

April 28, 2017

Attorneys

53rd Legislature - 1st Regular Session, 2017

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BILL NUMBER/ SHORT TITLE	SUMMARY	SPONSORS	POSTED HEARINGS & CALENDARS	LAST ACTION
H2002: MARIJUANA; SENTENCE; CIVIL PENALTY; FINES	<p>Reduces the criminal classification for possession or use of marijuana with a specified weight as follows: less than one ounce is subject to a civil penalty of up to \$100, from a class 6 (lowest) felony; at least one ounce but less than two pounds is reduced to a petty offense, from a class 6 felony; two pounds or more to a class 3 (mid-level) misdemeanor, from either a class 4 or 5 felony. Reduces the criminal classification for importing, transporting for sale or selling marijuana with a specified weight as follows: less than two pounds to a class 3 misdemeanor, from a class 5 (second-lowest) felony; at least two pounds but less than four pounds to a class 6 felony, from a class 4 felony; more than four pounds to a class 5 felony, from a class 3 felony. The court must order a juvenile who is adjudicated delinquent for a first violation of these marijuana related violations to complete at least 10 hours of community restitution in lieu of other penalties. If the community restitution is not complete within one year, the juvenile is subject to all other penalties prescribed by law.</p>	First sponsor: Rep. Cardenas		1/9 referred to House jud-pub safety, hel.
H2003: MARIJUANA; REGULATION; TAXATION	<p>A person who is at least 21 years of age may possess, consume, use, display, purchase or transport one ounce or less of marijuana, may grow up to five marijuana plants and may possess, process or transport the marijuana produced by the plants on the premises where the plants were grown. Some restrictions. It is unlawful to smoke marijuana in a public place. Establishes regulations for marijuana accessories and retail marijuana stores. Establishes an excise tax on the sale or transfer of marijuana at the rate of \$50 per ounce. Revenues generated by the tax must be used to enforce these regulations, and any remaining monies are distributed as follows: 30 percent to the Department of Education, 20 percent to the Department of Health Services for specified drug programs, and 50 percent to the general fund. The Department of Health Services is required to adopt rules necessary for implementation. Due to a potential increase in state revenue, this bill requires the affirmative vote of at least 2/3 of each house of the Legislature for passage.</p>	First sponsor: Rep. Cardenas		1/9 referred to House jud-pub safety, ways-means.

H2012: CRISIS REFERRAL SERVICES; CONFIDENTIALITY	Any communication that is made to a "crisis referral service" by a "designated person" (both defined) and any records related to the communication are confidential. A crisis referral service and any service employees cannot be compelled to disclose the confidential information in a legal proceeding or investigation before any agency of the state or a political subdivision. Some exceptions.	First sponsor: Rep. Finchem		1/9 referred to House jud-pub safety.
H2018: MEDICAL MARIJUANA; CULTIVATION; FACILITIES	Medical marijuana cultivation facilities must have a roof and a hardened covering. Due to voter protection, this legislation requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.	First sponsor: Rep. Leach		1/23 FAILED House mil-vet-reg vote 4-5.
H2022: UNLAWFUL DISCHARGE OF FIREARMS; EXCEPTION	The list of exceptions from the definition of unlawful discharge of firearms, a class 6 (lowest) felony, is modified to include using rat shot or snake shot that consists of pellets that are 1.3 millimeters or less in diameter and that are loaded in a rimfire cartridge with a caliber that does not exceed 0.22 inches. AS PASSED HOUSE.	First sponsor: Rep. Lawrence		4/10 FAILED to pass Senate <u>15-15</u> .
H2023: SALT RIVER HORSE HERD; PENALTY	The criminal classification for harassing, shooting, killing or slaughtering a horse that is part of the Salt River horse herd is increased to a class 6 (lowest) felony, from a class 1 (highest) misdemeanor. Conditionally enacted on the conditional enactment of Laws 2016, Chapter 136, which establishes the crime of harassing, shooting, injuring, killing or slaughtering a horse that is part of the Salt River horse herd.	First sponsor: Rep. Lawrence		1/10 referred to House land-agri-rural.
H2024: FALSE REPORTING; CLASSIFICATION	The criminal classification for knowingly making a false or fraudulent report for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a peace officer is increased to a class 4 (mid-level) felony, from a class 1 (highest) misdemeanor.	First sponsor: Rep. Lawrence		1/9 referred to House jud-pub safety.
H2033 (Chapter 53): CONTROLLED SUBSTANCES; DEFINITION	For the purpose of controlled substances regulations, certain specified substances are added to the list of controlled substances included in schedule I. For the purpose of the criminal code, the definition of "narcotic drugs" is expanded to include certain specified substances. AS SIGNED BY GOVERNOR.	First sponsor: Rep. Carter		3/24 signed by governor. Chap. 53, Laws 2017.
H2047 (Chapter 54): LIQUOR; SERVING AGE; REDUCTION	All employees manufacturing, selling or handling spirituous liquors are required to be 18 years of age, reduced from 19 years of age. AS SIGNED BY GOVERNOR.	First sponsor: Rep. Weninger		3/24 signed by governor. Chap. 54, Laws 2017.
H2085 (Chapter 27): SENTENCING DOCUMENT; FINGERPRINT; MISDEMEANOR OFFENSES	The list of offenses for which the court is required to obtain and record the defendant's fingerprints at the time of sentencing is expanded to include theft and shoplifting. AS SIGNED BY GOVERNOR.	First sponsor: Rep. E. Farnsworth		3/21 signed by governor. Chap. 27, Laws 2017.
H2087 (Chapter 55): ARIZONA CRIMINAL JUSTICE COMMISSION; CONTINUATION	The statutory life of the Arizona Criminal Justice Commission is extended eight years to July 1, 2025. Retroactive to July 1, 2017. AS SIGNED BY GOVERNOR.	First sponsor: Rep. E. Farnsworth		3/24 signed by governor. Chap. 55, Laws 2017.

<p>H2097: SOVEREIGN AUTHORITY; COMMANDEERING; PROHIBITION; EXCEPTION</p>	<p>The Legislature is authorized to enact legislation with the approval of the Governor that prohibits the state and any political subdivisions from using any personnel or financial resources to enforce, administer or cooperate with any "action" (defined) of the U.S. government that constitutes "commandeering," defined as any action that is not in pursuance of the U.S. Constitution and that has not been affirmed by a vote of the U.S. Congress and signed into law as prescribed in the U.S. Constitution, or any action that exceeds the powers of the U.S. Congress enumerated in the U.S. Constitution. Contains legislative findings. AS PASSED HOUSE.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>2/1 passed House <u>38-22</u>; ready for Senate.</p>
<p>H2098: CIVIL FORFEITURE; PUBLIC DEFENDER APPOINTMENT</p>	<p>The list of proceedings and circumstances at which a public defender is required to defend, advise and counsel any person who is entitled to counsel and who is not financially able to employ counsel is expanded to include all seizure and forfeiture proceedings held under the criminal code.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>1/25 from House fed-policy do pass.</p>
<p>H2109: FORFEITURE; MONIES; ASSETS; PROHIBITED DISTRIBUTION</p>	<p>Any monies obtained as a result of a seizure or forfeiture that involved a drug or gambling offense are prohibited from being distributed to or used by any law enforcement agency. If the property forfeited is money that cannot be specifically identified, the court is required to order the monies distributed to crime victims who have not received the full amount of restitution that was ordered by a court before any remaining monies are distributed to law enforcement agencies.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>1/25 from House fed-policy do pass.</p>
<p>H2110: UNCONTESTED CIVIL FORFEITURE; REPEAL</p>	<p>Repeals statute allowing the state to make uncontested civil forfeiture available to owners of and interest holders in personal property and regulating that process.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>1/25 from House fed-policy do pass.</p>
<p>H2111: ANTI-RACKETEERING FUNDS; ADMINISTRATION; REVENUE DEPARTMENT</p>	<p>Authority to administer the Anti-Racketeering Revolving Fund is transferred to the Department of Revenue (DOR), from the Attorney General, and authority to administer each County Anti-Racketeering Revolving Fund is transferred to the Department of Revenue (DOR), from the County Attorney. A department or agency that receives monies from either Fund is subject to random audit by DOR and must provide a full accounting for monies received from the Fund.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>1/25 from House fed-policy do pass.</p>
<p>H2114: PEACE OFFICERS; WEAPONS; FEDERAL FACILITIES</p>	<p>The Attorney General is required to contact the U.S. Attorney General and work to reverse the federal policy that requires sworn Arizona peace officers to disarm before entering a federal facility. AS PASSED HOUSE.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>3/14 stricken from Senate consent calendar by Yarbrough.</p>
<p>H2122: COMPETITIVE BIDDING; LEGAL COUNSEL; LIMIT</p>	<p>Any procurement of legal counsel for a contract that is \$50,000 or more must be awarded by competitive sealed bidding subject to the Arizona Procurement Code. No more than 10 percent of the contracts awarded each year for legal counsel may be awarded to a single contractor.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>1/26 FAILED House gov 3-4.</p>

