

ADMINISTRATIVE AND GENERAL

Chapter Number	Description
CHAPTER 14 HB 2236 Go to full text	MARRIAGE LICENSES Any clerk of a city or town authorized pursuant to § 25-127 to issue marriage licenses may retain \$1.50 of the \$50 marriage license fee provided in § 12-284.
CHAPTER 18 SB 1070 Go to full text	DEFIBRILLATORS IN STATE BUILDINGS Beginning June 30, 2003, any newly-constructed state building or any state building undergoing major renovation at a cost of \$250,000 or more after that date must be equipped with automated external defibrillators. Effective July 1, 2003.
CHAPTER 30 HB 2358 Go to full text	JUDGES PRO TEMPORE The term of pro tempore judges appointed by the Chief Justice in the superior court (§ 12-144) and a presiding superior court in judge justice courts (§ 22-121) is extended from six to 12 months.
CHAPTER 107 HB 2349 Go to full text	DNA TESTING FEES Persons from whom a county probation department is required by § 13-4438 to secure a blood sample for deoxyribonucleic acid (DNA) testing upon conviction or adjudication of delinquency or arrival in the state under the interstate compact for probationers of parolees and sentenced to probation are required to pay the cost of testing to the clerk of the superior court. Monies are transmitted to the county treasurer for ultimate deposit in the state DNA identification system fund. (But see Chapter 226, SB 1396, establishing a surcharge to fund DNA testing and eliminating individual responsibility for payment.)
CHAPTER 116 HB 2414 Go to full text	STATE AGENCY ANNUAL REPORTS Any state agency or department that maintains a web site and that either elects or is required by law to make an annual report of activities must post the report to the web site and may not distribute printed copies except as provided in new § 41-4153. An agency maintaining a web site that distributed printed copies of an annual report during the 12 months preceding the effective date of this law must notify the director of the Joint Legislative Budget Committee of any savings realized under the new restrictions for an annual report made within 12 months after the effective date.
CHAPTER 129 HB 2551 Go to full text	PROTECTION OF PERSONAL INFORMATION The Administrative Office of the Courts, in agreement with an association of counties, an organization of peace officers and, in the case of motor vehicle records, with the Department of Transportation (ADOT), is to develop an "application" form for requesting redaction of personal information from certain public records. The form applies to requests by peace officers and prosecutors for redaction from records maintained by the Maricopa and Pima County assessor, recorder and treasurer, all county voter registration records and ADOT

	and to requests by judicial officers, public defenders and domestic violence victims from voter registration records under §§ 11-483, 11-484, 16-153 and 28-454.
CHAPTER 161 SB 1149 Go to full text	STATE HOSPITAL CENSUS CAPS Temporary caps established by the legislature on the census population in the Arizona State Hospital (ASH) for adult restoration of competency treatment and treatment of juveniles (Laws 1999, Chapter 255) and for adult civil commitment treatment (Laws 2001, Chapter 244) are amended and extended an additional two years until June 30, 2004. Also continued until that date is an amended procedure in § 13-1994(P) allowing ASH temporarily to defer admission of persons found guilty except insane when the hospital has reached its licensed capacity for either or both adult male or adult female forensic programs. On or before August 1 of each year until June 30, 2004, the Department of Health Services must establish maximum funded capacity and a percentage allocation formula for forensic and civil bed capacity at ASH based on data it is directed to collect for guilty except insane treatment programs, adult restoration to competency treatment programs, adult civil commitment treatment programs and juvenile treatment programs. Retroactive to June 30, 2002.
CHAPTER 162 SB 1152 Go to full text	RELEASE OF CONFIDENTIAL HEALTH CARE RECORDS Records of the Department of Developmental Disabilities otherwise confidential and privileged may be released to a law enforcement agency or a county medical examiner in the performance of official duties unless the records requested relate to a person who is the subject of a criminal investigation, in which case the records may only be released pursuant to a court order or grand jury subpoena. The released records must be maintained as confidential unless a consent to release has been given pursuant to this section or pursuant to a court order or grand jury subpoena.
CHAPTER 210 SB 1436 Go to full text	STATE BUDGET Arizona state government returns to an annual rather than biennial budget cycle. Various provision of law (e.g., §§ 35-111 through 35-116) are amended to require annual budget units, including the Judicial Department, to take steps necessary for preparation and submission of a budget each fiscal year. It is clarified in § 35-116 that the judiciary is not subject to the control of the Governor in the preparation and submission of budgets but nevertheless must submit its requests for appropriations for each ensuing fiscal year to the Governor for review by the legislature. Annual budget units must develop a five-year strategic plan containing strategic issues, a mission statement, description, goals, strategies and resource assumptions; an operating plan for each program; and, a mission statement, description and strategic issues for the entire budget unit as part of the operating plan. The strategic plan must be posted on the unit's web site.
CHAPTER 211 SB 1415 Go to	PUBLIC RECORDS / OFFICIAL SEAL In addition to the requirement of § 39-121.01 that public records be available for examination or copying, a person may request that the custodian mail a copy of any public record not otherwise available on the public body's web site to the

<p>full text</p>	<p>requesting person. The custodian may require any person requesting a mailed copy to pay in advance for any copying and postage charges. The definition of "seal" in § 1-215, as used in reference to a paper issuing from a court or public office to which the seal of such court or office is required to be affixed, is expanded to include, a stamped seal, a printed seal, a screened seal or a computer generated seal.</p>
<p>CHAPTER 212 SB 1051 Go to full text</p>	<p>VOTER INFORMATION GUIDE The Citizens Clean Elections Commission, rather than the board of supervisors of each county, is required to publish and provide before each primary and general election to each household with a registered voter a co-called "citizens clean elections commission voter education guide" that contains the name of each candidate for every statewide and legislative district office, without regard to whether the candidate participates in clean election funding. The guide must be easily distinguishable from the publicity pamphlet produced by the secretary of state. Emergency measure effective May 5, 2002.</p>
<p>CHAPTER 213 SB 1095 Go to full text</p>	<p>RETIREMENT CONFORMING CHANGES Various Arizona State Retirement System (ASRS) statutes are amended to conform to federal legislation. Among the changes are: the maximum annual compensation taken into account for any fiscal year or for any other specified 12 consecutive month period is increased from \$150,000 to \$250,000 (§ 38-746); the scope of rollovers that may be accepted for purchasing credited service is expanded and the limits on member contributions to purchase credited service may not exceed the lesser of \$40,000 (previously \$35,000) or 100 percent (previously 35 percent) of the member's compensation for the limitation year, excluding any contribution for a member's medical benefits after a member's separation from service (§ 38-747); the employer provided portion of a member's annual benefit payable in the form of a straight life annuity is increased from \$90,000 to \$160,000; and, the law enacted in 2000 permitting retired members to return to work and remain eligible for retirement benefits is extended beyond the original June 2003 repeal date. Emergency measure effective May 15, 2002, with various dates of retroactivity.</p>
<p>CHAPTER 226 SB 1396 Go to full text</p>	<p>DNA TESTING A new three percent surcharge is imposed on criminal convictions, traffic and other offenses pursuant to a new subsection of § 12-116.01, to help fund the Arizona deoxyribonucleic acid (DNA) identification system fund established under § 41-2419. (Further provisions of this legislation are summarized in the Criminal section.)</p>
<p>CHAPTER 291 HB 2289 Go to full text</p>	<p>COURT FUNDING Pursuant to new § 12-114.01, a \$5 probation surcharge is imposed on convictions for criminal and traffic offenses (the same population to which present surcharges apply), except for local ordinance parking violations. The surcharge is deposited in the state judicial collection enhancement fund to supplement funds currently used for the salaries of adult and juvenile probation and surveillance officers and for support of programs and services of the superior court adult and juvenile probation departments. The minimum monthly</p>

fee charged to probationers for the cost of supervision is increased from \$40 to \$50 and any amount over \$40 may only be used for the same purposes as the \$5 probation surcharge. The minimum fee for persons supervised under the interstate compact for the supervision of parolees and probationers is increased from \$30 to \$50. The time payment fee collected under § 12-116 is continued at \$20 through December 31, 2009.

The fees previously prescribed in § 8-127 for filing a petition for adoption and for responding to a petition are eliminated and the civil filing fee statute for the superior court (§ 12-284) is correspondingly amended. The civil filing fee statutes of the limited jurisdiction courts (§§ 22-281 and 22-401) are amended to eliminate references to fees not actually charged by those courts and to rename others. (See also Chapter 309; HB 2329.)

New § 12-116.03 authorizes a court to contract with public agencies or private entities to assist in collecting fines, fees, penalties, costs, surcharges, restitution and assessments that remain unpaid. The court may add to any underlying amount owed reasonable costs charged by the contracting agency or entity.

Statutes governing destruction of records in limited jurisdiction courts (§§ 22-124 and 22-428) are amended to state that Arizona State Library, Archives and Public Records need not be notified when the agency previously has approved the destruction of particular records.

To convenience litigants, the time set forth in § 12-407 within which the filing fee due to the receiving court when change of venue is ordered by the superior court is timed from the date that the new court receives the file.

A joint study committee on state funding of the court system is established through December 31, 2003, to recommend a plan for the state funding of the judicial system, including the time period for implementation, the source of revenues for the increased state responsibilities and the fee structure including costs and surcharges. A report of the committee's findings and recommendations is to be submitted by June 30, 2003.

