
Jan 12, 2018

Sheriffs

53rd Legislature - 2nd Regular Session, 2018

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Sheriffs

Posted Calendars and Committee Hearings

- H2071: REAR-FACING CAR SEATS
Hearing: House Transportation and Infrastructure (Wednesday 01/17/18 at 2:00 PM, House Rm. 3)
- H2076: STATE HIGHWAY WORK ZONES; ACCIDENTS
Hearing: House Transportation and Infrastructure (Wednesday 01/17/18 at 2:00 PM, House Rm. 3)
- H2092: POLICE VEHICLES; HOV LANES
Hearing: House Transportation and Infrastructure (Wednesday 01/17/18 at 2:00 PM, House Rm. 3)
- H2160: UNSAFE VEHICLE TIRES; USE; SALE
Hearing: House Transportation and Infrastructure (Wednesday 01/17/18 at 2:00 PM, House Rm. 3)
- 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)
- S1016: DUTY TO REPORT: LIFE-THREATENING EMERGENCY
Hearing: Senate Judiciary (Thursday 01/18/18 at 9:00 AM, Senate Rm. 109)
- 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

H2002: AUTOMOBILE THEFT AUTHORITY; APPROP

All monies deposited in the Automobile Theft Authority Fund in FY2017-18 in excess of the appropriation made by the FY2017-18 General Appropriations Act are appropriated to the Authority to carry out the powers and duties of the Authority as specified in statute. The Authority is required to submit a report for review by the Joint Legislative Budget Committee on the intended uses of the monies before expending the monies.

First sponsor: Rep. Livingston

H2002: AUTOMOBILE THEFT AUTHORITY; APPROP 1/9 referred to House 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.

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

H2038: DRUG OVERDOSE REVIEW TEAMS; RECORDS

Law enforcement agencies are required to provide unredacted reports to the chairperson of a local Drug Overdose Fatality Review Team on request. All information and records acquired by a Team are confidential and not subject to subpoena, discovery or introduction into evidence in a civil or criminal proceeding or disciplinary action.

First sponsor: Rep. Carter

H2038: DRUG OVERDOSE REVIEW TEAMS; RECORDS 1/9 referred to House jud-pub safety.

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.

H2054: VEHICLE LICENSE TABS; PROHIBITION

The Department of Transportation is prohibited from issuing license plate tabs or windshield stickers to indicate the year for which a license plate is issued. The Dept is required to issue vehicle registration cards electronically and vehicle owners are required to print the card, unless the vehicle owner requests that the Dept mail the card.

First sponsor: Rep. Ugenti-Rita

H2054: VEHICLE LICENSE TABS; PROHIBITION 1/9 referred to House trans-inf.

H2057: STATE GUARD; COMPOSITION; FIREARMS; EQUIPMENT

The age limit of 45 years for persons in the militia of the state of Arizona is deleted and replaced with a requirement that persons be capable of "acting in concert for the common defense." This change is conditionally enacted on the state Constitution being amended by a vote of the people at the 2018 general election to modify the eligibility requirements of the state militia. Additionally, a person who is or has been a member of the state militia may lawfully privately purchase, use and transport any "particularly suited firearms or equipment" (defined), and is lawfully entitled to retain possession of such firearms or equipment and to use or transport the firearms or equipment in Arizona for all lawful purposes.

First sponsor: Rep. Stringer

H2057: STATE GUARD; COMPOSITION; FIREARMS; EQUIPMENT 1/9 referred to House jud-pub safety.

H2058: STATE GUARD; FIREARMS; TRAINING PROGRAM

The age limit of 45 years for persons in the militia of the state of Arizona is deleted and replaced with a requirement that persons be capable of "acting in concert for the common defense." This change is conditionally enacted on the state Constitution being amended by a vote of the people at the 2018 general election to modify the eligibility requirements of the state militia. Additionally, a person who is or has been a member of the state militia may lawfully privately purchase, use and transport any "particularly suited firearms or equipment" (defined), and is lawfully entitled to retain possession of such firearms or equipment and to use or transport the firearms or equipment in Arizona for all lawful purposes. Also establishes the Arizona Citizens Marksmanship Program within the Department of Emergency and Military Affairs to provide firearms for training in marksmanship skills to citizens and residents of Arizona who are eligible for service in the Arizona State Guard. The Dept is authorized to accept and spend monies from any lawful public or private source for the Program, sell firearms and other equipment or merchandise to promote marksmanship skills, and to contract with firearms manufacturers in Arizona to manufacture or refurbish firearms or firearm accessories for sale to Program participants. The Program terminates on July 1, 2028.

First sponsor: Rep. Stringer

H2058: STATE GUARD; FIREARMS; TRAINING PROGRAM 1/9 referred to House jud-pub safety.