<p>H2125: SEX TRAFFICKING VICTIM; VACATING CONVICTION</p>	<p>A person convicted of any nondangerous offense that was committed as a direct result of the person being a victim of sex trafficking, instead of only a person convicted of prostitution that was committed prior to July 24, 2014, may apply to the court that pronounced sentence to vacate the person's conviction. The court is required to grant the application and vacate the conviction if the court finds by clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking. A conviction vacated does not qualify as a historical prior felony conviction and cannot be alleged for sentencing repetitive offenders. Except on an application for employment that requires a fingerprint clearance card, a person whose conviction is vacated may in all instances state that the person has never been arrested for, charged with or convicted of the crime that is the subject of the conviction.</p>	<p>First sponsor: Rep. Coleman</p>		<p>1/12 referred to House jud-pub safety.</p>
<p>H2149: MENTAL HEALTH; INJUNCTION; FIREARM POSSESSION</p>	<p>An immediate family member or a peace officer is authorized to file a verified petition with a magistrate, justice of the peace or superior court judge for an injunction that prohibits a person from possessing, controlling, owning or receiving a firearm. Any court may issue or enforce a mental health injunction against firearm possession, regardless of the location of the person. Information that must be included in the petition is specified. If the court finds that there is clear and convincing evidence to issue a mental health injunction against firearm possession, the court must issue the injunction. Information that must be included in the injunction is specified. Provides for enforcement. More.</p>	<p>First sponsor: Rep. Friese</p>		<p>1/18 referred to House jud-pub safety.</p>
<p>H2151: INDIGENT DEFENSE FUND; DISTRIBUTION; PURPOSE</p>	<p>The Arizona Criminal Justice Commission is required to distribute monies in the State Aid to Indigent Defense Fund each fiscal year to each county for the sole purpose of providing state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.</p>	<p>First sponsor: Rep. Cardenas</p>		<p>1/25 from House local-intl do pass.</p>
<p>H2155: VICTIMS' RIGHTS; FAILURE TO COMPLY</p>	<p>The failure to comply with a victim's constitutional or statutory rights is a ground for the victim to request a reexamination proceeding within 20 days, increased from 10 days, after the proceeding at which the victim's right was denied.</p>	<p>First sponsor: Rep. Coleman</p>		<p>2/1 House jud-pub safety held.</p>
<p>H2170: ANTI-RACKETEERING MONIES; POLICE TRAINING</p>	<p>Requires five percent of the monies deposited in the Anti-Racketeering Revolving Fund and five percent of the monies deposited in each County Anti-Racketeering Revolving Fund to be transferred to the State Treasurer for deposit in the Peace Officers' Training Fund.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>3/23 FAILED to pass Senate jud 2-5.</p>
<p>H2172: MEDICAL ASSISTANCE REQUESTS; EVIDENCE; MITIGATION</p>	<p>A person who, in good faith, seeks medical assistance for someone experiencing a drug related overdose and a person who experiences a drug related overdose and is in need of medical assistance cannot be charged or prosecuted for the possession or use of a controlled substance or drug paraphernalia if the evidence for the violation was gained as a result of seeking medical assistance.</p>	<p>First sponsor: Rep. Powers Hannley</p>		<p>1/18 referred to House jud-pub safety.</p>

<p>H2174: AGGRAVATED DUI; AFFIRMATIVE DEFENSE</p>	<p>It is an affirmative defense to a violation of aggravated driving under the influence (DUI) because a person committed a DUI while the person's driver license was suspended, canceled, revoked or refused as a result of a previous DUI that the person did not know that the driver license was suspended, canceled, revoked or refused.</p>	<p>First sponsor: Rep. Boyer</p>		<p>1/17 referred to House jud-pub safety.</p>
<p>H2176 (Chapter 91): MOBILE HOME RELOCATION; LONG-TERM RVS</p>	<p>If a tenant is required to move due to a change in use or redevelopment of the mobile home park, the maximum amount that the tenant may collect from the Mobile Home Relocation Fund is \$7,500, increased from \$5,000, for a single section mobile home and \$12,500, increased from \$10,000, for a multisection mobile home. Each owner of a park trailer or park model located in a park who does not own the land on which it is located is required to annually pay an assessment to the Fund of 0.5 percent of the taxable assessed valuation of the park trailer or park model. The Dept is required to notify all county assessors to waive the assessment for any year if monies in the Fund exceed \$8 million, and notify the county assessors to reinstate the assessment if at the end of a fiscal year the amount of monies in the Fund is less than \$6 million. For recreational vehicles that are park trailers or park models, the landlord is required to notify all tenants in writing of a change in use at least 180 days before the change in use, is prohibited from increasing rent within 90 days before giving notice of a change in use, and is required to pay \$250 to the Fund for each park trailer or park model relocated. If a tenant is required to move due to a change in use or redevelopment of the park, the tenant is permitted to collect payment from the Fund, abandon the park trailer or park model and collect 1/4 of the maximum allowable moving expense from the Fund, and to collect additional monies from the Fund for incremental costs of removing a ground set park trailer or park model, if applicable. Establishes a list of permitted actions that a person who inherits a mobile home by will, trust or any other testamentary conveyance may take with regard to the mobile home. Also, Department of Health Services rules relating to sewage disposal, trash collection and disposal, and water supply for trailer coach parks do not apply to two or fewer recreational vehicles that are not park models or park trailers, that are parked on owner-occupied residential property for less than 60 days and for which no rent or other compensation is paid. AS SIGNED BY GOVERNOR.</p>	<p>First sponsor: Rep. Coleman</p>		<p>3/29 signed by governor. Chap. 91, Laws 2017.</p>
<p>H2179: MUNICIPALITIES; COUNTIES; INTERGOV AGREEMENTS; REQS</p>	<p>Municipalities and counties are permitted to enter into an intergovernmental agreement only after an affirmative vote of the majority of the members of the governing body at a public hearing. Intergovernmental agreements are limited to a period of eight years and an affirmative vote of the majority of the members of the governing body is required to extend the agreement. Municipal and county governing bodies are required to review all agreements in place on the effective date of this legislation and hold a public hearing and a vote to reaffirm the agreements. Some exceptions.</p>	<p>First sponsor: Rep. Ugenti-Rita</p>		<p>2/22 retained on House COW calendar.</p>

