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Attorneys

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Posted Calendars and Committee Hearings

- H2001: INDIGENT DEFENSE FUND; DISTRIBUTION; PURPOSE
Hearing: House Local and International Affairs (Wednesday 01/17/18 at 9:00 AM, House Rm. 5)
- H2065: PUBLIC MEETINGS; DEFINITION; PENALTIES
Hearing: House Government (Thursday 01/18/18 at 10:00 AM, House Rm. 1)
- H2153: CAMPAIGN FINANCE; NONPROFITS; DISCLOSURE
Hearing: House Government (Thursday 01/18/18 at 10:00 AM, House Rm. 1)
- H2241: HEROIN; FENTANYL; SALES; MANDATORY PRISON
Hearing: House Judiciary and Public Safety (Wednesday 01/17/18 at 2:00 PM, House Rm. 4)
- H2243: WRONG-WAY DRIVING; VIOLATION; DUI
Hearing: House Judiciary and Public Safety (Wednesday 01/17/18 at 2:00 PM, House Rm. 4)
- H2244: DANGEROUS CRIMES; CHILDREN; FICTITIOUS AGE
Hearing: House Judiciary and Public Safety (Wednesday 01/17/18 at 2:00 PM, House Rm. 4)
- H2245: PROHIBITED BAIL; SEXUAL CONDUCT; MOLESTATION
Hearing: House Judiciary and Public Safety (Wednesday 01/17/18 at 2:00 PM, House Rm. 4)
- H2246: JAIL; PROHIBITED ITEMS; DRUGS
Hearing: House Judiciary and Public Safety (Wednesday 01/17/18 at 2:00 PM, House Rm. 4)
- H2247: CRIMINAL JUSTICE COMMISSION; REPORTING REQUIREMENTS
Hearing: House Judiciary and Public Safety (Wednesday 01/17/18 at 2:00 PM, House Rm. 4)
- S1040: SERVICE ANIMALS; MISREPRESENTATION
Hearing: Senate Government (Wednesday 01/17/18 at 2:00 PM, Senate Rm. 109)
- S1041: RESIDENCY RESTRICTIONS; SEX OFFENDERS; VICTIMS
Hearing: Senate Judiciary (Thursday 01/18/18 at 9:00 AM, Senate Rm. 109)
- S1076: ASSAULT; PUBLIC SAFETY CONTRACTORS; WORKERS
Hearing: Senate Judiciary (Thursday 01/18/18 at 9:00 AM, Senate Rm. 109)
- S1078: ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP
Hearing: Senate Judiciary (Thursday 01/18/18 at 9:00 AM, Senate Rm. 109)
- S1098: INDUSTRIAL HEMP; LICENSING
Hearing: Senate Government (Wednesday 01/17/18 at 2:00 PM, Senate Rm. 109)

Bill Summaries

H2001: INDIGENT DEFENSE FUND; DISTRIBUTION; PURPOSE

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.

First sponsor: Rep. Cardenas

H2001: INDIGENT DEFENSE FUND; DISTRIBUTION; PURPOSE 1/9 referred to House local-intl, appro.

H2007: PERSONAL DISGUISES: CRIME: EVASION

It is a class 6 (lowest) felony to wear a disguise to evade or escape discovery, recognition or identification while participating in the commission of any public offense, a civil protest, a political event or a public event. If the person wearing the disguise has direct or indirect involvement in an offense involving property damage, injury or death, the criminal classification is increased to a class 2 (second-highest) felony.

First sponsor: Rep. Lawrence

H2007: PERSONAL DISGUISES: CRIME: EVASION 1/9 referred to House jud-pub safety.

H2014: MARIJUANA: CIVIL PENALTY

Possession, use, production, or transporting for sale an amount of marijuana weighing less than one ounce is subject to a civil penalty of up to \$100, instead of being classified as a class 6 (lowest) felony.

First sponsor: Rep. Cardenas

H2014: MARIJUANA: CIVIL PENALTY 1/9 referred to House jud-pub safety, hel.

H2020: CONFIDENTIALITY AGREEMENTS; SEXUAL ASSAULT: HARASSMENT

A confidentiality agreement that restricts the disclosure of factual information related to a sexual assault or sexual harassment, including information related to an allegation of or attempted sexual assault or sexual harassment, is void and unenforceable. A person is prohibited from entering into such an agreement related to an allegation or attempt by an elected official. Some exceptions.

First sponsor: Rep. Syms

H2020: CONFIDENTIALITY AGREEMENTS; SEXUAL ASSAULT: HARASSMENT 1/9 referred to House jud-pub safety.