H2059: FIREARMS; STATE GUARD; COMPOSITION; PROGRAM

The exemption from federal law or federal regulation for certain firearms that are manufactured in Arizona and remain in Arizona does not apply to a firearm that is designed to automatically shoot more than one shot, without manual reloading, by a single function of the trigger, instead of a firearm that discharges two or more projectiles with one activation of the trigger or other firing device. The age limit of 45 years for persons in the militia of the state of Arizona is deleted and replaced with a requirement that persons be capable of "acting in concert for the common defense." This change is conditionally enacted on the state Constitution being amended by a vote of the people at the 2018 general election to modify the eligibility requirements of the state militia. Additionally, a person who is or has been a member of the state militia may lawfully privately purchase, use and transport any "particularly suited firearms or equipment" (defined), and is lawfully entitled to retain possession of such firearms or equipment and to use or transport the firearms or equipment in Arizona for all lawful purposes. Also establishes the Arizona Citizens Marksmanship Program within the Department of Emergency and Military Affairs to provide firearms for training in marksmanship skills to citizens and residents of Arizona who are eligible for service in the Arizona State Guard. The Dept is authorized to accept and spend monies from any lawful public or private source for the Program, sell firearms and other equipment or merchandise to promote marksmanship skills, and to contract with firearms manufacturers in Arizona to manufacture or refurbish firearms or firearm accessories for sale to Program participants. The Program terminates on July 1, 2028.

First sponsor: Rep. Stringer

H2059: FIREARMS; STATE GUARD; COMPOSITION; PROGRAM 1/9 referred to House fed-policy.

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.

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.

H2071: REAR-FACING CAR SEATS

When transporting a child who is under two years of age in a motor vehicle, the child is required to be in a rear-facing restraint system unless the child weights at least 40 pounds or is at least 40 inches tall.

First sponsor: Rep. Bolding

H2071: REAR-FACING CAR SEATS 1/9 referred to House trans-inf.

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.

H2076: STATE HIGHWAY WORK ZONES; ACCIDENTS

If a person exceeds the speed limit in a state highway work zone and the violation results in an accident causing serious physical injury or death to another person, the person is guilty of causing serious physical injury or death by a moving violation, a class 3 (lowest) misdemeanor.

First sponsor: Rep. Bolding

H2076: STATE HIGHWAY WORK ZONES; ACCIDENTS 1/9 referred to House trans-inf.

H2092: POLICE VEHICLES; HOV LANES

A police officer driving a police vehicle that is clearly marked as a police vehicle may drive a vehicle carrying fewer than two persons in a high occupancy vehicle lane at any time.

First sponsor: Rep. Cook

H2092: POLICE VEHICLES; HOV LANES 1/11 referred to House trans-inf.

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.

H2097: PENSION FUNDING POLICIES; EMPLOYERS

Beginning on or before July 1, 2019, each governing body of a Public Safety Personnel Retirement System employer is required to annually adopt a pension funding policy for the PSPRS that includes a list of specified funding objectives, including how to maintain adequate assets to fund benefits payable under the PSPRS and defining the governing body's funded ratio target under the PSPRS. The governing body is required to post the pension funding policy on its public website.

First sponsor: Rep. Livingston

H2097: PENSION FUNDING POLICIES; EMPLOYERS 1/11 House bank-ins held.

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.

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

H2117: PRIVATE POSTSECONDARY OFFICER; DUE PROCESS

Private postsecondary institution peace officers are no longer excluded from statute establishing the peace officers bill of rights and governing various disciplinary actions for law enforcement officers.

First sponsor: Rep. Kern

H2117: PRIVATE POSTSECONDARY OFFICER; DUE PROCESS 1/11 referred to House jud-pub safety.

H2125: TOW TRUCK LIGHTING

Stationary tow trucks that are performing emergency services are permitted to have amber, red and white flashing lights.

First sponsor: Rep. Shope

H2125: TOW TRUCK LIGHTING 1/11 referred to House trans-inf.

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.

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

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

H2160: UNSAFE VEHICLE TIRES; USE; SALE

A person is prohibited from operating a vehicle with an "unsafe tire" (defined) on a street or highway in Arizona. A vehicle with an unsafe tire is deemed to be in an unsafe condition and any peace officer may require the driver to stop and submit the vehicle to an inspection. It is an unlawful practice for a person to knowingly sell, advertise for sale or trade an unsafe tire or to install an unsafe tire on a vehicle in Arizona. Some exceptions, including for a commercial motor vehicle, bicycle, airplane, and agricultural transport vehicle. Also, the statutory definition of "waste tire" is expanded to include tires manufactured more than seven years ago.

First sponsor: Rep. Campbell

H2189: PRISONERS; DEDICATED DISCHARGE ACCOUNT; USE

The maximum amount a prisoner may have deposited in his/her dedicated discharge account from wages earned by the prisoner is increased to \$250, from \$100. Prisoners are authorized to use monies in the account before discharge or transfer for items and services that the prisoner will require immediately after being released or transferred.