<p>H2188: CIVIL LIABILITY; MINORS; ANIMALS; VEHICLE</p>	<p>A person who uses reasonable force to enter a locked and unattended motor vehicle to remove a minor or confined "domestic animal" (defined) is not liable for damages in a civil action if the person has a good faith belief that the minor or animal is in imminent danger, notifies a first responder, and remains with the minor or animal until the first responder arrives.</p>	<p>First sponsor: Rep. Lawrence</p>		<p>1/17 referred to House jud-pub safety.</p>
<p>H2211 (Chapter 33): DRUG & ALCOHOL TREATMENT PROGRAMS; REPORTS</p>	<p>By December 1 of each year, the Director of the Department of Corrections is required to report to the Governor and the Legislature on the drug and alcohol treatment programs available to offenders in Arizona who are under the jurisdiction of the Dept. Information that must be included in the report is specified. AS SIGNED BY GOVERNOR.</p>	<p>First sponsor: Rep. Carter</p>		<p>3/21 signed by governor. Chap. 33, Laws 2017.</p>
<p>H2212: FEDERAL FINANCIAL ASSISTANCE; REPORTS</p>	<p>By October 31 of each year, each "designated state agency" and "political subdivision" (both defined) is required to prepare a report that states, with respect to that agency or political subdivision, the aggregate dollar amount of "federal receipts" (defined) received in the preceding fiscal year, the aggregate dollar amount of federal monies appropriated by the Legislature for the preceding fiscal year, calculates federal monies as a percentage of the total budget, and develops a plan for operating the agency or political subdivision if there is a reduction of federal monies. The reports must be submitted to the Department of Administration by November 1 of each year, and the Dept is required to prepare a summary report for submission to the Legislature by December 1 of each year. AS PASSED HOUSE.</p>	<p>First sponsor: Rep. Leach</p>		<p>3/20 FAILED to pass Senate <u>14-15</u>.</p>
<p>H2215: DRIVER LICENSE TESTING; REQUIRED QUESTIONS</p>	<p>Applicants for a driver license are required to pass a test regarding what a driver should do if stopped by a law enforcement officer, and are required to correctly answer every question that covers a list of specified information.</p>	<p>First sponsor: Rep. Boyer</p>		<p>1/17 referred to House trans-inf.</p>
<p>H2216 (Chapter 165): PROHIBITED FIREARM TRACKING; CLASSIFICATION</p>	<p>It is a class 6 (lowest) felony to require a person to use or be subject to "electronic firearm tracking technology" (defined) or to disclose any identifiable information about a person or the person's firearm for the purpose of using electronic firearm tracking technology. Does not apply to a "criminal justice employee" (defined) who obtains a search warrant, a pawnbroker or employee of a pawnshop if used to report information to the sheriff pursuant to statute, a probation, parole or surveillance officer who supervises a person serving a term of probation, community supervision or parole, or to the owner of a firearm who consents in writing. AS SIGNED BY GOVERNOR.</p>	<p>First sponsor: Rep. Boyer</p>		<p>4/18 signed by governor. Chap. 165, Laws 2017.</p>
<p>H2238 (Chapter 167): SEX TRAFFICKING; VIOLATION</p>	<p>The crime of child prostitution, a class 2 (second-highest) felony, is renamed child sex trafficking, and the crime of sex trafficking of a minor is deleted. The acts constituting a commission of child sex trafficking are expanded to include knowingly enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in, or with the knowledge that the minor will engage in,</p>	<p>First sponsor: Rep. Grantham</p>		<p>4/18 signed by governor. Chap. 167, Laws 2017.</p>

	<p>prostitution or any "sexually explicit performance" (defined). These acts were previously classified as sex trafficking of a minor. A sentence for child sex trafficking must be consecutive to any other sentence imposed on the person at any time. AS SIGNED BY GOVERNOR.</p>			
H2241 (Chapter 36): VICTIMS' RIGHTS; PLEADING ENDORSEMENTS	<p>On the filing of a notice of appearance, counsel for a crime victim is required to be endorsed on all pleadings. AS SIGNED BY GOVERNOR.</p>	First sponsor: Rep. E. Farnsworth		3/21 signed by governor. Chap. 36, Laws 2017.
H2242: ANIMAL CRUELTY; DOMESTIC ANIMALS; CLASSIFICATION	<p>The list of acts constituting cruelty to animals is expanded to include intentionally or knowingly subjecting a "domestic animal" (defined) to cruel mistreatment and intentionally or knowingly killing a domestic animal without either legal privilege or consent of the domestic animal's owner or handler. Cruelty to animals under these circumstances is a class 5 (second-lowest) felony.</p>	First sponsor: Rep. E. Farnsworth		1/31 stricken from House consent calendar by Cook.
H2243: ANTI-RACKETEERING REVOLVING FUNDS; ELECTRONIC REPORTS	<p>The quarterly report that each government entity receiving monies from the Anti-Racketeering Revolving Fund is required to file with the Attorney General, and the summary report of that information that the Attorney General is required to file quarterly with the Arizona Criminal Justice Commission must be made in an electronic format. The due dates for the quarterly reports are moved back two weeks, and the due dates for the summary reports are moved back four weeks. The Commission is required to compile the reports quarterly, instead of annually, and submit a single comprehensive electronic report to the Governor and the Legislature. Effective October 1, 2017. AS PASSED SENATE.</p>	First sponsor: Rep. E. Farnsworth		4/26 House concurred in Senate amendments and passed on final reading <u>54-0</u> ; ready for governor.
H2257: STATE LAW; LOCAL VIOLATIONS	<p>Before a member of the Legislature requests that the Attorney General investigate any official action taken by the governing body of a county or municipality that the member alleges violates state law, the member is required to send a written notice by certified mail to the governing body that describes the alleged violation and wait at least seven business days after mailing the notice to allow the governing body to send a written reply by certified mail. During the 30-day investigation period, the Attorney General is permitted to confer with the member and the governing body to resolve the matter. If the Attorney General concludes that the action may violate state law, the Attorney General is allowed, instead of required, to file a special action in the Supreme Court, and the Supreme Court is allowed, instead of required, to give the action precedence over all other cases and to require the county or municipality to post a bond.</p>	First sponsor: Rep. Thorpe		2/2 House gov held.
H2264: ENVIRONMENT; CITIZEN SUITS	<p>Various changes to statutes relating to the private right of action in water and air quality violations, including decreasing the time period before a plaintiff may file an action after giving notice of the violation to 60 days, from 120 days, and expanding the list of proper defendants in a civil action to include a person, the state or a political subdivision, instead of only the director of the Department of Environmental Quality.</p>	First sponsor: Rep. Engel		1/18 referred to House energy-env.