H2023: PROHIBITED WEAPON: BUMP-FIRE DEVICE: ACCESSORY

For the purposes of the criminal code, the definition of "prohibited weapon" is expanded to include a trigger crank, a bump-fire device, or any part, combination of parts, or accessory that is designed or functions to accelerate the rate of fire of a "semiautomatic rifle" (defined) but that does not convert the rifle into a "machine gun" (defined).

First sponsor: Rep. Hernandez

H2023: PROHIBITED WEAPON: BUMP-FIRE DEVICE: ACCESSORY 1/9 referred to House jud-pub safety.

H2024: FIREARM SALES: TRANSFERS: BACKGROUND CHECKS (~~FIRE ARM SALES: TRANSFERS: BACKGROUND CHECKS~~)

If neither party to a prospective firearms sale or transfer is a licensed firearms dealer, the parties must complete the transaction through a licensed firearms dealer. Some exceptions. The dealer must process the sale or transfer and comply with all requirements of federal, state and local law as if the dealer were a party to the transaction, including a background check on both parties. If the dealer cannot legally deliver the weapon to the purchaser, the dealer must return the weapon to the seller. If the dealer cannot legally return the weapon to the seller, the dealer must deliver the weapon to law enforcement. The dealer may charge a fee of up to \$20 for the costs

incurred in facilitating the sale or transfer. Violations are a class 5 (second-lowest) felony.

First sponsor: Rep. Hernandez

H2024: FIREARM SALES; TRANSFERS; BACKGROUND CHECKS 1/9 referred to House jud-pub safety.

H2033: DRUG OVERDOSE; GOOD SAMARITAN; EVIDENCE

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 who is in need of medical assistance cannot be charged with 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.

First sponsor: Rep. Lawrence

H2053: THEFT BY EXTORTION; SEXUAL ACTS

A person commits theft by extortion by knowingly obtaining or seeking to obtain "oral sexual contact," "sexual contact" or "sexual intercourse" (all defined elsewhere in statute) by means of a threat to do any of a list of specified acts, including causing physical injury to anyone, causing damage to property, or exposing a secret or asserted fact.

First sponsor: Rep. Syms

H2053: THEFT BY EXTORTION; SEXUAL ACTS 1/9 referred to House jud-pub safety.

H2062: PERMITS; LICENSES; DENIALS; AGENCY HEARINGS

In any case in which a license or permit is required before a person engages in any constitutionally protected activity, an agency is required to specify in clear and unambiguous language the criteria for approval of a license or permit. The applicant is entitled to a review and determination of the approval or denial of the license or permit application by the appropriate agency within 30 days after the application is submitted. Unless knowingly and voluntarily waived by the parties, all agency hearings are required to comply with either the Uniform Administrative Hearing Procedures prescribed by statute or the rules of procedure and rules of evidence required in judicial proceedings. The burden of proof in all agency hearings is the preponderance of the evidence.

First sponsor: Rep. Shope

H2063: DUI; OUI; DRUGS; METABOLITES

For the purposes of driving under the influence and operating a motorized watercraft under the influence, an offense occurs while there is any drug or any of the drug's active or inactive metabolites in the person's body, except as provided in the Arizona Medical Marijuana Act. Previously, an offense occurred while there was any drug or its metabolites in the person's body.

First sponsor: Rep. Leach

H2063: DUI; OUI; DRUGS; METABOLITES 1/9 referred to House jud-pub safety.

H2064: MEDICAL MARIJUANA; PACKAGING; LABELING

Nonprofit medical marijuana dispensaries are prohibited from acquiring, possessing, manufacturing or selling a marijuana product that is packaged or labeled in a manner that is "attractive to minors" (defined). 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

H2064: MEDICAL MARIJUANA; PACKAGING; LABELING 1/9 referred to House com.

H2065: PUBLIC MEETINGS; DEFINITION; PENALTIES

For the purpose of open meeting laws, the definition of "meeting" is expanded to include a one-way communication by one member of a public body that is sent to a quorum of the members of a public body and that proposes legal action, and an exchange of electronic communications among a quorum of the members of a public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter that may likely come before the public body for action. The Attorney General is authorized to commence a suit in the superior court against an individual member of a public body for a knowing violation of open meeting law. The maximum civil penalty for a second and subsequent violation of open meeting law is increased to \$5,000, from \$500.

First sponsor: Rep. Leach

H2066: MEDICAL MARIJUANA FUND; USES

The Department of Health Services may spend monies in the Medical Marijuana Fund for education, awareness and prevention messaging. 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

H2066: MEDICAL MARIJUANA FUND; USES 1/9 referred to House appro.

