliation or beliefs.

military installations; general plan amendments (NOW: military installations; general plans; land) (H.B. 2548) – Chapter 41

Requires a city, town or county that contains any portion of a military installation or range or an Arizona National Guard site (military sites), or any portion of the influence area of a military site as delineated in the map prepared by the Arizona State Land Department (ASLD), to notify the office of the commander of each military site when outlined land use applications are deemed complete. Outlines notice and comment requirements. The governing body of a city or town or the county board of supervisors must consult with, advise and provide an opportunity for official comment by a military site to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the general plan. The general plan of a city or town that contains any portion of a military site influence area must include consideration of the military site's operations.

By December 31, 2024, and on receipt of proper information from the applicable military site, the ASLD must prepare electronic legal descriptions and maps of the military sites and their influence areas and provide legal descriptions and maps to the Arizona Department of Real Estate (ADRE) and the public.

The Commissioner of ADRE must execute and record, in the office of the county recorder in each county that includes a military site, a document that applies to land contained in the influence area and that discloses that the land is contained in an influence area. ADRE must post military site influence area maps on its website.

Any public report issued after December 31, 2024, that is applicable to property located fully or partially within a military site's influence area must state that: 1) the property is located in the influence area of a military site; 2) ASLD and ADRE maintain the influence area maps of military sites that are available to the public; and 3) the military site influence area maps are posted on ADRE's website.

Arizona criminal justice commission; members (H.B. 2716) – Chapter 125

Adds two Governor-appointed members to the Arizona Criminal Justice Commission, including one public defender and one victim advocate.

emergency management assistance; reimbursement (H.B. 2767) – Chapter 191

Adds, to the Management Assistance Compact and Arizona Mutual Aid Compact Revolving Fund's (Fund's) funding sources, monies received as reimbursement for costs incurred by the state and any supporting partners of the state while rendering aid in response to approved Arizona Mutual Aid Compact requests. Fund Monies may be used to reimburse supporting partners of the state and state agencies that respond to Arizona Mutual Aid Compact requests.

service members; flags; half-staff (H.B. 2818) – Chapter 154

Requires all state agencies to fly all flags at half-staff on notification from the Governor of the death of a U.S. Armed Forces member who was killed in action and who claimed Arizona as their home or who was stationed in Arizona. Designates this legislation as the *Dan Ari Act*.

~~lawful presence; e-verify program; penalties (NOW: border; benefits; fentanyl; illegal entry)~~ (H.C.R. 2060)

Subject to voter approval, statutorily establishes the state crime of *illegal entry*, which a person who is an unlawful immigrant commits by entering or attempting to enter the state directly from a foreign nation at any location other than a lawful port of entry. *Illegal entry* is a class 1 misdemeanor or a class 6 felony if the person has been previously convicted of *illegal entry*. A person may not be arrested for *illegal entry* without probable cause being established through prescribed methods. A person has an affirmative defense to the crime of *illegal entry* if the federal government has granted the defendant lawful presence in the United States and the defendant's conduct does not constitute a violation of federal immigration law. The state crime of *illegal entry* may only be enforced prospectively and does not go into effect until a similar law in Texas, or any other similar state law, has been in effect for at least 60 consecutive days.

Before a person is convicted of or adjudicated for an *illegal entry* violation, the court may dismiss the charge and issue an order to return to the foreign nation from which the person entered the state or the person's nation of origin. An order to return may only be issued if certain criteria are met and refusing to comply with an order to return is a class 4 felony. The Arizona Department of Corrections, Rehabilitation and Reentry must accept persons convicted of or arrested for *illegal entry* offenses if county or local law enforcement agencies do not have the capacity to hold the person. State and local government entities, officials, employees and contractors are immune from civil liability arising from actions taken to enforce *illegal entry* provisions during the person's course and scope of office or employment.

Prohibits a natural person who is not lawfully present in the United States from knowingly submitting false documentation when both applying to receive public benefits and during the

employment eligibility verification process. Submitting false documentation when applying for public benefits is a class 6 felony. Submitting false documentation during the employment eligibility verification process is a class 1 misdemeanor or a class 6 felony if the person has a prior conviction. An agency or political subdivision that administers public benefits must utilize the Systematic Alien Verification for Entitlements Program to verify an applicant's documentation and benefit eligibility.