<p>H2269: VICTIMS' RIGHTS; REQUIREMENTS; MONETARY JUDGMENTS</p>	<p>In any civil action, a monetary judgment cannot be paid to a person who is or was previously incarcerated in the Department of Corrections before all restitution and incarceration costs owed by the person are paid if the monetary judgment is against the state, a political subdivision, a correctional facility, or any officer or agent of a correctional facility. If the monetary judgment is not sufficient to pay both restitution and incarceration costs owed, the judgment must first be used to pay any outstanding restitution. The trial court is required to retain jurisdiction of a case for all restitution orders in favor of a victim, including liens and criminal restitution orders, for purposes of ordering, modifying and enforcing the manner in which payments are made until paid in full. A filing fee, recording fee or any other charge is not required to recording a criminal restitution order. A prosecutor or a victim in a criminal proceeding in which there was an economic loss is authorized to file a request with the court for a preconviction restitution lien after the filing of a misdemeanor complaint or felony information or indictment. The court is required to order the release of any preconviction restitution lien if the defendant is acquitted or the state does not proceed with the prosecution. The court has jurisdiction to preserve rights over all restitution liens. Also, various notices that must be provided to crime victims may be provided in electronic format or other specified formats. AS PASSED CONFERENCE COMMITTEE.</p>	<p>First sponsor: Rep. Syms</p>		<p>4/24 passed Senate on final reading <u>29-0</u>; ready for governor.</p>
<p>H2281: ANTI-RACKETEERING MONIES; AUTH USES; PROHIBITIONS</p>	<p>Monies in the Anti-Racketeering Revolving Fund and in each county anti-racketeering revolving fund can no longer be used to fund gang prevention programs, substance abuse prevention programs, or programs that provide assistance to victims of a criminal offense. Monies in the Funds are prohibited from being used for providing a gift to any individual or group, or for any political or promotional purpose. The Attorney General is required to investigate all allegations of unlawful use of Fund monies, and is required to cause an annual audit to be made of the Funds and each entity that receives monies from the Funds.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>2/7 from House fed-policy do pass.</p>
<p>H2287: FIREARM DISCHARGE; MENTAL STATE; APPLICABILITY</p>	<p>Changes the culpable mental state for unlawful discharge of a firearm, a class 6 (lowest) felony, to intentionally, knowingly or recklessly, instead of with criminal negligence. AS PASSED HOUSE.</p>	<p>First sponsor: Rep. Rivero</p>		<p>3/2 from Senate gov do pass.</p>
<p>H2289: VACATING FELONY CONVICTION; EXPUNGEMENT; RECORDS</p>	<p>A person convicted of a class 5 (second-lowest) or class 6 (lowest) felony is permitted to petition the court that pronounced sentence to vacate the judgment of conviction and expunge any records related to that conviction. The person may file the petition no less than five years after the date the person fulfills the conditions of probation or sentence. Information that must be included in the petition is listed. Does not apply to a person convicted of a list of specified criminal offenses.</p>	<p>First sponsor: Rep. Rivero</p>		<p>1/17 referred to House jud-pub safety.</p>

<p>H2290: PROVISIONAL LICENSES; CRIMINAL CONVICTIONS</p>	<p>A "licensing authority" (defined) is required to issue to an otherwise qualified applicant who has been convicted of an offense either the regular license or a provisional license that is valid for up to one year. The licensing authority may revoke a provisional license if the licensee commits a new felony, commits an act or omission causing the licensee's community supervision, probation or parole to be revoked, or violates the law or rules governing the practice of the occupation for which the provisional license is issued. Establishes various reporting requirements for provisional licenses issued under these requirements. Does not apply to a person who is convicted of specified criminal offenses, including violent crimes, sexual offenses, and repetitive offenders. Each licensing authority is required to report to the Governor by July 1 each year on specified information relating to provisional licenses. AS PASSED SENATE.</p>	<p>First sponsor: Rep. Rivero</p>		<p>4/25 House concurred in Senate amendments and passed on final reading <u>57-0</u>; ready for governor.</p>
<p>H2291: VACATING FELONY CONVICTION; RECORD DESTRUCTION</p>	<p>A person convicted of a class 4, 5 or 6 felony is authorized to petition the court that pronounced sentence to vacate the judgment of conviction and expunge any records relating to that conviction. The person may file the petition no less than five years after the date the person fulfills the conditions of probation or sentence. Information that must be included in the petition is listed. Does not apply to a person convicted of a list of specified criminal offenses.</p>	<p>First sponsor: Rep. Rivero</p>		<p>1/17 referred to House jud-pub safety.</p>
<p>H2292: VOTING RIGHTS; RESTORATION; FELONIES</p>	<p>For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment.</p>	<p>First sponsor: Rep. Navarrete</p>		<p>1/18 referred to House jud-pub safety, gov.</p>
<p>H2295: ATTORNEY REGULATION; ASSESSMENTS; MEMBERSHIP DUES</p>	<p>All regulatory functions relating to the practice of law in Arizona, including the regulation of attorneys, are within the authority of the Supreme Court. The Supreme Court is authorized to collect a mandatory assessment from each attorney as a condition of practicing law in Arizona, to support the Court's regulatory functions, and may use the monies only for specified regulatory functions. The State Bar of Arizona is permitted to establish, collect and use voluntary membership dues from an attorney for any lawful use that is not included in the Court's regulatory functions. If the State Bar accepts any mandatory assessment monies collected by the Court to carry out a regulatory function, the State Bar is required to disclose and make available records and other matters in the same manner as is required of a public body under public records statutes, annually make available to the public a list of all expenditures made with the mandatory assessment monies, and annually provide an independent audit of the expenditures to ensure they were in furtherance of the regulatory functions. Any person may request to examine or be furnished copies of any "record" (defined) not otherwise available on the State Bar's website. The State Bar is required to promptly furnish, and is authorized to charge a fee for, the copies. Any person who is wrongfully denied access to records has a cause of action against the State Bar for any damages resulting from the denial. AS PASSED HOUSE.</p>	<p>First sponsor: Rep. Kern</p>		<p>2/28 referred to Senate jud.</p>

<p>H2299: CRIMES; EMPLOYMENT STATUS; FIRST RESPONDERS</p>	<p>It is unlawful for any person to select the victim of a list of specified criminal offenses because of the victim's actual or perceived employment as a peace officer, a public or private firefighter or emergency medical services personnel. If the underlying offense is a felony, a violation is a class 4 (mid-level) felony. If the underlying offense is a misdemeanor, a violation is a class 1 (highest) misdemeanor. The sentence imposed for a violation must be consecutive to any other sentence imposed on the person.</p>	<p>First sponsor: Rep. Kern</p>		<p>1/18 referred to House jud-pub safety.</p>
<p>H2300: SUPREME COURT; REGULATION OF ATTORNEYS</p>	<p>All regulatory functions relating to the practice of law in Arizona, including the regulation of attorneys, are within the authority of the Supreme Court, and all regulatory functions that are administered by the State Bar on the effective date of this legislation are transferred to and placed exclusively in the Supreme Court. The Supreme Court is required to actively supervise attorneys to regulate the practice of law in Arizona, and is authorized to collect a mandatory assessment from each attorney as a condition of practicing law in Arizona. Attorneys cannot be required to be a member of any organization to become or remained licensed.</p>	<p>First sponsor: Rep. Kern</p>		<p>2/23 retained on House consent calendar.</p>
<p>H2305: VEHICLE OCCUPANTS; EVIDENCE OF IDENTITY</p>	<p>The evidence of identity that a person other than that driver of a motor vehicle must provide to a peace officer or duly authorized agent of a traffic enforcement agency on request must meet the same requirements as the evidence of identity that the driver must provide.</p>	<p>First sponsor: Rep. Kern</p>		<p>2/2 from House trans-inf with amend <u>#4059</u>.</p>
<p>H2313: MEDICAL MARIJUANA; STUDY COMMITTEE</p>	<p>Establishes an 11-member Medical Marijuana Study Committee to discuss the purpose and benefits of medical marijuana and make recommendations for legislation that furthers the purpose of the Arizona Medical Marijuana Act. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 15, 2017 and self-repeals January 1, 2021.</p>	<p>First sponsor: Rep. Cardenas</p>		<p>1/18 referred to House hel, appro.</p>
<p>H2335: TOBACCO POSSESSION; SALE; AGE; SIGNAGE</p>	<p>For the purpose of statute prohibiting furnishing a tobacco product to an underage person, a petty offense, tobacco products may not be furnished to a person who is under 21 years of age, instead of to a minor, and the required mental state of doing so knowingly is eliminated. The definition of "tobacco product" is expanded to include "electronic smoking devices" (defined). The crimes of a retail tobacco vendor selling, furnishing or giving beedies or bidis, of selling tobacco products through a vending machine except in specified circumstances, and of delivering or causing unsolicited tobacco products to be delivered to a residence are all modified to apply to products sold or given to an individual who is under 21 years of age, instead of to a minor. Retail tobacco vendors are prohibited from selling or permitting the sale of tobacco products unless a sign with specified dimensions is posted at the location stating that a person who is under 21 years of age cannot purchase tobacco products. Violations are an unlawful practice and a petty offense.</p>	<p>First sponsor: Rep. Boyer</p>		<p>2/2 from House hel do pass.</p>