H2067: UNLAWFUL MEDICAL MARIJUANA RECOMMENDATION

It is a class 6 (lowest) felony for a licensed health professional to intentionally or knowingly violate any law or any standard or rule adopted pursuant to a law when making a recommendation for medical marijuana to a patient.

First sponsor: Rep. Leach

H2067: UNLAWFUL MEDICAL MARIJUANA RECOMMENDATION 1/9 referred to House hel.

H2068: PROBATION; PAROLE; MEDICAL MARIJUANA USE

A registered qualifying medical marijuana patient who is serving a term of probation, community supervision or parole for a juvenile offense, drug offense, or driving under the influence offense may be prohibited from possessing or using medical marijuana as a condition of the person's probation, community supervision or parole. 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

H2068: PROBATION; PAROLE; MEDICAL MARIJUANA USE 1/9 referred to House jud-pub safety.

H2069: PRIVATE PRISONS; CONTRACTS; TERMINATION

Authorization for the Department of Corrections to contract with private institutions for prison facilities or the operation of prison facilities is deleted. Statutes regulating the establishment of private prison facilities and regulating adult incarceration private contractors are repealed. The Director of the Dept is required to provide written notice to each private prison contractor that has a contract to house prisoners that the state is exercising its right to terminate the contract within 90 days written notice, terminate all contracts with private prison facilities at the earliest possible date after the effective date of this legislation, and relocate all prisoners to a state prison facility. By January 1, 2019, the Arizona Criminal Justice Commission is required to research and provide a report to the Governor and the Legislature on the prisoner capacity of state prison facilities and make recommendations for state prison facilities expansion, if necessary.

First sponsor: Rep. Bolding

H2069: PRIVATE PRISONS; CONTRACTS; TERMINATION 1/9 referred to House jud-pub safety.

H2072: CRIMINAL; ARREST RECORDS; ERASURE

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.

First sponsor: Rep. Bolding

H2072: CRIMINAL; ARREST RECORDS; ERASURE 1/9 referred to House jud-pub safety.

H2073: JUVENILE; COURT JURISDICTION; AGE

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.

First sponsor: Rep. Bolding

H2073: JUVENILE; COURT JURISDICTION; AGE 1/9 referred to House jud-pub safety.

H2074: JUVENILES; NATURAL LIFE SENTENCE; REPEAL

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.

First sponsor: Rep. Bolding

H2074: JUVENILES; NATURAL LIFE SENTENCE; REPEAL 1/9 referred to House jud-pub safety.

H2075: ORDER OF PROTECTION; EXTENSION; HEARING

Before the expiration of a protective order, a petitioner is permitted to file a written motion requesting a hearing to extend the order's expiration date. Any proceeding to extend a protective order must be given precedence on the docket of the court. The court is authorized to extend the protective order for up to two years.

First sponsor: Rep. Bolding

H2075: ORDER OF PROTECTION; EXTENSION; HEARING 1/9 referred to House jud-pub safety.

H2094: PRIVATE PRISON STUDY COMMITTEE

Establishes a 19-member Private Prison Study Committee to research and report on the impact of private prisons on the safety of the public and prisoners, the economic efficiency of housing prisoners in private facilities, and the provision of constitutionally appropriate services for prisoners at private prisons. The Committee must submit a report to the Governor and the Legislature by December 31, 2018 and self-repeals October 1, 2019.

First sponsor: Rep. Andrade

H2095: PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS

Private prisons that contract with any governmental entity must make public all records relating to costs, operations, staff and inmates to the same extent required of publicly operated prisons or jails.

First sponsor: Rep. Andrade

H2095: PRIVATE PRISON CONTRACTORS; PUBLIC RECORDS 1/9 referred to House mil-vet-reg.

H2100: MEDICAL MARIJUANA; IDENTIFICATION CARDS; EXPIRATION

Medical marijuana registry identification cards for registered qualifying patients expire five years, increased from one year, after the date of issue. 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. Powers Hannley

H2101: MEDICAL ASSISTANCE REQUESTS; EVIDENCE; MITIGATION

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.

First sponsor: Rep. Powers Hannley

H2101: MEDICAL ASSISTANCE REQUESTS; EVIDENCE; MITIGATION 1/11 referred to House jud-pub safety.

H2102: END-OF-LIFE DECISIONS; TERMINALLY ILL

A "qualified patient" (defined) is permitted to make a written request for medication to end the patient's life. Establishes a process for the request, including a requirement for it to be signed and witnessed by at least two persons who meet specified requirements. Also establishes required procedures for the attending physician and a consulting physician. Requires a 15-day waiting period and provides for effect on construction of wills and contracts. Specifies immunities and civil penalties for violations.