CHAPTER 303 BIOTERRORISM

303 HB 2044

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During a state of emergency or of war emergency declared by the Governor in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, an epidemic or pandemic disease or a highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability, the Department of Health Services (DHS) is empowered to isolate or quarantine a person believed to have a highly contagious or fatal disease without court order if any delay in the isolation or quarantine would pose an immediate and serious threat to the public health. Within 10 days of such event, or in the event of a proposed isolation or quarantine that would not pose an immediate and serious threat, DHS must petition the superior court for an order authorizing the initial or continued isolation or quarantine. Requirements are prescribed in new § 36-789

	<p>for the contents of and attachments to the petition, notice to parties, the timing of a hearing, the standard for issuance of an order, the procedure for challenging an order, recording of the proceedings, appointment of counsel, and consolidation of claims.</p>
<p>CHAPTER 309 HB 2329 Go to full text</p>	<p>ADOPTION FEES</p> <p>The fees previously prescribed by § 8-127 for filing a petition for adoption and for responding to a petition are eliminated and the civil filing fee statute for the superior court (§ 12-284) is correspondingly amended. (See also Chapter 291; HB 2289.)</p>
<p>CHAPTER 323 SB 1394 Go to full text</p>	<p>PROTECTION ORDER SERVICE FEES</p> <p>No fee may be charged for serving an order of protection or, if the petition arises out of a dating relationship, for serving an injunction against harassment. The court should indicate that the injunction arises out of a dating relationship to inform the sheriff that a fee for service may not be charged under § 11-445. The order of protection statute (§ 13-3602) is amended to remove the reference to deferral and waiver of fees.</p> <p>To reconcile inconsistencies in present law, statutes governing injunctions against harassment (§ 12-1809) and orders of protection are amended to clarify that modified injunctions are effective when served. The petition for a protection order must inform the court if a maternity or paternity action is pending in the superior court.</p>
<p>CHAPTER 332 SB 1088 Go to full text</p>	<p>SPOUSAL MAINTENANCE OMNIBUS</p> <p>A new Article, titled "Spousal Maintenance Enforcement" is added to Title 25, Chapter 5 (§§ 25-551 through 25-553), establishing the jurisdiction and priority for spousal maintenance enforcement actions and a statute of limitations for seeking an arrearage judgment which, once obtained, is enforceable until paid in full without necessity of renewal. The clerk of the superior court is authorized to provide services to assist a person in collecting spousal maintenance. These services may include providing information regarding collection and enforcement procedures, providing assistance in the preparation of forms and instructions necessary to initiate an enforcement action and providing information and referrals regarding services related to spousal maintenance and debt collection and enforcement.</p> <p>A spousal maintenance enforcement enhancement fund is established in § 12-289, funded from a new \$5 surcharge for filing petitions and answers in actions for legal separation, dissolution of marriage and annulment. Monies in the fund must be expended by the clerk, subject to approval by the board of supervisors and in coordination with the presiding judge, to enhance enforcement of spousal maintenance orders. The powers and duties of the superior court clerk in § 12-283 are expanded to include providing programs to assist in the enforcement of child support, spousal maintenance and parenting time and in the establishment and modification of child support.</p> <p>In addition to other changes, the membership of the Domestic Relations Committee (formerly the Domestic Relations Reform Study Subcommittee) of</p>

the legislature is amended to include a second active or retired judge, with representation from both rural and urban counties, and to add a member of the State Bar of Arizona Family Law Section. Additionally, certain appointments of members now are made by the Chief Justice, rather than by legislative leadership.

(Further provisions of this legislation are summarized in the Family Law section.)

CIVIL

Chapter Number	Description
CHAPTER 9 HB 2334 Go to full text	BENEFICIARY DEEDS The law enacted in 2001 (Laws 2001, Chapter 112) creating the beneficiary deed as a device to convey a property interest upon a person's death without probate is amended for clarification. Among other things, the amendments specify that the transfer on the owner's death is subject to any assignments, liens, encumbrances and the like made by the owner or to which the owner was subject during the owner's lifetime; that a joint tenancy estate with right of survivorship or community property with right of survivorship is not affected by the execution of a beneficiary deed between fewer than all of the owners of the real property so that the rights of either a surviving joint tenant or surviving spouse prevail over a grantee beneficiary; and, that a beneficiary deed executed, acknowledged and recorded in accordance with § 33-405 is not revoked by the provisions of a will.
CHAPTER 53 HB 2264 Go to full text	DAMAGES IN LANDLORD-TENANT CASES When judgment is granted under § 12-1178 of the forcible entry and detainer law damages, attorney fees and court costs must be granted to the prevailing party. Similarly, § 33-631 of the landlord tenant law, now provides that in an action to recover possession of the premises, in addition to determining the right to actual possession, the court may assess damages, attorney fees and costs pursuant to § 12-1178.
CHAPTER 58 HB 2008 Go to full text	REAL ESTATE RECOVERY FUND Consistent with a recommendation of the Office of the Auditor General, authority for approving claims brought against the real estate recovery fund by persons unable to otherwise recover actual and direct losses resulting from the acts of a real estate or cemetery licensee's wrongdoing is shifted from the superior court to the Department of Real Estate. Substantial amendments are made to § 32-2188, among other things eliminating the current process by which a claimant who recovers a court judgment may apply to the superior court for an order directing payment from the recovery fund. New sections of law are added, including § 32-2188.05, establishing a procedure for appealing the administrative denial of an application and § 32-2192 is amended to permit the Attorney General to commence an action in the superior court to recover amounts paid from the recovery fund. A copy of the administrative order directing payment

	<p>from the recovery fund must be "treated" by the clerk in the same manner as an order of the superior court. No filing fee may be charged by the clerk. The filed order has the same effect as a judgment of the superior court and may be recorded, enforced or satisfied as such.</p>
<p>CHAPTER 60 SB 1266 Go to full text</p>	<p>INVOLUNTARY COMMITMENT FOR ALCOHOLISM The statutes (§§ 36-2026.01 and 36-2026.02) relating to involuntary commitment of a chronic alcoholic to local alcoholic reception center by petition to the superior court are repealed. A report of the Auditor General deemed this practice unnecessary</p>
<p>CHAPTER 77 HB 2110 Go to full text</p>	<p>DISCHARGE OF ATTORNEY FOR INCAPACITATED PERSON Section 14-5312.01, dealing with the authority of a guardian of an incapacitated person to make decisions about psychiatric and mental health care and treatment and the corresponding responsibility of the ward's attorney to review such decisions, is amended to permit the court to discharge an attorney appointed pursuant to § 14-5303(C) if it clearly appears from specific facts alleged in the affidavit or petition for discharge that continued representation of the ward is no longer necessary or desirable. Five specific factors that the court must minimally consider in forming the factual basis for the determination are listed.</p>
<p>CHAPTER 81 HB 2251 Go to full text</p>	<p>DOG BITES When provocation is raised under § 11-1027 as a defense to prosecution for damages from a dog bite, the issue of provocation is determined by whether a reasonable person would expect that the conduct or circumstances would be likely to provoke a dog.</p>
<p>CHAPTER 84 HB 2341 Go to full text</p>	<p>UNAUTHORIZED PRACTICE OF IMMIGRATION LAW Arizona's Immigration and Nationality Law Practice Act is amended consistent with federal legislation to protect consumers from the unauthorized practice of immigration and nationality law. The penalty set forth in § 12-2703 for engaging in the unauthorized practice is raised from a class 1 misdemeanor to a class 6 felony. In addition to the present prohibition on representing others or giving legal advice, unauthorized persons may not prepare applications or forms relating to any immigration or naturalization matter. An act or practice in violation of this chapter constitutes an unlawful practice under § 44-1522. The Attorney General may investigate and take appropriate action pursuant to Title 44, Chapter 10, Article 7.</p>
<p>CHAPTER 86 HB 2355 Go to full text</p>	<p>EXCESS PROCEEDS OF TRUSTEE'S SALES The procedures in § 33-812 for disposition of the proceeds of a trustee's sale are revised to eliminate multiple civil actions, ensure rightful claimants are given appropriate notice and provide the court information necessary for appropriate distribution of excess proceeds. If a trustee elects to deposit proceeds with the county treasurer, the trustee, rather than individual claimants, commences a civil action naming the treasurer as defendant and incorporating in the complaint a title search or other listed document and a list of persons to whom the complaint will be mailed. After furnishing conformed copies of the complaint bearing the</p>

	<p>court clerk filing stamp to parties known by the trustee to have an interest of record in the property, the trustee is discharged. Thereafter, any person with a recorded or other legal interest in the property at the time of the trustee's sale may apply to the release of the proceeds by filing in the civil action an application for distribution and mailing the application to all persons named in the list of interested persons attached to the complaint. Other provisions govern the process for providing notice of the application, for response by persons receiving the application, and for the release of proceeds by the court, with or without a hearing. The act is applicable to trustee's sales completed after the effective date (August 22, 2002).</p>
<p>CHAPTER 91 HB 2518 Go to full text</p>	<p>RESIDENTIAL PROPERTY NUISANCE ABATEMENT The law (§ 12-992) authorizing issuance of a temporary restraining order to abate and prevent nuisance on residential property regularly used in the commission of crime now requires a finding by the court that the owner, the owner's managing agent or the party responsible for the property knew or had reason to know of the criminal activity and failed to take reasonable, legally available actions to abate the nuisance. In response to a recent Attorney General opinion, § 33-1903 is amended to remove the requirement that, in order for a court to appoint a temporary receiver to manage a residential rental property, a property must be out of compliance with § 33-1902, still retaining the requirement that the property be designated a slum property.</p>
<p>CHAPTER 124 HB 2202 Go to full text</p>	<p>PUBLIC DEFENDER DUTIES Previously enacted inconsistent versions of § 11-584, relating to duties of the public defender, are reconciled and the duties are expanded to include court appointment as attorney for adults unable effectively to manage their affairs or preserve their estates, if the county board of supervisors has advised the presiding judge that the public defender is authorized to accept the appointment.</p>
<p>CHAPTER 157 SB 1107 Go to full text</p>	<p>SECURITIES LAW VIOLATIONS To determine liability of the marital community, the Arizona Corporation Commission (ACC) may join the spouse of a defendant in any civil action brought by the ACC in the superior court for violation of laws regarding sales of securities (Title 44, Chapter 12) or investment management (Title 44, Chapter 13) or of the rules and orders of the ACC under those laws. Additionally, on application by the ACC, the superior court must issue an order to show cause to a person who fails to comply with a cease and desist order issued by the ACC under § 44-2032 or § 44-3292. Upon a showing that the order has been violated, the court may exercise its contempt powers and impose a civil penalty of not more than \$20,000 for each violation, as well as assess reasonable costs, including attorney fees. The ACC is authorized to petition directly to the superior court in Maricopa county for the appointment of a conservator to reorganize the affairs of, or a receiver to wind up the affairs of, the violator.</p>
<p>CHAPTER 161 SB 1149</p>	<p>STATE HOSPITAL CENSUS CAPS Temporary caps established by the legislature on the census population in the Arizona State Hospital (ASH) for adult restoration of competency treatment and</p>