<p>H2346: ERRONEOUS CONVICTIONS; CIVIL ACTION</p>	<p>A person who has been erroneously convicted is permitted to apply to a court for compensation. The person claiming to have been erroneously convicted has the burden of proving the erroneous conviction. If the court determines that the person did not commit the offense by clear and convincing evidence, the court must enter a judgment for damages against the agency that prosecuted the person. Damages that the court is permitted to award are specified. A person who was convicted before the effective date of this legislation may file a civil action within two years after the effective date.</p>	<p>First sponsor: Rep. Saldate</p>		<p>1/26 referred to House jud-pub safety.</p>
<p>H2362: CRIMINAL; ARREST RECORDS; ERASURE</p>	<p>If a person is arrested for, charged with or indicted for a violation of a criminal law and the court or a prosecutor dismisses or does not file a criminal charge against the person for at least 13 months after the arrest or dismissal, all law enforcement, grand jury, prosecuting agency and court records that pertain to the arrest or charge must be erased. Some exceptions. If a judgment of guilt is set aside, the person may request that the court seal the person's arrest and conviction records. The court or a law enforcement agency is prohibited from publicly disclosing an arrest and conviction record that is sealed. A person whose arrest record is sealed is authorized to deny under all circumstances that the arrest and conviction ever occurred.</p>	<p>First sponsor: Rep. Bolding</p>		<p>1/31 referred to House jud-pub safety.</p>
<p>H2402: PROHIBITED POSSESSORS; DRIVING RECORD; NOTATION</p>	<p>If a person is convicted of or adjudicated delinquent for an offense that makes the person a prohibited possessor, the sentencing court is required to transmit specified information to the Department of Transportation Motor Vehicle Division (MVD), and the MVD is required to make a notation on the person's driving record containing that information and make that record readily available to peace officers in Arizona. Effective January 1, 2019. AS PASSED HOUSE.</p>	<p>First sponsor: Rep. Shope</p>		<p>3/28 from Senate rules okay.</p>
<p>H2409: INJUNCTION AGAINST HARASSMENT; PETITION; HEARING</p>	<p>For the purposes of injunctions against harassment, the definition of "harassment" is changed to "three or more distinct acts that occur within one calendar year that are clearly directed at a specific person and that would cause a reasonable person to be seriously in fear for the person's physical safety and the conduct in fact seriously threatens the physical safety of the person." A petition for an injunction against harassment is required to include a statement articulating at least three specific and distinct events and dates of the acts constituting the alleged harassment. When the court makes a determination on the petition, the court may consider only evidence that was included in the petition, and the court is prohibited from finding that good cause exists if the irreparable harm that would result to the plaintiff is not based on the specific information that would lead a reasonable person to believe the harm may occur.</p>	<p>First sponsor: Rep. Thorpe</p>		<p>2/7 referred to House jud-pub safety.</p>
<p>H2413: JUVENILES; NATURAL LIFE SENTENCE; REPEAL</p>	<p>Eliminates the sentencing option of natural life for defendants who were under 18 years of age at the time of the commission of various offenses.</p>	<p>First sponsor: Rep. Bolding</p>		<p>2/7 referred to House jud-pub safety.</p>

H2427: MISCONDUCT INVOLVING WEAPONS; FIREARM STORAGE	The list of acts constituting misconduct involving weapons is expanded to include storing a firearm without using a lock and key or combination on the trigger of the firearm or placing the firearm in a securely locked box or other container. Misconduct involving weapons for these actions is a class 1 (highest) misdemeanor.	First sponsor: Rep. Fernandez		2/7 referred to House jud-pub safety.
H2434: DRIVING; HANDHELD COMMUNICATIONS DEVICES; PROHIBITION	It is a civil traffic violation for a person to use a "handheld wireless communication device" (defined) to manually type or enter written or visual messages, or send or read data to access or search the internet or engage in nonvoice communications with another person, while operating a motor vehicle. Some exceptions.	First sponsor: Rep. Clodfelter		2/7 referred to House trans-inf.
H2437: RESISTING DETENTION; OFFENSE	The crime of resisting arrest, a class 6 (lowest) felony or a class 1 (highest) misdemeanor depending on specified circumstances, is expanded to include resisting detention.	First sponsor: Rep. Gabaldon		2/7 referred to House jud-pub safety.
H2444 (Chapter 64): SEXUAL ASSAULT; VICTIM ADVOCATES; PRIVILEGE	In a civil action, a "sexual assault victim advocate" (defined) is prohibited from being examined as to any communication made by the sexual assault victim to the advocate. Some exceptions. Sexual assault victim advocates are added to the list of persons with a duty to report a reasonable belief of abuse or neglect that is developed in the course of their employment. AS SIGNED BY GOVERNOR.	First sponsor: Rep. Syms		3/24 signed by governor. Chap. 64, Laws 2017.
H2445: INTERFERING; JUDICIAL PROCEEDING; PROSECUTION; SENTENCE	Increases the criminal classification for interfering with judicial proceedings if the violation involves domestic violence to a class 5 (second-lowest) felony, from a class 1 (highest) misdemeanor. A person who is arrested for a domestic violence offense and then released and who violates a release condition that is included for the protection of an alleged victim or any other specifically designated person may be prosecuted for interfering with judicial proceedings. A person who violates a parenting plan or order in a way that poses a reasonable risk of harm to a child who is less than 15 years of age may be prosecuted for interfering with judicial proceedings.	First sponsor: Rep. Syms		2/7 referred to House jud-pub safety.
H2463: SEXUAL ABUSE; MOLESTATION; MENTAL STATE	The definitions of sexual abuse, a class 5 (second-lowest) felony, and child molestation, a class 2 (second-highest) felony, are modified to specify that the sexual abuse or the molestation is motivated by a sexual interest. Eliminates the defense to a prosecution of sexual abuse or molestation that the defendant was not motivated by a sexual interest.	First sponsor: Rep. Kern		2/16 from House jud-pub safety do pass.
H2464: PROHIBITED ACTIONS; FEDERAL ACTS; FIREARMS	Except as required by a court order, a state agency or political subdivision or their employees while acting in an official capacity are prohibited from knowingly and willingly participating in any way in the enforcement of any federal act, law, order, rule or regulation issued or enacted on or after the effective date of this legislation regarding a personal firearm, firearm accessory or ammunition, and from using any assets or state monies to engage in any activity that aids a federal agency, federal agent or corporation that provides services to the federal government in the enforcement or	First sponsor: Rep. Kern		2/7 referred to House jud-pub safety.