First sponsor: Rep. Powers Hannley

H2104: CLEAN ELECTIONS; COUNTY CANDIDATES

Applies clean elections laws to candidates for county board of supervisors, county assessor, county attorney, county recorder, county school superintendent, county sheriff and county treasurer. Establishes primary election spending limits for candidates for county offices based on county population. Due to voter protection, this bill requires a 3/4 vote of each house of the Legislature for enactment.

First sponsor: Rep. Powers Hannley

H2104: CLEAN ELECTIONS; COUNTY CANDIDATES 1/11 referred to House gov.

H2109: TOBACCO POSSESSION; SALE; AGE; SIGNAGE

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.

First sponsor: Rep. Boyer

H2119: ATTORNEY REGULATION; ASSESSMENTS; MEMBERSHIP DUES

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.

First sponsor: Rep. Kern

H2119: ATTORNEY REGULATION; ASSESSMENTS; MEMBERSHIP DUES 1/11 referred to House jud-pub safety.

H2138: SHORT TITLE; AGGRAVATED ASSAULT; REPEAL

Repeals the short title of "Blue Lives Matter Law" on Laws 2017, Chapter 162, which expanded the list of aggravating circumstances for the purpose of aggravated assault sentencing to include evidence that the defendant committed the crime out of malice toward a victim because of the victim's employment as a peace officer, and specified that an assault offense becomes aggravated assault if the person commits the assault knowing or having reason to know that the victim is a peace officer.

First sponsor: Rep. Clark

H2138: SHORT TITLE; AGGRAVATED ASSAULT; REPEAL 1/11 referred to House jud-pub safety, fed-policy.

H2140: MENTAL HEALTH; INJUNCTION; FIREARM POSSESSION

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.

First sponsor: Rep. Friese

H2140: MENTAL HEALTH; INJUNCTION; FIREARM POSSESSION 1/11 referred to House jud-pub safety.

H2143: SCHOOL RESOURCES; RELIGIOUS PURPOSE; PROHIBITION

A person acting on behalf of a school district or charter school is prohibited from spending or using school district or charter school resources for a "religious purpose" (defined) and from giving students written religious materials while acting in an official capacity. The Attorney General or the county attorney may initiate a suit in the superior court in the county in which an alleged violation occurs.

First sponsor: Rep. Cardenas

H2144: ASSISTING FEDERAL LAW ENFORCEMENT; PROHIBITION

The state, political subdivisions, "law enforcement agencies" (defined) and their employees or agents acting in an official capacity are prohibited from knowingly assisting a federal law enforcement agency or officer in the investigation, detention or prosecution of a person for a violation of federal law that prohibits the person from using, possessing or cultivating medical marijuana if the person is authorized to do so under state law.

First sponsor: Rep. Cardenas

H2153: CAMPAIGN FINANCE; NONPROFITS; DISCLOSURE

A campaign filing officer, enforcement officer or other local government officer is prohibited from requiring an entity that claims tax exempt status under section 501(a) of the federal Internal Revenue Code and is in good status with the Internal Revenue Service to register or file as a political action committee, disclose personally identifying information of individuals who have contributed to the entity, disclose a specified form that provides information on contributions to the entity, or submit to an audit or subpoena regarding a potential campaign finance violation.

First sponsor: Rep. Leach

H2159: TRAFFIC VIOLATIONS; TRAFFIC SURVIVAL SCHOOL

A person who commits the following traffic violations is required to attend and successfully complete approved traffic survival school educational sessions: driving the wrong way on a controlled access highway, driving under the influence of intoxicating liquor or drugs (DUI), extreme DUI, and aggravated DUI. In addition to taking licensing action, the Director of the Department of Transportation is authorized to impose a civil penalty of \$300 to \$3,000 if s/he finds that a traffic survival school licensee has not complied with or has knowingly violated traffic survival school regulations or has been

convicted of a violation of Title 13 (Criminal Code) or Title 28 (Transportation). The Director must deposit civil penalties in the State Highway Fund.

First sponsor: Rep. Campbell

H2169: DRIVING VIOLATIONS; RESTRICTED LICENSES; PENALTIES

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. A judge is authorized to mitigate any civil penalty required by Title 28 (Transportation) if the person ordered to pay the penalty demonstrates that the payment would be a hardship on the person or his/her immediate family. Factors the court must consider when determining whether to mitigate a civil penalty are listed. Effective January 1, 2019.