<p>Go to full text</p>	<p>treatment of juveniles (Laws 1999, Chapter 255) and for adult civil commitment treatment (Laws 2001, Chapter 244) are amended and extended an additional two years until June 30, 2004. Also continued until that date is an amended procedure in § 13-1994(P) allowing ASH temporarily to defer admission of persons found guilty except insane when the hospital has reached its licensed capacity for either or both adult male or adult female forensic programs. On or before August 1 of each year until June 30, 2004, the Department of Health Services must establish maximum funded capacity and a percentage allocation formula for forensic and civil bed capacity at ASH based on data it is directed to collect for guilty except insane treatment programs, adult restoration to competency treatment programs, adult civil commitment treatment programs and juvenile treatment programs. Retroactive to June 30, 2002.</p>
<p>CHAPTER 175 SB 1304 Go to full text</p>	<p>VICIOUS ANIMALS When a justice of the peace or magistrate orders the destruction of a vicious animal under § 11-1014, notice must be given to the person bitten. The court may impose additional procedures and processes to protect all parties in the interest of justice and any decision is appealable to the superior court.</p>
<p>CHAPTER 198 SB 1173 Go to full text</p>	<p>COURT ORDERED TREATMENT INFORMATION To minimize the opportunity for certain prohibited possessors to purchase weapons or obtain concealed weapons permits, the court must grant the Department of Public Safety access to the name, date of birth, social security number, date of commitment and, on termination of treatment by court order, date of termination of treatment of any person found to be a danger to self or others as a result of mental disorder and ordered to treatment pursuant to § 36-540.</p>
<p>CHAPTER 220 SB 1470 Go to full text</p>	<p>UNIFORM CUSTODIAL TRUST ACT The Uniform Custodial Trust Act, patterned on a model act developed and recommended for enactment in all states in 1987 by the National Conference of Commissioners on Uniform State Laws, is added to Title 14 as new Chapter 9, Article 1 (§§ 14-9101 through 14-9119) to provide a statutory standby inter vivos trust to manage property for an adult and an alternative to court appointment of a conservator in the event the beneficiary becomes incapacitated. The Act provides for the creation of a statutory custodial trust for adults to be governed by the provisions of the Act whenever property is delivered to another as "custodial trustee." Provisions are based on trust analogies to concepts developed and used in establishing custodianships for minors under the Uniform Transfers to Minors Act (§ 14-7651 et seq.). Various sections establish definitions; govern creation of the trust and duties of the custodial trustee, including reporting and accounting responsibilities; provide means of monitoring and enforcing the trust; set forth limitations of liability and claims for relief; suggest sample forms; and, outline the distribution of unexpended custodial property on termination.</p>
<p>CHAPTER 222 SB 1008</p>	<p>SHOOTING RANGE NOISE STANDARDS A new Chapter 6 added to Title 17 governs outdoor shooting ranges noise standards and provides, in § 17-605, that it is an affirmative defense to any civil</p>

<p>Go to full text</p>	<p>liability or claim for equitable relief arising from any allegation regarding noise or noise pollution that results from owning, operating or using an outdoor shooting range that the defendant complied with the newly-established standards.</p>
<p>CHAPTER 239 HB 2192 Go to full text</p>	<p>STRUCTURED SETTLEMENTS A new Chapter 20 (§§ 12-2901 through 12-2904) added to Title 12 governs structured settlements, defined as an arrangement for periodic payment of damages for personal injuries or sickness that is established by settlement or judgment in resolution of a tort claim or for periodic payments in settlement of a workers' compensation claim. Direct or indirect transfer of structured settlement payment rights are not effective nor shall a structured settlement obligor or annuity issuer be required to make any payment to any transferee of structured settlement payment rights unless the transfer has been authorized in advance in a final order of a court of competent jurisdiction or responsible administrative authority. The superior court has jurisdiction over any application for authorization to transfer structured settlement payment and a procedure for making such an application, together with the required contents of the notice of transfer, are set forth in § 12-903. The law specifically applies to any transfer of structured settlement payment rights under a transfer agreement that is entered into on or after the effective date of the law (August 22, 2002) and its provisions may not be waived.</p>
<p>CHAPTER 242 HB 2244 Go to full text</p>	<p>PROPERTY TAX APPEALS An appeal to the superior court by a property owner who contests valuation may avoid dismissal under § 42-16210 if either the full year's tax is paid on or before December 31 of the tax year pursuant to § 42-18053 or "the remaining one-half tax that is unpaid is delinquent after the immediately following May 1 at 5:00 p.m. is paid by July 1, including all interest due" [sic].</p>
<p>CHAPTER 250 HB 2447 Go to full text</p>	<p>CONDEMNATION ACTIONS Litigation expenses, including reasonable attorney fees, must be awarded to an owner under § 11-927 if a condemnation action is dismissed on motion of the acquiring agency (previously only if abandoned) and under § 12-1129 if final judgment is granted against the plaintiff or the action is abandoned or dismissed on motion of the plaintiff. A similar change is made to § 28-7153. Sections 12-1116 and 28-7098 are amended to provide that at least 20 days prior to commencing a condemnation action, the plaintiff must provide specified information to the property owner. The court may waive the requirement on a determination that the plaintiff will suffer immediate and irreparable harm that outweighs the property owner's or lessee's interest.</p> <p>A statutory standard for valuation is prescribed in § 12-1122 as "the most probable price estimated in terms of cash in United States dollars or comparable market financial arrangements that the property would bring if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all of the uses and purposes to which it was adapted and for which it was capable."</p>

<p>CHAPTER 267 HB 2351 Go to full text</p>	<p>FIDUCIARY OMNIBUS</p> <p>This law codifies recommendations of the Fiduciary Advisory Committee appointed by the Chief Justice to review oversight and management of accountings and case management by fiduciaries appointed by the court as guardians, conservators or personal representatives. Among other things, the jurisdiction of the Private Fiduciary Program and the qualifications for certification (the term "registration" is removed) are clarified and the characterization "private" no longer applies to fiduciaries. The Arizona Supreme Court is authorized to use case processing assistance fund monies in the criminal justice enhancement fund to audit and investigate persons or entities licensed or certified by the Court and for processing judicial discipline cases.</p> <p>When sentencing a person for conviction of a felony under § 13-702, the court may consider as an aggravating circumstance the fact that the defendant was appointed as a fiduciary and the offense involved conduct directly related to duties as a fiduciary to the victim. A specialized quasi-criminal "fiduciary arrest warrant" (§§ 14-5701 through 14-5704) is created for issuance by the court in an action brought pursuant to Title 41 (Trusts, Estates and Protective Proceedings) on the failure of a fiduciary to appear before the court when ordered and noticed to do so. Unlike a civil warrant, the fiduciary arrest warrant will be entered in the wanted person file of the Arizona criminal information system.</p> <p>The court may reasonably compensate investigators, accountants or attorneys for services rendered in cases involving probate of wills or administration of a decedent's estate, in the same manner as is presently authorized in guardianship and conservatorship cases (§ 14-3722).</p>
<p>CHAPTER 268 HB 2357 Go to full text</p>	<p>LAW ENFORCEMENT OFFICER DISCIPLINE</p> <p>A law enforcement officer who successfully petitions to the superior court pursuant to § 38-104 for review of a suspension greater than 16 hours or a demotion or dismissal may recover court costs and attorney fees not to exceed \$15,000, subject to stated exceptions.</p>
<p>CHAPTER 276 HB 2540 Go to full text</p>	<p>SECURITY GUARDS</p> <p>New § 32-2608 makes it a class 1 misdemeanor for a person, except a regularly commissioned peace officer, to act or attempt to act or represent that the person is a security guard unless the person is registered as a security guard with the Department of Public Safety and is acting within the scope of the person's employment for an agency licensed as a private security guard service. Former § 32-2625 is renumbered as § 32-2641 and amended to provide that the denial of certain provisional or registration certificates for security guards is, except as provided in § 41-1092.08, subject to judicial review, pursuant to §§ 12-901 et seq.</p>
<p>CHAPTER 281 HB 2620 Go to</p>	<p>PURCHASER DWELLING ACTIONS</p> <p>A new Article added to Title 12, Chapter 8 (§§ 12-1361 through 12-1366) prescribes the procedures for a "purchase dwelling action," meaning any court action brought by a purchaser against the seller of a dwelling arising out of or</p>

[full text](#)

related to the design, construction, condition or sale of the dwelling. At least 90 days before commencing the action, the purchaser must provide the seller with written notice specifying the basis of the action and provide the seller the opportunity to inspect and repair or replace the defect. The court may stay for 90 days an action commenced by a purchaser who fails to comply with the notice requirement, except for claims involving an immediate threat to the lives or safety of dwelling inhabitants. In any contested action, the court must award reasonable attorney fees to the successful party, as defined in § 12-1364. The new Article specifically does not apply to certain claims, such as personal injury or death claims or common law fraud claims.

CHAPTER
291
HB 2289
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COURT FUNDING

Pursuant to new § 12-114.01, a \$5 probation surcharge is imposed on convictions for criminal and traffic offenses (the same population to which present surcharges apply), except for parking. The surcharge is deposited in the state judicial collection enhancement fund to supplement funds currently used for the salaries of adult and juvenile probation and surveillance officers and for support of programs and services of the superior court adult and juvenile probation departments. The minimum monthly fee charged to probationers for the cost of supervision is increased from \$40 to \$50 and any amount over \$40 is earmarked for the same purposes indicated above for the \$5 probation surcharge. The minimum fee for persons supervised under the interstate compact for the supervision of parolees and probationers is increased from \$30 to \$50. The time payment fee collected under § 12-116 is continued at \$20 through December 31, 2009.