	<p>investigation of those federal laws and regulations. The State Treasurer is prohibited from transferring any monies to a political subdivision in the fiscal year after a final judicial determination is made that the political subdivision adopted a rule, ordinance or policy that intentionally violated this prohibition. An agent or employee of the state or a political subdivision who knowingly violates this prohibition is subject to a civil penalty of up to \$3,000 for a first violation, and a class 1 (highest) misdemeanor for a second or subsequent violation. Contains legislative findings.</p>			
H2470: JUVENILES; COURT JURISDICTION; AGE	<p>Increases the age at the time of the commission of an alleged offense which allows a juvenile to be prosecuted as an adult for certain felony offenses to 17, from 15, for a list of violent felony offenses and to 16, from 14, for other felony offenses.</p>	First sponsor: Rep. Bolding		2/7 referred to House jud-pub safety.
H2474: VETERANS; MENTAL HEALTH COURTS; ESTABLISHMENT	<p>The presiding judge of the superior court in each county is required to establish a veterans court and a mental health court, and to establish eligibility criteria for referral to the veterans court or mental health court. The eligibility criteria must include a mandatory referral requirement for specified cases, and a judge with jurisdiction over a case that meets that criteria is required to refer the case to the veterans court or mental health court. When a person is under the jurisdiction of the veterans court or mental health court, the prosecution against the person is suspended for 24 months to allow the person to participate in a deferred prosecution program.</p>	First sponsor: Rep. Martinez		2/7 referred to House jud-pub safety.
H2477 (Chapter 149): CIVIL FORFEITURE; REPORT INFORMATION; REMEDIES	<p>The burden of proof in actions to prevent or remedy racketeering is clear and convincing evidence, instead of the preponderance of the evidence. Agencies applying for monies from the Anti-Racketeering Revolving Fund are required to submit a written application to the Attorney General that includes a description of what the monies will be used for, and the Attorney General is authorized to deny an application that requests monies for a purpose not authorized by statute. The quarterly reports that each state department, agency, county or municipality receiving monies from the Fund are required to submit to the Attorney General must include a list of specified information if monies were obtained as a result of a forfeiture, and must include a list of specified information with regard to all expenditures made from the Fund. Beginning in 2018 and every other year thereafter, the Auditor General is required to conduct a performance audit and a financial audit of the Attorney General's use of the Fund for the previous two years, and to submit copies of the audits to the Legislature. The seizing agency or attorney for the state is prohibited from transferring or referring seized property to a federal agency for the purpose of forfeiture if the property was seized pursuant to an investigation that either did not involve a federal agency or involves a violation of a state law and no violation of a federal law is alleged. AS SIGNED BY GOVERNOR.</p>	First sponsor: Rep. E. Farnsworth		4/12 signed by governor. Chap. 149, Laws 2017.

<p>H2489: ONLINE IMPERSONATION; OFFENSE</p>	<p>Establishes the crime of online impersonation, defined as using the name or persona of another person without their consent, and with the intent to harm, harass, defraud or threaten any person, to create a web page or send messages through a website or other electronic communication.</p>	<p>First sponsor: Rep. Descheenie</p>		<p>2/8 referred to House jud-pub safety.</p>
<p>H2500: RELEASE CONDITIONS; PRETRIAL RELEASE PROGRAM</p>	<p>The Supreme Court is required to establish and maintain a statewide Pretrial Services Program to conduct a risk assessment and make a recommendation to the judicial officer concerning an appropriate pretrial release decision. Requirements for the risk assessment are specified. The Program terminates on July 1, 2027. The list of factors the judicial officer is required to consider when determining the method of release or the amount of bail is expanded to include the risk assessment and release recommendation from the Program.</p>	<p>First sponsor: Rep. Cardenas</p>		<p>2/9 referred to House jud-pub safety.</p>
<p>H2503: CRIMINAL JUSTICE COMMISSION; MEMBERSHIP; REPORT</p>	<p>Increases the number of members of the Arizona Criminal Justice Commission to 18 members by adding two public defenders, one crime victim advocate, and one former prison inmate who advocates for prisoner rights. The Commission is required to conduct a comprehensive review of the state's sentencing and corrections data and submit a report to the Legislature by December 31, 2017 that includes data-based policy recommendations on a list of issues.</p>	<p>First sponsor: Rep. Navarrete</p>		<p>2/9 referred to House jud-pub safety.</p>
<p>H2504: PUBLIC ACCOMMODATION; DISABILITY; DISCRIMINATION; SANCTIONS</p>	<p>In addition to any sanction that a court may award to a party in any civil action under public accommodation statutes, the court is authorized to impose a sanction on a plaintiff or a plaintiff's attorney if the court determines that an action or series of actions are brought for the primary purpose of obtaining a payment from the defendant due to the costs of defending the action in a court. Contains a legislative findings section. Severability clause.</p>	<p>First sponsor: Rep. Syms</p>		<p>2/27 from House rules okay.</p>
<p>S1001: CIVIL LIABILITY; MINORS; ANIMALS; VEHICLE</p>	<p>A person who uses reasonable force to enter a locked and unattended motor vehicle to remove a minor or confined "domestic animal" (defined) is not liable for damages in a civil action if the person has a good faith belief that the minor or animal is in imminent danger, determines that there is no reasonable manner in which the person can remove the minor or animal, notifies a first responder or animal control enforcement agency, does not use more force than is necessary under the circumstances, and remains with the minor or animal until the first responder arrives. AS PASSED SENATE.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>3/6 referred to House jud-pub safety.</p>
<p>S1009: THEFT; AMERICAN FLAG; PENALTY</p>	<p>Increases the penalty for theft of an American flag on display for other than its retail sale to a class 6 (lowest) felony, from a class 1 (highest) misdemeanor.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>1/26 Senate COW approved (Roll Call: 16-14).</p>

<p>S1017 (Chapter 4): ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES</p>	<p>For the purpose of transportation-related statutes, the definition of "electric personal assistive mobility device" is expanded to include self-balancing devices with electric propulsion systems that have one wheel, in addition to devices with two non-tandem wheels. AS SIGNED BY GOVERNOR.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>3/14 signed by governor. Chap. 4, Laws 2017.</p>
<p>S1018: PROCESS SERVERS; MOTOR VEHICLE RECORDS</p>	<p>The list of circumstances in which the Department of Transportation is required to disclose personal information is expanded to include for use by a certified process server in connection with any civil, criminal, administrative or arbitration proceeding in any court or government agency or before any self-regulatory body.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>1/9 referred to Senate trans-tech.</p>
<p>S1019: PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS</p>	<p>It is a defense to any action under public records law that the request for access to public records is unduly burdensome or harassing.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>1/9 referred to Senate gov.</p>
<p>S1022: POLITICAL BELIEFS; HATE CRIMES; TRAINING</p>	<p>The types of information to be collected and disseminated by the central state repository of criminal justice information is expanded to include criminal offenses that manifest evidence of prejudice based on political affiliation, beliefs or opinions. The courses of training required for law enforcement officers as prescribed by the Arizona Peace Officer Standards and Training Board are required to include responding to and reporting all criminal offenses that are motivated by political affiliation, opinions or beliefs.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>1/9 referred to Senate com-pub safety, jud.</p>
<p>S1023: DISPENSERS; PRESCRIPTION DRUG MONITORING</p>	<p>The Controlled Substances Prescription Monitoring Program is expanded to include tracking the prescribing, dispensing and consumption of schedule V controlled substances, in addition to schedule II, III, and IV. Conditionally enacted on H2493 becoming law, the Board of Pharmacy is authorized to release to the Department of Health Services data from the Program regarding persons who are receiving or prescribing controlled substances if the information is necessary for the Dept to implement a public health response to address opioid overuse or abuse. AS PASSED HOUSE.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>4/26 passed House <u>53-0</u>; ready for Senate action on House amendments.</p>
<p>S1024: VEHICLE THEFT; SECURITY INTEREST; REPEAL</p>	<p>Repeals statute establishing the crime of unlawful failure to return a motor vehicle subject to a security interest, which was a class 6 (lowest) felony.</p>	<p>First sponsor: Sen. Burges</p>		<p>1/26 Senate jud held.</p>
<p>S1068: COMMUNITY SUPERVISION; EARNED RELEASE CREDITS</p>	<p>The term of community supervision imposed by the court for persons convicted of a felony offense is increased to three days for every seven days of the sentence or sentences imposed, from one day for every seven days of the sentence or sentences imposed, except for prisoners sentenced to a term of imprisonment for a violent crime (defined elsewhere in statute). For prisoners who are in the eligible earned release credit class, the earned release credit is increased to two days for every six days served, from one day for every six days served, except for prisoners sentenced to a term of imprisonment for a violent crime (defined elsewhere in statute).</p>	<p>First sponsor: Sen. Burges</p>		<p>2/16 Senate jud held.</p>