First sponsor: Rep. Boyer

H2193: JUVENILES; MAXIMUM SENTENCE; COMMUTATION

A person who is sentenced to serve a term of imprisonment, including consecutive sentences, of at least 25 calendar years for an offense that was committed before the person attained 18 years of age is eligible for parole on completion of service of 25 calendar years. A person convicted of first degree murder who was under 18 years of age at the time of the commission of the offense can no longer be sentenced to natural life, and statute declaring such a person ineligible for commutation, parole or release from confinement on any basis is deleted. Session law requires the Supreme Court to remand to the original sentencing court each case in which a person was sentenced before the effective date of this act to natural life or to a term of imprisonment, including consecutive sentences, of at least 25 calendar years for an offense that was committed before the person attained 18 years of age. The original sentencing court is required to strike the sentence and enter in its place a sentence of either life with the possibility for parole after serving twenty-five calendar years, if the sentence was for natural life, or a sentence with parole eligibility on completion of the service of 25 calendar years, if the original sentence, including consecutive sentences, was for a term of at least 25 calendar years.

First sponsor: Rep. Carter

H2203: WILDLAND FUEL LOADS; WATERSHED PROTECTION

A municipal mayor or a chairman of a county board of supervisors is authorized to determine that a "catastrophic wildland fuel load" (defined) exists on state or federal land located within the municipal or county boundaries. Factors the mayor or chairman may consider in evaluating whether a catastrophic wildland fuel load exists are listed. On determining that a catastrophic wildland fuel load exists, the mayor or chairman is required to take a list of actions, including notifying the federal or state agency that manages the land. Information that must be included in the notice is specified. The mayor or chairman is authorized to enter into a plan with the federal or state agency to abate the catastrophic wildland fuel load. If the federal or state agency does not respond within 30 days after notice or indicates that the agency will not abate the catastrophic wildland fuel load, the mayor or chairman is required to notify and consult with the municipal or county attorney and the Attorney General. If the mayor or chairman determines that a catastrophic wildland fuel load exists on federally managed land and adversely affects or constitutes an immediate threat to the public health, safety and welfare of the municipal or county residents, the mayor or chairman is required to pursue all remedies allowed by law. Additionally, the powers and duties of the State Forester are expanded to include providing for watershed protection and enhancement, in consultation with the Director of the Department of Water Resources. The State Forester is authorized to take specified actions for the purposes of watershed protection and enhancement, including removing

certain woody biomass or entering into cooperative agreements with municipalities or counties to do so.

First sponsor: Rep. Finchem

H2241: HEROIN; FENTANYL; SALES; MANDATORY PRISON

If a person is convicted of a violation of possession or use, possession or use for sale, manufacture or transport for sale of heroin, fentanyl, carfentanil or fentanyl mimetic substances, the person must be sentenced to a minimum sentence of 5 calendar years, with a presumptive sentence of 10 calendar years and a maximum sentence of 15 calendar years. A person with a previous conviction of the same list of offenses for these drugs must be sentenced to a minimum sentence of 10 calendar years, with a presumptive sentence of 15 calendar years and a maximum sentence of 20 calendar years. A person convicted of these violations is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court.

First sponsor: Rep. E. Farnsworth

H2243: WRONG-WAY DRIVING; VIOLATION; DUI

A person who drives the wrong way on a controlled access highway commits wrong-way driving, is subject to a civil penalty of \$500, and is required to attend and successfully complete approved traffic survival school educational sessions. A person who commits a violation of driving under the influence (DUI) while driving the wrong way on a highway is guilty of aggravated DUI.

First sponsor: Sen. D. Farnsworth

H2244: DANGEROUS CRIMES; CHILDREN; FICTITIOUS AGE

It is a dangerous crime against children to commit any of a list of offenses against a person posing as a minor who is under 15 years of age. It is not a defense to the allegation of a dangerous crime against children that the minor victim is fictitious, an adult, a peace officer posing as a minor, or older in age than the defendant believed, knew or had reason to know the victim to be.

First sponsor: Rep. E. Farnsworth

H2245: PROHIBITED BAIL; SEXUAL CONDUCT; MOLESTATION

A person who is in custody is prohibited from being admitted to bail if the proof is evident or the presumption great that the person is guilty of sexual conduct with a minor or molestation of a child where, at the time of the offense, the arrested person is at least 18 years of age and the victim is under 13 years of age, or the victim is 13 or 14 years of age and the arrested person is at least 10 years older than the victim. Previously, this prohibition applied if the offense charged was sexual conduct with a minor under 15 years of age or molestation of a child under 15 years of age.