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To convenience litigants, the time set forth in § 12-407 within which the filing fee due to the receiving court when change of venue is ordered by the superior court is timed from the date that the new court receives the file.

	<p>A joint study committee on state funding of the court system is established through December 31, 2002, to recommend a plan for the state funding of the judicial system, including the time period for implementation, the source of revenues for the increased state responsibilities and the fee structure including costs and surcharges.</p>
<p>CHAPTER 303 HB 2044 Go to full text</p>	<p>BIOTERRORISM</p> <p>During a state of emergency or of war emergency declared by the Governor in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, an epidemic or pandemic disease or a highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability, the Department of Health Services (DHS) is empowered to isolate or quarantine a person believed to have a highly contagious or fatal disease without court order if any delay in the isolation or quarantine would pose an immediate and serious threat to the public health. Within 10 days of such event, or in the event of a proposed isolation or quarantine that would not pose an immediate and serious threat, DHS must petition the superior court for an order authorizing the initial or continued isolation or quarantine. Requirements are prescribed in new § 36-789 for the contents of and attachments to the petition, notice to parties, the timing of a hearing, the standard for issuance of an order, the procedure for challenging an order, recording of the proceedings, appointment of counsel, and consolidation of claims.</p>
<p>CHAPTER 323 SB 1394 Go to full text</p>	<p>PROTECTION ORDER SERVICE FEES</p> <p>No fee may be charged for serving an order of protection or, if the petition arises out of a dating relationship, for serving an injunction against harassment. The court should indicate that the injunction arises out of a dating relationship to inform the sheriff that a fee for service may not be charged under § 11-445. The order of protection statute (§ 13-3602) is amended to remove the reference to deferral and waiver of fees.</p> <p>To reconcile inconsistencies in present law, statutes governing injunctions against harassment (§ 12-1809) and orders of protection are amended to clarify that modified injunctions are effective when served. The petition for a protection order must inform the court if a maternity or paternity action is pending in the superior court.</p>
<p>CHAPTER 339 HB 2353 Go to full text</p>	<p>CIVIL RIGHTS</p> <p>Various laws relating to discrimination in employment, public accommodations and voting are modernized (e.g., substitutes "disability" for "handicap"), amended or added, principally by including employment protections to persons with mental disabilities and to provide the Attorney General greater enforcement capability.</p> <p>Under the new version of § 41-1472 (the existing version is repealed), in an action under § 41-1471, on a finding that a voting rights of public accommodations law violation has occurred, the court may award actual and compensatory damages, including damages for emotional distress, court costs</p>

and preventive relief, including a permanent or temporary injunction, a restraining order or any other order against the person responsible. In an action brought by the Attorney General, if appropriate to vindicate the public interest, the court additionally may assess a civil penalty of not more than \$5,000 for a first violation or \$10,000 for any subsequent violation. The court must award reasonable attorney fees to a prevailing plaintiff, other than the Attorney General. The court may not award attorney fees to a prevailing defendant unless the plaintiff's complaint was frivolous, unreasonable or without foundation.

CRIMINAL

Chapter Number	Description
SCR 1011 Go to full text	BAILABLE OFFENSES A proposition submitted to the voters in the 2002 general election would amend Article II, Section 22 of the state constitution by denying bail to persons charged with sexual assault and sexual conduct with or molestation of a minor under 15 years of age and by expanding the purposes of bail and the conditions of release to include assuring the appearance of the accused, protecting against the intimidation of witnesses and protecting the safety of the victim, any other person or the community.
HCR 2013 Go to full text	DRUG OFFENSES Voters in the 2002 general election will be asked to approve amendments to § 13-901.01, regarding punishment for conviction of personal possession or use of a controlled substance, originally adopted by initiative as Proposition 200--the Drug Medicalization, Prevention and Control Act of 1996. If passed, the statute will apply to convictions for possession of drug paraphernalia. The court will have discretion to impose incarceration on a first-time offender who violates probation, but only if the violation results from commission of an offense listed in Title 13, Chapters 34 (drug offenses) or 34.1 (imitation substance or drug offenses) or an act in violation of a court order relating to drug treatment. First or second-time offenders placed on probation who fail or refuse to participate in drug treatment may lose eligibility for probation and be sentenced to incarceration upon petition of the probation department or a prosecutor. The existing provision disallowing probation and requiring incarceration for third-time offenders also would apply to convictions for possession of drug paraphernalia and to persons who refuse drug treatment as a condition of probation or who reject probation.
CHAPTER 31 HB 2004 Go to full text	UNLAWFUL INTRODUCTION OF DISEASE Except for governmental or educational research, it is a felony (ranging from class 5 to class 2) knowingly to introduce into the state a disease or parasite of animals or poultry that constitutes a threat to livestock or poultry, human health or human life (§ 13-2912).
CHAPTER 59 SB 1214	ESCAPE It is a class 2 misdemeanor (§ 13-2503(A)(3)) to escape or attempt to escape from the Arizona State Hospital if the person was committed for treatment for

<p>Go to full text</p>	<p>competency restoration, guilty except insane, examination of competency to stand trial or confinement as a sexually violent person or is transferred under § 31-226.</p>
<p>CHAPTER 62 SB 1036 Go to full text</p>	<p>CONTROLLED SUBSTANCE PRESCRIPTIONS It is a class 4 felony (§ 36-2531(E)) to provide a false prescription for a controlled substance or knowingly or intentionally to acquire or obtain possession of a controlled substance by means of forgery, fraud, deception or subterfuge, including the forgery or falsification of a prescription or the nondisclosure of a material fact.</p>
<p>CHAPTER 83 HB 2282 Go to full text</p>	<p>IDENTITY THEFT Language is added to § 13-2008 clarifying that the crime taking the identity of another when committed with the intent to obtain, use, sell or transfer another person's identity to cause loss to a person does not require that the person actually suffer any economic loss as a result of the offense.</p>
<p>CHAPTER 95 SB 1052 Go to full text</p>	<p>CREDIT CARD SKIMMING It is a class 6 felony (§ 13-2110) for a person to use a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded and with the intent to defraud the cardholder. The terms "reencoder" and "scanning device" are defined in § 13-2010.</p>
<p>CHAPTER 107 HB 2349 Go to full text</p>	<p>DNA TESTING FEES Persons from whom a county probation department is required by § 13-4438 to secure a blood sample for deoxyribonucleic acid (DNA) testing upon conviction or adjudication of delinquency or arrival in the state under the interstate compact for probationers of parolees and sentenced to probation are required to pay the cost of testing to the clerk of the superior court. Monies are transmitted to the county treasurer for ultimate deposit in the state DNA identification system fund. (But see Chapter 226, SB 1396, establishing a surcharge to fund DNA testing and eliminating individual responsibility for payment.)</p>
<p>CHAPTER 114 HB 2283 Go to full text</p>	<p>MUNICIPAL PROSECUTION DIVERSION PROGRAM The chief prosecuting officer of a city or town may establish a diversion program for dismissal of criminal complaints on successful completion of the program's requirements, but not for crimes involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument. The prosecutor has sole discretion to decide whether to divert prosecution of an offender when the diversion occurs before a guilty plea or trial and the diversion program may be structured to require a guilty plea before entry into the program.</p>
<p>CHAPTER 124 HB 2202 Go to full text</p>	<p>PUBLIC DEFENDER DUTIES Previously enacted inconsistent versions of § 11-584, relating to duties of the public defender, are reconciled and the duties are expanded to include court-appointed representation as a conservator for adults unable effectively to manage their affairs or preserve their estates, if the county board of supervisors has advised the presiding judge that the public defender is authorized to accept the appointment.</p>

<p>CHAPTER 154 SB 1059 Go to full text</p>	<p>COURT-ORDERED EVALUATION</p> <p>The term "person" as used in § 36-520 relating to court-ordered mental health evaluation, is defined to include a minor under 18 years of age who has been transferred to the criminal division of the superior court pursuant to § 8-327 or who has been charged with an offense pursuant to § 13-501 and is under the supervision of an adult probation department. In the case of voluntary admission of a minor to a mental health agency under § 36-518, after the circumstances listed in subsection C of that section have occurred an application may be made by a person designated by the court if the parent, guardian or custodian is without monetary resources to file an application or could not be located after reasonable efforts and the minor is under the supervision of an adult probation department.</p>
<p>CHAPTER 161 SB 1149 Go to full text</p>	<p>STATE HOSPITAL CENSUS CAPS</p> <p>Temporary caps established by the legislature on the census population in the Arizona State Hospital (ASH) for adult restoration of competency treatment and treatment of juveniles (Laws 1999, Chapter 255) and for adult civil commitment treatment (Laws 2001, Chapter 244) are amended and extended an additional two years until June 30, 2004. Also continued until that date is an amended procedure in § 13-1994(P) allowing ASH temporarily to defer admission of persons found guilty except insane when the hospital has reached its licensed capacity for either or both adult male or adult female forensic programs. On or before August 1 of each year until June 30, 2004, the Department of Health Services must establish maximum funded capacity and a percentage allocation formula for forensic and civil bed capacity at ASH based on data it is directed to collect for guilty except insane treatment programs, adult restoration to competency treatment programs, adult civil commitment treatment programs and juvenile treatment programs. Retroactive to June 30, 2002.</p>
<p>CHAPTER 182 SB 1142 Go to full text</p>	<p>SURVEILLANCE OFFICERS</p> <p>A new Article 6.1 is added to Title 8, Chapter 2 (§§ 12-259 and 12-259.01) statutorily recognizing adult surveillance officers and outlining their powers and duties, including having the authority of a peace officer in the performance of the surveillance officer's duties.</p>
<p>CHAPTER 194 SB 1045 Go to full text</p>	<p>RECOVERY OF COMPETENCY ASSESSMENT</p> <p>Section 13-4023 is amended in response to the federal district court decision in <i>Amaya-Ruiz v. Stewart</i>, finding "inadequate" Arizona's statutory procedures for determining recovery of competency to be executed. After a prisoner recovers competency to be executed and within 10 days after a warrant is issued, unless waived by the prisoner the superior court must appoint psychological experts to assess the prisoner's competency to be executed. If after receiving the expert's reports the court believes there is a significant question about the prisoner's competency to be executed, a competency hearing must be held, unless the prisoner and the state agree competency may be determined on the submitted expert reports. Within five days after the court determines a prisoner's competency to be executed, a party may commence a special action in the Arizona Supreme Court to review the superior court's decision.</p>
<p>CHAPTER</p>	<p>HOMELAND SECURITY</p>