S1069: SETTING ASIDE CONVICTION; EMPLOYMENT	A person whose conviction is set aside is permitted to answer on any application for employment or public benefits that the person was not convicted of the offense that was set aside. AS PASSED SENATE.	First sponsor: Sen. Burges		2/28 referred to House jud-pub safety.
S1075: AGGRAVATED ASSAULT; PRIVATE PROCESS SERVERS	The list of victims of assault that cause an assault to be classified as aggravated assault if the defendant knows of their profession is expanded to include private process servers while in the execution of official duties.	First sponsor: Sen. Kavanagh		1/26 from Senate jud do pass.
S1086: SENTENCING; AGGRAVATING FACTOR; TEXTING	The list of aggravating circumstances for the purpose of determining the sentence for felony offenses is expanded to include that during the commission of the offense, the defendant was operating a motor vehicle while using a "wireless communication device" (defined) to manually type, send, read or enter a written or visual communication, including a text message, instant message, e-mail or a communication on social media.	First sponsor: Sen. Farley		1/17 referred to Senate trans-tech, jud.
S1087: WIRELESS COMMUNICATION DEVICE; DRIVING; PROHIBITION	It is a nonmoving civil traffic violation to use a wireless communication device to manually type, send, read or enter a written message or visual communication while operating a motor vehicle on a highway. Some exceptions. Violations are subject to a civil penalty of \$100 for a first violation, \$300 for a second or subsequent violation, or \$500 if the person is involved in a motor vehicle accident.	First sponsor: Sen. Farley		1/17 referred to Senate trans-tech, jud.
S1088: VEHICLES; COLLISIONS; INJURY; TEXTING; PENALTY	The lists of acts constituting the crimes of causing serious physical injury or death by a moving violation, a class 3 (lowest) misdemeanor, and causing serious physical injury by use of a vehicle, a class 5 (second lowest) felony, are expanded to include operating a motor vehicle while using a "wireless communication device" (defined) to manually type, send, read or enter a written or visual communication. Some exceptions.	First sponsor: Sen. Farley		1/17 referred to Senate trans-tech, jud.
S1119: JUVENILE CORRECTIONS; JUSTICE; STUDY COMMITTEE	Establishes a 9-member Juvenile Corrections and Justice Reform Study Committee to research and report on various issues and policies related to juvenile justice and juvenile corrections. The Committee is required to submit a report of its findings and recommendations to the Governor and the Legislature by December 31, 2017, and self-repeals July 1, 2018.	First sponsor: Sen. Farley		1/18 referred to Senate com-pub safety, jud.
S1135: HANDHELD COMMUNICATIONS DEVICES; DRIVING; PROHIBITION	It is an unspecified class of misdemeanor (blank in original) to manually type or enter written or visual messages into a cellular telephone or other handheld wireless communications device or to send or read data using a device to access or search the internet or engage in nonvoice communications with another person, or to use a device to engage in voice communications with another person unless the device is used with a hands-free accessory, while operating a motor vehicle on a highway. Some exceptions. Violations are subject to a civil penalty of \$100 for a first violation, \$300 for a second violation, or \$500 for a third or subsequent violation.	First sponsor: Sen. Farley		1/18 referred to Senate trans-tech, jud.

<p>S1142: RIOT; PLANNING; PARTICIPATION; RACKETEERING</p>	<p>The definition of "riot," a class 5 (second-lowest) felony is modified to include three or more persons acting together and using force or violence that results in damage to the property of another person, instead of only which disturbs the public peace. For the purpose of the criminal code, the definition of "racketeering" is expanded to include rioting. The list of acts constituting conspiracy is expanded to include agreeing with one or more persons to commit riot.</p>	<p>First sponsor: Sen. Borrelli</p>		<p>2/22 passed Senate <u>17-13</u>; ready for House.</p>
<p>S1159: CIVIL LIABILITY; DAMAGES; WEAPONS</p>	<p>A person or entity is not liable in any civil action for damages that result from another person's use of a weapon in an area that is not a "gun-free zone" (defined), unless the person or entity intends to cause injury or acts with gross negligence. AS PASSED SENATE.</p>	<p>First sponsor: Sen. Borrelli</p>		<p>3/9 from House jud-pub safety do pass.</p>
<p>S1160: DRIVING VIOLATIONS; RESTRICTED LICENSES; PENALTIES</p>	<p>A restriction on a person's driver license or permit to drive as a result of a conviction for a violation of Title 28 (Transportation) may limit the person's privilege to drive to and from specified locations during specified periods of time. The sentencing options for various transportation-related violations are expanded to include that the court may order that the person's driving privilege be restricted. A person who is convicted of driving on a suspended class D or M license before January 1, 2011 may apply for a restricted privilege to drive if the person meets specified requirements. Effective January 1, 2018. AS PASSED SENATE.</p>	<p>First sponsor: Sen. Borrelli</p>		<p>2/20 referred to House jud-pub safety.</p>
<p>S1163: RELEASE PROCEDURES; HEARINGS; BONDS</p>	<p>A person charged with a nonbailable offense is permitted to waive the right to a hearing on the matter of bail. The schedules of violations that justices of the peace and presiding magistrates are required to adopt for bail are required to list a specific bond, instead of bail, for each violation, and the violations that must be included in the schedules are modified. AS PASSED SENATE.</p>	<p>First sponsor: Sen. Borrelli</p>		<p>3/2 referred to House jud-pub safety.</p>
<p>S1171: EARNED RELEASE CREDITS; SENTENCE</p>	<p>For prisoners who are in the eligible earned release credit class, the earned release credit is increased to one day for every two days served, from one day for every six days served, for prisoners sentenced to a term of imprisonment for a class 4, 5 or 6 felony that was not a sexual offense and the court did not designate the prisoner as a dangerous or repetitive offender.</p>	<p>First sponsor: Sen. S. Allen</p>		<p>1/23 referred to Senate jud.</p>
<p>S1187: SENTENCING; AGGRAVATING FACTOR; POLITICAL AFFILIATION</p>	<p>For the purpose of determining the sentence for a felony offense, the list of aggravating circumstances is expanded to include evidence that the defendant committed the crime out of malice toward a victim because of the victim's political affiliation, beliefs or opinions or because of the defendant's perception of those things.</p>	<p>First sponsor: Sen. Kavanagh</p>		<p>1/24 referred to Senate jud.</p>
<p>S1195: DOMESTIC VIOLENCE OFFENDERS; FIREARMS; SEIZURE</p>	<p>The court is required to order a person placed on probation for a domestic violence offense to transfer, for the duration of the probation, any firearms the person owns or possesses to the appropriate law enforcement agency within 24 hours after sentencing, or to provide the agency with an affidavit certifying that the person does not own or possess a firearm. The court must provide</p>	<p>First sponsor: Sen. Bradley</p>		<p>1/24 referred to Senate gov.</p>