First sponsor: Rep. E. Farnsworth

H2246: JAIL; PROHIBITED ITEMS; DRUGS

It is a class 5 (second-lowest) felony to take into a jail or the ground belonging to or adjacent to the jail any "marijuana," "narcotic drug" or "dangerous drug" (all defined elsewhere in statute), instead of any opium, morphine, cocaine or other narcotic.

First sponsor: Rep. E. Farnsworth

H2247: CRIMINAL JUSTICE COMMISSION; REPORTING REQUIREMENTS

The Department of Public Safety is required to electronically provide data extract from the Arizona computerized criminal history system of all records relating to sexual assaults twice a year to the Arizona Criminal Justice Commission. Previously, the Dept was required to provide a copy of each applicable disposition reporting form relating to sexual assaults to the Commission.

First sponsor: Rep. E. Farnsworth

HCR2001: FIREARM SALES: TRANSFERS: BACKGROUND CHECKS

The 2018 general election ballot is to carry the question of whether to amend state statute to require parties to a prospective firearms sale or transfer to complete the transaction through a licensed firearms dealer if neither party is a licensed firearms dealer. Some exceptions. The dealer must process the sale or transfer and comply with all requirements of federal, state and local law as if the dealer were a party to the transaction, including a background check on both parties. If the dealer cannot legally deliver the weapon to the purchaser, the dealer must return the weapon to the seller. If the dealer cannot legally return the weapon to the seller, the dealer must deliver the weapon to law enforcement. The dealer may charge a fee of up to \$20 for the costs incurred in facilitating the sale or transfer. Violations are a class 5 (second-lowest) felony.

First sponsor: Rep. Friese

S1010: TOBACCO POSSESSION; SALE; AGE; SIGNAGE

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.

First sponsor: Sen. D. Farnsworth

S1010: TOBACCO POSSESSION; SALE; AGE; SIGNAGE 1/8 referred to Senate com-pub safety, health-hu ser.

S1011: COMPUTER TAMPERING: UNAUTHORIZED HUMAN IMPERSONATION

The list of acts constituting the crime of computer tampering, a class 6 (lowest) felony, is expanded to include knowingly using or deploying any computer or computer software that conceals the computer or computer software's real identity to simulate or impersonate the actions of a human.

First sponsor: Sen. Kavanagh

S1018: SENTENCING; INCREASED PUNISHMENT: FENTANYL

Increases the criminal classification of possession or use of fentanyl to a class 3 (mid-level) felony, from a class 4 (lower mid-level) felony. A person convicted of possession of fentanyl for sale, possession of equipment or chemicals to manufacture fentanyl, administering fentanyl to another person, obtaining fentanyl by fraud, or transporting or offering to sell or transfer fentanyl is not eligible for suspension of sentence, probation, pardon, or release from confinement on any basis until the person has served the sentence imposed by the court.

First sponsor: Sen. Kavanagh

S1018: SENTENCING; INCREASED PUNISHMENT: FENTANYL 1/8 referred to Senate jud.

S1029: VULNERABLE USERS OF PUBLIC WAYS

An operator of a motor vehicle is prohibited from knowingly, intentionally or recklessly operating the vehicle within three feet of a "vulnerable user of a public way" (defined as a law enforcement officer, emergency responder or a worker in a state highway work zone while in the course of official duties or a pedestrian, person riding an animal or a person operating a farm tractor, skateboard, skates, scooter, wheelchair or bicycle in a crosswalk or on a shoulder of the highway). An operator of a motor vehicle is prohibited from knowingly, intentionally or recklessly distracting or attempting to distract a vulnerable user of a public way for the purpose of causing violence or injury, or forcing or attempting to force a vulnerable user of a public way off of a public way, crosswalk or shoulder of the highway except as necessary for public safety. A violation is a class 2 (mid-level) misdemeanor, except that if a violation resulted in serious physical injury to or death of a vulnerable user of a public way, the court is required to impose specified penalties.

First sponsor: Sen. Farley

S1029: VULNERABLE USERS OF PUBLIC WAYS 1/8 referred to Senate trans-tech, jud.

S1033: UNLAWFUL ASSEMBLY; RIOT; IDENTITY; CLASSIFICATION

If a person obscures or hides their identity with a mask, disguise, makeup or other device during the commission of unlawful assembly, the criminal classification is increased to a class 6 (lowest) felony, from a class 1 (highest) misdemeanor. If a person obscures or hides their identity with a mask, disguise, makeup or other device during the commission of riot, the criminal classification is increased to a class 4 (mid-level) felony, from a class 5 (second-lowest) felony. It is an affirmative defense to an allegation that the person's identity was obscured or hidden during the commission of either offense if the mask, disguise, makeup or other device was worn for a medical or religious purpose.