<p>219 SB 1427 Go to full text</p>	<p>Arizona law is conformed with provisions of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act). Many provisions deal with licensees under Title 6, Chapter 12 engaged in the sale or issuance of payment instruments or transmission of money and with eavesdropping and communication (Title 13, Chapter 30). Other criminal law elements include the addition of acts constituting terrorism (§ 13-2308.01), expansion of the crime of money laundering (§ 13-2317), establishment of a new crime of terrorism hoax (§ 13-2925) and inclusion of terrorism provisions to crimes such as misconduct involving weapons, poisoning water, food, drink or medicine, and hindering prosecution.</p> <p>Of particular interest to the judiciary are amendments that authorize the court under prescribed circumstances to delay service of a detailed receipt for property taken pursuant to a warrant (A.R.S. § 13-3939) and specify that a person shall not be admitted to bail if there is clear and convincing evidence that the person engaged in conduct constituting a violent offense or defined as a dangerous crime against children or in terrorism (§ 13-3961).</p>
<p>CHAPTER 223 SB 1202 Go to full text</p>	<p>CHAPTER SEXUAL AND VIOLENT CRIMES</p> <p>Designated as "Chris's Law: Victims Protection Act" after the teenager who authored and inspired the original legislative bill, a judicial officer must consider the "views of the victim" when determining the conditions of release or the amount of bail of a person accused of a public offense bailable as a matter of right under § 13-3967. On the pre-trial release (either bail or self recognizance) of a defendant accused of a felony violation of Chapter 14 (sexual offenses) or 35.1 (sexual exploitation of children), the court must impose electronic monitoring where available and a condition prohibiting the person from having any contact with the victim.</p> <p>Subject to voter approval of a constitutional amendment at the next general election (see SCR 1011), § 13-3961 would deny bail if the proof is evident or the presumption great that an accused person is guilty of sexual assault, sexual conduct with a minor under 15 years of age or child molestation. Additionally, the purposes of bail and any conditions of release set by a judicial officer would be expanded to include assuring the appearance of the accused, protecting against the intimidation of witnesses, and protecting the safety of the victim and any other person or the community.</p> <p>(see SCR 1011), § 13-3961 would deny bail if the proof is evident or the presumption great that an accused person is guilty of sexual assault, sexual conduct with a minor under 15 years of age or child molestation. Additionally, the purposes of bail and any conditions of release set by a judicial officer would be expanded to include assuring the appearance of the accused, protecting against the intimidation of witnesses, and protecting the safety of the victim and any other person or the community.</p> <p>A sex offender probation study committee is established until December 31, 2002, to evaluate the effectiveness of sex offender probation and other purposes. Among the members are two county adult probation officers appointed by the</p>

Chief Justice.

CHAPTER DNA TESTING

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The section of law governing the requirement for submitting and responsibility for securing deoxyribonucleic acid (DNA) samples is relocated from § 13-4438 to § 13-610 and is amended. The list of offenses for which a person convicted or adjudicated delinquent must submit a sample is amended to eliminate some misdemeanor sex offenses and to include sexual exploitation of children felony offenses, homicides, first and second degree burglary and incest. Existing language relating to registered sex offenders is clarified to make samples mandatory for each of the offenses for which a person is required to register. **Beginning January 1, 2003**, the sampling requirement is applied to violation of any felony drug offense by an adult and by a juvenile prosecuted as an adult under § 13-501. **Beginning January 1, 2004**, it is extended to violation of any felony offense by an adult and of any felony offense listed in § 13-501 of which a juvenile is adjudicated delinquent. Any sample and the result of any test obtained may be used only for law enforcement identification purposes, in a criminal prosecution or juvenile adjudication or in a civil proceeding under the sexually violent persons law. Provisions are made to secure samples from persons convicted or adjudicated prior to the law's effective date and for expungement from the Arizona DNA identification system of the DNA profile of any tested person who's conviction is overturned on appeal or post conviction relief or who's conviction is classified as a misdemeanor pursuant to § 13-702.

The timing of testing requirements is amended or clarified in § 13-610. For example, the county probation department is required to administer testing within 30 rather than 15 days of conviction and placement on probation without a term of incarceration or of adjudication of delinquency and placement on probation. Also, it is clarified that probation departments must test only adults accepted under the interstate compact who are under the supervision of a department (i.e., not interstate parolees). For both adults and juveniles entering the state under an interstate compact, testing must be performed for any offense committed in another jurisdiction that if committed in Arizona would require testing.

A new three percent surcharge is imposed on criminal convictions, traffic and other offenses pursuant to a new subsection of § 12-116.01, to help fund the Arizona DNA identification system fund established under § 41-2419.

CHAPTER JAIL FACILITIES EXCISE TAX

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The board of supervisors of a county with a population of at least 1.5 million persons may seek electoral approval to extend for no more than 20 additional years beyond the current 2007 expiration date the county jail facilities excise tax authorized in 1998. Monies may be disbursed only for specified purposes, including the construction or renovation, maintenance and operation of adult and juvenile jail facilities. To reduce the expense of jail facilities, revenues also may be used to fund such activities as implementing an integrated criminal justice information system, developing regional centers for courts not of record,

	<p>implementing differentiated case management for criminal cases in superior court, consolidating criminal divisions of the superior court in the county to a common location, expanding pretrial release supervision, implementing electronic monitoring of preadjudicated defendants, enhancing substance abuse evaluation and programming, increasing drug court admissions to include preadjudicated defendants and expanding drug court jurisdiction, and using community based juvenile detention and postadjudication programs. Repealed on January 1, 2009 if, as of that date, no tax has been approved by the qualified electors of a qualifying county.</p>
<p>CHAPTER 272 HB 2396 Go to full text</p>	<p>CHARITABLE ORGANIZATION SOLICITORS</p> <p>New provisions of § 44-6655 impose on an "independent solicitor," defined in § 44-6551 as a person who for profit engages to solicit on behalf of a charitable organization or on behalf of a contracted fund raiser, obligations to disclose specified information during a solicitation, whether by telephone or otherwise. Failure to do so is a class 1 misdemeanor under § 44-6561, as is knowingly conducting an act or practice proscribed by subsection A of that section.</p>
<p>CHAPTER 276 HB 2540 Go to full text</p>	<p>SECURITY GUARDS</p> <p>New § 32-2608 makes it a class 1 misdemeanor for a person, except a regularly commissioned peace officer, to act or attempt to act or represent that the person is a security guard unless the person is registered as a security guard with the Department of Public Safety and is acting within the scope of the person's employment for an agency licensed as a private security guard service. Former § 32-2625 is renumbered as § 32-2641 and amended to provide that the denial of certain provisional or registration certificates for security guards is, except as provided in § 41-1092.08, subject to judicial review, pursuant to §§ 12-901 et seq.</p>
<p>CHAPTER 285 HB 2467 Go to full text</p>	<p>MINOR LIQUOR CONSUMPTION</p> <p>A new violation (§ 4-244(40)) makes it a class 2 misdemeanor for a person under the age of 21 to have in the body any spirituous liquor (defined in § 4-101(29)), except if consumed for a bona fide medicinal purpose or as an integral part of a religious exercise. Although it already is a crime for a person under 21 to possess or consume liquor, the new law reacts to judicial decisions holding that having a substance in the body does not constitute possession.</p>
<p>CHAPTER 297 HB 2595 Go to full text</p>	<p>DRUG LAB CLEANUP</p> <p>New sections of law (§§ 12-990 and 12-1000) establish protocols for discovery, notification and cleanup requirements for a "clandestine drug laboratory," as defined by new § 12-990 to include property used in the manufacture of methamphetamine, ecstasy or LSD. Included in new § 12-1000 are provisions for the issuance and posting of a "notice of removal" by a peace officer who discovers a laboratory or arrests a person for having on a property materials or equipment used in the production of these illegal substances. It is a class 6 felony knowingly to violate an order or notice of removal issued by a peace officer and a class 2 misdemeanor knowingly to disturb a posted notice of removal. A joint legislative oversight committee on residual contamination of drug properties is established to study and make recommendations regarding the effectiveness of the protocols created by § 12-1000 and report by December 15 of</p>