Establishes the state crime of *sale of lethal fentanyl*, which a person commits by knowingly selling fentanyl in violation of current law if the person knows the drug sold contains fentanyl and the fentanyl causes the death of another person. *Sale of lethal fentanyl* is a class 2 felony, except sentencing must be increased by five years. It is an affirmative defense to the crime of *sale of lethal fentanyl* if the fentanyl was manufactured in or lawfully imported into the United States.

Designates this legislation as the *Secure the Border Act*. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

LEGISLATION VETOED

lifetime probation; sexual offenses; termination (S.B. 1155) – VETOED

Prohibits a person who is placed on lifetime probation for a sexual offense from petitioning the court to terminate probation before the following time has elapsed after the person was placed on probation: 1) 20 years, for a class 2 or 3 felony; or 2) 10 years, for a class 4, 5 or 6 felony. The court may not issue an order terminating or modifying a probation sentence if there is a current or pending criminal charge against the person.

The Governor indicates in her [veto message](#) that while clarification around the term *lifetime probation* is a worthwhile consideration, proposed solutions should not strip away judicial discretion.

state crime; illegal border crossings (S.B. 1231) – VETOED

Establishes the state crime of *illegal entry*, which a person who is an unlawful immigrant commits by entering or attempting to enter the state directly from a foreign nation at any location other than a lawful port of entry. *Illegal entry* is a class 1 misdemeanor for a first offense, a class 6 felony for a subsequent offense or a class 2 or 3 felony if other aggravating factors exist. A person has an affirmative defense to the crime of *illegal entry* if the federal government has granted the defendant lawful presence in the United States, the defendant's conduct does not constitute a violation of federal immigration law or the defendant was approved for benefits under the Deferred Action for Childhood Arrivals program between June 15, 2012, and July 8, 2021. A peace officer may not arrest or detain a person suspected of committing *illegal entry* if the person is on the grounds of an educational institution, a place of religious worship or specified health care facilities.

A judge may dismiss a pending *illegal entry* charge and issue an order to return to the foreign nation from which the person entered the state. An order to return may only be issued if

certain criteria are met and refusing to comply with an order to return is a class 2 felony. An order to return that is issued upon a person's conviction takes effect on completion of imprisonment.

State and local government officials, employees and contractors are immune from civil liability arising from actions taken to enforce *illegal entry* provisions during the person's course and scope of office or employment. State and local governments must indemnify officials, employees and contractors for reasonable attorney fees and damages, as prescribed. Immunity from civil liability and indemnification do not apply if the court or a jury determines that the official, employee or contractor acted in bad faith or with conscious indifference or recklessness.

The Governor indicates in her [veto message](#) that S.B. 1231 will be harmful for Arizona communities and businesses and presents significant constitutional concerns.

shoplifting; prior offenses (S.B. 1412) – VETOED

Stipulates that, when determining whether a person is guilty of a class 4 shoplifting felony, any time a person spent on absconder status during probation, on escape status or incarcerated is excluded in calculating if the person has previously committed or been convicted within the past five years of two or more offenses involving burglary, shoplifting, robbery, organized retail theft or theft.

The Governor indicates in her [veto message](#) that she signed S.B. 1411 establishing the Organized Retail Theft Task Force and she looks forward to reviewing the required policy recommendations and finding balanced policies for this matter.

pedestrians; congregating; medians; unsafe locations (NOW: pedestrians; congregating; medians; intersections) (H.B. 2658) – VETOED

Prohibits a pedestrian from congregating or soliciting while on a painted or raised traffic island or median, exit ramp, entrance ramp or roadway of a controlled access highway or in an intersection where there is not a sidewalk or safe corridor for pedestrians. For a first violation, a peace officer may not issue a citation and may issue only a warning. For a second violation, the person is responsible for a civil traffic violation and, for a third or subsequent violation, the person is guilty of a class 1 misdemeanor.

The Governor indicates in her [veto message](#) that in approaching these matters, it is critical to avoid infringing on Arizonan's freedoms.