	a copy of the order to the appropriate law enforcement agency, and if the agency has not received an affidavit or any firearms from the person within 24 hours, the agency must notify the court and request a search warrant for the person's home and vehicle, if appropriate. If a court orders a defendant who is subject to an order of protection to transfer a firearm to the appropriate law enforcement agency and the firearm is not transferred to the agency within 24 hours, the agency must notify the court and request a search warrant for the person's home and vehicle, if appropriate, to retrieve the firearm.			
S1210: STATE LAW; VIOLATIONS; POLITICAL SUBDIVISIONS	Statute requiring the Attorney General to investigate any official action taken by the governing body of a county or municipality at the request of a member of the Legislature who alleges that the action violates state law or the state Constitution is expanded to include all "political subdivisions" (defined).	First sponsor: Sen. Smith		2/16 from Senate gov do pass.
S1243: MISCONDUCT INVOLVING WEAPONS; PUBLIC PLACES	A person who possesses a valid concealed weapons permit is exempt from the prohibition on carrying a concealed weapon in a public establishment or at a public event. Some exceptions, including for public establishments or events that are a "secured facility" (defined), that are the licensed premises of a liquor licensee, that are an educational institution, and that are a vehicle or craft.	First sponsor: Sen. Kavanagh		2/28 FAILED to pass Senate <u>14-16.</u>
S1278: FELONY PRETRIAL INTERVENTION PROGRAM; APPROP	Appropriates \$2.75 million from the general fund in FY2017-18 to the Arizona Criminal Justice Commission, to be proportionally distributed to county attorney offices in counties with a population of less than 3 million persons for administering felony intervention programs that meet specified requirements. AS PASSED SENATE.	First sponsor: Sen. Smith		4/10 withdrawn from House jud-pub safety.
S1279: SPECIAL SENTENCING PROVISIONS; UNLAWFUL PRESENCE	If a person is convicted of any felony offense and the trier of fact determines that the person is unlawfully present in the U.S., the court is required to sentence the person to imprisonment for not less than the presumptive sentence and the person is not eligible for probation, suspension of sentence, community supervision, commutation or release on any basis.	First sponsor: Sen. Smith		3/9 FAILED to pass Senate <u>14-16.</u>
S1311: PAROLE REFORM; STUDY COMMITTEE	Establishes a 15-member Parole Reform Study Committee to research and report on all matters related to parole. The Committee is required to reports its findings and recommendations to the Governor and the Legislature by June 30, 2018 and self-repeals January 1, 2019.	First sponsor: Sen. Quezada		1/26 referred to Senate com-pub safety.
S1342: SEARCH WARRANTS; TRACKING; SIMULATOR DEVICES	A "tracking device" (defined) search warrant or "cell site simulator device" (defined) search warrant is prohibited from being issued except on probable cause, supported by affidavit or oath, naming or particularly describing the person or property to be tracked or identified. Establishes a list of grounds on which a tracking device or cell site simulator device search warrant may be issued. The warrant is required to specify a reasonable length of time up to 60 days that the tracking device or cell site simulator device may be used. which may be	First sponsor: Sen. Worsley		4/24 signed by governor. Chap. no. awaited.

	extended if an affidavit in support of an extension is made and the court makes required findings. AS SIGNED BY GOVERNOR.			
S1350 (Chapter 119): TERRORIST THREATS; FALSE REPORTS; TERRORISM	The list of acts constituting terrorism, a class 2 (second-highest) felony, is modified to include to knowingly provide advice, assistance or direction in the conduct, financing or management of a terrorist organization. Minimum, presumptive and maximum sentences are established for the crime of terrorism. It is a class 3 (mid-level) felony to threaten to commit an act of terrorism and communicate the threat to any other person, and to knowingly make a false report of an act of terrorism and communicate the false report to any other person. Specified acts relating to infectious biological substances or radiological agents are removed from the list of acts constituting terrorism and are established as a separate class 2 felony. For the purpose of specified portions of the criminal code, the definition of "terrorism" is expanded to include any felony that involves the use of a deadly weapon or the intentional or knowing infliction of serious physical injury with the intent to intimidate or coerce a civilian population and further the goals, desires, aims, public pronouncements, manifestos or political objectives of any "terrorist organization" (defined). AS SIGNED BY GOVERNOR.	First sponsor: Sen. Petersen		3/29 signed by governor. Chap. 119, Laws 2017.
S1364: ELDER ABUSE INVESTIGATIONS; STUDY COMMITTEE	Establishes a 19-member Elder Abuse Investigation Study Committee to study the state's system of protecting, preventing, investigating and prosecuting elder abuse cases. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 15, 2017 and self-repeals January 1, 2021.	First sponsor: Sen. Otondo		1/31 referred to Senate hel-hu ser.
S1422 (Chapter 87): VACATING CONVICTION; TRAFFICKING; LOCAL OFFENSES	Statute allowing a person convicted of prostitution that was committed prior to July 24, 2014 to apply to the court that pronounced sentence to vacate the person's conviction applies to municipal ordinances that have the same or substantially similar elements of the state crime of prostitution. AS SIGNED BY GOVERNOR.	First sponsor: Sen. Quezada		3/28 signed by governor. Chap. 87, Laws 2017.
S1425: CRIMINAL CASES; ARRESTS; RECORDS; ERASURE	In any criminal case commenced beginning October 2, 1969 or after, if the accused is found not guilty by a final judgment or the charge is dismissed, all law enforcement, prosecuting agency and court records that pertain to the charge must be erased when the time to file a notice of appeal expires. Some exceptions. In any criminal case commenced before October 1, 1969, if the accused is found not guilty by a final judgment or the charge is dismissed, all law enforcement, prosecuting agency and court records that pertain to the charge must be erased by operation of law. Some exceptions. If a person is arrested or charged with violating a criminal law and the prosecutor dismisses or does not file a criminal charge against the person for at least 13 months after the arrest or dismissal, all law enforcement, grand jury, prosecuting agency and court records that pertain to the arrest or charge must be erased. Some exceptions. If a judgment of guilt is set aside, the person may request that the court seal the person's arrest and conviction records. The court or a law enforcement	First sponsor: Sen. Quezada		1/31 referred to Senate jud.

	agency is prohibited from publicly disclosing an arrest and conviction record that is sealed. A person whose arrest record is sealed is authorized to deny under all circumstances that the arrest and conviction ever occurred.			
S1426: CRIMINAL CHARGES; UNLAWFUL ORDERS; REIMBURSEMENT	If a person is charged with a crime and it is determined that the factual basis for the crime involved violating an "unlawful order" (defined as an order that violates a person's constitutional or statutory rights), the court is required to dismiss those charges and order the prosecuting agency that filed the charges to reimburse the defendant for any attorney fees and costs.	First sponsor: Sen. Quezada		1/31 referred to Senate jud.
S1471: INCORRECT ARREST; RECORD CLEARANCE	If a law enforcement agency determines that a person was incorrectly arrested and is factually innocent of the offense that was the basis of the arrest either because of identity theft or a "mistaken identification" (defined), the court is required to order the person's criminal record to be cleared and notify the person of the clearing. A person whose arrest record is cleared is authorized to deny under all circumstances that the arrest ever occurred.	First sponsor: Sen. Miranda		1/31 referred to Senate jud.
S1504: JUSTIFICATION; DEADLY PHYSICAL FORCE; EXCEPTIONS	A person is not justified in threatening or using deadly physical force against another person if the person either leaves a place of safety and actively pursues the other person who is engaged in a lawful activity or pursues the other person after a law enforcement officer requests that the person retreat to a place of safety.	First sponsor: Sen. Mendez		2/1 referred to Senate jud.
S1511: MEDICAL MARIJUANA; STUDY COMMITTEE	Establishes an 11-member Medical Marijuana Study Committee to discuss the purpose and benefits of medical marijuana and make recommendations for legislation that furthers the purpose of the Arizona Medical Marijuana Act. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 15, 2017 and self-repeals January 1, 2021.	First sponsor: Sen. Mendez		2/1 referred to Senate hel-hu ser.
S1518: DEATH PENALTY; REPEAL	Repeals the death penalty, the Capital Postconviction Public Defender Office, and all related statutes. Crimes currently punishable by death are punishable by natural life imprisonment. If the court imposes a natural life sentence, the court is required to order that the defendant not be released on any basis for the remainder of the defendant's natural life. As session law, the Supreme Court is required to remand each case in which a sentence of death was imposed before the effective date of this legislation to the court in the appropriate county, where that court must strike the death sentence and enter in its place a sentence of natural life, which is not subject to commutation, parole, community supervision, work furlough or work release.	First sponsor: Sen. Mendez		2/1 referred to Senate jud.