	each year.
CHAPTER 302 HB 2036 Go to full text	ANIMAL CRUELTY Additional acts, such as intentionally, knowingly or recklessly leaving an animal unattended and confined in a motor vehicle if physical injury to or death of the animal is likely to result, are added to § 13-2910 constituting the crime of cruelty to animals and are classified as either a class 1 misdemeanor or class 6 felony.
CHAPTER 311 SB 1029 Go to full text	SENTENCING COMMISSION A commission is established to review the state's sentencing structure and recommend changes to the criminal code and any other aspects of sentencing necessary to ensure appropriateness of sentencing. The commission also is authorized to make recommendations concerning the enactment of laws relating to criminal offenses and sentencing and to review and consider the repeal or reclassification of some or all class 6 felony offenses. A report must be submitted to the Governor, legislative leadership and the Chief Justice of the Arizona Supreme court on or before December 31, 2003.
CHAPTER 312 SB 1048 Go to full text	TESTING FOR DISEASE EXPOSURE Probation and surveillance officers are added in § 13-1210 to the class of professionals who may petition the court for an order authorizing testing of another person for the human immunodeficiency virus, common blood borne diseases or other diseases if there is reasonable grounds to believe the professional was exposed by biting, scratching, spitting or otherwise transferring bodily fluids while the other person was interfering with official duties.
CHAPTER 319 HB 2338 Go to full text	INTERSTATE COMPACT FOR ADULT OFFENDERS When effective, the newly-promulgated Interstate Compact for the Supervision of Adult Offenders will be added as Article 4.1 of Title 31, Chapter 3 (§§ 31-467 through 31-467.06), superceding the current Interstate Compact for Supervision of Parolees and Probationers (§§ 31-461 et seq.) drafted in 1937. Primary changes from the earlier compact include the establishment of an independent compact operating authority to administer ongoing compact activity, representation of all member states on a national governing commission (the Interstate Commission on Adult Offender Supervision, comprised of representatives appointed by separate state councils and non-voting members from interested organizations), rule making authority vested in the commission with provision for significant sanctions to support essential compact operations and a mandatory funding mechanism to support essential compact operations (staffing, data collection, training/education, etc.). Effective upon enactment into law by the thirty-fifth state, which occurred June 19, 2002. An annual assessment (in Arizona, not to exceed \$25,000 unless appropriated by the legislature) is levied on each contracting state to cover the cost of internal operations and activities of the commission and its staff. Monies will be paid from the adult probation services fund, which will receive 30 percent of the monthly fee paid under § 31-466 (§ 31-467.06 under the new compact) by persons supervised under the compact. The monthly fee is increased from a minimum of \$30 to at least \$50.

<p>CHAPTER 337 HB 2298 Go to full text</p>	<p>MUNICIPAL INCARCERATION COSTS Similar to § 28-1444 for convictions of driving under the influence, new§ 13-804.01 adds to the criminal code a requirement that the court order a person convicted of any misdemeanor who is sentenced to a term of incarceration to reimburse the appropriate political subdivision for the incarceration costs. The statute (§ 28-694) authorizing the court to order reimbursement by persons convicted of reckless or aggressive driving is repealed.</p>
<p>CHAPTER 340 HB 2421 Go to full text</p>	<p>SCHOOL CRIME REPORTING The obligation of school governing boards to report suspected crimes to persons or property under § 15-341 is limited to a crime that is a serious offense as defined by § 13-604 or that involves a deadly weapon or dangerous instrument or serious physical injury. The threatening conduct that must be reported is clarified to mean conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school. (Further provisions of this legislation are summarized in the Juvenile section, below.)</p>
<p>FAMILY LAW</p>	
<p>Chapter Number</p>	<p>Description</p>
<p>CHAPTER 14 HB 2236 Go to full text</p>	<p>MARRIAGE LICENSES Any clerk of a city or town authorized pursuant to A.R.S. § 25-127 to issue marriage licenses may retain \$1.50 of the \$50 marriage license fee provided in § 12-284.</p>
<p>CHAPTER 94 SB 1020 Go to full text</p>	<p>INTERSTATE ADOPTION PLACEMENTS Section 8-114.01, requiring in- state sending agencies or attorneys assisting in interstate placement adoptions to file a verified accounting compliant with court rule of all payments or other benefits to the birth parent, is repealed.</p>
<p>CHAPTER 173 SB 1287 Go to full text</p>	<p>ADOPTION A particular form of notice required by § 8-106 to be served on potential fathers in an adoption proceeding is mandated for use in the prescribed or substantially similar form and additional elements of the notice are set forth. The fact that a putative father had sexual intercourse with the mother is deemed to be notice to the putative father of the pregnancy for purposes of determining whether a notice of claim should have been filed in the putative father’s registry. The fact that a putative father failed to file a notice of claim of paternity as prescribed in § 8-106.01 constitutes evidence sufficient to justify termination of parental rights under § 8-533. The age of persons who may not be contacted by a confidential intermediary under § 8-134 is reduced from 21 to 18 years of age.</p>
<p>CHAPTER 227</p>	<p>CHILD SUPPORT ENFORCEMENT Statutes (§§ 25-320 and 25-503) regarding the return to the obligor of child</p>

<p>HB 2095 Go to full text</p>	<p>support payments when the obligee cannot be located are amended. The superior court clerk or support payment clearinghouse first must make reasonable efforts to locate the obligee. Payments, including all unassigned payments that may exist, must be returned unless there is "an agreement of the obligor to pay assigned arrears and other debts owed to the state." Other sections relate to administrative procedures and obligations of the state child support enforcement agency.</p>
<p>CHAPTER 309 HB 2329 Go to full text</p>	<p>ADOPTION FEES The fees previously prescribed by § 8-127 for filing a petition for adoption and for responding to a petition are eliminated and the civil filing fee statute for the superior court (§ 12-284) is correspondingly amended. (See also Chapter 291; HB 2289.)</p>
<p>CHAPTER 310 SB 1028 Go to full text</p>	<p>SUPPORT ENFORCEMENT Proposed by the Child Support Coordinating Council Subcommittee (now Child Support Committee) of the legislature, §§ 25-327 (spousal maintenance) and 25-503 (child support) are amended to conform, substitute "terminate" for "revoke" and allow the court discretion to determine the effective date of a modification or termination. The time to pay the postadjudication fee when transferring an action to establish or modify child support to another county under § 25-502 is changed to 10 days after the clerk mails a notice of the requirement to pay. If an obligee of a child support order marries the obligor, the order automatically terminates on the last day of the month in which the marriage takes place and arrearages do not accrue after that date. However, the obligee or the state may collect child support arrearages that accrued before that date. Either party, or the state child support enforcement agency in a Title IV-D case, may file a request or stipulation to terminate or adjust any existing order of assignment.</p>
<p>CHAPTER 323 SB 1394 Go to full text</p>	<p>PROTECTION ORDER SERVICE FEES No fee may be charged for serving an order of protection or, if the petition arises out of a dating relationship, for serving an injunction against harassment. The court should indicate that the injunction arises out of a dating relationship to inform the sheriff that a fee for service may not be charged under § 11-445. The order of protection statute (§ 13-3602) is amended to remove the reference to deferral and waiver of fees. To reconcile inconsistencies in present law, statutes governing injunctions against harassment (§ 12-1809) and orders of protection are amended to clarify that modified injunctions are effective when served. The petition for a protection order must inform the court if a maternity or paternity action is pending in the superior court.</p>
<p>CHAPTER 332 SB 1088 Go to full text</p>	<p>SPOUSAL MAINTENANCE OMNIBUS A new Article, titled "Spousal Maintenance Enforcement" is added to Title 25, Chapter 5 (§§ 25-551 through 25-553), establishing the jurisdiction and priority for spousal maintenance enforcement actions and a statute of limitations for seeking an arrearage judgment which, once obtained, is enforceable until paid in full without necessity of renewal. The clerk of the superior court is authorized to</p>

provide services to assist a person in collecting spousal maintenance. These services may include providing information regarding collection and enforcement procedures, providing assistance in the preparation of forms and instructions necessary to initiate an enforcement action and providing information and referrals regarding services related to spousal maintenance and debt collection and enforcement.

The cost of obtaining health insurance by a spouse seeking maintenance and possible reduction in cost for converting from family to employee health insurance by the spouse from whom maintenance is sought is added as a factor for consideration by the court under § 25-319 when determining the amount and period of time for which a spousal maintenance order may be granted.

A spousal maintenance enforcement enhancement fund is established in § 12-289, funded from a new \$5 surcharge for filing petitions and answers in actions for legal separation, dissolution of marriage and annulment. Monies in the fund must be expended by the clerk, subject to approval by the board of supervisors and in coordination with the presiding judge, to enhance enforcement of spousal maintenance orders. The powers and duties of the superior court clerk in § 12-283 are expanded to include providing programs to assist in the enforcement of child support, spousal maintenance and parenting time and in the establishment and modification of child support.

It is a class 1 misdemeanor under § 25-511.01 for a person willfully and without lawful excuse to fail to comply with the terms of a spousal maintenance order of which the person has notice.

When considering a petition to modify a child custody order under § 25-403, if a custodial parent is a member of the U.S. military, the court must consider the terms of that parent's military family care plan to determine what is in the child's best interest during the custodial parent's military deployment. However, military deployment of a custodial parent is not a change in circumstances that materially affects the welfare of the child if the custodial parent has filed a military family care plan with the court at a previous custody proceeding and if the military deployment is less than six months.

In addition to other changes, the membership of the Domestic Relations Committee (formerly the Domestic Relations Reform Study Subcommittee) of the legislature is amended to include a second active or retired judge, with representation from both rural and urban counties, and to add a member of the State Bar of Arizona Family Law Section. Additionally, certain appointments of members now are made by the Chief Justice, rather than by legislative leadership.