First sponsor: Sen. Kavanagh

S1033: UNLAWFUL ASSEMBLY; RIOT; IDENTITY; CLASSIFICATION 1/8 referred to Senate jud.

S1040: SERVICE ANIMALS; MISREPRESENTATION

A person is prohibited from fraudulently misrepresenting an animal as a service animal or service animal in training to a person or entity that operates a public place. A court or duly appointed hearing officer may impose on a person in violation a civil penalty of \$250.

First sponsor: Sen. Kavanagh

S1040: SERVICE ANIMALS; MISREPRESENTATION 1/8 referred to Senate jud, gov.

S1041: RESIDENCY RESTRICTIONS; SEX OFFENDERS; VICTIMS

It is unlawful for a person who is required to register as a sex offender to knowingly establish a residence within 1,000 feet of the real property on which the person's former victim or any member of the victim's immediate family resides. Some exceptions. Violations are a class 1 (highest) misdemeanor, and second or subsequent violations are a class 6 (lowest) felony.

First sponsor: Sen. Kavanagh

S1041: RESIDENCY RESTRICTIONS; SEX OFFENDERS; VICTIMS 1/8 referred to Senate jud.

S1060: UNLAWFUL MEDICAL MARIJUANA INFORMATION

It is a class 6 (lowest) felony for a "listing or menu service" (defined) to display the contact information for or product lines of a nonprofit medical marijuana dispensary without verifying that the dispensary has a registration certificate or to display a physical address for a dispensary that is different than the address on the dispensary's registration certificate. Violations are subject to a fine of at least \$10,000.

First sponsor: Sen. D. Farnsworth

S1060: UNLAWFUL MEDICAL MARIJUANA INFORMATION 1/9 referred to Senate jud.

S1061: MEDICAL MARIJUANA FUND; APPROPRIATION

The Department of Health Services is required to adopt rules to address registered nonprofit medical marijuana dispensaries that relocated outside of their original community health analysis area and the labeling and testing of edible medical marijuana products. The Dept is also required to review current application and renewal fees for dispensaries and dispensary agents and adopt rules to modify the fees if necessary. Appropriates \$5 million from the Medical Marijuana Fund in FY2018-19 to the Arizona Criminal Justice Commission to provide grants to law enforcement agencies in Arizona to enforce crimes relating to drug trafficking and distribution. 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: Sen. D. Farnsworth

S1061: MEDICAL MARIJUANA FUND; APPROPRIATION 1/9 referred to Senate com-pub safety.

S1074: IMMIGRATION; LAW ENFORCEMENT; REPEAL

Repeals the following statutes established by Laws 2010, Chapter 113 (S1070): the prohibition on state and local government agencies or governing bodies restricting the enforcement of federal immigration law; the requirement for law enforcement officials to determine the immigration status of a person at any lawful stop or arrest where reasonable suspicion exists that the person is unlawfully present in the U.S.; provisions allowing law enforcement to arrest without warrant any person the officer has probable cause to believe has committed a public offense that makes the person removable from the U.S.; the defense of entrapment for employers found to be employing unauthorized aliens; the establishment of willful failure to complete or carry an alien registration document, unlawful stopping to hire and pick up passengers for work, and unlawful application for employment or employment by an unauthorized alien as class 1 misdemeanors; the requirement that a vehicle driven in furtherance of the illegal presence of an alien in the U.S. and in violation of a criminal offense be immobilized or impounded; and the establishment of the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Fund.

First sponsor: Sen. Quezada

S1074: IMMIGRATION; LAW ENFORCEMENT; REPEAL 1/9 referred to Senate jud.

S1076: ASSAULT; PUBLIC SAFETY CONTRACTORS; WORKERS

For the purpose of statute allowing public safety employees or volunteers to petition the court for an order authorizing testing of another person for certain diseases if there is probable cause to believe that the person bit, scratched, spat or transferred blood or other bodily fluid on or through the skin of the employee or volunteer who was performing an official duty, the definition of "public safety employee or volunteer" is expanded to include a contractor of a state or local law enforcement agency or correctional facility, any employee or volunteer of a correctional facility, and any other person who is authorized to perform official duties or be present within a correctional facility.

First sponsor: Sen. Barto

S1076: ASSAULT; PUBLIC SAFETY CONTRACTORS; WORKERS 1/9 referred to Senate jud.