First sponsor: Rep. Boyer

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

HCR2002: STATE MILITIA; AGE REQUIREMENT

The 2018 general election ballot is to carry the question of whether to amend the state Constitution to delete the age limit of 45 years for persons in the militia of the state of Arizona and replace it with a requirement that persons be capable of acting in concert for the common defense.

First sponsor: Rep. Stringer

S1007: MOTORCYCLE OPERATION; RIDING BETWEEN LANES

Motorcycle operators are no longer prohibited from overtaking and passing in the same lane occupied by the vehicle being overtaken, and from operating a motorcycle between the lanes of traffic. The Department of Public Safety is authorized to develop educational guidelines relating to when a motorcycle operator may overtake and pass in the same lane occupied by the vehicle being overtaken or operate a motorcycle between the lanes of traffic.

First sponsor: Sen. D. Farnsworth

S1007: MOTORCYCLE OPERATION; RIDING BETWEEN LANES 1/8 referred to Senate trans-tech.

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.

S1012: PRIVATE PROCESS SERVERS: AUTHORITY

In attempting to serve or while serving process, a duly appointed or certified private process server is authorized to enter and remain on real property, and to enter unannounced and remain in a planned community or condo association that is guarded or gated.

First sponsor: Sen. Kavanagh

S1012: PRIVATE PROCESS SERVERS: AUTHORITY 1/8 referred to Senate jud.

S1015: MOTORCYCLE OPERATION: LANE SPLITTING

Motorcycle operators are permitted to overtake and pass in the same lane occupied by the vehicle being overtaken, and to operate the motorcycle between the lanes of traffic if a list of specified conditions is met, including that the vehicles operating in the lanes of traffic are traveling at a speed of 20 miles per hour or less, that the motorcycle does not travel at a speed exceeding 25 miles per hour or 10 miles per hour more than other vehicles, whichever is less, and that the motorcycle is not on an exit or entrance ramp to a controlled access highway.

First sponsor: Sen. Kavanagh

S1015: MOTORCYCLE OPERATION: LANE SPLITTING 1/8 referred to Senate trans-tech.

S1016: DUTY TO REPORT: LIFE-THREATENING EMERGENCY

A person who knows that another person is exposed to or has suffered a life-threatening emergency is required to report the emergency and its location to a peace officer, fire department or other governmental entity responsible for public safety, to the extent the person can do so without danger or peril to self or others. Violations are a class 1 (highest) misdemeanor.

First sponsor: Sen. Kavanagh

S1016: DUTY TO REPORT: LIFE-THREATENING EMERGENCY 1/8 referred to Senate jud.

S1028: SPECIAL LICENSE PLATES; STANDARD DESIGN

All special license plates must have a standard design with one three-inch square area on the plate that is set aside for a logo or message and one area on the bottom of the plate that is set aside for a message. The Department of Transportation is required to determine the standard design of the special plate and approve the logo or message. Applies to all special plates authorized after the effective date of this legislation. Contains a legislative intent section.

First sponsor: Sen. Farley

S1028: SPECIAL LICENSE PLATES; STANDARD DESIGN 1/8 referred to Senate trans-tech.

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.

S1050: TOWING COMPANIES; ABANDON VEHICLES; FEE

Eliminates the Abandoned Vehicle Administration Fund and repeals the requirement for the Department of Transportation to deposit 20 percent of abandoned vehicle fees in the Fund. The Dept is instead required to deposit abandoned vehicle fees in the State Highway Fund. If the Dept collects a fee for a vehicle that was abandoned on government land, the towing company that towed the vehicle is entitled to receive \$100 from the fee collected, instead of 20 percent of the fee.

First sponsor: Sen. D. Farnsworth

S1050: TOWING COMPANIES; ABANDON VEHICLES; FEE 1/8 referred to Senate trans-tech.

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.

S1081: APPROPRIATION; COUNTY SHERIFF; REENTRY PLANNING

Appropriates \$500,000 from the general fund in each of FY2018-19, FY2019-20, and FY2020-21 to a county sheriff of a county with a population of less than 300,000 but more than 205,000 persons (Yavapai County or Yuma County) for administering release coordination reentry planning services for persons who are in the custody of the sheriff.

First sponsor: Sen. S. Allen

S1081: APPROPRIATION; COUNTY SHERIFF; REENTRY PLANNING 1/9 referred to Senate com-pub safety, appro.

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.

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.

S1117: LIQUOR ESTABLISHMENTS; PEACE OFFICERS; FIREARMS

Peace officers are permitted to possess a firearm while on the premises of a licensed liquor establishment while they are on duty or off duty.

First sponsor: Sen. Kavanagh

S1117: LIQUOR ESTABLISHMENTS; PEACE OFFICERS; FIREARMS 1/11 referred to Senate com-pub safety.