JUVENILE

Chapter Number	Description
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CHAPTER INTERSTATE ADOPTION PLACEMENTS

<p>94 SB 1020 Go to full text</p>	<p>Section 8-114.01, requiring in-state sending agencies or attorneys assisting in interstate placement adoptions to file a verified accounting compliant with court rule of all payments or other benefits to the birth parent, is repealed.</p>
<p>CHAPTER 154 SB 1059 Go to full text</p>	<p>COURT ORDERED EVALUATION The term "person" as used in § 36-520 relating to court-ordered mental health evaluation, is defined to include a minor under eighteen years of age who has been transferred to the criminal division of the superior court pursuant to § 8-327 or who has been charged with an offense pursuant to § 13-501 and is under the supervision of an adult probation department. In the case of voluntary admission of a minor to a mental health agency under § 36-518, after the circumstances listed in subsection C of that section have occurred an application may be made by a person designated by the court if the parent, guardian or custodian is without monetary resources to file an application or could not be located after reasonable efforts and the minor is under the supervision of an adult probation department.</p>
<p>CHAPTER 158 SB 1109 Go to full text</p>	<p>JUVENILE PREVENTION As recommended by the Juvenile Justice Coordinating Committee, established by the legislature in 1999 to supervise and assist in the implementation of audit recommendations by the firm of Deloitte & Touche regarding juveniles adjudicated delinquent, the term "prevention" is added to the definitions in § 8-201 to mean the creation of conditions, opportunities and experiences that encourage and develop healthy, self-sufficient children and that occur before the onset of problems.</p>
<p>CHAPTER 161 SB 1149 Go to full text</p>	<p>STATE HOSPITAL CENSUS CAPS Temporary caps established by the legislature on the census population in the Arizona State Hospital (ASH) for adult restoration of competency treatment and treatment of juveniles (Laws 1999, Chapter 255) and for adult civil commitment treatment (Laws 2001, Chapter 244) are amended and extended an additional two years until June 30, 2004. Also continued until that date is an amended procedure in § 13-1994(P) allowing ASH temporarily to defer admission of persons found guilty except insane when the hospital has reached its licensed capacity for either or both adult male or adult female forensic programs. On or before August 1 of each year until June 30, 2004, the Department of Health Services must establish maximum funded capacity and a percentage allocation formula for forensic and civil bed capacity at ASH based on data it is directed to collect for guilty except insane treatment programs, adult restoration to competency treatment programs, adult civil commitment treatment programs and juvenile treatment programs. Retroactive to June 30, 2002.</p>
<p>CHAPTER 173 SB 1287 Go to full text</p>	<p>ADOPTION A particular form of notice required by § 8-106 to be served on potential fathers in an adoption proceeding is mandated for use in the prescribed or substantially similar form and additional elements of the notice are set forth. The fact that a putative father had sexual intercourse with the mother is deemed to be notice to the putative father of the pregnancy for purposes of determining whether a notice of claim should have been filed in the putative father's registry. The fact that a</p>

	<p>putative father failed to file a notice of claim of paternity as prescribed in § 8-106.01 constitutes evidence sufficient to justify termination of parental rights under § 8-533.</p> <p>The age of persons who may not be contacted by a confidential intermediary under § 8-134 is reduced from 21 to 18 years of age.</p>
<p>CHAPTER 181 SB 1067 Go to full text</p>	<p>SAFE SCHOOLS</p> <p>Provisions of the so-called Safe Schools Act enacted in 2000 (Laws 2000, Chapter 226) are amended on recommendation of the Safety Answers for Education Commission created by the legislature in 1999 to examine strategies for reducing the risk of school violence statewide. "Interference with or disruption of" an educational institution is redefined in § 13-2911 as any act that might reasonably lead to the evacuation or closure of any educational institution property or the postponement, cancellation, or suspension of any class or school activity, although actual evacuation, closure, postponement, cancellation or suspension is not required. The crime may be committed by an intentional, knowing, or reckless act of interference and the prohibited threat to cause physical injury is extended beyond students and school employees to any person on the property of an educational institution.</p> <p>Technical amendments are made to clarify in § 8-207 that an adjudication of delinquency prohibits the right to carry or possess a firearm and in § 13-912 that restoration of civil rights for first-time offenders is dependent both on completing a term of probation or receiving an absolute discharge from imprisonment and paying any fine or restitution ordered.</p>
<p>CHAPTER 191 SB 1022 Go to full text</p>	<p>CHILD PROTECTIVE SERVICES REPORTS</p> <p>If a person reporting suspected child abuse or neglect is the child's parent, guardian or custodian, the Department of Economic Security (DES) is required by § 8-807 to provide a summary of a child protective services investigation report to that person. Under § 8-111, DES also must provide a parent, guardian or custodian who is the subject of the investigation and the person who reported the suspected child abuse or neglect if that person is the child's parent, guardian or custodian with a copy of the outcome of the investigation under certain stated circumstances, for example, when the allegation is unsubstantiated. Effective October 1, 2002.</p>
<p>CHAPTER 263 HB 2203 Go to full text</p>	<p>COSTS OF JUVENILE COMMITMENT</p> <p>Similar to the obligation imposed on the court under § 8-243 when awarding or committing a child to the Department of Juvenile Corrections or other state department or institution, a new subsection C of that section requires the court to inquire into the ability of the child, the child's estate, parent or guardian or the person having custody of the child to bear the costs of detention when the court "awards or commits" a child to a juvenile detention facility. If the financial ability exists, the court may fix the amount of the costs and mandate monthly payment to the court. The court is required to acknowledge receipt of and transmit monthly the monies to the county treasurer for deposit in the county general fund, including with the transmittal a copy of its payment and commitment orders. The assessment is collectable as a civil judgment. Foster parents and group homes are</p>

	not responsible for the costs of the child's commitment.
CHAPTER 266 HB 2313 Go to full text	JAIL FACILITIES EXCISE TAX <p>The board of supervisors of a county with a population of at least 1.5 million persons may seek electoral approval to extend for no more than 20 additional years beyond the current 2007 expiration date the county jail facilities excise tax authorized for Maricopa County in 1998. Monies may be disbursed only for specified purposes, including the construction or renovation, maintenance and operation of adult and juvenile jail facilities. To reduce the expense of jail facilities, revenues also may be used to fund such activities as implementing an integrated criminal justice information system, developing regional centers for courts not of record, implementing differentiated case management for criminal cases in superior court, consolidating criminal divisions of the superior court in the county to a common location, expanding pretrial release supervision, implementing electronic monitoring of preadjudicated defendants, enhancing substance abuse evaluation and programming, increasing drug court admissions to include preadjudicated defendants and expanding drug court jurisdiction, and using community based juvenile detention and postadjudication programs.</p> <p>Repealed on January 1, 2009 if, as of that date, no tax has been approved by the qualified electors of a qualifying county.</p>
CHAPTER 279 HB 2610 Go to full text	BOOT CAMPS <p>In response to recommendations of the Boot Camp Advisory Committee organized by the Governor in 2001, the definition of "child welfare agency" or "agency" in § 8-501 is amended to strike the current reference to camps operating less than 12 months a year and some boarding schools and to exclude private agencies that exclusively provide children with social enrichment or recreational opportunities and that <i>do not</i> use restrictive behavior management techniques. Such techniques are defined by that section as an intervention or procedure that attempts to guide, redirect, modify or manage behavior through the use of such measures as physical force or a device, action or medication to restrict the movement or normal function of a child in order to control or change the child's behavior, including chemical, mechanical or physical restraint or seclusion. Any agency that <i>does</i> provide treatment or permit restrictive behavior techniques to be used must be licensed either by the Department of Health Services or the Department of Economic Security.</p>
CHAPTER 285 HB 2467 Go to full text	MINOR LIQUOR CONSUMPTION <p>A new violation (§ 4-244(40)) makes it a class 2 misdemeanor for a person under the age of 21 to have in the body any spirituous liquor (defined in § 4-101(29)), except if consumed for a bona fide medicinal purpose or as an integral part of a religious exercise. Although it already is a crime for a person under 21 to possess or consume liquor, the new law reacts to judicial decisions holding that having a substance in the body does not constitute possession.</p>
CHAPTER 304 HB 2335 Go to	JUVENILE CORRECTIONS OMNIBUS <p>Provisions believed by the Department of Juvenile Corrections (ADJC) necessary to better implement the Victims' Rights for Juvenile Offenses Act as well as other initiatives of ADJC are included in this omnibus legislation. Among them is a</p>

full text	<p>provision requiring the court to transmit with other information specified in § 8-341, any request by a victim for postadjudication notice when the court awards a juvenile to the custody of ADJC or an institution or agency. Similarly, if a victim has requested postadjudication notice and probation is revoked, under § 8-396 the court must advise ADJC with a copy of the victim's request. These two provisions are effective September 1, 2002.</p> <p>Authority for the state educational system for committed youth is restored, retroactive to June 30, 2000.</p> <p>Emergency measure effective May 23, 2002.</p>
<p>CHAPTER 309 HB 2329 Go to full text</p>	<p>ADOPTION FEES</p> <p>The fees previously prescribed by § 8-127 for filing a petition for adoption and for responding to a petition are eliminated and the civil filing fee statute for the superior court (§ 12-284) is correspondingly amended. (See also Chapter 291; HB 2289.)</p>
<p>CHAPTER 340 HB 2421 Go to full text</p>	<p>SCHOOL CRIME REPORTING</p> <p>The obligation of school governing boards to report suspected crimes to persons or property under § 15-341 is limited to a crime that is a serious offense as defined by § 13-604 or that involves a deadly weapon or dangerous instrument or serious physical injury. The threatening conduct that must be reported is clarified to mean conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school.</p> <p>Under § 15-141 a school district may release attendance, disciplinary and other educational records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement to create a local or tribal "juvenile justice network" for the purpose of providing appropriate programs and services to intervene with juveniles involved in the juvenile justice system, providing appropriate programs and services to deter at-risk juveniles from dropping out of school or other delinquent behavior, and increasing the safety and security of the community and its children by reducing juvenile crime.</p>

TRAFFIC

<p>Chapter Number</p>	<p>Description</p>
<p>CHAPTER 7 SB 1193 Go to full text</p>	<p>PERSONAL ASSISTIVE MOBILITY DEVICES</p> <p>Sections of Title 28 are amended to accommodate the "electric personal assistive mobility device," now defined in § 28-101 as "a self-balancing two non-tandem wheeled device with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less and that is designed to transport only one person." The law exempts the device from the prohibition against driving on a sidewalk, extends to operators the same rights and duties as wheelchair operators, and prohibits operation by a person under 16 years of age.</p>
<p>CHAPTER 66</p>	<p>MOTOR CARRIER REGISTRATION</p> <p>Under new § 28-5242, it is a class 2 misdemeanor for a motor carrier to operate a</p>