S1078: ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP

Increases the number of members of the Arizona Criminal Justice Commission to 17 members by adding one person who leads an indigent defense agency, one person who leads a private nonprofit juvenile justice organization, and one licensed psychiatrist or psychologist with experience working in the criminal justice system. Session law provides for the initial terms of the new members.

First sponsor: Sen. Barto

S1078: ARIZONA CRIMINAL JUSTICE COMMISSION; MEMBERSHIP 1/9 referred to Senate jud.

S1092: CLAIM; NOTICE; PUBLIC ENTITY; EXCEPTION

An action against a public entity or public employee does not apply to any claim alleging medical malpractice that resulted in the death of a person who was being treated for a mental health illness must be brought within 18 months after the cause of action accrues, instead of within 1 year.

First sponsor: Sen. Cajero Bedford

S1092: CLAIM; NOTICE; PUBLIC ENTITY; EXCEPTION 1/10 referred to Senate jud.

S1094: 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 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.

First sponsor: Sen. Quezada

S1094: CRIMINAL CASES; ARRESTS; RECORDS; ERASURE 1/10 referred to Senate jud.

S1096: LENGTH OF PAROLE; JUVENILE OFFENDERS

The Board of Executive Clemency is required to determine the length of parole for a juvenile offender who is sentenced to life imprisonment with the possibility of release and who is granted parole.

First sponsor: Sen. Quezada

S1096: LENGTH OF PAROLE; JUVENILE OFFENDERS 1/10 referred to Senate jud.

S1098: INDUSTRIAL HEMP; LICENSING

Adds a new article to Title 3 (Agriculture) regulating industrial hemp production, processing, manufacturing, distribution and commerce under the authority of the Department of Agriculture. The Dept is required to adopt rules to oversee the licensing, production and management of industrial hemp, including fees for licensing, testing, and production supervision. Industrial hemp growers and processors are required to obtain a license from the Dept, and licensing requirements are established. Licensing fees are deposited in the newly created Industrial Hemp Trust Fund, to be used by the Dept for administering and enforcing these regulations. Establishes requirements for recordkeeping, inspection, transportation and distribution of industrial hemp, and penalties for violations. Appropriates \$250,000 and 3 FTE positions from the general fund in FY2019-20 to the Dept for the purposes of this legislation. Effective one year from and after the general effective date of the 53rd Legislature, 2nd Regular Session.

First sponsor: Sen. Borrelli

S1098: INDUSTRIAL HEMP; LICENSING 1/10 referred to Senate gov, appro.

S1110: PHOTO RADAR; REVIEW; PENALTY

Before a citation is issued, a law enforcement agency is required to review evidence that is recorded by a photo enforcement system to determine whether a violation of failure to obey a traffic control device or speed restrictions occurred. A photo enforcement company is prohibited from determining whether a violation occurred for the purpose of issuing a citation. Violations of these requirements are a class 1 (highest) misdemeanor.

First sponsor: Sen. Borrelli

S1110: PHOTO RADAR; REVIEW; PENALTY 1/11 referred to Senate trans-tech.

S1116: DRIVING; ANIMAL ON LAP; PROHIBITION

A person is prohibited from operating a vehicle while an "animal" (defined) is on the person's lap. Violations are subject to a civil penalty of \$100.

First sponsor: Sen. Kavanagh

S1116: DRIVING; ANIMAL ON LAP; PROHIBITION 1/11 referred to Senate trans-tech.

S1121: CRIMES; CULPABLE MENTAL STATE; REQUIREMENT

Beginning January 1, 2019, if a new statute classifies an offense as a misdemeanor or felony and does not expressly prescribe a culpable mental state that is sufficient for commission of the offense, the culpable mental state is intentional, except for drug offenses in which case the culpable mental state required is knowingly. Some exceptions, including for sexual offenses, driving under the influence offenses, a moving traffic violation or a violation involving public health and safety included in Title 36 (Public Health and Safety). Beginning January 1, 2019, if a municipality adopts a new ordinance defining a strict liability offense, the ordinance must expressly prescribe that it is a strict liability offense. If the ordinance does not expressly prescribe that it is a strict liability offense, the culpable mental state is intentional, except for misdemeanor drug offenses in which case the culpable mental state required is knowingly. Does not apply to a municipal ordinance that involves a traffic violation, a building code violation or a food or health and

safety code violation.

First sponsor: Sen. Kavanagh

S1121: CRIMES; CULPABLE MENTAL STATE; REQUIREMENT 1/11 referred to Senate jud.