<p>HB 2148 Go to full text</p>	<p>motor vehicle engaged in interstate or foreign commerce in this state without being registered under federal motor carrier registration rules and regulations or if beyond the scope of the federal registration. It is a class 2 misdemeanor to operate a vehicle subject to an out-of-service order until the reason for the order is remedied.</p>
<p>CHAPTER 145 HB 2470 Go to full text</p>	<p>TEMPORARY REGISTRATION PLATES It is a class 3 misdemeanor for a person to issue a temporary registration plate without first sending an electronic record of the plate to the Department of Transportation (§§ 28-4553 and 28-5009).</p>
<p>CHAPTER 176 SB 1365 Go to full text</p>	<p>EQUINE TRANSPORTATION VIOLATIONS New sections of law (§§ 3-1312 and 28-911) establish misdemeanor offenses prohibiting the transportation of equines to a slaughtering establishment in multi-tiered vehicles and for violating standards for cargo space of and the manner of driving vehicles used for such transport.</p>
<p>CHAPTER 225 SB 1366 Go to full text</p>	<p>EXTREME OUI OF WATERCRAFT New provisions to the law on boating and water sports (Title 5, Chapter 3, Article 10) establish the offense of operating or being in actual physical control of a motorized watercraft while under the extreme influence of intoxicating liquor (OUI). It is a class 1 misdemeanor for a person having an alcohol concentration (blood or breath) of .15 or more to operate or be in actual physical control of a motorized watercraft underway (§ 5-397). The section is patterned after the extreme DUI statute (§ 28-1382), including penalties for first and subsequent offenses, except that no "additional assessment" beyond the prescribed fine is specified for extreme OUI. Also included is a section (§ 5-389) similar to § 28-1444, directing the court to order any person sentenced to a term of incarceration for violation of the article to reimburse the city or county for the costs of incarceration.</p>
<p>CHAPTER 228 HB 2591 Go to full text</p>	<p>HIT AND RUN The sentence imposed on a driver convicted of violating § 28-661 for failing to stop and remain at the scene of an accident must run consecutively to any sentence imposed on the person for convictions of any other charges related to the accident. The license of a driver involved in an accident causing death or serious physical injury must be revoked for five years; three years if the accident involved other, lesser injury. If a person is convicted under § 28-662 of failure to stop and remain at the scene of an accident resulting in property damage, the court may order suspension of the license or permit to drive or of any nonresident operating privilege.</p>
<p>CHAPTER 273 HB 2452 Go to full text</p>	<p>RACING ON HIGHWAYS Known as "Steven's Law" after a pizza deliverer killed by drag racers, the crime of racing on highways (§ 28-708) is reclassified from a class 2 to a class 1 misdemeanor for a first violation and from a class 2 misdemeanor to a class 6 felony for a second or subsequent conviction within 24 months. Specific penalties are correspondingly specified with a fine not less than \$250 required</p>

for a first conviction and not less than \$500 for a second or subsequent conviction. In either situation, the court also may order community service to be performed.

CHAPTER SEAT BELTS

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HB 2402

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The obligation imposed by § 28-909 on the operator of a vehicle to require front-seat passengers under 16 years of age to have a vehicle restraint system (seat belt) properly adjusted and fastened while the vehicle is in motion is extended to back seat passengers of that age group.

CHAPTER MUNICIPAL INCARCERATION COSTS

337

HB 2298

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Similar to § 28-1444 for convictions of driving under the influence, new§ 13-804.01 adds to the criminal code a requirement that the court order a person convicted of any misdemeanor who is sentenced to a term of incarceration to reimburse the appropriate political subdivision for the incarceration costs. The statute (§ 28-694) authorizing the court to order reimbursement by persons convicted of reckless or aggressive driving is repealed.

BILLS THAT FAILED TO PASS

Chapter Description
Number

SB 1435 IMMUNITY FOR COURT-APPOINTED EVALUATORS

[Go to full text](#)

A person or agency appointed by the court to evaluate the best interests of the child under a revised § 25-406 would be immune from civil liability for acts integral to the judicial decision making process, unless committing enumerated acts such as fabricating evidence, offering perjured testimony, committing an intentional criminal act in the scope of the appointment or intentionally acting contrary to the court's order. Although seemingly appropriate, the legislation would contradict decisional authority granting custody evaluators absolute immunity when fulfilling quasi-judicial functions.

HB 2262

[Go to full text](#)

JURY TRIALS IN TERMINATION OF PARENTAL RIGHTS CASES

A parent subject of a petition to terminate parental rights would have the right to request a trial by jury.

HB 2303

[Go to full text](#)

DEATH PENALTY FOR JUVENILES

The court would be specifically prohibited under § 13-703 from sentencing to death a person under the age of 18 convicted of first degree murder.

HB 2306

[Go to full text](#)

JUDICIAL OFFICER SALARY CERTIFICATION

Superior court presiding judges rather than the Chief Justice would be authorized under § 12-128.01 to certify payment of the salary of a superior court judge or commissioner when a decision is pending for more than 60 days because the judicial officer has been physically disabled or good cause exists for the delay in particularly identified and pending litigation.

HB 2340

[Go to full text](#)

PROTECTION OF JUDGES' PERSONAL INFORMATION

Advocated by the Arizona Judge's Association, this bill would prevent the general public from accessing personal information about justices, judges, commissioners and justices of the peace from such sources as the records of county treasurers, assessors,

	and recorders and of the Department of Transportation, Motor Vehicle Division, and would prohibit the posting of such information to the world wide web.
HB 2365 Go to full text	CLEAN ELECTIONS Clean elections campaign financing and limits would apply to candidates for justice of the peace in all counties and to candidates for judge of the superior court in counties with a population of less than 250,000 persons.
HB 2482 Go to full text	NUMBER OF SUPERIOR COURT JUDGES The statute (§ 12-121) governing the criteria and process for determining the number of superior court judges in each county would have been revised.
HB 2469 Go to full text	CLASS ACTION LAWSUITS Modeled on legislation supported by the American Legislative Exchange Council, a new statutory scheme similar but not identical to Rule 23 of the Arizona Rules of Civil Procedure would have established rules regarding the certification and conduct of class actions, presumably usurping the Arizona Supreme Court's exclusive rule making authority in this area. (See also SB 1165, below.)
HCR 2022 Go to full text	JUDGES' RETIREMENT AGE Voters would be asked to amend the state constitution by raising the mandatory retirement age of judges and justices of courts of record from 70 to 75 years of age.
HCR 2025 Go to full text	SENATE CONFIRMATION OF JUDICIAL APPOINTMENTS A proposition submitted to the voters would amend the state constitution to require Senate confirmation of each person nominated by the Governor for justice or judge of a court of record and also require Senate reconfirmation every four years. Also, the Senate would assume the present role of the State Bar of Arizona Board of Governors in nominating members to the commissions on appellate and trial court appointments.
HCR 2026 Go to full text	JUDICIAL POWER The 2002 general election would carry the question of amending Article VI, Section 1 of the state constitution vesting judicial power in an integrated judicial department by adding a provision stating: "Because the legislature and the people are vested with the sole authority to establish laws in light of the public interest and the courts are vested with the sole authority to adjudicate cases by applying those laws to the facts of applicable cases pursuant to Article III, the courts shall not establish rules of law on a retroactive basis, including rules of law that would apply to conduct that occurred before the filing of a claim arising out of that conduct."
SB 1124 Go to full text	JUSTICE COURT ENHANCEMENT This bill sought to raise the age and educational qualifications for justices of the peace, establish a pre-election orientation program for candidates for the office and help newly- elected justices of the peace gain essential knowledge through expanded training programs. The bill also would have made alterations in the calculation of judicial productivity credits, for example, by including small claims filings heard by hearing officers and would have altered the formula by which justice of the peace salaries are determined.
SB 1159	COMMON LAW CAUSES OF ACTION

Go to full text	<p>The section of law (§ 1-201) adopting the common law as the rule of decision for Arizona courts would be amended to provide that the legislature may alter or abrogate any pre-statehood or post-statehood common law cause of action, unless the cause of action was specifically granted constitutional protection. The bill also would have established a joint legislative study committee on common law causes of action to make recommendations on the alteration or abrogation of particular common law causes of action.</p>
<p>SB 1165 Go to full text</p>	<p>CLASS ACTION LAWSUITS</p> <p>Modeled on legislation supported by the American Legislative Exchange Council, a new statutory scheme similar but not identical to Rule 23 of the Arizona Rules of Civil Procedure would have established rules regarding the certification and conduct of class actions, presumably usurping the Arizona Supreme Court's exclusive rule making authority in this area. Enactment was made conditional on passage of SCR 1005, below. (See also HB 2469, above.)</p>
<p>SB 1435 Go to full text</p>	<p>IMMUNITY FOR COURT-APPOINTED EVALUATORS</p> <p>A person or agency appointed by the court to evaluate the best interests of the child under a revised § 25-406 would be immune from civil liability for acts integral to the judicial decision-making process, unless committing enumerated acts such as fabricating evidence, offering perjured testimony, committing an intentional criminal act in the scope of the appointment or intentionally acting contrary to the court's order. Although seemingly appropriate, the legislation would contradict decisional authority granting custody evaluators absolute immunity when fulfilling quasi-judicial functions.</p> <p>A person or agency appointed by the court to evaluate the best interests of the child under a revised § 25-406 would be immune from civil liability for acts integral to the judicial decision-making process, unless committing enumerated acts such as fabricating evidence, offering perjured testimony, committing an intentional criminal act in the scope of the appointment or intentionally acting contrary to the court's order. Although seemingly appropriate, the legislation would contradict decisional authority granting custody evaluators absolute immunity when fulfilling quasi-judicial functions.</p>
<p>SCR 1005 Go to full text</p>	<p>SUPREME COURT JURISDICTION</p> <p>Voters would be asked to amend Article VI, Section 5 of the state constitution to limit the Arizona Supreme Court's rule making authority to procedural matters "not inconsistent with statute." The primary purpose of this resolution was to allow the legislature to make rules regarding class actions, as proposed by SB 1165, above.</p>